

PLANNING COMMISSION MEETING
January 31, 2017
7:00 P.M.

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members Present: Richard Bauer, Don Darby, Tom Hall, Marjorie Harlow,
Lawrence Hawkins, Dave Okum, Joe Ramirez

Staff Present: Anne McBride, City Planner; Don Shvegza, City Engineer;
Gregg Taylor, Building Official

III. PLEDGE OF ALLEGIANCE

IV. MINUTES OF THE REGULAR MEETING OF JANUARY 10th, 2017

Chairman Darby: The Chair will accept a motion to adopt the Minutes of our previous meeting. Everyone should have received those.

Mr. Okum motioned to adopt; Mr. Hall seconded the motion. With seven "aye" votes from the Planning Commission members, the January 10, 2017 Minutes were adopted as submitted.

V. REPORT ON COUNCIL

Mrs. Harlow: Thank you, Chairman Darby. Council met on January 18th and all members were in attendance. We had our normal committee and official reports and I do want to report that Mr. Shroyer is our new representative to OKI. Under Ordinances we had an Ordinance repealing Section 38.6 and Section 38.6(1) of the Springfield Codified Ordinances and adopting Sections 32.30 and 32.31, and this is to recodify the Springdale Executive Reemployment Program and declaring an emergency. This would allow employees to continue their employment and have extended employment be accessed and approved by the administration on an annual basis, and that was approved with a 7 to 0 affirmative vote.

We also had an issuance, excuse me an order, an Ordinance for an issuance of not to exceed \$8.3 million in bonds for the City for the purpose of paying for the cost of constructing street improvements, and that was also passed with a 7 to 0 vote. Coming before us we have an Ordinance for the codification for the zoning and that will be addressed at our January 10th meeting. I'm sorry that's not correct. Now that will be addressed at our February 1st meeting for the first reading and February 15th meeting there will be a vote on that.

We have an Ordinance coming up that will allow us to work with a contractor for the street program, as well as an Ordinance that we will be doing another street program that's kind of like a cap seal. It's not quite as large as the first one will be. We have an Ordinance for the City to enter into a lease purchase agreement with a fire engine, and those were all forth coming.

That ends my report and I will be glad to answer any questions.

Chairman Darby: Thank you very much. Do you have anything to add?

Mr. Hawkins: No. Thank you, Mr. Chairman.

Chairman Darby: I appreciate that. I am not aware of any correspondence. Has anyone else received anything? No? Okay, good.

Okay, we will move into our agenda.

VI. CORRESPONDENCE

- none

VII. OLD BUSINESS

- A. 15 Acre Site, located on Northwest Boulevard, Springdale, Ohio - Major Change to Preliminary Development Plan (Application 31513)

Chairman Darby: Applicants, please come forward to the speaker's stand and identify yourselves.

Mr. Warnament: Patrick Warnament from the Kleinger's Group. I'm the engineer on the project.

Chairman Darby: Good evening. Welcome back.

Mr. Warnament: Thank you.

Mr. White: James White with the Ridgeline Property Group.

Chairman Darby: Good evening.

Mr. White: Good evening. First off, thank you all for being willing to have a special session for us. We certainly do appreciate it. We took the feedback that we received the last time we were here, and tried to take that seriously and make the changes that we felt were necessary to alleviate some of the concerns that we heard. One of the main concerns was truck traffic entering the site from Pictoria Drive. We have eliminated that access point all together, so I think that is one major concern that was alleviated on the new plan. The size of the building was mentioned more than once, so we have reduced the size of the building by about 14,000 square feet, roughly. Open space has increased from 26 percent on the old plan to 29 percent on this plan. The building setback was mentioned last time from, Pictoria Drive before it was below 100 feet and now it is over 120 feet setback from Pictoria Drive, and the separation from the north truck exit on the site to the access point to the north, we previously did not have barely any separation between the two and now we have roughly 75 feet.

Chairman Darby: Just a moment, please. May I interrupt you?

Mr. Warnament: Sure.

Chairman Darby: We are in a public hearing here?

Mrs. McBride indicated no.

Mr. Okum: PUD

Chairman Darby: Okay. Do your thing.

Mr. Okum: No, we don't need to swear in.

Chairman Darby: We don't need to swear?

Mr. Okum: No, we don't need to swear in.

Chairman Darby: Okay. Okay fine. We are okay now.

Mr. Warnament: Sure. So those were the main concerns that we felt that we heard here last time and we tried to address all of them as best as we could within the confines of the site, so we hope that you all see it the same way that many of those concerns have been alleviated.

Chairman Darby: Well, at this time we will go to Staff reports.

Ms. McBride provided the Staff report.

Mr. Hawkins: Mr. Chairman, I find it to be a major departure or a major change.

Chairman Darby: Thank you.

Mrs. Harlow: I do as well.

Chairman Darby: Okay.

Mrs. McBride: Thank you. The GI dis.....

Chairman Darby: Ms. McBride would you comment on the significance of their determination please?

Mrs. McBride: Yeah. If the two members of Planning Commission that serve on Council had determined that it would be a minor modification, Planning Commission would be the sole approving body on the modification, but since they have determined that it is in fact a major modification, you will be making a recommendation on to City Council who will have the final determination. They will then come back to you with a final Development Plan, should Council approve that major modification.

Chairman Darby: Thank you. I asked you to do that, so seldom that we do that, so you are reminding me actually.

Mrs. McBride continued with Staff comments.

Chairman Darby: I think we will hold until we get the other reports. Mr. Taylor.

Mr. Taylor provided Staff comments.

Chairman Darby: Thank you. Mr. Shvezda.

Mr. Shvezda provided Staff comments.

Chairman Darby: Before we open up to questions and comments from the Commission members, I just, could you talk us about the covenant situation.

Mr. Warnament: Certainly. Mr. Byer who currently owns the property does not have the copy of the covenants. We have the two page document that we provided, that is more of a table of contents. He is the president of the Pictoria Island Association and has provided a letter in support of the project, and the covenants, really there's nothing above, according to Mr. Byer, the 1994 Zoning Code which is what the Covenants refer to so we don't have a copy of it either. We're not holding back anything; we just don't have it.

Mr. White: I would add that I spent the better part of the afternoon in looking at title, and I have spent time with Burke Byer relative to Pictoria Island Park Association, so any restrictions or covenants in that Park Association is referred to as what the City of Springdale would require, that we're trying to adhere to here. He has no separate CCnRs. Mrs. McBride, I would ask you specifically, because you have brought it up multiple times, is this, are you thinking that this is a CCnR from twenty years ago? There's nothing of title that would indicate that, other than the 1994 Zoning Code or Building Code that was established by the City of Springdale, which we are going to try to track down. But as far, and then there was Northwest Business Center Park Association that the Byer family I think put into play before Pictoria Island Park Association, which should have been back in 2001/2002 era or time frame, and that abandoned. It's still of title. I'm gonna have to rectify that, but that is not an act of Park Association. It's Pictoria Island, and I've asked them a dozen times. I can't find any CCnRs.

Mrs. McBride: Typically, as the commission knows, when a city rezones property to a Planned Unit Development, there's a series of covenants and the city is a signer as well as the property owner.

Mr. White: Okay.

Mrs. McBride: And in those covenants would be, could be some of the requirements of the zoning of the PUD.

Mr. White: Sure, I understand.

Mrs. McBride: I wasn't here when this was rezoned.

Mr. White: I understand and I hear you, but those CCnRs would override potentially what the City would require, right? Which is what you're worried about.

Mrs. McBride: What, yeah. What I'm concerned about is, in a number of our PUDs, it calls out specific uses for specific areas.

Mr. White: Yeah.

