

## **MINUTES**

### **PLANNING AND ZONING COMMISSION MEETING**

**SEPTEMBER 18, 2014**

#### **COMMISSIONERS PRESENT**

**Dr. Ray Puri  
Mr. Randy Strodtman  
Mr. Steve Reichlin  
Mr. Andy Lee  
Mr. Anthony Stanton  
Ms. Sara Loe  
Ms. Tootie Burns**

#### **COMMISSIONERS ABSENT**

**Ms. Lee Russell  
Mr. Bill Tillotson**

#### **I) CALL TO ORDER**

DR. PURI: The Planning and Zoning Commission Meeting for September 18, 2014, will come to order, please. I just want to mention Mr. Tillotson wanted to be here. A lot of you were expecting him -- to see him. His father-in-law had a stroke, so therefore, he had to be excused from tonight's meeting.

#### **II) APPROVAL OF AGENDA**

DR. PURI: Staff?

MR. ZENNER: There is one addition to the agenda that we will make and it will be under the component of our agenda that is Commission Comments and Discussion. We will be adding this evening your 2014-2015 officer elections. We have the ballots here this evening and we will distribute them at the end of the meeting for discussion at that point.

DR. PURI: Commissioners, are you okay with that? Thumbs up?

(Unanimous vote for approval)

DR. PURI: Okay.

#### **III) APPROVAL OF WORK SESSION MINUTES**

DR. PURI: Approval of Work Session Minutes, September 4, 2014. Commissioners, any comments?

MR. REICHLIN: I move for approval.

MR. STANTON: Second.

DR. PURI: Mr. Stanton, second. Thumbs up?

(Unanimous vote for approval)

DR. PURI: All right.

#### **IV) APPROVAL OF REGULAR MEETING MINUTES**

DR. PURI: Approval of Regular Meeting Minutes, September 4, 2014.

MS. BURNS: I move for approval.

DR. PURI: All right. Ms. Burns, approval.

MR. REICHLIN: Second.

DR. PURI: Mr. Reichlin, second. Thumbs up?

(Unanimous vote for approval)

DR. PURI: Okay.

## **V. SUBDIVISION**

### **Case No. 14-155**

**A request by A Civil Group (agent) on behalf of multiple owners for approval of a two-lot final minor plat on M-1 (General Industrial District) zoned land, to be known as "Gas Light Industrial Park Plat 3". The 7.86-acre subject site is located at the southeast corner of State Highway 763 and East Harvester Road, addressed as 5250 and 5320 North State Highway 763.**

DR. PURI: May we have staff report, please.

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends approval of the two-lot plat.

DR. PURI: Commissioners, any questions of the staff? Seeing none. Any motion?

MR. REICHLIN: I move for approval of the plat to be --

DR. PURI: Case number 14-155?

MR. REICHLIN: Yeah. 14-155.

DR. PURI: Okay. Mr. Reichlin makes the motion.

MR. STANTON: Second.

DR. PURI: Mr. Stanton, second. May we have a roll call, please.

MR. STRODTMAN: Yes, sir. For Item 14-155.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Burns, Mr. Lee, Ms. Loe, Dr. Puri, Mr. Reichlin, Mr. Stanton, Mr. Strodtman. Motion carries 7-0.**

MR. STRODTMAN: The motion will be forwarded to City Council for approval.

## **VI) PUBLIC HEARINGS**

### **Case No. 14-134**

**A request by Shelter Enterprises, LLC (owner) on behalf of The Kroger Company (applicant) for approval of a major amendment to the "Gerbes Super Store C-P Plan" to include a fuel station. The 1.6-acre redevelopment area is located on the south side of West Ash Street, approximately 130 feet west of Clinkscases Road. (This item was tabled at the August 21 and September 4, 2014 meetings).**

DR. PURI: May we have staff report, please?

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval subject to the following conditions:

- Approval of the requested landscaping variance and addition of plan note that stipulates Phase 2 landscaping be installed in accordance with parking lot landscaping standards of the zoning ordinance within two years of revised C-P plan approval by Council.

- The site plan signage notations be revised to eliminate provisions regarding additional on-site monument and canopy signage to comply with applicant revisions
- The number of pump islands be decreased from five to three.
- The hours of operation for all fuel center activities be limited to 6:00 a.m. and 10:00 p.m. daily. If recommendation by the Commission, site plan note regarding "hours of operation" shall be revised.
- No merchandise shall be stored or displayed outside -- such condition to be duly noted on the site plan.

DR. PURI: Commissioners, any questions of the staff? Go ahead, Mr. Lee.

MR. LEE: Mr. Zenner, I haven't spent a lot of time at that Gerbes store, but I believe that -- don't they store merchandise outside for sale?

MR. ZENNER: The merchandise on sale that's stored is likely no different than what you maybe see at Hy-Vee or you see at any other grocery store where it's -- it is not scattered around the overall fueling facility. It's not -- it doesn't look like -- and I hate to use the term, but it's the best one I can think of -- a flea market where we have everything popping up all over the place. It is not uncommon that a grocery store, as part of its general operation, will display something outside. I mean, let's look at Lucky's here downtown. They put produce outside during their regular business hours, then they roll it back in. Some of the concern that we have not only is aesthetic, as it relates to the overall appearance in display of outdoor merchandise. Soda machines and a variety of other things that may be outside, while they may be turned off and nonaccessible to any individual after the business hours, still is a draw for potential criminal activity. People breaking into the machines, shattering front glass, or anything along those lines is a concern. We do not want to draw any more attention to the location than otherwise is necessary, and therefore we believe, not only from an aesthetic perspective, but from a public-safety perspective and the enjoyment of a residential neighborhood immediately to the east, we don't need to have that. If you want to pick up a soda or a bag of potato chips and you just left the grocery store, pick it up in the grocery store exit aisle which is where they have it, so when you have that impulse buy, you buy it on your way out of the door. We don't think that you need to stop by here and pick it up. And this is supposed to be, and the Gerbes' folks will tell you, that this is what their customers want and it is to be used by their customers. That's what their surveys have shown. Well, if you're going to be inside a grocery store, you can buy your materials there and put them in your car as you're packing your groceries. That's our position, that's our belief, and we're sticking to it.

MR. LEE: I don't believe it's this commission's job to tell people what to buy and where to buy it.

MR. ZENNER: It is our -- it is our responsibility, unfortunately, though to ensure that the site is designed such that it is compatible with the actual surrounding context, and it is staff's opinion that we believe putting vending machines around a gas-station kiosk is inappropriate in a residential neighborhood. It may be appropriate along a highway that has fast pass-by traffic and you're wanting to not stop inside a store and pick things up. We don't believe it's appropriate. Go to any of our other

fueling stations that are tied with a grocery store, and you will not see this type of display that is prevalent at their Paris Road facility anywhere. None of our Hy-Vees have it and, quite honestly, none of our Break Times or other gas stations that operate at the same level that their zoning would operate have it. They're all inside a building. That's part of the context of why we have neighborhood commercial. It was not meant to really have all your wares on display. It was to bring you into the building to have you shop inside it.

MR. LEE: Thank you.

DR. PURI: Any other questions of the staff?

MS. LOE: I have one.

DR. PURI: Ms. Loe?

