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 Shveygda, City Engineer; Gregg Taylor, Building Official

III. PLEDGE OF ALLEGIANCE

IV. MINUTES OF THE REGULAR MEETING OF MARCH 14th, 2017

Chairman Darby: Chair will accept a motion to adopt the Minutes of our previous meeting.

Mr. Okum motioned to adopt; Mr. Hall seconded the motion. With seven “aye” votes from the Planning Commission members, the March 14, 2017 minutes were adopted as submitted.

V. REPORT ON COUNCIL

Mrs. Harlow: Our March 15th meeting of Council, we had our normal Committee and Official Reports. We had a Public Hearing, and an Ordinance approving a major modification to the Planned Unit Development at Northwest Business Center PUD. That was approved with a 7-0 vote. We had an Ordinance authorizing the Clerk of Council to enter into a job retention agreement with Cincinnati Bell, and that was approved with a 7-0 vote. We also had another Ordinance for an O’Rourke change order totaling $51,314, and that was for the Sheraton Hotel, and that was approved with a 7-0 vote. That equipment for tearing the hotel down should be on site this week, the 17th. So we’re starting to, hopefully we’ll see bricks flying by the 18th. That’s what we’re looking for with that.

We had a meeting on April 5th, and we had an Ordinance for a pavement rehabilitation project, and that was approved. That’s the Cloverdale area project, and that was approved with a 7-0 vote. We also had a Resolution approving a solid waste management plan with the Hamilton County Solid Waste Management District, and that was approved with a 7-0 vote.

I’d also like to tell you about two things that are going to be happening in our community. We’re doing the Spruce Up Springdale event on April 29th. I hope most of you have gotten a flyer at your home about that, and what we are asking our residents to do is to go out and take a look at the front of the house and have community pride and upgrade their property as best they can. We also have a band of volunteers who are helping the disabled or elderly residents who need help in painting a front door or shutters, trimming hedges, some light landscaping, that type of work. Then we’re having a picnic so that we can all get together at 3 o’clock at the Community Center and it’s a community wide event. Everyone is welcome. That’s a way of a meet and greet for our residents as well as a thank you for our volunteers.

I also wanted to bring your attention to a program that’s going to be at the Community Center on April 27th, and it’s Hope After Heroin. Mrs. Beth Laage, former police chief Mike Laage’s wife, is involved in this. It’s to benefit the Sojourner’s
Recovery Services Residential Treatment Program, for women who have completed the program and need to be mentored and re-introduced back into society and need help. So that’s at 7-9 pm on the 27th. That would conclude my report.

VI. CORRESPONDENCE

Chairman Darby: We have one item under correspondence. I’m going to ask Mr. Taylor to give us the background on this, please.

Mr. Taylor: Basically, here’s the situation in a nutshell. Apparently, well first of all, let me back up a little bit here. This is the Ridgeline piece that you all acted on at Council and you folks all approved. There was apparently some sort of an issue between the developer and the property owner kind of at the eleventh hour when it was time for them to close, and this basically prevented, because of this issue (which I don’t know what it is, that’s not for me to say), however, they were, the developer stopped work on the project because they thought this thing was going to essentially go up in smoke, apparently. Well, the long and the short of it is, they’re now back in contract, I’m told. This is of 4:45 this evening that they have reached an agreement with the seller and they want to move forward as fast as humanly possible, so they have, because of the problem with the contract, they were unable to provide a submission for us. Yesterday was the deadline for May’s meeting, and they don’t want to wait until June’s meeting for you all to consider the Final Development Plan, so they’ve asked for you to, if you’d be willing to schedule a special meeting and agreed to take up the request. I asked Mr. Darby if we could include it on the agenda for you all to discuss. If there’s anything that I could add, I certainly will.

Chairman Darby: I just want to add, their original request, folks, was to be placed on this agenda, which I said no to. It was just too late. Then the request for a special meeting, personally I have no problem with. I’d like to get them going, but I did want to bring that before this group to see what is your pleasure.

Mr. Hawkins: I personally am available. I’m fine. Whatever the Commission wants.

Mr. Okum: What date?

Chairman Darby: What day are we going to try to go with, a Tuesday or what?

Mr. Hall: May 23rd.

Chairman Darby: May 23rd.

Mr. Taylor: They had asked for May 23rd, and they would submit the package to us on April 24th, which gives us the approximate time we’re looking for. We’re basically looking for 30 days, which they would comply with.