Mrs. McBride: And if in fact that happened on this parcel, consistent with the plan that was approved, obviously your use wouldn't be in compliance with the covenants. The City would have to sign off, as would the property owner.

Mr. White: Right.

Mrs. McBride: So that's my concern.

Mr. White: We're not trying to be stubborn here and not find CCnRs. I don't know where to look.

Mrs. McBride: I mean, I don't know if they had them and they weren't recorded.

Mr. White: They being who?

Mrs. McBride: They being the property owner and the City.

Mr. White: The property owner's here and he can speak for himself.

Mrs. McBride: I mean I don't know if they were the property owner at the time that the property was rezoned.

Mr. White: Okay. Zoned to commercial?

Mrs. McBride: Zoned to PUD.

Mr. White: PUD?

Mrs. McBride: Correct.

Mr. White talks to Mr. Byer in the audience.

Chairman Darby: We were in a discussion about the covenants and thus far have not been able to receive those.

Mr. White: I think what Anne is saying is when the PUD was established as commercial, was there a set of CCnRs established by I guess the land owners collectively back at that time? Which would...

Mrs. McBride: ... the City was a party to...

Mr. White: right. Inaudible shared. Right. I mean we'll dig deeper as best we can, but believe me I've put a lot of effort into it.

Chairman Darby: Mrs. McBride, what's our worst case scenario on this?

Mrs. McBride: My only concern is that if in fact there are covenants, and they do identify specific uses for areas of the Pictoria PUD, that those covenants would need to be amended and signed by both the current property owner and the City to revise them to incorporate this new use on this property.

Mr. White: But this is a set of hypothetical CCnRs that may not exist.

Mrs. McBride: That's true.

Mr. Okum: I guess the City has tried to locate a set here?

Mr. Taylor: Correct, and I haven't been able to locate anything.

Mr. Okum: Wood & Lamping may have a copy, because Planning Commission would have directed Wood & Lamping or Law Director to do a review, as I traditionally do in my motion I refer the covenants to be reviewed by our Law Director's office for agreement with City...

Chairman Darby: Sure.

Mr. Okum: and Staff. So I think if the situation occurs we should be able out of those resources to maybe find them. It's not shown, is it shown on the, on what's recorded, on the recorded documents at the county?

Mrs. McBride: that's what I was looking for.

Mr. Taylor: I have not spoken with Mr. Forbes about it, so that's a potential resource and I do not know if the Hamilton County Recorder's Office has a record of it. I have not personally been there.

Mr. Okum: Have you gentlemen been to the county office?

Mr. White: No.

Mr. Okum: The County Recorder's Office?

Mr. White: Yeah.

Mr. Okum: And were there any notes on the documents that were there.

Mr. Byer: There have been three title searches done.

Chairman Darby: Please identify yourself for the record.

Mr. Byer: I'm Burke Byer, the property owner.

Chairman Darby: Okay.

Mr. Byer: There have been three title searches that I know of, from my predecessor, my father. My uncle took the land over. We did the title search about 5 years ago and that's when I went down to the county because there were some documents that didn't make sense, and most recently they've done a title search.

Mr. Okum: I'm not...

Mrs. Harlow: I'm not sure a title search...

Mr. Okum: It's not related to the title.

Mr. Byer: But I went down to the county to reference the PUDs, and...

Mr. Okum: Yeah but the recorded plat is what I believe we're looking for, is notes on the recorded plat. Is that correct, Mrs. McBride?

Mr. White: The recorded plat is going to be of title.

Mr. Warnament: Yeah.

Mr. White: So, I mean, our capital partner, Cabot Properties, who is going to team with attorneys out of Chicago and here locally, they've been helping my cause to try to figure out if there are such a set of CCnRs. I'm at a loss.

Mr. Okum: Well, we're going to need to at least have a set of approved covenants for the PUD, so whether if they're totally a loss and there has to be a new set drafted, and have all parties sign to those covenants. Just as if we do a new PUD, you'd new a new set of covenants and restrictions.

Mr. White: Is that through the existing seller?

Mr. Okum: It would apply, it bridges between all who own, so the originally owner who is currently on the deed, and the new owner takes over those and assumes those responsibilities under the covenants. Am I right?

Mrs. McBride: The one thing I was going to point out is, I think that it might be possible that there were covenants, but they never got recorded.

Mr. Okum: That's a possibility.

Mrs. McBride: Because I can't imagine the City moving forward with the Pictoria Island PUD and all that it was at the time, and not having a series of architectural requirements and land use requirements and so forth.

Mr. Okum: I was here then, and I do recall the covenants discussion and them being prepared. It wasn't just a boiler plate, by the book, zoning change. It was, there was, I cannot recall ever not...

Mr. White: Okay.

Mr. Okum: ...referencing them. So we just need to get...

Mr. White: I'm not saying we're...

Mr. Okum: ...it resolved.

Mr. White: Yeah, we want to resolve it and adhere to it.

Mr. Okum: Okay.

Chairman Darby: So Staff, I'm asking at this time, what is our path for resolution?

Mrs. McBride: We will follow up with the Law Director and make some inquiries and see if we can get some resolution on that.

Chairman Darby: Okay. Thank you.

Mr. White: We can go to Hamilton County and look at whatever... You're saying been there done that?

Mr. Byer: Yeah, I have, everything the county has had or Springdale has had.

Chairman Darby: Okay. Well, we'll see what Mr. Forbes comes up with. You were on earlier? Mr. Okum.

Mr. Okum: Yeah, I guess I had a question regarding this two page, and then that went away, this two page cover sheet, basically. At least there's something here that we can look at. Just for the record, so that everyone knows, Mrs. McBride referred to a set of covenants. We were given a list of private restrictions and covenants applicable to lot one development, design, and operation, and it's basically just generic section, but that's part of our review packet.

Mr. White: And that was on as part of that Pictoria Island approval letter. It has the development plan submittal.

Mrs. McBride: I guess not to belabor the point, but this all you all could find?

Mrs. White: Yes.

Mrs. McBride: Is that outline? I mean because it makes specific reference, as you know, to use restrictions and design & development standards.

Mr. White: He is the managing principal of Pictoria Island. I can't, he's saying there are none.

Mrs. McBride: Then I don't know what the outline is from if there are none. I don't...

Mr. White: I don't either.

Mrs. Harlow: Two items. Here it references September 28th, 1994 agreement with Avon Capital Corporation. I don't know if it's worth a shot to go to them to see if they have a document that might be useful, but definitely look at that.

I had a couple questions. On the east elevation, you're showing twelve overhead garage doors, but you have blocked out up to thirty-eight garage doors. I need to know how many garage doors you're actually going to be putting on the development, and if it's going to be twelve to start with, is it a total of thirty-eight long-term? I don't, I'm not quite sure. Because to me that impacts the traffic if you're going to run thirty-eight garage doors as opposed to twelve. Wouldn't that impact the traffic in the area?

Mr. Warnament: The traffic study that was conducted was for the building to be fully occupied.

Mrs. Harlow: For a total of thirty-eight bay doors?

Mr. Warnament: yeah, worst case scenario. Yeah.

Mrs. Harlow: Okay, and you may not know who your end user is at this point, but is this going to be like a fulfillment center or something where it would be 24/7 operation?

Mr. Warnament: We don't know yet.

Mrs. Harlow: You don't know that yet?

Mr. Warnament: We don't know that.

Mr. White: It's highly unlikely that we will fit up thirty-eight doors for a medium size warehouse like this.

Mrs. Harlow: What would a normal medium size warehouse fit out?

Mr. White: You know, I think how they incur demised area, we're not going to lease the building more than three demised areas, I would say worst case, six per demised area. So eighteen.