MS. LOE: You've made it clear that we're not looking at rezoning and that this is a major amendment to the C-P plans. So I guess I would just like clarification, since they did have a gas station previously on this site, what is being amended?

MR. ZENNER: The fact that the site plan that exists today does not include the gas station and it is an addition to the site plan, so the site plan, in and of itself, is being amended, we're not introducing the use. So when we deal with a site plan -- a major site plan amendment, that is a result of elements that are desired permitted to be on a site, but not originally shown on the adopted site plan, so we're amending the site plan to add it. That's the major revision. We would have a major revision and a rezoning if we were actually attempting to add the use.

MS. LOE: Thank you.

DR. PURI: Any other questions of the staff?

MR. STRODTMAN: I've got a question.

DR. PURI: Mr. Strodtman?

MR. STRODTMAN: Hypothetically, if Gerbes closed, what would happen to the -- the station?

MR. ZENNER: If Gerbes -- if the station were constructed and Gerbes closed, or if Gerbes closed?

MR. STRODTMAN: The grocery store went out of business.

MR. ZENNER: Went out of business. It would -- that's -- it's not a conditional use. This is a principal permitted use. It is on a parcel that would allow it, so it's possible that it could be sold. It's possible that the kiosk could be expanded to allow for a different operator to operate it. It -- there's a lot of different options. I couldn't tell you. It -- they are fueling centers, and as Mr. Robben's letter to you indicated, which you have in front of you and I hope you received it earlier, they have 1,200 of these throughout the United States at their facilities. I would -- I would suggest that part of the incentive here, and the applicant could better confirm this for you, is that the fueling center is what's demanded by the customer. And, therefore, if they're able to achieve getting this, the grocery store, which has some pending improvements proposed at this point, will likely be there. Now, that doesn't necessarily mean that it will be there in perpetuity, but that also is for -- the same situation for any Hy-Vee we have in town.

MR. STRODTMAN: Well, my assumption is is they're doing this to stay relevant and stay in

business. And with the margins of grocery stores, you know, this might be the -- the deal breaker to lose a neighborhood grocery store.

MR. ZENNER: That is definitely --

MR. STRODTMAN: And I -- and I -- and I would hate to see that. And -- and we -- you know, and so I -- and so I was asking that, you know. Because that -- that's my fear, especially grocery stores. I mean, they are very small, you know, a couple percentage points and, you know, it's so competitive and -- anyway. So that was my question.

DR. PURI: Any other questions of the staff? All right. We'll open the public hearing.

#### **PUBLIC HEARING OPENED**

DR. PURI: Anybody wishing to speak on the matter, please approach the podium. The rules of engagement, any organized proponents will have six minutes. Any organized opposition will have six minutes thereafter. And anybody speaking after each one of those proponents or opponents will have three minutes. And please stick to the timetable. And if you are getting late, I'll hit this button and the red light on the podium goes on, which means to cut off. So please approach the bench.

MR. HOLLIS: Good evening. Robert Hollis, with the Van Matre Law Firm at 1103 East Broadway, here on behalf of Gerbes. I've given you a handout and the -- it should match what you see on the screen. A lot of the information that is in your handout has been covered by Pat, so I'll sort of try to jump around and -- and respond to what I think might be more relevant. Mr. Robben is here from Gerbes, as well as Dave Bennett from Engineering Surveys and Services -- and Tim Reed, who have been actively involved with this project for approaching a year and -- and they -- they've all put a great deal of work into it. On December -- in December of 2013, the first meeting was held with the residents that are immediately adjacent to the site -- immediately adjacent being not true for all of them, but the ones that are closest, and I'll point those out momentarily. Based on that meeting, which was, I understand, lively -- I wasn't at that one -- but drastic changes were made, and -- and Pat identified a lot of those and -- and I'll just go into a little bit more detail on a few of the others. Charging station for electric vehicles, there is one that wasn't mentioned. That's one of the requests that Gerbes has agreed to. They are going to include a charging station for electric vehicles. I think that would be a first for Columbia, just another attribute to the development. I want to also focus on, and you'll see in some pictures, at the end of Gary, there will be an ADA-accessible ramp, and this was a request by some of the neighbors to -- who are currently accessing the Gerbes site, but it's -- it's a difficult walk. And strollers were mentioned several times as something that is really difficult to get to the site from the neighborhood as it exists. The decrease in -- in the -- I'm sorry -- the request in the number of pump stations, I can't overemphasize how big of an issue that is, and the decrease from six to five, which is -- it was six initially, was a really large concession on the part of Gerbes and it's -- it's not something on which they can concede anymore. And Mr. Robben will speak to that, I'm sure. Signage, we agree 90 percent of the customers at the fueling station are Gerbes customers, so it -- it really is existing traffic. And most of the things that I think we differ with staff on, which there really aren't that many, they're business decisions more so than planning decisions. And I think some of your questions were -- were telling in that regard. I want to clarify that as

far as outdoor advertising, what I intended to convey was that they would agree to no audio advertising outside and at each of the pump stations, so there -- there could be video screens, but you just wouldn't have the TV stations running or any other blaring noise which we think would be inappropriate. Pat hit everything on the conditions, and I think you've seen where the location of this fuel station would be. I would point out that given the scale of this development that the fuel station is really -- really fairly small. Here's a photo looking from Ash towards the residences, and the fueling station would be on -- on the right of the screen, which is to the west. There's a red arrow pointing -- supposed to be pointing to the west, and that is to point out what you'll see in a later slide is that the parking lot actually gets smaller with this development. That boundary of the parking lot is going to move approximately ten feet to the west, creating additional spaces. The second arrow, which is pointing at an outbuilding, the point of it is that the property line is actually to the east of where the parking lot exists now. So there is a substantial amount of room. Another shot, so this is looking to the east from the Gerbes parking lot. You're looking at the backyards of the closest residences to where the station would be. And just one more, so you can see that it's -- the backyards just open to a parking lot currently. The berm, which Pat showed, actually has a slight jog in it, and it is 25 feet wide and in some places it would be five feet tall. But, for the most part, a four-foot tall landscaped berm with a six-foot solid fence and brick columns is what will be in that location. You can see trees that are actually shown as being -- they look like they're being under the berm, and that's because there will be trees planted on the berm. It's a -- it's a gradual rise up to the four-foot level and sometimes five-foot level, and then another gradual drop-off, so there -- it will be landscaped with trees. The cross-section of the berm and fence, which I think is helpful. And note that on the left, the bio-retention basin; that is the Gerbes side, so you would be looking to the north if you looked at this cross-section. It is a -- it's a very substantial barrier, and there is no barrier at this point in time. So all of the impacts that have been discussed really won't be there. So to the extent that a neighbor didn't like outdoor merchandise, they're -- they can't see the outdoor merchandise. They can't even see the canopy, which I'll show you on the site lines with the berm fence slide. We've got three representative properties and I -- and I note that south is downhill because the Wrights' property, which is the one furthest to the north, would have the highest elevation and therefore would have the ability to see whatever one could see over the berm that's greater than anyone else. So here's a view from the Wrights' -- or the back of, so the northwest corner of the Wrights' property. You need a four feet of rise over a twelve-and-a-half-foot area to a six-foot fence. And what you can see just above the top of that is the top of the canopy. You can't see the underneath of the canopy, just the top. And that's as opposed to existing conditions where there is no barrier. I'll move quickly, if I may.