Chairman Darby: It seems we’re okay with that, May 23rd? It’s a go.

Mr. Okum: Is there any Public Notice that needs to be done?

Chairman Darby: No.

VII. OLD BUSINESS

A. Gilhart Enterprises, Inc. (former Princeton Bowl property) 11711 Princeton Pike, Springdale, Ohio, Revision to an Approved PUD (Application 31839)

Mr. Gilhart: I believe I have everything.

Chairman Darby: Good evening.

Mr. Gilhart: Good evening. It’s good to be back. As all of you know, this is something that we’ve been working on, I think since January. For those of you who don’t know,
I’m John Gilhart, representing Gilhart Enterprises. With me is Clark Gilhart and also Matt Viola of Forrest Lytle. I’ve got basically just similar to what you’ve seen in the past except we answered all the comments by Staff regarding mostly engineering plans, so I’ll just go through it as quickly as I can. I’ll just go through this briefly, because you’ve seen most of it. So this is something you’ve seen before. It’s just a vicinity map that shows you the location of Princeton Bowl. The red areas are to be demoed in phases. The areas in blue are renovation in phases one and two, and also shows the parcel, outlined in yellow and where the existing pole signs are for Princeton Bowl. This you’ve seen before too, but I thought I’d show it again. It just shows the building divided into ten separate tenants. As you know, this is, we term it “flex space”, and I’ve provided each one of you, I believe in the package, with just a brief definition. I don’t think we need to go through that again. I think everybody knows what that is.

Chairman Darby: Let me ask a question. In Greater Cincinnati, how prevalent are such facilities?

Mr. Gilhart: These kind of facilities?

Chairman Darby: Yes.

Mr. Gilhart: You know, this particular one, I don’t really know. I know that as I drove around the area, I guess it’s the community to the north. Is that, what is that, to the north?

Mr. Okum: Fairfield.

Mr. Gilhart: Fairfield. Okay. There are several different variations of it. Some have storefront glass only in the front and garage doors in the back, but it’s pretty saturated in different forms.

Chairman Darby: Okay.

Mr. Gilhart: So there’s quite a few of these in different variations. There’s the third one. Here’s a picture again basically of what it looks like. It’s pretty simple. You’ve seen it before. It’s got a man door with an office and a handicapped bathroom, and an overhead door. These are designed for many different uses. I’m not going to go through all these, but you’ve seen this before. This is a typical front entrance. It’s got split-face block, EFIS, overhead garage doors, a man door, an awning, and a window for the office. Those are just different floor plans, different sizes. Again, you’ve seen those before. I think we’re having a problem. I’ll go as quickly as I can on this. This is pretty repetitive, but we’ll get into Staff comments, and I think that’s where a lot of this will be hopefully resolved, some of the outstanding issues.

Mr. Okum: Anybody got any spare batteries for these folks?

Mr. Gilhart: These are the truck turning radiuses. It just shows you a 40-foot box truck. You’ve seen these before. We’ve modified and removed two dumpster enclosures because we found they weren’t necessary, and I think it cleared up the space there. There’ll be some discussion I’m sure about that in a few minutes, but there’s all the different turning radiuses. This is based on Staff comments. These were revised based on Staff comments. And they just show landscape plans, so on and so forth that was required by Staff. They’ll have comments on this, I’m sure. That’s just a report that’ll be addressed. That’s a trip generation report showing that I think that satisfies a question there was about traffic impact. There’s no need to go through it. I’m sure there will be comments from Staff on that. There’ll be some discussion I’m sure about signage. What we would prefer, if possible, is go with the existing, dress it up, change the face, put a stone base on it. That’s over at the Princeton entrance, a proposed LED sign. There it is again over on Kemper. That shows kind of a hybrid of a pole sign and a monument sign using the same square footage that is there on the face of the sign. We’ll talk about this I’m sure when Staff makes comments about the signs. Our concern was just when you get down too low, that it’s possible that obviously kids or people could reach up there and change it. Also likely more possibility for vandalism. There’s the similar sign, kind of a hybrid
between a monument sign and a pole sign. That just shows a blank digital. This just shows a directory sign, business directory for the building itself that would go on the south wall. That’s it I think. So I defer to Staff comments.

Mrs. McBride provided Staff comments.

Mr. Taylor provided Staff comments.

