

PLANNING COMMISSION MEETING

December 10, 2013

7:00 P.M.

I. CALL MEETING TO ORDER

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

II. ROLL CALL

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

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

Chairman Darby: I would like to extend a warm welcome to Mrs. Harlow, who is joining us. Also, Mr. Vanover who will be leaving us to become President of Council. I want to thank you for your contributions and I want to say publicly that we will miss your wisdom and your way with words.

Mrs. Boice: I would like to say just one thing, I am going to miss your hugs. I have been with you so long, so many years and Tom it has always been a pleasure.

Mr. Okum: I am probably the oldest, longest person who has had an opportunity to work with Tom for pretty many years; 16 years and that is a long time. I am glad to see you move to the position of President of Council but we are going to miss you. Everybody brings something to the table when they are on Planning Commission when they serve. Tom's knowledge has been a wealth of information to us and a benefit to our City. Marge, I am welcoming you, as well. Bringing ideas from other people is what makes Planning Commission a Board of seven and not just a Commission of one. Although some of us are a little bit more vocal than others, we all have an opinion and we have input that we bring to the City. If you think back to all of the projects that we have sat here and heard and then drive down the road and see those, you know that you were a small part of the decision making process of what happens and has happened to the City of Springdale. And as President of Council, I am sure you will continue to have people on Committees doing pretty much the same thing. We wish you our best.

Mr. Vanover: Thank you all. It was with mixed emotion that I took on the change and I am honored to have that position but I know that Marge will do a wonderful job. We have been together for a number of years on Council and sat together and I know she will bring a different vision and knowledge level to this Board and will make me proud. Mrs. Boice, this has been a pleasure. This has been one of my highlights and I told my wife after you called about your comments during our phone conversation, she laughed and she said that you really are special. Thank you, all of you. Rich, we have been on soccer fields together and watched the girls grow up. Carolyn, we have become acquainted and interacted in stuff.

Mr. McErlane and Anne McBride and Mr. Shvezda, all of you have just been a pleasure to work with and I am proud to know that this is probably one of our strongest Planning Commissions that I have been involved with and I know I am leaving it in good hands. Mr. Darby, you are probably the best Chairman that I have sat under and with and the stage that you bring to the table, I definitely appreciate that and all of you as Co commissioners but also as friends. What I can figure, it has been 16 years that they have been saddled with me so there comes a point in every time that it is time to step away. This was again an honor. Every time that I drive on 275, my most noted addition is the cocks comb on the digital sign. Thank you all much. I do intend to be involved with the Code rewrite; I will stay within that committee so you are not completely done with me yet. I wish you all the best. Merry Christmas. If at any point and time I can help, don't hesitate.

III. MINUTES OF THE REGULAR MEETING OF NOVEMBER 12, 2013

Chairman Darby: At this time we will accept a motion to adopt the Minutes of the November 12, 2013 meeting.

(Mr. Okum made a motion and Mrs. Boice seconded the motion for the Minutes to be adopted. With a unanimous "aye" vote from the Planning Commission Members, the November 12, 2013 Planning Commission Minutes were approved.)

IV. REPORT ON COUNCIL

Mrs. Harlow: I will report that Mr. Vanover has accepted the position of President of Council and Mr. Hawkins as Vice-President.

V. ELECTION OF OFFICERS

Chairman Darby: It is time for the election of officers. I am going to call on Mrs. Boice, I think she has a special motion for us.

Mrs. Boice: I am making a blanket nomination; we have an esteemed Chairman and we have an esteemed Assistant and a wonderful Secretary. I think they have done a good job and I think they are eager to continue. I would nominate all three and all you have to do is one "aye".

(Mr. Diehl seconded the motion. With a unanimous "aye" vote Mr. Darby will remain as Chairman, Mr. Okum will remain as Vice-Chairman and Mr. Bauer will remain as Secretary for the City of Springdale Planning Commission.)

VI. CORRESPONDENCE

Chairman Darby: There is no correspondence this month.

VII. OLD BUSINESS

A. Chairman Darby: Item A, Revision to the PUD Transitional District Development Plan for Waffle House at 11520 Springfield Pike.

Mr. Randy Cooper: At the last meeting, Waffle House modified presentation was approved; the motion included one addition that wasn't in those plans and that was a recessing or creating some sort of an inset for the windows on the south side of the property. Waffle House, trying to fulfill the wishes of Planning Commission went back to their engineering department to see if this was possible, what could be done to accommodate that component of the motion and they were informed by the construction department that it is a structural wall. There is no other steel support that is holding up that structure; it is the wall, the wall is what is holding everything up. For them to be putting in these three insets without adding a lot of steel lintels, I don't know what other structures; it would impede the structural integrity of the wall. The other concern is, since they are pier blocks that run intermittently throughout there to have a recess, the potential for water to penetrate into the wall at some future date is also a concern. For those two reasons, and the cost to accomplish this, Waffle House has asked that we come back and revisit that inset matter. They have provided two options which are both surface mounted. Essentially, they are back to what they originally proposed which was surface mounted shutters with wood trim, also surface mounted that would frame the shutters. In preparing for this evening's presentation, Waffle House representative who couldn't be with us this evening, said we can provide the City with the look, still a one dimensional look that was provided in Staff's report; where we would go from the split-face block underneath each of these shutters to a smooth face. You would have the appearance of lintel and a header that was different from the split-face and then have the shutters inside that reference.