DR. PURI: You need to wrap up.

MR. HOLLIS: Yes.

DR. PURI: It's seven minutes.

MR. HOLLIS: Okay. Thank you. Another view from the Browns' and now from the Mullins'.

As you can see, you can see nothing. And I'll be happy to answer any -- any questions that you may have.

DR. PURI: Commissioners, any questions of this speaker? Ms. Burns?

MS. BURNS: Are there any plans to improve the Gerbes proper?

MR. HOLLIS: As -- well, it's not part of this submission, no. But, yes, I understand there are plans to make substantial improvements to the Gerbes.

MS. BURNS: Thank you.

DR. PURI: Any other questions? Seeing none, thank you.

MR. BENNETT: My name is Dave Bennett; I'm with Engineering Surveys and Services, offices at 1113 Fay Street. What I wanted to talk about just a little bit was when we looked at the location for the -- for the fueling center, we kept coming back. We looked at various locations, we kept coming back to the location you see on your plan. We did look on the north side, trying to get it, once again, away from the neighbors. We did look on the north side. We did -- there is not enough room in the north-south direction to -- to fit a fueling station in that location. We did look on the south side of Gerbes and with -- with the fueling station, there is a good possibility, as they have discussed with us, that there would be improvements to the Gerbes station -- or Gerbes store. And that being the case, we want to obviously leave room in case they want to expand the store. The obvious direction would be to the south, so that -- that would -- was not looked at as a good location. And putting it out in the middle of the parking field just mixes cars and pedestrians and it just didn't make a whole lot sense. So, you know, we put it -- we put it where we felt it would work the best and that is the reason mainly for the screen -- a substantial screen that we're providing. And, once again, I think Mr. Zenner went through the landscaping notes on that. We -- I would like to note in addition that the area that we're actually affecting where we're putting the fueling center, between the Gerbes and the fueling center, that whole area is actually 20 percent landscaping, which is significantly more than the 15 percent. So -- and I did want to note also the little bulb-outs that you see along Atkins Drive, those were put in to deter traffic from traveling very fast through that area. The neighbors were -- didn't want that to happen and we feel that we have accomplished that with that -- with those bulb-outs slowing the traffic down. Now, there's -- there's also a -- when we met with the neighbors, they talked about getting access to this. There is an opening in the fence currently where there's a fire -- fire hydrant, and that will -- opening will remain. We will add, as you look -- this is kind of looking across the fire hydrant, looking out at the shopping center through the gap and, once again, stepping up on the pavement looking. What we're going to do is that sidewalk on the bottom of the drawing along Atkins Drive, that's actually an ADA accessible drive, and it's going to go across and we've added a sidewalk in one of the islands for pedestrian access with crosswalks to access the shopping center. I'll be happy to answer any questions you might have.

DR. PURI: Any questions of this speaker, staff -- or Commissioners?

MR. BENNETT: Yes.

MS. LOE: You just showed some slides of the current landscaping. That -- back one.

MR. BENNETT: Back here?

MS. LOE: Sorry. Forward.

MR. BENNETT: Forward.

MS LOE: One more, please. One more. There we go. Is that the idea? So when you're showing us the plans with the green landscaped berm areas, is this what you're envisioning? I mean, this is --

MR. BENNETT: No. That is the existing condition.

MS. LOE: I agree.

MR. BENNETT: Yeah.

MS. LOE: And this is what is shown in the original plan that was included in your packet as landscaped area.

MR. BENNETT: Right. And the --

MS. LOE: How the client proposes to maintain the landscaped areas, I guess. I mean, is this --

MR. BENNETT: Well, we would be -- we would be upgrading that to the -- to this -- or, actually, if I can go back -- to this level right here. And what you were looking at through the gap in the fence on that picture was just the opening that is now just an open parking field.

MS. LOE: Well, what do the green berms represent? Are they mulch with a tree?

MR. BENNETT: They will be landscaped to City standards.

MS. LOE: Pat, maybe you can help me out.

MR. ZENNER: We have parking lot requirements within Chapter 25 -- Chapter 29, Section 25, which we will require be complied with. Part of our concern initially was that in accounting for the existing landscaping on site was not provided at the time that the application was made. However, in light of the fact that the islands that currently exist, what you see in the photograph, all of that will be eliminated and replaced with compliant landscaped islands. We saw no value in having a cataloguing of what won't be there in the future, but we want to specifically request that the Commission stipulate, as part of an approval, should that be what you desire to do, that all landscaping to be installed will be compliant with our code. At that point, when final landscape plans are submitted, our arborist will review them to ensure that we have the requisite requirements of landscape features, be it turf, be it trees, be it shrubbery, or a combination thereof. At that point, we'll allow the permit and the land disturbance to occur.

MS. LOE: So the current landscaping does not meet current City standards --

MR. ZENNER: Oh, far from it, yeah.

MS. LOE: -- but the future landscaping will? Thank you, Mr. Zenner.

MR. ZENNER: You're welcome.

DR. PURI: Mr. Reichlin?

MR. REICHLIN: You went through the locations that were -- well, let's call them X'd out. And, to me, although I'm not a design expert, can you expound upon why the area close to Ash Street and closer to the store is not an acceptable eventually a potential site for the fuel station?

MR. BENNETT: Yes, I can. The -- if you look at the -- the fueling center as we've shown it in the shaded area on this drawing, you know, from -- from across from an east to west direction, we need about 100 feet to keep cars, if cars need to stack in there. I mean, you don't want to set it up to where cars -- you can't have it like a double stack of cars in there to get fuel because then you'll create



congestion and that type of thing. And, basically, there is a building line along Ash Street. There's a 25-foot building line. And what that does up -- and especially in that -- the northeast corner of the Gerbes store, which is that shortest distance north-south. It's about 65 feet. Consequently, it would create a real congestion issue in that area trying to put a fueling center in there that needs about 100 feet to accomplish that.

MR. REICHLIN: But what about the one -- the exits in the parking lot right now, not the one on the north side of the store?

MR. BENNETT: The exits in the parking lot, you know, putting that in that location, you're going to have a lot of people exiting. We're trying to get them to exit on the eastern exit so they don't conflict with people coming to the store, trying to find their parking place close to the store -- it's how we do it. We felt that it would be detrimental in that area to put it in the -- kind of the middle of the parking field. And you're also, at that point, putting pedestrians -- cars that are moving through the fueling station through the parking lot, it becomes a very congested situation. Where if we put it on the area that, quite honestly, it's probably the last to park and probably, at this point, most of the people that park there are employees. We put it over on the east side, then you've got -- you're not going to have those conflicts.

MS. LOE: What about the X to the south?

MR. BENNETT: The X to the south was really -- didn't want to put it there from the standpoint of not only Gerbes and potential future expansion there, but also the Broadway Shopping Center. It's really the only place left that they could expand those stores, so we wanted to leave them the opportunity to do that.

MS. LOE: You couldn't expand Gerbes east?

MR. BENNETT: Well, that's the parking field for Gerbes, which fills up considerably right in front of the store there. So if you -- if you were to expand it east, you're going to have to constrict that parking field, so we did not want to do that.