Mr. Shvegzda provided Staff comments.

Mr. Gilhart: One question. Did you say traffic impact study will not be required?

Mr. Shvegzda: Correct.

Mr. Gilhart: Okay. I thought you said it will.

Chairman Darby: Staff is available for questions at this time.

Mr. Bauer: I guess I’ve got some confusion, some comments. Mr. Taylor, as far as this Commission is concerned what is our responsibility in regards to the estimate and FEMA and 50% of meeting that threshold?

Mr. Taylor: Well, the FEMA regulation and our flood plain Ordinance and even the Building Code all reference a substantial improvement as being 50% of the market value of the structure, and the FEMA document that I included in the April 7th thing that hopefully you guys have kind of goes through this thing and lists all the issues, all the items, if you will, that are supposed to be included and the items that are allowed to be excluded from that number. Essentially, all the site stuff can be excluded; however, anything to do with the building needs to be included. Then it goes on further to kind of describe the level of documentation that we’re supposed to get in order to essentially agree, if you will, that the project does in fact not involve a substantial improvement. At least in my opinion at this point, I think we need a lot more detail and background information in order to be able to say that we’ve satisfied that requirement. Now it could be argued that we could determine that at the Final Development phase. The concern there would be we go down this road, continuing, continuing, continuing and then all of a sudden we hit a road block and I think that would be somewhat of a catastrophe for all concerned, the applicant and us, because as we tentatively agree to go along with this, somebody’s spending money trying to determine whether this is going to fly or not. So I think its incumbent upon this Board to be confident when you present your recommendation to Council that this thing’s going to be able to go forward, that it wouldn’t be somewhat of an unknown commodity…

Mr. Bauer: Okay.

Mr. Taylor: … to be determined at the final level.

Mr. Bauer: And we have to be comfortable with the numbers that are presented and that they meet FEMA’s guidelines?

Mr. Taylor: Yes.

Mr. Bauer: In my opinion, I wouldn’t be comfortable with what I’ve been presented with and what, from the guidelines that I’m reading, from the information you gave us. Okay. I just didn’t understand what our role and our responsibility was in regards to those numbers, if we had final determination of that. We’re not, Staff is signing off on that, I’m assuming.

Mr. Taylor: That’s correct. I mean it’s our job as Staff to say this rises to that level of detail, and I think our position isn’t to influence you folks. I think it’s to provide you with facts and say here’s what we have. Here’s the level that it’s supposed to rise to. I’m not necessarily willing to say that I believe that it rises to that level at this point. Unfortunately, you all have to make that final determination.
Mr. Bauer: I apologize for earlier meetings; I guess I didn’t view that as our, this Board’s responsibility to sign off on that number, so I really wasn’t paying attention to it. I guess as I read the packet this month, it became more obvious that we had more of a role in that. I guess I just didn’t know what that role was and to what extent. You’ve made it clear from the guidelines FEMA produced that I think I would agree that there needs to be more detail. We’ve got a surface number but nothing below it that tells you what’s involved with all those numbers.

Mr. Gilhart: If I could make a comment regarding the FEMA.

Mr. Bauer: Sure.

Mr. Gilhart: You do have leeway. I was hoping to move forward providing you with the costs so on and so forth, that I felt comfortable with rather than go another direction. I do have Section 5.6.7: Variances to the requirements, and I know this is a variance, but if you’ll bear with me just a moment. A variance is a granted relief from the terms of use, zoning, or building code regulation. FEMA publication does allow variances shall only be issued based on the following: a showing of good and sufficient cause; a determination that failure to grant the variance would result in an exceptional hardship; a determination that granting the variance will not result in increased flood heights, additional threats to public safety. As a guiding principle, a variance should pertain to the unique characteristics of the land.” I’ll make one last comment. It says, “a community that grants a variance based on the above evidence an accordance to FEMA guidance does not jeopardize its standing in the National Flood Insurance Program.” And I would just, as a side note; definitely this would be hardship case because if we were past the threshold, the project would be dead. You’d have to raze the whole thing and that would be the end of it, so I guess what I’m saying is I’m confident with the numbers. I am the GC of the job, basically. I’ll be the one doing it, and if we were to run into a situation and if you feel that this is something that you would consider, you do have the power to allow it to go through, based on the FEMA publication.