Mrs. Harlow: I think I would prefer to see that on your actual drawing if this goes forward to Council, so that they have a definitive number of garage doors that they're looking at, and that they have a definitive plan.

Mr. White: You're looking at what, the elevation?

Mrs. Harlow: Mm-hmm.

Mr. White: Yeah, sure. That's fine.

Mrs. Harlow: I think that if this moves forward to Council, I believe my fellow Council members would like to see the exact building that's going to be put on the site with the exact number of doors and...

Mr. White: What you see on the plan is what we would build initially.

Mrs. Harlow: Mm-hmm.

Mr. White: If the user needs...

Mrs. Harlow: That's my hanging point. That's what you're building initially. That's my hanging point.

Mr. White: Your hanging point?

Mrs. Harlow: You're saying that you'll build initially twelve garage doors.

Mr. White: Right.

Mrs. Harlow: But what we approve at Council, by the next week, you could say "Oops! I need all thirty-eight." And I don't know that we have any recourse other than to say "Oh yeah, you can have all thirty-eight." I think what we need, I want to see, as a Council member, is exactly how many doors you plan on putting in the facility.

Mr. White: I can give you my forecast...

Mrs. Harlow: Okay.

Mr. White: ...of what the users who typically occupy the space of a building like this would require, but if there's one of the three that need eight doors instead of six doors, then I've told you something that's not true. So are you asking for my projection of what ultimately will be (inaudible) or openings in the building?

Mrs. Harlow: Yes.

Mr. White: But I'm not, there's no guarantee that that's going to be the case.

Mrs. Harlow: And that's where I have a little bit of an issue, because I like everything to be precise and to know the number of garage door openings that you're going to have.

Mr. White: That's the beauty of a building like this is you've got flexibility of openings to satisfy the use.

Mrs. Harlow: Maybe it doesn't bother anybody else. I don't know.

Chairman Darby: Mrs. Harlow.

Mrs. Harlow: It concerns me.

Chairman Darby: Is it my understanding, am I understanding you, but you're feeling that twelve doors versus eighteen doors versus thirty-eight doors...

Mrs. Harlow: It needs to be resolved here.

Chairman Darby: ... will determine the kind of traffic pattern.

Mrs. Harlow: Exactly.

Chairman Darby: So that's the issue you're getting at.

Mrs. Harlow: And also I think that if we're taking something to Council...

Chairman Darby: Yes.

Mrs. Harlow: ... for our fellow Council members to look at, I think, I don't want to be having to say to them, well, on the drawing we have twelve doors but they are actually framed out for a total of thirty-eight, and I don't know how many doors we're going to have. That's not how I want to present this project to Council. Now I may be in the minority here, and if I am, if my mind has gone down the wrong path, tell me.

Mr. White: Commissioner, I'm not saying you're down the wrong path. What I'm telling you is, I can give my thirty years' experience of what I think it'll be, and I can detail it in that drawing with no problem. I don't think..., the probability of us fitting out thirty-eight doors in this 230,000 square foot building is very remote. So I'll change the drawing to what I believe will ultimately be a realistic view of what it will look like when it's fully leased.

Mrs. Harlow: Thank you.

Chairman Darby: Mr. Taylor, earlier you had, Mr. Taylor? Did you have clarifying remarks for us? Okay.

Mr. Bauer: A few questions and a point of clarification just on what we were talking about. Again, whether it's thirty-eight or twelve, your traffic study considered that.

Mr. Warnament: Correct.

Mr. Bauer: Okay. Thank you. As far as the elevations, the elevation of the building then is not ninety feet, it's...

Mr. Warnament: Correct. The scaling on that is wrong. It's like forty-two-ish feet.

Mr. White: There's a thirty-two foot clear billet to the lowest steel member in the building, so throw another eight feet on it. It's probably forty feet depending upon where you're at on a given wall.

Mr. Bauer: So the scales on the rest of your drawings are accurate?

Mr. Warnament: Correct. All of the civil plans are correct. The architectural sheets for some reason were roughly half or double, however you look at it, the scale.

Mr. Bauer: Okay, so then looking at the location plan 2 of 6, the eighty-five foot distance from Northwest Boulevard, is that the northernmost corner of the building? Closest, is that the eighty-five feet?

Mr. Warnament: It would be the southwest corner of the building.

Mr. Bauer: Okay. The closest one to the road, right?

Mr. Warnament: Right. Correct.

Mr. Bauer: That's the eighty-five? From the other corner of the building, how far is that?

Mr. Warnament: It's over a hundred. I don't know the exact distance. That distance improves the further north you go.

Mr. Bauer: Okay. Thank you.

Mrs. McBride: I don't want to beat this dead horse on the covenants, but I do just want to point out under number four on that two page sheet that you gave us, it says "Amended and restated covenants, conditions, and restrictions – Northwest Business Center. Recorded June 20th, 2000." So they were actually recorded.

Mr. White: They're not of title today. (Inaudible) We'll look into it.

Mr. Ramirez: This question is for Mrs. McBride. On our comments on number two on the setback, isn't that a subject matter for the Zoning Appeals?

Mrs. McBride: No, because this is a Planned Unit Development that purview falls to the Planning Commission to grant modifications from the requirements of the Zoning Code.

Mr. Ramirez: Thank you.

Mr. Hawkins: Is there going to be any kind of modification on the plans so that the scale is correct, that Staff is going to get at some point?

Mr. Warnament: Yes, absolutely. That will be included when we adjust the dock doors.

Mr. Hawkins: Okay. And then, again, what's the thought process around where you guys would put a waste receptacle on the site? Has there been any...?

Mr. Warnament: We've been leaving that, I mean our idea has been to let the tenants determine that, but if we need a preliminary location to show, we can put something on there that is reasonable. In the responses we indicated the material will not be chain link fence. It will be something nice architecturally, but we don't have a location yet just because of the tenants.

Mr. White: And we can do that and follow suit with the way the deal has been underwritten for three tenants. Two on each, north and south ends, and one in the middle, and show the architectural design to that enclosure.

Mr. Hawkins: Okay.

Mr. White: It will not be fenced (inaudible) I'm assuming...

Mr. Hawkins: I think it's important to have that conversation with Staff because that's important, as well as in terms of ingress, egress with regard to trucks coming in to handle waste and what have you. And how that's going to work as well with regard to the parking lot and the parking flow and the flow of trucks and what have you. So that's important. Something you guys should look at with Staff ideally, assuming this goes to Council, before it would get to Council.

Mr. Warnament: Sure. The traffic pattern as of today for the trucks would enter south of the building, go back to the truck dock, and then exit to the north back onto Northwest Boulevard.

Mr. Hawkins: You're talking about garbage trucks?

Mr. Warnament: Garbage trucks and tractor trailers, yes. They would not go through the auto parking area.

Mr. Okum: Just a couple questions. I want to compliment you on working through the process and hearing the comments that the Commission had made and Staff had made in regards to the project. Clearly you took that and put it to practice, and I

commend you on that. The only things that I've got, basically a laundry list of small items. You indicated that the building height is forty feet. I think we should stipulate that the building height is forty feet or forty-one feet or whatever that number is so that we have a real number. I think that the recommendation by Mr. Hawkins regarding the drawing scaling to represent accurately the actual measurements needs to be part of that as well. Staff, our City Engineer recommended a reduction of, well he recommended a turn-around point on that one parking aisle.

Mr. Warnament: Yes and we will absolutely...

Mr. Okum: You'll basically be losing six spaces in that process.

Mr. Warnament: Right.