MS. LOE: But you're reducing that parking field now by putting in the gas station.

MR. BENNETT: We are. This particular shopping center has -- was done under the older ordinances and, at that time, the parking requirements were -- there was quite a bit more parking that was required than there is now for a shopping center. Consequently, this -- this parking -- the parking in this shopping center is -- is more than what is needed by today's ordinance. So, you know, we -- but when you look at it just in terms of -- of the front of Gerbes, we need all those parking places for Gerbes, in and of itself.

MS. LOE: I -- I see. But it does appear that you are in this proposal showing us that you can reduce the parking that is on the east side.

MR. BENNETT: We have not reduced the parking on the east side. Are you talking about the island there?

MS. LOE: You've -- it -- you've shortened the aisles, the east side of the aisle -- parking aisles have shortened.

MR. BENNETT: Because the fueling station is in there?

MS. LOE: You've moved the entrance -- the east entrance west.

MR. BENNETT: Well, I think that's as far as we can go with it to serve the Gerbes.

MS. LOE: Right. Because the Gerbes people would be happy -- this is my neighborhood grocery store, so I go by you guys every week. But I also happen to know that because of that, that that east entrance gets backed up all the way to the intersection. And when I'm waiting to make a left turn into that east entrance, I'm holding people up trying to go straight down Ash.

MR. BENNETT: Right.

MS. LOE: So I already consider that to be a pretty -- not all time of the day. Granted, this is going home from work, but I am wondering how adding program to that side of the parking lot, especially that close to that intersection and that driveway is going to compound that.

MR. BENNETT: Well, once again, I mean, the statistics Mr. Robben will probably share with you a little bit, but 90 percent of the customers they have found for the fuel center are already in their parking lot. In other words, that -- it's the same -- it's the same cars. Ninety percent of them are the same cars that are already there and they're not adding a lot of cars because of adding the fuel center.

MS. LOE: I believe the letter said 20 percent -- or the report, so, yeah. Thank you.

MR. BENNETT: Uh-huh.

DR. PURI: Any other questions, Commissioners? Thank you, sir.

MR. ROBBEN: Good evening. My name is Russell Robben, and I'm with Gerbes. Just to give you a brief history, Dillon's is our division. We're a -- we're a part of the Kroger Company. We operate in three states; Kansas, Nebraska, and Missouri. We have about 86 stores -- grocery stores. Of those, we have 45 fuel centers. We -- we've been in the fuel business for about 50 years in the Dillon division. And, as Pat mentioned, Kroger, nationwide, these kiosk fuel centers that we're proposing here, we've built over 1,200 of those, and also Kroger operates over 700 convenience stores. If you're not familiar with our reward program, it's very well accepted by our customers. Basically, if you have your Gerbes-Plus card, you scan it, you get two cents off automatically every time. You accumulate points. Basically, for every dollar you spend at our store on any item, you get a point. Hundred points gets you ten cents off a gallon at our stores. Also, prescriptions -- for every prescription you fill, that gives you 50 -- 50 fuel points. And then, also, if you buy gift cards, you get two times fuel points on gift cards, so it's just very well accepted. Just the one item I'll touch on real quick is -- is, and as we've kind of mentioned, is the number of pumps. Over all the fuel centers we've built nationwide-- you know, we kind of have a business model. We put this together and it was my letter to you guys. It takes into account the current store size, how much volume it does. Then we have a third-party analyst come out and project gallons, so we get kind of a rough idea of -- of how many gallons it will do. We take into account customer counts at the store, how much traffic we have there each day to kind of gauge how much fuel we'll be getting. And then redemption rates with our -- and what they were mentioned before, the 90 percent. Basically, 90 percent of people that fill fuel at our centers use -- they're part of our Gerbes-Plus Card program, so they scan that -- 90 percent. That's where our fuel gallons come from. And just back to the -- we started -- with that model, it came out, you know, we needed to do six pumps here. And one of the big things there is

convenience for our customers to be able to pull up and be able to come right up to a pump. Five, we can -- we can work at this site. It'll be a little more congested, but we think we can still make that work, and that's how we've submitted it. Anything less than five, it just -- really, the customer is already there, so reducing the pumps will not necessarily take any traffic away. You'll still have the same traffic, you would just have less pumps. So if we go less than five, it will be the same amount of traffic, but there'll be more stacking and it'll just create circulation issues and oftentimes upset customers. Other than that -- and then, also, the -- you know, the merchandise is something our -- our customers just -- they wanted the convenience of wanting to be able to pull up, fill gas, get a bottle of water, and -- and a snack and a bag of chips. And that's just something we -- you know, we feel they deserve and -- because not every time are they going to be going inside the -- the actual store. They like the convenience to be able to pull up, grab something, and -- and go. So, with that, I'll answer any questions.

DR. PURI: Commissioners, any questions of this speaker? Mr. Lee?

MR. LEE: Mr. Robben, do your plus-card points expire?

MR. ROBBEN: Yeah. They do -- they do. They run for a two-month cycle and they will expire if you don't use them.

MR. LEE: If you don't use them in -- within the two months?

MR. ROBBEN: Correct.

MR. LEE: Okay. Thank you.

DR. PURI: Mr. Reichlin?

MR. REICHLIN: Of the other locations, are they all the same standard kiosk?

MR. ROBBEN: Typically. Some have rest rooms, some don't. This one will have a rest room, but it will be for our employee -- our attendant only, so it will be just -- but we -- we don't have any with public rest rooms.

MR. REICHLIN: Do you consider the concerns that staff has regarding outside merchandise legitimate and have you run into it in other locations?

MR. ROBBEN: We have never ran into it in any of our other fuel centers. And, basically, kind of what Robert touched on is, none of the neighbors or adjacent areas will not see it, and it's a few, you know, beverage cases, and then the washer fluid things that go out by our pumps. So, you know, it's something our customers want and we've always provided it to them in all other locations. And, you know, the fact that you won't see it until you pull in, we just don't see that --

MR. REICHLIN: But on a -- but maybe on a little more of a personal note, it -- it doesn't appear to you as an invitation for some type of criminal activity?

MR. ROBBEN: You know, surprisingly, I -- we -- criminal activity is something that came up in one of our neighborhood meetings, and so I went back to our -- our loss-prevention people and got some stats on this. And these -- you know, when people think, you know, convenience store, sometimes you think crime happens at convenience stores. The model we have for these grocery stores is the kiosk and that's what we've built 1,200 of, and it's gone over overwhelmingly -- you know, really well. And some of the stats for the past two and a half years at our 45 fuel centers that we operate in our Dillon's division,

we've had two robberies and one vandalism over two and a half years. I mean, these -- and, typically, everything that's sold outside will stop at 10:00 p.m., like we said, and they have cages, basically, that go in front of them and lock, so it's -- crime is minimal at these. And, typically, in most instances, they are 24-hours, so they're lit very well for 24 hours. Here, if we do shut down early, the lights will not go off because that would, you know, invite more crime, but they'll be dimmed to a -- some type of security lighting.

DR. PURI: Ms. Loe?

MS. LOE: The comments that were submitted, some of them mentioned the Broadway site, but several of them simply say it would be nice to have another fueling station in town. Why was this property chosen over some of the other -- or there's at least one other Gerbes in town.