Chairman Darby: Mr. Taylor, to piggyback on that question, what is the consequence if at some time during this process it is determined that the cost is excessive? What’s the remedy then?

Mr. Taylor: The remedy I guess is sort of a two-step thing, if you will. I think our initial response would be, you’ve exceeded the amount that’s provided, therefore, it’s a substantial improvement, therefore, it has to comply with the flood regulations, and as Mr. Gilhart indicates, that would essentially require razing the building. I don’t think there’s any other realistic way to comply, because the flood plain is so much higher than the first-floor level of the building. As Mr. Gilhart indicates, there is a right to request a variance from the regulations. To be completely honest, I’m not sure that that variance would be granted by this Board. In fact, I would rather doubt it. I think the Flood Plain Administrator, which is actually the Mayor, would be who would be initially approached with that, and whether we’d have to take it to ODNR or FEMA for the actual variance. I don’t know the process, but I’m confident it would not be a Planning Commission decision.

Mrs. Harlow: I just had a couple comments about the parts of the building that are to be demolished. I strongly believe that those should be demolished at the same time, not in phases. I believe that getting that part of the work done, getting it out of the way, allows for the project to go forward in a seamless manner, and as Mrs. McBride stated, it doesn’t impact the phase one residents. My concern is that if there’s a phase one and a phase two, phase one is completed but there’s a lag time on phase two, then they’ve got that part of the building still remaining, and I’d like to see it come down at one time.

Mr. Gilhart: If I could just make one comment regarding that. I don’t really have a problem with taking the whole thing down. The situation is though, when you take the whole thing down, you’re going to leave the entire building exposed, so we were trying to do it to where you would take half the building down, section off the tenants
so you would actually have that remaining building left, do all the work in there, and then move on, rather than have 290 feet times 14 feet. It’s certainly something we would consider.

Mrs. Harlow: So, if you take the second part of the building down before you’re (inaudible, off mic) ready to build there or remodel there, that area’s open?

Mr. Gilhart: There could be potentially a lag time. The other thing too is, I don’t know if you’re familiar with this building. The building is three separate buildings, three separate plans.

Mrs. Harlow: I’m familiar with it as a bowling alley, but I’m not familiar with it as a construction site.

Mr. Gilhart: The main building originally was 120 feet. I don’t know what the total was. 120 feet by let’s say 260, in 1962. From that building, that was a strand steel building. It was a clear span building. That building, you can tear everything down and it’s still sitting there as that building. The conventional style building came off of that at the same time. It was a separate plan. Then in 1972, the strand steel building was extended another 10 lanes to make it 290 feet. So I guess what I’m saying is if you tore down any part of the conventional-built building, you still have the 120 by 290 strand steel building.

Mrs. Harlow: So that would be open if you tore it down, there would be an all open area there in the front?

Mr. Gilhart: In phase one or phase two, or all of phase, the entire thing, the whole front would have to come off. What I would propose to do to try to make it more secure and make more sense is actually start the work inside with a lot of the dividing walls, so on so forth and as we get to the front, tear the front off, finish that off, get the tenants going, and move into the next one.

Mrs. Harlow: What do you believe your lag time to be between one and two?

Mr. Gilhart: We can set that. We can...

Mrs. Harlow: What do you believe it to be in your mind?

Mr. Gilhart: Oh, I think within six months, something like that. After the other one’s done I think it would be... I could commit to something if that’s what you want is a timeline.

Mrs. Harlow: No, I was just wanting to know.

Mr. Gilhart: I’m starting to get calls all the time now on the flex space, so-called.

Mrs. Harlow: Thank you.

Mr. Gilhart: So just a matter of how fast things get going. If I could make a comment back to the flood, just for a minute. There is a Section 5.8: Recommendations to improve flood resistance. I’m going to hand these out and you’ll see the highlighted. These are either in place or will be implemented.

Mr. Okum: Mr. Gilhart has had these comments from Mr. Taylor for some time, and why wasn’t Staff provided these comments prior to tonight so that they could respond and inform us?

Mr. Gilhart: These aren’t comments. These are...

Mr. Okum: Well these are sections of the code that you found as responses to the comments from Staff. I’m surprised that they’re...

Mr. Gilhart: These are kind of side notes.
Mr. Okum: No, they aren’t. They’re evidence as to why we should give a variance, so I’m asking again, why weren’t these provided to Staff?

Mr. Gilhart: Staff does have it. They have the entire thing.