Mr. Okum: We have to understand that there's going to be six spaces in that location lost. Maybe it may not reduce the spaces down. Mrs. McBride, you said they're right at the number, but I'm sure they can find six spaces someplace else without losing your, it's not going to change your impervious surface area. The T turnaround I think is really important on that long drop going into that end, so it needs to be big enough that somebody with a pickup truck or a box truck can navigate that adequately without a problem. I don't think those spots will be filled up all the time, but you may get lucky and have a high-end, you know, with a number of employees being spec. I agree with Mrs. Harlow's position on the overhead doors in a way, but on the other hand, I'm assuming the worst, knowing that your traffic was counted based upon the potential, is that correct, Mr. Shvegzda, or not?

Mr. Shvegzda: Just as a clarification, I believe the traffic numbers are, ITE does studies and they use similar size buildings and they get the amount of traffic that's generated from that.

Mr. Okum: That would be appropriate.

Mr. Shvegzda: So it doesn't necessarily reflect the fact that they've got a certain amount of ...

Mr. Okum: Garage doors.

Mr. Shvegzda: ... dock doors.

Mr. Okum: Overhead doors.

Mr. Warnament: If the building is 100% occupied...

Mr. Okum: And we truly understand that it's a spec building, so the idea of that is to show those potential openings because when you're doing concrete tilt-ups, you need to know where you could potentially put a door because a tenant is going to drive where those doors, if a tenant's taking a third of the building, he's going to need his dock doors in a certain corner of that, and that tilt-up needs that design. I don't think we want to pigeonhole you into a position in the fact that you've got to have them where they are on the drawing. I think it's ultimately going to evolve based upon use and the use may push all of the overhead openings to one end of the building if it becomes one tenant, or it may push them to the other end or all in the middle. The actual count, I've counted them a couple times, it's actually forty-one overhead door openings, potential, because there's two, well there's three at grade. On the drawing. And actually, those are drawn, those are actually visual. Those are overhead doors, if you look on, if you look at the drawing, you'll see them over in the tan areas grayed in. So it adds up to forty- one potential.

Mr. Warnament: Sure.

Mr. Okum: But we're still talking this many square foot of leasable development...

Mr. Warnament: Correct.

Mr. Okum: ... that's going to be there, and you know, those businesses have, you know they don't lease that type of building. If you had thirty-eight, let's say you had forty-one garage doors. They couldn't get enough product in the building to accommodate forty-one garage doors.

Mr. White: We're never going to have forty-one.

Mr. Okum: I mean it would sort of be counterproductive. You basically, it would be, it'd be like exchanging material like UPS does on one side of a trailer to the other in order for that to even function. So I don't think we'll actually be at that worst potential, but I think to get a better feel...

Mr. White: Yeah.

Mr. Okum: ... for Council's position on it and for ours. You know, I think it's going to be, ultimately it's going to somewhere in between there probably.

Mr. White: Please bear in mind this is a medium warehouse. It's not a large throughput distribution building. So the need for, to maximize door openings in those knock outs don't exist in this type user. So as far as what's shown in the elevation, you know, it's a drawing. So if you look at some competition in the market, one developer may fit out fifty percent of the openings. IDI, they fit out all of them, all the ones that ultimately would be fit out. We're going to do anywhere from four to six per demised area initially, and I will give my forecast from the experience that I have at RPG myself, in the renderings, in the elevations, in the next round.

Mr. Okum: On the other hand, on the other side of the building, is it potential that you could add...

Mr. White: On the storefront side?

Mr. Okum: ... on the storefront side, would it be potential that you would add another entry point on the building if you had an opportunity for lease?

Mr. White: Possibly. You mean initially in the design?

Mr. Okum: In the process. I mean you're going through a process.

Mr. White: In a build-to-suit fashion, we would do that if we had to. In other words, if Procter & Gamble wanted three quarters of the building, so they want, you know, 180 some odd thousand square feet, so we've left one bay abandoned on the endcap, or you've got two tenants on the endcaps and you're off center from that center storefront; that's the dilemma with a building like this, is it's a crap shoot, where you're going to put the storefronts. History shows that you've got to have them on the corners, and you know, if you're underwriting three tenants in the building, you want one in the middle, but there could be a scenario where that middle entryway would not be used because of the sizing of the make-up of the tenancies in the demised areas, where we may have to build another.

Mr. Okum: If you...

Mr. White: For the right tenant with the right credit and the right lease terms, we would certainly do that.

Mr. Okum: If you were to do that, I don't see a problem at it at all. I think Staff would wish that and say hey guys, you need to make sure that you have the breaks in the building and the façade changes and so forth. So if there were more entryways ultimately at final review, final plan review, then you'd probably, you may add a fourth there if it looks like the market's going to drive it.

Mr. White: Yeah, so between the two primary sections in front of the building, from left to right from the center storefront to the end storefronts, we could, put, yeah, we could illustrate that.

Mr. Okum: Thank you.

Mr. Hall: I'd like to come back to Mrs. Harlow's point on the garage doors. You indicated that there would probably eighteen garage doors there. You have forty-one shown on there. I didn't hear a definitive...

Mr. White: We don't have forty-one shows; those are knock-outs.

Chairman Darby: Potential.

Mr. Hall: Potentially.

Mr. White: Right.

Mr. Hall: Correct?

Mr. Warnament: Correct.

Mr. White: You may disperse the dock doors in a given demised area, every other door, every other knock-out opening. So that's why the reveals for those knock-outs are luminous in front of the building, the back of the building. Follow me?

Mr. Hall: Yes sir, I understand.

Mr. White: It depends on what the pattern is that the user would want, relative to the dispersed nature of the doors in a demised area.

Mr. Hall: So there, correct me if I'm wrong, there's a potential of forty-one garage doors. Is that correct, sir?

Mr. White: I'm never going to build more than...

Mr. Hall: Is that correct?

Mr. White: No.

Mr. Hall: Is there a potential of that?

Mr. White: No.

Mr. Hall: So it's not...

Mr. White: We would never do that.

Mr. Hall: You would never do that.

Mr. White: No.

Mr. Hall: So, on your consideration then, will you number the number of doors? Because you're, if you put in eighteen doors, or you put the other forty-one in, that's over 50% more and that's going to have a severe impact on the traffic with the semis in there loading and unloading, and you base this on your experience, but will you be able to lay that out for Council and for the Planning Commission...

Mr. White: Sure.

Mr. Hall: ...on definitively, I didn't hear that answer with, you were going to base it on your...

Mr. White: I will max out what I think the openings will be.

Mr. Hall: Will that be a commitment, or will that be your opinion?

Mr. White: Do you want it to be a commitment?

Mr. Hall: I'd like to see some form of a commitment, yes.

Mr. White: Okay. I can do that.

Mr. Hall: Does that make sense?

Mr. White: Yeah. Yeah, I can do that.

Mr. Hall: Great. That would be wonderful. Thank you.

Chairman Darby: When will the commitment be made?

Mr. White: I guess at final...

Mr. Warnament: On the Final Development Plan, we can...

Chairman Darby: Everything that comes before us is very serious and we treat it that way. This is a category that's extremely serious, I think as the discussions have indicated, because we're being asked to change what was intended for this area in terms of the type of building and what have you. Well, I think the fail-safe here is that our Code, based on this Commission's judgement, allows for that. And then secondly, since our Council persons have determined this is in a certain category, Council will be actively involved in it also. And I'm saying this because this, I just want you to know this is a very, having gone through the entire process, it's a difficult vote for me. On the positive side, let me say I'm really impressed, happy, and thankful that you guys have worked with us. You know, it's give and take, give and take. I'm also remembering the comments of the owner, okay. We're owner friendly, and I'm impressed the way you described the decision, okay. So I just want to be on the record with those thoughts.

Mr. Byer: Thank you.

Chairman Darby: Are we ready?