MR. ROBBEN: Yeah. On Nifong, that would be our other one. Yeah. This one was chosen. Basically, the -- we're trying to produce these at all of our sites and -- and as it was mentioned, the -- it helps with margins. It helps keep our stores viable. With competition doing that now, if we don't have these, it's -- it just -- it's tough to survive. It really is. So it's become in our business really a necessity, and that's why, companywide, you know, we're trying -- over half our stores have them now and we're continuing to build them to -- to stay competitive and basically give our customer the convenience that they want and ask for. And -- and in this scenario, the -- the parking lot is, it was kind of talked about, is big enough to produce this. Some of our parking lots, like on Nifong, would be too tight to really put a fuel center on site unless you tear down some adjacent buildings.

DR. PURI: Mr. Lee?

MR. LEE: So you don't anticipate putting a fuel -- fueling station at the Nifong store?

MR. ROBBEN: Well, it will be evaluated, but as -- as things sit today, it would be very difficult. I mean, we would have to look at parking standards first because it's a lot tighter parking lot, so --

DR. PURI: Mr. Strodtman?

MR. STRODTMAN: Are these maintained by a CCTV system?

MR. ROBBEN: I'm actually not familiar -- say -- what was that?

MR. STRODTMAN: A camera. Do you have any cameras on your -- on your --

MR. ROBBEN: Yeah. I mean, yeah. It's monitored, and it's pay before you pump, so you have to go up, so we -- I mean, that eliminates drive-offs, so --

MR. STRODTMAN: Fine. Okay. And then no alcohol at the --

MR. ROBBEN: Correct.

MR. STRODTMAN: -- at their location, there was no alcohol. And the type of fence that's going around, they mentioned brick or stone maybe. I think it was brick. Is the fence material just a wood, or is it -- do you know what kind of --

MR. ROBBEN: We were going to go composite -- some type of composite or synthetic just for -- it'll last longer.

MR. STRODTMAN: For the -- maintains it?

MR. ROBBEN: Yeah. Just for longevity.

MR. STRODTMAN: And then Gerbes maintains the berm on both sides of the fence?

MR. ROBBEN: Actually, Shelter, our landlord, handles -- yeah. Correct.

MR. STRODTMAN: But the -- the ownership -- there's no -- no additional expense to the neighborhood for any of the landscaping that we saw?

MR. ROBBEN: No. Correct. Any -- anything on the neighbors' side of the fence that is on -- still on our property will be maintained by the ownership group.

MR. STRODTMAN: And then if I understand then, the only thing you can really buy is gas after 10:00 until 1:00, maybe the vending machines -- the soda?

MR. ROBBEN: The vending -- the vending machines are -- they're not the standard vending machines. They're just case coolers with sliding doors, so you have to basically grab it out of there and take it right to the kiosk to pay.

MR. STRODTMAN: So after 10:00 when your attendant leaves, then it's strictly gas --

MR. ROBBEN: Yeah.

MR. STRODTMAN: Strictly gas after that?

MR. ROBBEN: Yeah. After 10:00 p.m.

MR. STRODTMAN: Until 1:00, and then there's nothing -- nothing after 1:00?

MR. ROBBEN: Right.

MR. STRODTMAN: Thank you.

DR. PURI: Any other questions? Mr. Reichlin?

MR. REICHLIN: I do. I have one more. I just -- just to throw it out there. Given staff's position regarding outside merchandise and the -- I guess, the resistance or disapproval of some of the -- the neighbors, is there another location on the parking lot and/or no outside merchandise a deal breaker?

MR. ROBBEN: The no merchandise is going to be tough. Like I say, we never, at any other location, you know, have been restricted to that, and it's just something we would have to take back and really evaluate because the convenience to be able to pull up, buy a bottle of water or a pop or whatever you want and a bag of chips, I mean, it's just something our customers want. And to not put it there, we would have to give that a lot of thought really.

MR. REICHLIN: What about the location aspect of the question?

MR. ROBBEN: Say -- say that again.

MR. REICHLIN: If -- if, in fact, that it was not deemed appropriate that the location that the engineers have chosen at this point in time, would another location, in and of itself, be a deal breaker?

MR. ROBBEN: At this point, it really would be. We, as -- as Dave mentioned, we had our first neighborhood meeting over a -- or coming up on a year. It was in December of '13. And, you know, that was one of the first concerns was location. So we took a hard look, you know, where can we put this to still make it, you know, feasible, and it really did not work out for us anywhere else except out here where Dave said. Basically, nothing happens now out there. There's no parking except for some employees, and that's kind of what spun off the idea of the -- the big berm and, like, the sight lines you -- you were looking at from the neighbors, you know, you just see the top strip of the -- of the beige canopy. And so

that's kind of when we knew we were going to -- this was the only viable location really and we tried to put a lot of time and effort into designing a well-screened berm and -- and fence.

DR. PURI: Any other questions? Ms. Loe?

MS. LOE: Do you use fuel-capturing nozzles?

MR. ROBBEN: Yeah, we do.

MS. LOE: You do?

MR. ROBBEN: Yeah, we do. I mean, basically, the system they have from our tanks to when -- from our -- the fuel tankers to when they're putting them in -- in the ground, that vapor recovery system captures 98 percent of -- of all vapors, I guess, when they're making that transition. And then on -- on cars, after 2001, they have some type of vapor recovery along with our nozzle that those capture 95 to 98 percent of all vapors.

DR. PURI: Any other questions? Thank you. Anybody else wishing to speak on this matter, please approach the podium.

MR. MCNABB: In favor or opposed?

DR. PURI: Either way. Are you opposition?

MR. MCNABB: Yes.

DR. PURI: Organized opposition?

MR. MCNABB: I have submitted a -- our petition there with about 20 names, so I guess that would be organized.

DR. PURI: Okay. You have six minutes -- and, actually, seven minutes because I gave Mr. Hollis seven minutes. Go ahead.

MR. MCNABB: Okay. My name is Tom McNabb. I own property at 104 Clinkscals at Montmartre Apartments. I want to start out by letting everyone on the Commission know that I don't have anything -- a grudge against Gerbes. I don't have anything against Shelter Insurance. People from the apartment complex walk to Gerbes to buy their groceries and walk back. Some people live there and don't even own a car, so it's very handy for them to go to the store, pick up what they need, and walk back. This was described from day one as a neighborhood fueling station for the patrons of Gerbes, and I don't have a problem with that, either. I think there are six adjustments that need to be made and it sounds like maybe a couple have. I hope everybody on the Commission has been to the Paris Road store and then also envision what the Paris Road store might look like should it be placed at the Broadway Shopping Center. The scale of the property is off -- reduced it from twelve vehicles to ten, that's still too many. I think if they reduce the size, that gives more options for the location where that fueling station could be placed on the property, so those are two items. The hours of operation. Ten o'clock is probably late enough to get your fuel. Architectural design would -- would be another issue. I think there can be a little extra something done there besides a flat roof, and Pat may have a -- a picture that he can put on the screen of a property on East Broadway at the Broadway Shoppes of the Break Time fueling station. It's got brick columns, a pitched roof, and it looks fairly attractive and blends in. I'll pass out to you some photos that I took yesterday of the Paris Road location. And on -- on the screen and -- and