Mr. Okum: They have this?

Mr. Gilhart: They have the entire FEMA publication.

Mr. Okum: And this is …

Mr. Gilhart: That’s just a section of that publication.

Mr. Okum: You’re using this as evidence. I mean, there are sections between, we were talking sections between, Staff had given you sections I believe FEMA section P-758.4.4.1 and these are sections 5.6.7 and 5.8 respectively. I mean there’s…

Mr. Gilhart: Those sections came from me; I believe is what you’re looking at.

Mr. Okum: Yeah.

Mr. Gilhart: I attached them to my, those…

Mr. Okum: I’m just surprised that they weren’t given to Staff. That’s enough said.

Mr. Gilhart: Those were only referencing what was included in the construction, that’s all that was and actually that as provided by me.

Mr. Okum: I understand. Thank you.

Mr. Gilhart: these are just follow ups to questions that you have.

Chairman Darby: Just for Commission’s knowledge, I am seeing at an increasing rate, and this goes back to the previous explanation of why we’ve been requested to have a special meeting for an applicant. Folks are not responding in a timely manner to the guidelines we have published, so consequently Staff is not in a position where they can read, digest, and advise us, and we really, really, as you know, we really, really are dependent upon the information they give us to make our decisions and I think we need to keep that in mind.

Mr. Gilhart: If I could make a quick comment.

Chairman Darby: Yes, you may.

Mr. Gilhart: I did respond to 100% of Staff comments, so I have done that. I did get this final here at 8:39 am on Monday, so I’m not really responding to these comments; I have already done so.

Chairman Darby: I’m just going back to Mr. Okum’s comments.

Mr. Gilhart: I just have a lot of side information in case somebody asks a question.

Mr. Okum: This was printed out on 3/29/17.

Mr. Taylor: Just to be clear, I do have the entire FEMA publication, however…

Chairman Darby: The entire FEMA publication was not submitted in response to your comments.

Mr. Taylor: That’s correct. I think we’ve got a couple of separate issues here, and I think it’s important to I guess look at the matter at hand and my thought is, this isn’t an application for a variance. Period. Number one. And number two, I don’t believe
this Board would ever hear an application for a variance, and so I would recommend that you don’t make a decision based on the possibility that a variance might be granted at some point in time in the future. I think the issue at this point is, is this a substantial improvement requiring compliance with the flood plain, the Building Code, and so forth? What I’ve endeavored to provide is some documentation for the guidelines that FEMA is looking for to provide this cost estimate that we can be comfortable with at this level and at this juncture. I don’t believe, at least it’s my opinion, that the summary cost estimate that we have to this point gives us enough background info to be confident that this estimate is going to enable this project to proceed as a non-substantial improvement. That’s all.

Mr. Hawkins: Mr. Taylor, Mrs. McBride, along those lines with regard to the improvement costs and making the judgment on those in terms of having sufficient data, would you think it would you feel more confident if there was a more detailed breakdown in terms of what the subcontractors’ estimates would be, specifically what the plumber would be, what the electrician would be, signed off on that would have been provided to the applicant then provided to Staff and then ultimately provided to us?

Mr. Taylor: I think that’s basically what the FEMA document kind of is looking for. I mean it mentions you can have a professional cost estimator do it, licensed general contractor (which of course Mr. Gilhart is), but it’s supposed to be backed by unit costs of material and labor and I would think each and every trade, whether it’s framing, Drywall, HVAC, plumbing, electrical, so forth, we should have some detail. I’m not saying the cost estimate’s wrong.

Mr. Hawkins: Right.

Mr. Taylor: What I’m saying is, I couldn’t, from what I’m seeing, the background material that’s supposed to accompany that has not been provided at this point. It very well may be correct. I don’t know that.

Mr. Hawkins: Is it further necessary to have an arms-length evaluation where I would guess that if the applicant had an itemized breakdown from subcontractors providing the work, that would be enough of an arms-length distance, versus having a different person altogether sit there and say this is what I confirm to be the itemized costs of this project.