Mr. Okum: Mrs. McBride, I think we've got a couple Planning Commission members that are on the edge with the number of potential overhead doors. The applicant has agreed that the final decision would be made at the Final Development Plan. So, should we leave it at that? Should we state a set number up to this number now? You know, right now we're shown fifteen on the drawing, to be accurate, not twelve, but there are fifteen overhead doors shown on the drawing. The applicant's said eighteen. We see forty-one potential openings in the building. We know it's not, but it's just potentially shown that way. Where do we go?

Mrs. McBride: Well, I mean, two options. One would be to ask the applicant to provide that maximum number prior to the matter being formally considered by Council at the second reading, so that would be one option, and then it would be locked in with the Preliminary Development Plan. The other option would be, as Mr. Okum stated, to handle that at the Final Development Plan along with other matters such as the revisions to the building design, signage, and those kinds of things.

Mr. Okum: What's better for you, sir?

Mr. White: I'm sorry?

Mr. Okum: What's better for you? That we handle it at the Final Development Plan? That sort of slows your process down.

Mr. White: Let's do it sooner than later.

Mr. Okum: So that would be at Council. You would make a final recommendation of the final number of doors.

Mr. White: Yes, sir.

Mr. Okum: Now I've got to work through the motion for a second. Okay.

Chairman Darby: Just give us a minute. This is a part of our "measure twice, cut once."

Mr. Okum: At least.

Mrs. Harlow: Sir, I hope you don't think that I'm being difficult, but when we have businesses come in and they're asking us to make changes, we need to make sure that we are comfortable with the changes that you're asking us to make and we make sure that we try to hold each applicant to the same set of standards. And that's where I was coming from with that. You know, I want to make sure that, in my mind, that I was comfortable with the number of garage, you know the overhead doors that you have. I want it to be a success. I'm all for pro-business in Springdale. I'm the...

Mr. White: Do you want to talk about the maximum amount?

Mrs. Harlow: No, I don't think we need to. Just so that we have something definitive is my thing.

Mr. White: Okay. I understand.

Mrs. Harlow: But I just wanted you to know that I wasn't trying to give you a rough way to go, I just want to hold every applicant to the same set of standards so that when...

Mr. White: Well, thank you.

Mrs. Harlow: ... I have to take and report on this to Council along with Mr. Hawkins, that we're both comfortable with it.

Mr. White. Totally understand.

Mrs. Harlow: Thank you.

Mr. White: I totally understand. Thank you.

Mr. Hawkins: Echoing what's been said in terms of the effort you guys have made to try to address some of the issues. I did want to say I appreciate the mounding and the illustration of that that you guys did with the trees on the southwest side. That looks good. It's my understanding that you guys, with regard to the short fall for the trees and the caliper inches, that you guys would be contributing to the tree fund.

Mr. White: That's correct.

Mr. Hawkins: Okay.

Mr. Okum motioned to approve the application; Mr. Hawkins seconded the motion and the application was approved with a 7-0 vote.

Chairman Darby: Moving on to our next – everyone okay? Moving on to our next item, B.

- B. Cincinnati Center for Autism, 305 Cameron Road, Springdale, Ohio, Conditional Use Permit (Application 31616)

Chairman Darby: Before we get started...

Mr. Okum read the Public Hearing statement and swore in those that planned to speak.

Mr. Herzog: My name is Tom Herzog. I am the Controller at Cincinnati Center for Autism. I'm sitting in for Mark Broughton, who is our Board President, who had surgery today, so he kinda made a phone call to me and brought me up to speed.

So these are three of the drawings that he had. Sorry, I'm not in construction, so I'm going to call them drawings. We did have an Open House for the people in the community last week to attend to view our plans and what our future was. We are growing extremely fast. We currently have approximately like thirty-six students, and every week that goes by, we have intakes of people that come in. This week, we've had three more people come in. We don't always take them because we have to review their IEPs, but the plans for the modular pod would include up to ten more students. We don't plan to fill them all at once. It would be over a time period because as they come in, we have to, sometimes they don't have the financial means which we really regret, but we do work with the school districts and try and do as much as we can for the people.

I need to get closer to see this. (Discussion regarding the wireless mouse, and Mr. Herzog being off mic)

Mr. Okum: We'll help you.

Chairman Darby: We'll work something out here.

Mr. Herzog: Okay.

Mr. Okum: Give us the mouse.

Mr. Herzog: Okay, it's working. Here's the Center right here. It currently sits on five lots. We've had a surveying crew in there. It was recommended and suggested that we convert these five into one. The survey crew has finished and it's gone to our attorney to file the legal papers so that it's all one lot.

I believe the original plans suggested that the original plans suggested that the pod, modular pod, be in this location, but there are historical trees there that kind of present a problem. So the drawings that Mark has submitted is that the pod be moved to, I believe this is the southeast corner, where the current parking lot is, which holds fifty-four parking spaces. It would connect to the breezeway right here, and it would be enclosed. To make up for the loss of the parking spaces, we would, in this area here, add additional parking spaces. This is where it shows the attachment to the building here. There is a, right now there is a shed back here and a dumpsters, and then you would see that we're going to lose parking spots here, which we know, with the increase that we would have to include additional parking up in this area here.

This is, I guess, has come under a little scrutiny because this is, right through here is the drainage. The former founder of the Center, who owns Loveland Excavating, has already promised that he would do the drainage work here to put this back in order once the project is finished.

This is just an aerial view. This is the Center here. This would be Cameron Road wrapping around the right side there, and that would give you a better picture here. This tree would have to go, but it is already dead, so we would just remove that and then the parking would go, additional parking would go in this area right here. You can see there is a dumpster here and it gives you a better picture that the pod would connect right into the Center at this entrance right now. And then that's with the pod sitting this way, we'd, what Mark has told me is that the north and west side of the pod, the foundation would be brick. The east side would be, probably would have to use some type of landscaping because that's the side that holds all the HVAC equipment so you wouldn't want to brick that up. This is just the funeral home on our opposite side, so none of these trees would go. They're kind of split on the property line there. I believe those belong to the funeral home. Any questions?

Chairman Darby: Does that conclude your comments at this time? We'll move to Staff reports.

Mrs. McBride provided Staff comments.

Mr. Shvegza provided Staff comments.

Mr. Taylor provided Staff comments.

Mr. Ramirez: Could you give us a better feel of what these modular units' construction type is, and the size of these units? I see that you have six modular units.

Mr. Herzog: I think total square footage is 4,500 square feet, approximately.

Mr. Ramirez: Each unit?

Mr. Herzog: No, total.

Mr. Ramirez: And what are they construct, what is the material of these constructed of?

Mr. Herzog: I'm not sure. These are the ones that are temporary. I'm not in the construction business. I really don't know.

Mr. Ramirez: Are they new units?

Mr. Herzog: No. We're purchasing them, it's used. It was I think used by Warm 98, the radio station, and we're buying it from the company that sold it to them. It reduces cost.

Mr. Hawkins: I agree with what Staff has indicated, particularly with what Mrs. McBride has indicated, 1000%. I personally, one of seven, don't have enough specific detail as to what it is that you want to do and what this is going to look like. And here's the thing. When you're dealing with a residential area, that's a very sensitive issue, and so there's no part of this where I want there to be any kind of guessing on behalf of the Commission as to what this is going to end up looking like and how this is going to potentially impact our residents that are in that area. So, detail is critical with regard to a plan like this and where it's located, and right now there's not enough there for me, one of seven people, to support this. And the rest of the Commission may feel differently. It may be something where if you have similar responses, you guys may want to go back and ask for it to be tabled and get some more detail to give the Staff to be able to present to the Commission. And I'll leave it at that.