you'll -- you'll see that this is the 12 fueling stations, and it's -- it's just oversized and out of scale. The signage -- we'll put up some signage photos. They've got various signs on the pumps and so on. Nothing really wrong with that, but it just adds to the clutter. We need to remember that the Paris Road station is on a five-lane highway. It's next to the COLT Railroad tracks, which is next to a high-powered cross-country power line. It's several hundred feet from all but one residence. And then adjacent to it are M-1 industrial uses, DJ Roofing and other industrial uses. The -- the clutter -- and we'll go to the outside sales. We've got one here. These are not duplicate photos. You can see the multiple vending machines, all the signage. I mean, it's just tremendous amount of clutter -- firewood. Do you -- do you really come out of Gerbes -- 90 percent of the people are going to come out of Gerbes, stop at the gas station, fill up with gas, and go, oh, man, I need some firewood, you know, and they grab some firewood. If 90 percent of the people are coming out of the store, you'd think they would know enough to buy their soda and their stuff inside the store rather than wait till they get over to the gas station. So those are some comments that I have. They've made some adjustments. Again, I want to see Gerbes be successful. I think they can be successful in a smaller store. Pat, do you have a picture there of the Break Time on Forum Boulevard? That has fueling for six vehicles at one time. That is in a shopping center that has a Schnuck's grocery store, several other stores. Probably, that entire shopping center does more business volumewise and so on than -- than the Gerbes. I don't know. Maybe not. But I buy gas at this particular station. Rarely do I have to wait behind another car to fuel up. And then, one point, if you're going to save two cents a gallon on gas, which I realize it adds up, or ten cents a gallon, and you have to wait for a couple of minutes because there's another car fueling in front of you, can your time really be that valuable? And we all like to pull in, get some gas, and get out. Nobody likes to wait, but I think for the overall good of the neighborhood, this can be made smaller, made more attractive, reduce the hours, and cut out the signage. Thank you. I'll be glad to answer questions.

DR. PURI: Commissioners, any questions of this speaker? Seeing none, thank you. Anybody else wishing to speak on the matter, please approach the podium.

MR. WEINREICH: Hello. My name is Chris Weinreich; I live at 1700 West Broadway just to the south of Bank of America there. I'm going to echo a lot of his sentiments. We're opposed to it, not being there, but as it is proposed. Our concern is being open past 10:00 p.m. We also agree that 10:00 p.m. is late enough to get your fuel. We -- we have a small son. We're just starting a family, and the more traffic brought to our area late at night, this would raise more concerns with safety, so I don't -- I can only assume that houses closer would probably have the same concerns. I agree with Ms. Loe about the traffic. I -- the parking lot, I park out there on the east side, whenever we go in -- that's our grocery store. And then when we're exiting out of that east exit, oftentimes traffic depending on different times of day is -- is significant, so we're concerned about adding traffic with the size. We would like to see a reduced size. I've also used the same Break Time and, yeah, very rarely with even three stalls do we have to wait for gas. We're a little concerned. We know that there's -- there's many things in place already with gas stations for odor and -- and the vapors that come from the fuel -- the pollution from that, but obviously that's a concern for us, being close to our -- our residential area. And then, finally, we also have issues

again with the outside vending. Just the little sliding doors, I don't think, offer that much protection. It would almost invite some sort of -- (inaudible). So smaller, reduced hours. We think it does make sense being a -- a neighborhood gas station. But -- but its size and its current proposed state, we feel like it's -- it has -- offering us more challenges than benefits. Any questions?

DR. PURI: Commissioners, any questions of this speaker? Seeing none, thank you.

MR. WEINREICH: Thank you for your time.

MS. GARDNER: I'm Beverly Gardner; I live at 1608 Gary Street. I've probably lived at my house approximately 20 years, and my son works at Gerbes. He probably closes the store around three nights a week. He gets off around 1:15, and he has to walk down that street, so it's dark. So it's hard for him if it's really dark down that one street. So we live on Atkins and Gary, so I'm for it. So I'm for the gas station. I feel that I would use it and we do use it a lot, so I'm really for it. And I -- I like the way they proposed it and -- and I feel like I don't think anybody would come and steal anything from it. I think it would be convenient. And, my son, he's an employee of Gerbes, so I think it would be a good deal.

DR. PURI: Commissioners, any questions of this speaker? Mr. Strodtman?

MS. GARDNER: I'll answer any questions.

MR. STRODTMAN: Just clarification. You said you live on Atkins.

MS. GARDNER: I live on Gary.

MR. STRODTMAN: On Gary. Okay.

MS. GARDNER: Well, I'm on the corner of Gary and Atkins, right by the little hole in the wall, so yeah.

MR. STRODTMAN: Thank you.

MS. GARDNER: It'll be very convenient.

DR. PURI: Anybody else wishing to speak on this matter?

MS. JACKSON: My name is Fannie Jackson, and I live on the corner of Atkins and Gary, right by Gerbes -- closer to Gerbes really. And I am concerned, not about the gas station too much, which I'll probably use it anyway because I live that close. But I'm concerned about the opening on Atkins. It's the opening that you walk through, not the one with the fire station -- by where the fire thing is, but going towards north of Atkins, it's an opening there. And I walk through that way because I've had three knee surgeries and it's hard for me to climb up on the part that is open by my house. And I feel that if they made a sidewalk or opening so we could come through, then I wouldn't be opposed to it. But I am opposed to it if they close that part of Atkins going north because I need to get through there. It's a flat surface, and the other one, I have to go up a little hill. And I think I took -- one of the ladies walked with me through there to see that. And the person who lived -- I -- I own two lots on Atkins going towards Gerbes. And the other person has a lot right there by Gerbes, and they want it closed off. Otherwise, if you close it off, then you're closing up Atkins. I'm paying more taxes than the person who live behind me, and yet, if you all close it off, I'd be very disappointed.

DR. PURI: Do you know that they're putting an ADA ramp there which is going to be almost as flat for that access through there?



MS. JACKSON: Yes, I do know that. That's in front of my house, right there where I live. But I walk Atkins right behind there, and they need to make a walkway back there, also.

DR. PURI: Commissioners, any other questions of this speaker? None. Thank you. Anybody else wishing to speak on this, please approach. Seeing no one, close public hearing.

#### **PUBLIC HEARING CLOSED**

DR. PURI: Commissioners, discussion? Ms. Burns?

MS. BURNS: Thank you. Yes. I agree with the speakers who noted that the -- the pump number is excessive, I think for this particular area. I know we had a letter that was written, concern for the West Middle School students who were walking to school and riding their bikes. I have a child who attends West Middle School and I drive a car pool. I see a lot of the kids that are walking, and I'm concerned about increased traffic because I think in our paperwork, it shows that 90 percent of the people who are using this are Gerbes customers, but 61 percent of the people who are -- only combine their trips. Only 61 percent of people combine their trips as far as going into the grocery store and then going to the fueling station. So I'm concerned definitely about additional traffic because that is a tough intersection.

DR. PURI: Ms. Loe?

MS. LOE: I have to admit I agree with Ms. Burns that this -- this is an older mall. You've shown us that you have looked at various alternatives to fit the station in, but there appear to be limits to where it can go. And I feel there's also limits to what this layout with this mall and this neighborhood can accommodate with regards to a neighborhood filling station. So I will only support it with a reduced size.