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

Mr. Okum: Ms. McBride, your colleague from your firm had recommended the inset; I agreed with that and obviously putting a plastic shutter on the face of a building is nothing more than attaching a plastic shutter to the face of a building whether you put a piece of trim around it or not. There are windows on the opposite side on the north elevation that do have lintels overtop of those windows carrying load, no different than you would have on the left side or south side of the building. There is a cost to steel lintels, probably about \$75.00 in cost in the steel lintel to put overtop of those windows, each. There is a bond beam on the building, is there not Mr. Cooper?

Mr. Randy Cooper: Yes.

Mr. Okum: And the bond beam is the white element. It sort of looked like it on the drawing, the section drawing that they provided.

Mr. McErlane: Typically bond beam is right where the roof bearing occurs.

Mr. Okum: Right.

Mr. McErlane: Wherever that roof bearing would be. If you look at the yellow roof top units, they sit on the roof, so it is pretty close.

Mr. Okum: Yes. It is pretty close in that area; so there is a bond beam up above it as well, which is another structural element that carries the load. It looks like the windows are a little bit smaller, maybe. I think the applicant has really scaled this thing down as much as he possibly can. I will not be supporting either "A" or "B" request. There was a motion on the floor and this Commission agreed with that motion and Staff had made a recommendation for that to be done. You might as well take a plastic shutter and attach it to the brick if you want the same effect, because that is what you are going to get when you drive up Route 4 and see it.

Mrs. Harlow: I do have a question in regards to the December 10th comments from Ms. McBride, "the windows do not align horizontally with other elements of the facade". I am new at this but I am trying to figure out, are we looking at the big front window on the left hand side?

Ms. McBride: That is correct.

Mrs. Harlow: Your idea would be to move that up or move the other window / shutter down?

Ms. McBride: Yes.

Mrs. Harlow: O.K.; I just needed clarification.

Mr. Bauer: I guess you have nobody here structurally that can talk about this. I have to agree with Mr. Okum, as far as the lintel being above the recessed openings, it is not a big task or big cost to add that to that, when you talk structurally that would impact that wall. Can you address that at all?

Mr. Randy Cooper: I am not an engineer. I would suspect that there is more than just the one, for a wall that height. I can't represent that.

Mr. Bauer: Just my background in construction, I would think you would need one over each one of those inset areas that we talked about doing, but other than that, with the rest of the structure of that wall you would be o.k. I am not a structural engineer but that is why I asked the question. In that regard, without some further detail I go back to our original comments from the last meeting and I would still like to pursue that, like Mr. Okum discussed.

Mr. Randy Cooper: My pseudo engineer (Mr. Jeff Baumgarth), has just reminded me that there are hollow blocks and there are verticals that run through those blocks that also keep it stable in addition to the bond beam. Perhaps that is what Waffle House was referring to when they are saying that you are going from an 8" block to 4" or 6" whatever inset ends up being interpreted; you have lost that ability to maintain that vertical structural element. I am on thin ice here and it is a cold night.

Chairman Darby: I need to comment and I am glad you used that statement, "thin ice" because it puts us where we are on "this ice" also. It is unfortunate that the people who need to answer questions aren't here this evening.

Mr. Okum: Mr. Cooper, we are looking at the north elevation and the south elevation on that building. The north elevation has glass spandrel that runs over 50% of that elevation, it is supported by beams and steel that is carrying the roof load.

Mr. Randy Cooper: That is right.

Mr. Okum: This is a standard bar joist metal roof, or wood, either way it is still bearing point structurally. I am in the building trade, so you will have to bear with me and understand that I have been doing this a long, long time. There is less block that would be used if they inset the windows; sure there is an increase in cost because there would be a lintel and either a soldier course above the lintel and a sill underneath. Ms. McBride's Staff had recommended that in their recommendations and I supported that. It is like putting a plastic louvered shutter, a vertical element on the building. You can wrap it with some plastic, you can do anything you want with it but it is still basically that. This is a major impact on Route 4. That south to north element is what you are going to see when you drive up that road. You will also see it before you see your businesses, which are in that mall. I know you are very concerned about that. We waived conditions on this site, in my opinion and we have backed off on the pitched roof element requirement for this site which saved this developer significant amount of expense. It would have not been in classic tradition with the typical Waffle House, I will admit. I admitted in the public hearing at the last meeting that there are not a lot of Waffle Houses in the United States that are built with sloped roofs. On the other hand, this is a very important element. I don't totally agree with the applicant's position but there are two choices: we bring it on the floor and I will be happy to make a motion for either "A" or "B", whatever your choice is because it is your property, your development and we will let this Commission vote. I will not be supporting it.

Mr. Randy Cooper: That is what you said.