Mrs. Harlow: Following along on what Mr. Hawkins just talked about, when I gave my report from Planning Commission to City Council at our last meeting, one of the concerns would be, if it were moved to the back and you lost some parking spaces there, how would that impact the residents on Cameron Road and Naylor Court that use Cameron Road. And I understand that you talked about maybe putting the parking lot in the front; I don't know that you have the necessary setbacks that can allow that. That's something that needs to be worked out with Staff. How many parking spaces do you need? That's something that needs to be worked out with Staff. Do you know what your distance between the southeast corner of your proposed addition to the nearest resident is? Do you know what that distance is? Do you meet the setbacks there? See, we don't know those things. These are things that we, as Mr. Hawkins said, we need to have this information in order to make informed decisions. When I brought this up to Council, I believe it was the Mayor. It may have been Mr. Parham, the City Administrator. Mr. Hawkins can help me out here, but there was actually a meeting to talk about not having any parking along Cameron Road at all because they felt like the road was so narrow that if you had two cars parked, one on each side, that it was making for one lane of traffic. So I know that the day that I drove by there, one day there was one car parked on Cameron that I'm assuming was close to your driveway, I'm assuming it was part of your personnel or your...

Mr. Herzog: We actually have asked for help there because the residents do park really close to our driveway, but none of our staff parks on the street.

Mrs. Harlow: None of your staff? How, when you have people coming in and parking in the lot, is there like an hour turnover time, two hour turnover time?

Mr. Herzog: Most of our staff, let me just...

Mrs. Harlow: Or maybe even drop off for the students, or I don't know how that works.

Mr. Herzog: Mostly our staff parks on this side when they come in, so this during the day, the other side, this is pretty much empty all day. This is where parents come in and turn around. You may see a couple cars in here during the day...

Mrs. Harlow: Mm-hmm.

Mr. Herzog: ...but most of the time, this is empty.

Mrs. Harlow: Okay. So if there is parking out on the street, it's typically not from your staff or the parents?

Mr. Herzog: No, we do not park out on the street. I mean...

Mrs. Harlow: Okay, and then do you have any idea what the setback is from the southeast corner of...

Mr. Herzog: No, I don't.

Mrs. Harlow: And you said if you moved to the parking to the front, you don't know how many parking spaces you could get there if you were allowed to have them there?

Mr. Herzog: No, I mean I had just talked to Mark today, Mark Broughton, and he said that they would move the, put the additional spaces up in this area.

Mrs. Harlow: My concern is that I did not like the modules on the Cameron Road side.

Mr. Herzog: On the front side?

Mrs. Harlow: On the front side. Because it's...

Mr. Herzog: Well the problem they ran into is it has those two huge pin oak trees which cause a problem.

Mrs. Harlow: My issue wasn't the trees. My issue, I've got a chainsaw, that's not my issue. My issue is the, I'm speaking for Mrs. Boyce here. My issue is the gateway...

Chairman Darby: She'd be proud of you.

Mrs. Harlow: ... to the residents on Cameron Road and Naylor Court and all the other, you know, over to Sharon Road. I wouldn't want modular units sitting in the gateway of any of our communities, so I was the one who suggested it looking at the back end of the building, but by the same token, I need to know where the back end is going to stop and where our neighbors' property starts and what is the buffer zone there and what can be don't to mitigate any negative impact on our residents.

Chairman Darby: Mr. Herzog, I have some other lights of other members who wish to comment, but I want to interject this. I can appreciate your getting a late call and being, coming in here, but even prior to that development, I was advised by Staff that they really don't have enough information to even advise us. So I'm going to take the rest of our comments, but there is, I don't see any way we could take an action this evening.

Mr. Okum: Just I'll echo what everyone else has said, that lack of information would make it impossible to make a decision that would be fair to the community or to your organization. But on the other hand, at least you know we understand where you're coming from. I think some of the things that, the parking issue is going to be an issue if you're filling parking spaces out onto the street from your employees or your guests or your visitors. The other thing that, how many employees do you have? I just wanted to get an idea.

Mr. Herzog: Right now? Approximately about thirty-six.

Mr. Okum: You have thirty-six employees? Is that thirty-six that are there from eight to five?

Mr. Herzog: They kinda stagger, but it's either eight to four or seven thirty until three-thirty.

Mr. Okum: Okay, and the students are brought there and left?

Mr. Herzog: Most of them are there from nine to three. We do have some preschool that leave at 11:30.

Mr. Okum: So they're mostly all dropped off? There's no...

Mr. Herzog: Buses.

Mr. Okum: Buses.

Mr. Herzog: Some of the kids come on yellow buses from school districts, but they...

Mr. Okum: So you need to accommodate a little bit for that so that buses can get into your lot and get out safely without backing out.

Mr. Herzog: The larger yellow buses, like we have one student who comes from Milford, and he'll come on a regular size yellow school bus that does not enter the facility.

Mr. Okum: It doesn't enter. Have you thought about maybe a cross-access agreement with Vorhees for additional parking?

Mr. Herzog: I will check with Mark on that.

Mr. Okum: I mean that's something to consider, maybe because they're, obviously Vorhees is off-hours, have very little use of the back-end of their parking lot. They've got a pretty sizable parking lot. I've been there for a number of, unfortunately a number of funerals and viewings. That might be an opportunity. Maybe not, but at least it's something that I would at least examine as a potential. The one thing that we as planners are faced with is that this is a residential site with multiple lots that could be consolidated, which you're planning on doing, and it could be residential there. I mean it could literally be homes there instead of the church. If there were homes there, they would live and breathe, they would survive based upon what our existing zoning setbacks are required for the zoning district. So, and the reason I bring that forward is that on Regional Planning Commission at Hamilton County, I've got on an on-going basis, small parcels like this that are redeveloped into single-family residential homes. Is that a potential for this? I hope not. I hope you guys survive and continue to provide your service...

Mr. Herzog: Thank you.

Mr. Okum: ...because it's very dear to me. But on the other hand, it might get to the point when you outgrow that facility. I was a little concerned about it when the original presentation was made, because there are so many people with autism in our society, and I was worried that eventually that might be a situation that you ultimately outgrew that facility. Thirty-six employees, thirty-six students, pretty close to one-on-

one which is what we understand. And you currently have fifty-four parking spaces, and based upon the drawing, you're going to reduce it down by probably twenty.

Mr. Herzog: Yeah I kinda counted that.

Mr. Okum: So based upon that, I just wanted to get a little bit more information so I could understand it. I'm not in a position that I would ever make a motion to recommend it. I would more suggest that you withdraw it, but there are some residents here and I think it's important, this is a Public Hearing and we want to get their comments onto the record and hopefully you'll either continue it or request that we table it to a further time.

Mr. Ramirez: As others have stated, I don't believe we have enough information or enough detail to go on with further questioning, but what I would like is if at this time Mr. Shroyer could give us his views of the community, which it's been stated here is very important what the residents have to say.

Chairman Darby: I will acknowledge him once we finish our comments here.

Mr. Bauer: Just quickly, you weren't, you didn't have the benefit of being here two weeks ago when Mr. Broughton was here, so it was a little more positive and I think it was a little more positive because of the information that was there. We were able to look at something and say hey, we'd like a different option. But there was more information there. We relied a lot on Staff. I rely a lot on Staff, and if they can't, if they don't have enough information to give us their opinions then it leaves us struggling also. Something you've heard already.

Mr. Hawkins: I do want to commend you guys on trying to reach out to the community having that meeting last Thursday. I got to attend that for a little bit with my Council hat on. There were about half a dozen or so residents there, and so that kind of thing is important that you're trying to reach out and answer questions and availing yourself to the neighbors that are close by. But I think the main thing, and you guys understand, it's a very serious decision that the Commission has to make with regard to this because of the residents that live in that area.