DR. PURI: Mr. Strodtman?

MR. STRODTMAN: I'll kind of break the trend a little bit. You know, I kind of -- you know, I'll echo my earlier point. I -- I -- I'm okay with the size of the five, not the -- not the six, but the five for -- for a couple of reasons. One is I don't think it's our business to tell a private business operator what is in the best of their interests for their business. And so, I do think if you -- you reduce it, you're going to find some stacking going on because I think that that will occur, and I think that will cause congestion and make that street out even that much more difficult to get out of the parking lot because you're stacking in cars waiting to get in line or they're waiting in line for the gas. So I'm okay with the size. I think the berm, the fence, the -- the every -- the landscaping of 20 percent of that area, I think -- and the pictures show that pretty much no visibility is going to be from those three to four homes that are immediately impacted, and the rest won't see it either, so you're not going to see it until you are in the parking lot. It's already a commercial grocery store that's, you know, open until 1:00 a.m. I'm okay with the hours until 1:00 a.m. You can't buy anything but gas after 10:00, so I think you're not going to be -- it's not going to be a traditional convenience store type of customer after 10:00 because I think after 10:00 most convenience they're -- you know, they're buying other things -- cigarettes, pops, you know, alcohol, et cetera, so I think it is going to be a little bit of a different thing, and I think most of the business is going to be during the day, you know, when predominantly the person is doing most of their grocery shopping. I utilize the Rangeline location and I love it. I think it's a wonderful thing and you save a lot of money by using it, so I -- I am a fan of it. And to keep this neighborhood grocery store relevant and vibrant in a very

competitive market with some very, very strong competition with Hy-Vee and Walmart, I think that this is something that -- and maybe not in the near future, but I think with time, that if they can't stay relevant and competitive, that, you -- you know, you'll be going across even further west to go to Walmart or Hy-Vee and then your -- you know, your -- your choices are very much limited even more than they are now. I think Shelter Insurance is a great landlord and I'm -- the -- the -- the property and the developments to the west show that. They're one of the best about maintaining it. They're better than, I think, Walmart and Hy-Vee about picking up the trash, the litter. I see guys out there riding around with golf carts all the time. They get the snow off. I think they're a great community partner and I think that with their support of this project, which obviously they are, I'm inclined to do it. To address the traffic, I think a future roundabout is a must. You know, that -- that intersection now, I was -- buzzed it several times since this has been on the agenda just to get a feel for it. I work close by there, so I get donuts there a lot to take to work and et cetera. And that intersection, especially during that school hour, is already busy, so I hope that the City -- the staff will continue to push that forward and make that a priority on our capital improvement plan to push that forward to get a roundabout in there as -- not as fast as possible, but as soon as possible. So I'll quite rambling. I'm in support of it, minus some of the things that the staff are recommending.

DR. PURI: Mr. Lee?

MR. LEE: I would echo all of Mr. Strodman's comments, with the added to that that this is not a growth neighborhood. Most of the people, I believe, who live in this neighborhood have been there a long time, like Ms. Jackson and the other lady. And I believe that the -- that the store has to find ways -- that Gerbes has to find ways to increase their revenue. They probably a very stable customer base in that -- without a lot of growth, so I think they need to find a way to increase their revenue to make -- keep that store viable. I would hate to see that store close down and the neighborhood would be very ill-served by that store closing, so I intend to support it.

DR. PURI: Mr. Reichlin?

MR. REICHLIN: I'd like to couch my -- my statements by the fact that when you live in a growing community, there -- you know, and given the position we're in on this Commission, there's always something going in somewhere that somebody else doesn't like. It's a change to their perceived space. And whether or not it's a positive change or a negative change, is usually subject to -- I'll quote-unquote, The proof is in the pudding. You just have to wait and see. Some of the suggestions of staff are legitimate concerns that I think should be seriously addressed. This item, obviously, in one shape -- one way, shape, or form is going to go forward to Council. We're a recommending body, not a legislating body, so I think some of the input that we are presenting this evening should be seriously considered. I can understand how the business model requires a certain amount of flexibility in some of the areas. I appreciate that the landlord, Shelter Insurance, is taking extensive steps to mitigate the negative effects of whether it be architectural or lighting or traffic. So with that said, I intend to support this.

DR. PURI: Mr. Stanton?

MR. STANTON: I'm on the same page with Ms. Loe. I think it's a good project, but I'm looking at the size of the footprint. And I'm trying to look at it -- I'm trying to think of an example. I'm trying to

think of an example, and I'm looking at -- (inaudible) -- old gas station there. It's kind of a full-service gas station. I'm trying to think -- yeah, or Sinclair. I can't think of how many pumps they've got. That's kind of what I'm looking at. So I will support it if the -- if the number of pumps was reduced.

DR. PURI: All right. My opinion is I think it's a good project. I think that the site where you're putting the pump is the -- is the appropriate area on this parking lot, you know, use that corner. I think presently the building has a huge Gerbes sign which is visible in these pictures. The berm and the fence is going to be a good thing to separate the commercial side with the residential side. I think the staff has done a good job in trying to get that criteria met. It would have been nice to have a landscaping plan so everybody could have seen what you guys had in mind instead of just a cross-section that shows, you know, the retention basin and the berm, because that would give people a look and feel that you're trying to beautify, although Mr. Zenner has put that into the City ordinance delineation. We are not here to tell you how many pumps you need. That is your job to figure out, and how -- we just need to look at how that impacts the surrounding area. But, at the same time, you have to make it cost, you know, feasible, that if you have five pumps, then, you know, that's your breaking point, because if you go any lower than that, that's not quite going to work for you, and you have experts that you have hired to tell you that. And I appreciate your conceding down to the, you know, five, you know, stations, there, which will end up being ten fueling stations, and that is appropriate. You also conceded on changing the colors of your canopy, and try to blend it in with the surrounding surroundings. I think that was a good idea to do that, to keep it low key. Right now, the parking lot, you can traverse the parking lot, like Mr. Zenner was saying, just straight across. There's no, you know, break in between. By having those landscaped islands, that's going to beautify that parking lot, and I think that that's going to break it up. This filling station, I think that, you know, to say that are there going to be patrons from outside or people coming in from Gerbes or trips they are making, the bottom line is that you're providing a service, a service for your client. You feel that that's appropriate for you to do that in that in that fashion, which brings me to the point of the kiosks and the displays that you have. I also feel like Mr. Lee. We don't have any business designating -- telling you how to do your business. I think that those kiosks and the displays are essential. A lot of times, you just want to zip in, zip out. I really don't want to even go inside a store, and just want to get something quick, whether it be -- if your oil, whether it be, you know, a soda or chips. I mean, that convenience you're offering by just putting pumps out there with somebody in the booth trying to just take -- collect money for the gas is not going to be, you know, I think a -- a good model. Plus the fence and the berm are there already, and I think that's going to separate that. If you have lighting, you know, appropriately sized, which the staff has done that, I -- I think that's fine. The only problem I have is I think the hours of operation need to be from 6:00 to 10:00. There should be nothing after 10:00 till 1:00 a.m., so that is the only sticking point I have. Rest of it, I can support. So that's my thoughts on that. Anybody want to make a motion? Mr. Zenner, can you flip back to your slides, the -- all of the items that you were talking about subject to? Thank you. I'll make an attempt to make a motion. We would attempt to approve this project based on the following subject or items: Approval of the requested landscaping variance and addition of plan note that stipulates Phase 2 landscaping to be installed in accordance with the parking lot

landscaping standards of the zoning ordinance within two of revised C-P plan approval by Council. The site plan signage notations which have been revised, as cited by the staff here. The number of pump islands to remain as five. The hours of operation to be 6:00 a.m to 10:00 p.m. daily. No operation after that, whether credit card on the fuel -- just -- just those times, 6:00 a.m to 10:00 p.m. And merchandise displayed according to the pictures shown, that is acceptable. Next slide, Mr. Zenner. I think there's a second slide after this.