Mr. Okum: The applicant could easily come back if he wishes to at the next meeting and present evidence of what he interprets as a structural hardship that prevents this from being done. I will argue that he has glass windows on the other side so there is not much structural hardship that three small windows on the south side would make, but you can certainly do that. What would you want to do?

Mr. Randy Cooper: I will ask that you put this for a vote and we will both be on thin ice as to whether or not Waffle House has the tenacity to continue this effort. They feel that they have gone beyond what is normal for a Waffle House and perhaps that is true and perhaps it is not. A lot of landscaping has been accomplished around this site that will actually hide a lot of the windows that we are talking about, as well as the cooling stuff in the back that we have put an additional wall around for the outside cooler and delivery area. I think it is going to be an asset to Springdale and to the Towne Center and that is why I am here representing Waffle House this evening. In terms of the shutters, as you recall, the history of this presentation of this application, there was nothing on that wall and this was their effort. Perhaps it is halfhearted, based on your understanding of structure and steel and what it would cost to do it but they have given us these documents that say, "this is what we can do". Further, in defense of the Waffle House representative, rather than call attention to that portion of the motion that was different than the application, he went back to his construction team in Atlanta

and tried to accomplish what you asked for. He has come back and said, "I can't do it". If there is something else that we can do on the surface, it doesn't have to be plastic. Is it represented as plastic? It can be wood, it can be aluminum, it can be any number of materials. He just has to have it not recessed, penetrating that block.

Chairman Darby: Procedurally, I hope you will give some consideration to perhaps tabling. The reason being, I can't speak for Mr. Bauer but he asked a pretty direct question which I am sure can be answered to his satisfaction if the right person were here. There may be other questions. I personally would like to see this project continue but we just don't have the information that has been requested. I would have to see it come to a halt and I don't know if that is the case. I don't know what is on the other Member's minds. When there is a possibility that we can move forward with additional information and have a different outcome. That is where we are.

Mr. Randy Cooper: Well, as the Chair of the Planning Commission, I will respect your recommendation and ask that you table this, and that would be subject to our asking to be on the agenda.

Chairman Darby: Yes.

Mr. Randy Cooper: Let's do that. I take this as a "no", subject to our deciding to push on.

(Mrs. Harlow made a motion to table the request for revision to the PUD Transitional District Development Plan for Waffle House at 11520 Springfield Pike, Mr. Okum seconded the motion and with a unanimous "aye" vote from the Planning Commission Members, the request was granted.)

VIII. NEW BUSINESS

- A. Chairman Darby: Moving on, under New Business Item A, Zone Map Amendment for Jake Sweeney BMW at 135 Northland Boulevard.

Mr. Scott Csendes: I am with KZF Design, representing Jake Sweeney BMW this evening. As I believe the report indicated and everybody is aware, Jake Sweeney has purchased the property formerly known as the Delhi Flower and Garden site, which bounds between Jake Sweeney Way and Northland Boulevard. The subject property is intended to be used to support service functions for the BMW store, as well as future dealership and sales functions on the property for potentially new flags that Sweeney does not currently have out in the area, as well as to provide some storm detention for the property. With the current zoning, they are not permitted to do general sales of automobiles and repairs for the service, as would be necessary for what they propose to do with the property and therefore the request for rezoning.

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

Mr. McErlane: Just for clarification on procedure, this Body if they feel it is appropriate to recommend this would be to recommend a Map Amendment to Council to amend the map to General Business (GB) for this property.

Chairman Darby: If there are no comments or questions then I think we are ready for a motion.

(Mr. Okum made a motion to refer to Council the rezoning of the existing parcel #599-0044-0012-00 Support Service (SS) to General Business (GB) for the purposes of a change in zoning and a zoning map amendment; Mrs. Boice seconded the motion and with a unanimous "aye" vote from the Planning Commission Members, the request to refer the item to Council was approved.)

IX. DISCUSSION

Chairman Darby: Do we have items for discussion this evening?

Mr. Okum: I just have one comment, I think the Support Service (SS) was a result of what we had to do to get Delhi Garden Center in there; just so everybody understands. It was part of that process because Delhi Garden Center didn't comply with the zoning that it was currently zoned under.

X. CHAIRMAN'S REPORT

Chairman Darby: You can see the signs that were approved on the Chairman's Report. Before we adjourn, I would like to welcome our new Member, I think you will enjoy this group.

Mrs. Harlow: Thank you very much.

Ms. McBride: I just want to mention the Cincinnati Section of the Ohio American Planning Association is going to be holding their Planning and Zoning Workshop on the 31st of January, the last Friday in January. Again, it will be held out in Anderson Township at the Anderson Towne Center. We will be getting information out but just wanted to let you guys know that in case you want to mark your calendars. There is breakfast, lunch and a happy hour and great Planning and Zoning information in between.

Mr. Okum: It was well attended last year, it was really a great event and the speakers were phenomenal, a great group of speakers.

XI. ADJOURNMENT

Mr. Okum moved to adjourn; Mrs. Boice seconded the motion and the meeting adjourned at 7:39 p.m.

Respectfully submitted,

_____, 2014 _____
Don Darby, Chairman

_____, 2014 _____
Richard Bauer, Secretary