Mr. Herzog: Oh, definitely.

Chairman Darby: Before we close out, Mr. Shroyer, you wanted to come forward? I believe you were, it was just one person? Okay.

Mr. Shroyer: Thank you. I'm Dan Shroyer. I live at 249 Ruskin Drive, but I'm here on behalf of my mother at her request. She lives at 372 Naylor Court, which is one of the properties that backs up to this property. For my own clarification, I think Mrs. McBride referred to it as an expansion of the existing Conditional Use. Is it not a new Conditional Use? My understanding was there were comments on the original drawing that said there would be no addition or expansion, and that was the Conditional Use approved by Planning Commission at that point. Does that not preclude an expansion, and is it a technical difference or does that open options to the Commission if they're looking at a new Conditional Use?

Mrs. McBride: In my opinion, the use was approved initially, and it's an expansion of the use that was approved, Conditional Use that was approved. The school was approved as a part of the original Conditional Use, and they would like to expand that use. So that's why I termed it an expansion of a Conditional Use.

Mr. Shroyer: So the comment on the drawing doesn't preclude an expansion?

Mrs. McBride: It doesn't preclude them from asking for an expansion. I mean that's up to this Commission to make that decision.

Mr. Shroyer: Okay. Well, I mean that, I just wondered if that left the Commission options or had any particular effect.

The Center did have an Open House. I attended, as well as my mother and some of the other residents. They were very informative. The residents are receptive to the expansion of the building. Kind of what we would like to focus on is not aesthetics, but location. Obviously the aesthetics are what you all are here for; that's your purview as far as what it's going to look like once it's there, although we probably would make the statement that aesthetically if you wouldn't want to look at it when you drove around Cameron Road, we probably don't want to look at it from the back side either. So we would ask that whatever you approve, you approve something, or disapprove, but approve something you're aesthetically comfortable with, which takes us back to location. The residents would much prefer the location on the front side of the building. Having talked to the Center and got some clarifications from them, they are not violently opposed to the location behind the building, but again, they don't want to look at it because we hid back there because we didn't want to look at it any place else. If it looks right, it looks right. If it looks right, then the thought is, it could look right on the front side of the building. They have, in talking to the Center, they have indicated that if they go to the back, the expansion would fit within the existing parking field. The curb line, the south curb line, would stay intact. There would be no movement or encroachment toward the green space. If they add parking, it would be preferably, as they have indicated, I think it would probably start to create some issue if that doesn't work and next we're looking at pushing the parking lot or the parking field back into that green space. The other thing that I think the residents would ask in the conversation that we had with them is that the motion or the approval specifically state this time that there's no expansion beyond this expansion. They have indicated that they have no intention of expanding beyond what they have in mind at this point, and have indicated that five years from now, eight years from now, if they're in the same situation that they're in now and they don't have the room to accommodate the need and they have the need, that at that point they would probably be looking at moving out of this location anyway. So that we would ask that if they go to the back, it's not the first step of this addition and the next addition, and the movement of the parking field to where at some point we're right up against the setback requirements. As it is right now, because of the way they happen to be set across three lots, they can't meet any setback requirements for any addition other than to the front side. Now they've indicated that they'll incorporate it all as one lot, and when they do that, obviously then that gives them more options as far as working in the back of the building. I scaled it on CAGIS, and I want to say that their south curb line is probably at least seventy-five feet from the closest adjacent property off of Naylor Court, but that's if it's one lot, if it's rezoned or re-deeded as one lot. That's pretty much it. I mean the residents support the school. The residents are happy with the school. They want to see the addition. They want to see the school be able to stay in this location to continue to serve the need. They would much prefer to see the addition on the front side of the building. They would not object to the addition in the area that they've indicated in the back, but would ask that this Commission consider all of those concerns as far as encroachment, movement of the parking, what it looks like from their side as opposed to what it may look like from the front side. But at this point, I think the residents are comfortable with leaving it in your hands as far as aesthetics and whether modular units work. We're not interested in being a part of that decision. Location is all that the residents are concerned about, and what it looks like when it's done. I appreciate your time.

Chairman Darby: We appreciate your coming, and thanks for your thoroughness. Mr. Herzog, would you come up? I think you've heard the comments and at this time, it is your option. I recommend to table...

Mrs. McBride: I was just going to suggest, if it's the applicant's thought to table this, that the Commission would want to continue the Public Hearing in Progress...

Chairman Darby: Shall do.

Mrs. McBride: ...and specify a date for that.

Chairman Darby: Yes. That's why we pay you the big bucks.

Mr. Okum: When would they have... Mr. Herzog, when would you be able to provide enough information based upon the comments you've heard tonight and Staff's review, when would your organization be able to provide us adequate information to answer most of these questions? It's like Mr. Hawkins said, this is a very sensitive issue.

Mr. Herzog: Right. I mean...

Mr. Okum: And we look at a lot of things. You know, parking and setbacks, and how it impacts those residents, and all those are very important factors.

Mr. Herzog: Right.

Mr. Okum: But you know we're also talking what this looks like to the community too, and if it's not done right it's going to be an albatross. If it's done right, it could be okay. Honestly I've never seen a modular unit be redone like you're planning on doing, but you've got a functional system and a functional frame, and potentially you can do that.

Mr. Herzog: Right.

Mr. Okum: It's basically like a bunch of mobile homes that are sandwiched together. I remember seeing the building. It was at...

Mr. Herzog: It's very nice. I was shocked myself.

Mr. Okum: It was at Star 64 for a number of years.

Mr. Herzog: Star 64. Right.

Mr. Okum: You'd drive up I-75 and it was right there on the right hand side. You'd see it right next to the big satellite dishes. So I knew what building it was when the discussion started. So when will you be ready?

Mr. Herzog: I would have to talk to Mark. He's working with the architects.

Mr. Okum: Then we'd have to do a continuance with indefinite time?

Mrs. McBride: Yeah, your February meeting is on the 14th, and obviously Staff would like to have some time to review it to be able to prepare comments for the Commission. The March meeting is also on the 14th, so it might be more appropriate to continue it in progress until the 14th of March.

Mr. Okum: Is that your wishes?

Chairman Darby: We'll make that a part of the continuance motion, right? Just one comment sir.

Mr. Herzog: Mm-hmm.

Chairman Darby: This is a valuable asset, not just to Springdale but to education.

Mr. Herzog: Right.

Chairman Darby: And you mentioned that you have one child coming in from Milford, and you're growing. As you guys sit around the table, have you considered the possibility that just a few years down the road, you may outgrow it again and wondered if an expansion and the expenses at this time was a wise thing to do, versus...

Mr. Herzog: I've heard all different talk. We service, we have children coming from Kentucky...

Chairman Darby: Oh I know how that goes.

Mr. Herzog: Lynchburg-Clay, they're coming from everywhere. We have more and more younger students coming. There's also been talking of just keeping that facility and having another facility somewhere else. Our name is just, you know, people come to us...

Chairman Darby: The word is out.

Mr. Herzog: Yeah. And the reason why is because we have different programs that most places don't have. We service severe behavior children that most places do not, and you know, I speak from the financial side. Our balance sheet and revenues are just growing, I mean, because of servicing the different school districts, and we get money from the Ohio Department of Education for those that are just, you know, what we call our Leaps Program or students who don't have severe behavior. It's hard to say. We work with other autism centers to pass our children on who want diplomas. We cannot offer diplomas because in Ohio you have to have a principal or superintendent, so we do not have that, so we send our students on to places that qualify to get those diplomas.

Chairman Darby: Just a thought.

Mr. Herzog: So a lot of the autism centers are kinda working together. You know, if they have a student that they can't handle, they send them to us.