Mr. Taylor: The document says that an owner, if the local entity (Springdale Building Department at this point) is willing to allow the owner to provide the estimate, then the owner has to go through all of this stuff. It’s a unique situation because the owner is a general contractor and obviously has more knowledge of construction costs than a homeowner whose home was impacted by a flood. To be honest with you, I believe the regulations were basically meant for that sort of a situation where a homeowner is tasked with the idea of coming up with some sort of a cost estimate. I definitely believe that there’s supposed to be some level of removal between the owner and us as the approving agency to where we can either look through some tabulated costs like R.S. Means or something like that, or a third party, and I’m not asking them to go out and spend money and hire some estimator to come up with this which is why I believe we really do need some detailed information from a plumber, and HVAC contractor, an electrician, a framer, a block mason, you know, the demolition contractor. In addition, anything that Mr. Gilhart supplies through his own forces, the costs of that work are supposed to be assigned a market value and included in the cost estimate, or anything that there might be if there’s barter labor between potential tenants and whatnot, all that stuff has to be recognized as a cost because remember the idea behind the whole flood plain Ordinance is to prevent flooding and the onus is on us all, I guess, to be certain that we’re not circumventing the regulations in order to get a project approved that I think everybody agrees that it’s a great use if we can make it work, but like so many things, the devil is in the details and the detail in this regard is how much is all this going to cost in order to make it work? I think we need a significant level of background information: unit cost, material cost, labor cost from at least somewhat of an arms-length transaction in order to satisfy ourselves that we’re not creating a situation that somebody comes back in the future
and says now wait a minute, this thing flooded. Why did this happen? Why did we not make this project comply? I think as long as we’re certain that we’re going through the proper steps, then we’re good.

Mr. Hawkins: Mr. Gilhart, I don’t think anybody is questioning your truthfulness or veracity with regard to the estimates you’ve made, but albeit with regard to the estimates that you’ve listed, did you get those from, and I know you’re a general contractor, did you take those from subcontractors that will actually be performing the work?

Mr. Gilhart: I based my cost estimates on my experience with the plumbing, the electrical. I have talked to the electricians, the plumbers, and the HVAC. I will say this, that the FEMA publication does not require anything other than what I’ve presented to you. I will say that. The other thing I’ll say is that I have given you a covenant or agreed to a covenant. The building is going to be using a lot of the recommended practices to mitigate that. I would say this too. For me to get an exact cost, I would have to draw the entire plans and go through that process. It’s about 20 grand just for the architect and the engineer is another 15. To come up with that to get an exact cost would be too bid it out, and at that point if there’s a problem with it, it’s just money out the window.

Mr. Hawkins: Well I think that the concern that you’re hearing from Staff is that this Commission and then ultimately on to Council, folks need to be making a best guess with regard to the cost, and so when we’re just going off of the estimates, and again it doesn’t question your knowledge as a general contractor, you’ve been doing this a long time, but everybody has to cover their own rear end so to speak with regard to making sure that it’s been given its due diligence. I understand what you’re saying in terms of there is some more cost with that, but again that’s sort of part of the process I think, and you would be doing that at some point anyway in going forward. I think if you have subcontractors, and I don’t know if you have to go put it out to bid or what have you, but even the subcontractors coming through with those estimates, that gives a little bit more meat on the bones for Staff, for the Commission, with regard to going forward and saying this isn’t just Mr. Gilhart pulling numbers out of the air (not that you’re pulling them out of the air. You’ve got experience doing this.), but there’s some other individual saying this is what I would charge for this work that we’re combining into that thought process that gives some more substance to it at the point that someone is questioned with regard to what’s happening here.

Mr. Gilhart: I would just say that it’s surprising to me that after January, February, March, April meeting, whatever they were, three or four meetings, that at the so-called eleventh hour that this is an extreme concern and if that was the case initially, I wish it would have been brought to me as direct as it is now. I will tell you this, that I believe, and you’re the lawyer, I believe, that your requirement is to meet what the FEMA publication says, and in the FEMA publication I’ve provided everything that it requires me to provide. There’s also on my sheet that I provided, the section that talks about what’s included and what’s not included. To go, I think it would be unfair, I understand what you’re saying, but unfair to add an additional burden on me that’s not even required in the FEMA publication. That’s just my thought.

Mr. Hawkins: You indicated that you provided all covenants in question to Staff.

Mr. Gilhart: I’m sorry?

Mr. Hawkins: Had you indicated, you were talking about covenants as well. I think you had indicated you’d given all covenants to Staff that were in question.

Mr. Gilhart: There was a covenant that Mr. Taylor suggested and requested that says basically to any potential tenants that this is identified as a flood zone, advising of that. I think that’s what you’re referring to.