MR. ZENNER: That was it.

DR. PURI: That was it?

MR. ZENNER: Yes.

DR. PURI: So that is my motion.

MR. STRODTMAN: I'll second.

DR. PURI: Mr. Strodtman seconds. May we have a roll call, please.

MR. STRODTMAN: A motion has been made or a recommendation has been made for Item 14-134.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Dr. Puri, Mr. Reichlin, Mr. Strodtman. Voting No: Ms. Burns, Ms. Loe, Mr. Stanton. Motion carries 4-3.**

MR. STRODTMAN: The recommendation for approval will be forwarded to City Council.

#### **VII) COMMENTS OF PUBLIC**

DR. PURI: Comments of visitors? Anybody wishing to speak on anything can approach the podium at this point.

#### **VIII) COMMENTS OF STAFF**

MR. ZENNER: Your next meeting will be October 9th, same place, same time. We will have a work session at the upcoming meeting. We will have some additional information to provide you as it relates to proceeding forward on the Comp Plan implementation process, as well as we may at that point have an update as it relates to the infrastructure scorecard. We also would like to just inform the Commission we are in the process at this point of reviewing Module 2 of the Zoning Code, and we will probably provide you a brief update as it relates to that and then potentially some scheduling matters for later in the month of October, early November. On the agenda or -- or on the agenda for October 9th, we will have two items at this point. It is the Kitty Hawk Subdivision. This is a preliminary plat out off of Parker Avenue and in the northwest corner or north-central area of the City. It proposes some single-family lots and some large acreage tracts. And then we have as a public hearing River Region Credit Union. This is a rezoning and an O-P development plan just to the north of the Macadoodles site off of Carter Lane, just south of Huntridge Drive. And this is an area of an acreage tract that has been vacant for quite some time. The credit union is looking to relocate from its current location at the Grindstone Walmart to a freestanding structure that would have drive-throughs. The graphics associated with both of these locations, so you can get a little bit of a geographic handle, the left-hand image is Kitty Hawk Subdivision. Immediately to the west or the left-hand side of the photo is Rangeline, and then on

the far right-hand side where the property ends, that red -- darker red line, that is Parker Street as it heads north out of town. And then on the right-hand side, that is our River Region Credit Union, and you can see in a faint shadow the actual site plan that is going to be considered for this application, and we will describe that in greater detail. Larger parcels to the south are where the Macadoodles is currently located there at the intersection of Green Meadows and South Providence. That is all we have to offer for this evening. As I had indicated at the beginning of the meeting, you adjusted your agenda for the voting and ballots, and I will let you have that discussion, but I -- if, Dr. Puri, you want to give instructions or if you would like me to?

DR. PURI: Please go ahead and give instructions. Pass out the ballots.

MR. ZENNER: Okay. The ballots have all of our Commission members names on them. And as is usual, we typically will take nominations for positions of Chairman, Vice-Chairman, and Secretary. If you are interested in running, please put your name in the hat. If you are not, please vote for that individual that you would appreciate and I'm going to let Dr. Puri cover that. You will notice in the upper right-hand corner of the ballot, there is an indication for Commissioner's initials. We are required to have you initial these applications in case the voting and the tallying of this is FOIA'd for the Sunshine Act. And considering this is being done on live television, you hopefully will not have that happen. So, with that, just please make sure you put your initials at the top, and those that would like to discuss or entertain nominations for the position of Chairman, we'll start there and depending on how you want to proceed.

DR. PURI: Go ahead, Mr. Strodtman.

MR. STRODTMAN: Just for clarification, you would -- do you want us to tell you if we're not interested in the running for chairman. Correct? Is that how we did it last time? We --

MR. ZENNER: That's how we did it last time. I will remove on my ballot that I have in front of me, I will only leave the -- those that are presenting themselves for the position. And I -- once you're done voting, if you would then pass them back to me and we'll calculate, unless you want to, Mr. Strodtman. I think that's how you did it last year.

MR. STRODTMAN: I didn't do it last year, but I would be glad to do it this year.

MR. ZENNER: Fine. I hate making this more complicated, but, you know, that's what we have lawyers for.

MR. STRODTMAN: I agree. I will start by taking my name off as the Chairman.

MS. LOE: Please remove my name from Chairman.

MS. BURNS: And my name, as well.

MR. STANTON: Mine, as well.

MR. LEE: Mine, as well.

MR. REICHLIN: Mine, as well.

MR. ZENNER: Boy. I have a feeling we only have two people left.

MR. LEE: Are we allowed to discuss some --

MR. ZENNER: Yes. Oh, yeah. Go ahead. Go ahead.

MR. STRODTMAN: As far as what I put down here, we only have one left.

MR. LEE: Dr. Puri, are you interested in remaining Chairman?

DR. PURI: I can be Chairman. It's not a problem.

MS. BURNS: Thumbs up.

MR. STRODTMAN: Do we need to officially. Oh, I guess we --

MR. ZENNER: Yes. You need to officially note that on your ballot, please, for me. And so, we will duly note that the absent Commissioners, Ms. Russell, as well as Mr. Tillotson, were not considered for the position of Chairman based on affirmation, and the only left Commissioner standing, Dr. Puri, has been elected Chairman again for 2014-15.

MR. LEE: Who is the Vice-Chairman?

MR. STANTON: Congratulations.

MR. ZENNER: Pardon me?

DR. PURI: Thank you, Mr. Stanton.

MR. LEE: Mr. Reichlin, are you interested in being Vice-Chairman again?

MR. REICHLIN: If -- if -- if the rest of you will feel comfortable with that, yes. I'd be happy to be Vice-Chairman.

MR. LEE: And Mr. Strodtman, are you comfortable being Secretary again?

MR. STRODTMAN: I'm okay with that.

MR. ZENNER: Thank you, Mr. Lee. That simplifies things quite well.

MR. LEE: I'm only interested in moving things along.

MR. ZENNER: All right. Well, let's go ahead then and I guess your elections for 2014-15 officers have been complete.

MR. LEE: Yes.

MR. REICHLIN: Can we adjourn now?

MR. TEDDY: Can I ask where you stand on Scotland?

MR. STRODTMAN: We should know soon. Right?

MR. REICHLIN: I didn't realize that was going to come into play.

**IX) COMMENTS OF COMMISSIONERS**

DR. PURI: Any other comments of Commissioners?

**X) ADJOURNMENT**

DR. PURI: We're adjourned.

(The meeting adjourned at 8:44 p.m.)