Chairman Darby: I had a kid in St. Louis. Chair will accept a motion to table this presentation and continue the Public Hearing.

Mr. Okum: Is that what we want? If we table, it's no discussion. I guess we could do that.

Mrs. McBride: Yeah, you want to continue the Public Hearing in progress to your March 14th ...

Mr. Okum motioned to continue the Public Hearing in progress; Mr. Hall seconded.

Chairman Darby: it's been moved and seconded, but prior to a roll call, Mr. Hawkins.

Mr. Hawkins: I just wanted to piggyback on your question so the Commission is aware. At the meeting, and Mr. Shroyer can attest on this, what they had presented to the residents in that discussion was that it was their intention in five to ten years that they would outgrow that facility, even with the addition if that was granted, and that they'd be looking for additional space and possibly to merge with another entity that's doing a similar thing. So their plan is five to ten years that they would outgrow that facility, regardless of whether they have this or not.

The Public Hearing was continued in progress with a 7-0 vote.

Chairman Darby: So we'll see you guys next time, and you'll work with Staff to get the necessary documents in. Thank you very much.

Mr. Herzog: You're welcome.

VIII. NEW BUSINESS - none

IX. DISCUSSION

Mr. Okum: Just a question on the hotel demo. I didn't hear anything. Is it (inaudible)

Chairman Darby: I was told a crane was going to be showing up.

Mrs. Harlow: I have not heard an official...

Mr. Okum: If it's a bird that flies, then it's not a real crane.

Mrs. Harlow: Yeah, that was visiting the water pond there. I have not heard any more official from Administration. They were trying to sit down with O'Rourke. Mr. Hawkins, do you have anything more?

Mr. Hawkins: I don't have anything new. I too was promised a crane but there has not been a crane yet.

Mr. Okum: The crane is what flies over, and it's not landing there. Have we heard anything back from Dos Amigos and Tri-County on their canopies?

Mr. Taylor: Yes, and they will be on for next month's meeting. We have the submission.

Mr. Okum: Can I request that Staff survey the parking lot area, or have someone survey that parking lost area? I've done it at least six times now, and find literally no parking available in that area for that restaurant and the applicant indicated that they would use the mall' parking garage, but the mall closes at nine o'clock and you're locked in and you can't get to that garage. You can't get from point to point, so I don't know if, I'm willing to hear the applicant's representation, but right now if you drive it in the evening, dinner time, there's just no place to park there. I mean there's just none and I'm sorry to see that. Sometimes the best laid plans aren't...

Mr. Taylor: I think it was their contention that since the tenant spaces, the restaurant space and the retail space both, had to be entered through the mall, and the overall mall parking was satisfactory, that was the reason that they weren't going to essentially address it.

Mr. Okum: He blew me off.

Mr. Taylor: I completely get...

Mr. Okum: I'm sorry, I'll say it.

Mr. Taylor: ...get the idea here, and we can, well unfortunately we have a difficult time observing the parking lot in the evening, but the thought that they would use the garage if the garage isn't open is, I mean that's rather obvious. I think that's a good observation and I would say that we will look at that in our report.

Mr. Okum: And for Staff purposes when you do your report.

Mr. Taylor: Absolutely.

Chairman Darby: Also, at the Wimbledon's Plaza, it was my understanding that all of the signage would be attached to the mesh.

Mr. Taylor: Well there's a couple of storefronts that don't have the mesh.

Chairman Darby: Well, but the...

Mr. Taylor: I think it's the Penn, nah it might not be Penn Station.

Chairman Darby: There's one down toward the left, it's just...

Mr. Taylor: There's definitely...

Chairman Darby: ...mounted on the building.

Recording Secretary Moore: H&R Block.

Chairman Darby: Yeah, H&R Block.

Mr. Taylor: Right.

Mr. Okum: No mesh.

Mr. Taylor: There's no, remember that was a question you all asked when they brought that whole mesh thing up, was that the mesh was not consistent across the front of the building, and I believe that their response was this was an architectural feature and...

Chairman Darby: I can understand that architectural feature, but to have a sign that's not mounted on the mesh as all the others are, that's...

Mr. Okum: It's a permit. It's their own place. They can... businesses can put it there.

Mr. Taylor: I mean...

Chairman Darby: Put some more mesh up.

Mr. Okum: I just wish it would be straight.

Chairman Darby: I'll sell them some.

Mr. Okum: I just wish it was straight on the corner. It drives me nuts.

Chairman Darby: Oh, gosh. But that, it's really an eyesore. I mean the whole thing is, but that makes it look worse. I'm being nice.

Mr. Bauer: It is rusting, too.

Chairman Darby: Already?

Mr. Okum: You know, my business partner said that yesterday. He said it's already rusting.

Mr. Taylor: I think we probably do have some ability to deal with that. Unfortunately, the overall aesthetic, you know, it sort of is what it is. I don't know that we have an option...

Chairman Darby: Well, I don't want to belabor this. The presentation was, they're going to take down the signs. They were going to put the mesh up, and then the signs would be mounted on the mesh. That is logic. And then for them to come and put H&R Block on the wall, it just doesn't make sense. Okay.

Mr. Bauer made an off-mic comment about the ground-mounted sign.

Mr. Taylor: We have the, there's, unfortunately, there were basically two separate submissions on that. One was for the, which was done by the architect who made the presentation, and it basically incorporated the parking and the whole landscape plan and so forth. And then they also hired a sign company to actually install the sign, and we were having some difficulty rectifying the sign company's proposal with what was actually approved here. So I was told today by a representative from the sign company that we have documentation that indicates that the sign that they are now proposing is in fact the sign that you all approved, and I'll be hopefully getting this within the next day or two. So that would enable them to proceed finally. But this has been going on for, I don't think, I would say at least three months. I think the initial submission we got on that was in November.

Mr. Hawkins: If at any point in time, they want to get off that train and make a change, they can come right back in here and we can talk about it again.

Mr. Okum: We'd be real happy to...

Mr. Hawkins: I won't mince words. It looks terrible. The sign, I said when they came in here, particularly where you have the blanks in there, it's going to make it look like it's a ghost town. Do they think that this is going well? I mean, or are they sort of sitting there going, well we've come this far. We're just going to keep doing what we're doing. But I mean it's...

Chairman Darby: Mr. Hawkins, you want to tell us how you really feel?

Mr. Okum: I think I recall that center being named one of those gateway centers when it was first built.

Mr. Taylor: I'm not privy to their thought process. I don't know whether they're happy with it, unhappy with it, ready to anoint the architect or strangle him. I just don't know. I'm sorry.

Mr. Okum: Are the panels supposed to be galvanized?

Mr. Taylor: Actually I believe the panels are supposed to be aluminum, and they may be. I think it's the mounting hardware that's causing the rust.

Mr. Okum: The rust is noticeable.

Mr. Taylor: Well, like I said, I think we do have some ability to work with that. The rest of it...

Chairman Darby: Rustoleum.

Mr. Taylor: ...not so much.

Chairman Darby: Anything else for the group?

Mr. Okum: I won't be here for the...

Chairman Darby: I know.

Mr. Okum: ...meeting in February.

Chairman Darby: I know. You had to make a decision, right? And we lost.

Mr. Okum: You lost.

X. CHAIRMAN'S REPORT - None.

XI. ADJOURNMENT

Chairman Darby: We will accept a motion to adjourn.

Mr. Okum moved to adjourn. Mrs. Harlow seconded the motion and the City of Springdale Planning Commission meeting concluded at 8:51 p.m.

Respectfully submitted,

_____, 2017 _____
Don Darby, Chairman

_____, 2017 _____
Richard Bauer, Secretary