Mr. Hawkins: So the whole covenant issue that was...

Mr. Okum: Separate.
Mr. Gilhart: That’s a separate issue.

Mr. Hawkins: Okay.

Mr. Bauer: I guess I can’t get off of this estimate thing. So Mr. Taylor, what, just to be clear, what you’ve written in your comments, and I think these comments were before this meeting. You had similar comments the last time this was presented to us, if I’m not mistaken. You stated in here that estimated costs which are supported required background information such as unit cost, contractor quotation, market value, blah blah blah. That is not required by FEMA? That’s what I’m hearing from Mr. Gilhart.

Mr. Taylor: This is from Section 4.4.3 which is why I included this. It says, “building owners may submit cost estimates that they prepare themselves. If the community is willing to consider such estimates, the owner should be required to provide as much supporting documentation as possible such as pricing information from lumber companies and hardware stores. In addition, the estimate must include values of labor including the value of the owner’s own labor.”

Mr. Bauer: Okay.

Mr. Taylor: You know, I…

Mr. Gilhart: There’s a different section though that also talks about contractors and professionals.

Mr. Taylor: With all due respect, Mr. Gilhart, I think you know what I’m looking for here and I don’t believe that we have it at this point and this comment regarding this cost estimate has been made consistently since the beginning. Maybe it hasn’t been made emphatically enough to you; however, the fact is we need more information.

Mr. Gilhart: In your previous comments, it asked that I comply with the FEMA Section and that’s what I’ve done. I’ve done it every time.

Mr. Bauer: Okay, can…

Mr. Gilhart: I’ve done it from the, you know…

Mr. Bauer: The summary of information that you have here, you don’t have typically; I’m in the business too. You would have background information to these numbers. Maybe not into the detail that Mr. Taylor’s asking for. If it’s experience, it’s based on square footage. It’s based on a plan. I don’t think that information’s too hard to come by. You don’t have it; I guess is what you’re saying.

Mr. Gilhart: I don’t have it with me, no I do not.

Mr. Bauer: But you don’t have it at all or you…

Mr. Gilhart: No I did that based on going over the plans with experience knowing what a one-and-a-half-ton unit costs for labor and the cost of the unit, what the services cost for the electrical.

Mr. Bauer: Is that type of information, that type of explanation written down? Does that qualify that as backup information?

Mr. Gilhart: That’s why they’re called estimates. There’s no way to get it right unless you draw the plans up and bid it out.
Mr. Bauer: No, there’s ways to get it without bidding out work.

Mr. Gilhart: Well, you have to have a set of plans.

Mr. Bauer: Well, you’ve got a set. Believe me; I’m in the business too. I know there’s ways to do it.

Mr. Gilhart: Right. I’m not going to argue with you. I do not have a set of plans.

Mr. Bauer: Okay.

Mr. Gilhart: They’re not there.

Mr. Bauer: I forget what my question was now.

Mr. Taylor: I think it was, if there was some background information, would that be acceptable to Staff.

Mr. Bauer: Right.

Mr. Taylor: And at this juncture, I think that’s the kind of information that I would be looking for. Are you going to put a unit heater in the warehouse? Are you going to put a through the wall unit in the office? Are you going to have to change the service, are you going to separate meter everything? Is it going to need new electric? What kind of lighting are you putting in? These, you’ve got to have some sort of basis for these numbers, and whether it’s x many square feet of stud-up wall and so many square feet of ceiling and so forth, we need to have something.

Mr. Gilhart: It just wasn’t requested. I was requested to comply with the FEMA publication so that’s what I did.

Mr. Okum: Let’s go back to the variances section and understand the reason for FEMA, and Mr. Gilhart gave this to us and he highlighted a reason for a variance, and it says, and this is quote out of the FEMA regulation 5.6.7: “a determination that granting the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization on the public or conflict with existing local laws, regulations.” Now what a lot of people have been saying here all evening is they weren’t here in, what year was it the bowling alley flooded?

Mr. Gilhart: 85.

Mrs. Harlow: 85.

Mr. Okum: And we had flat-bottom boats getting people out of the bowling alley. That’s public health and safety, and if we ignore that, that’s the reason that FEMA has this regulation for these type of sites.

Mr. Gilhart: But it says an increase in all of those. That’s why I highlighted those.

Mr. Okum: Well this doesn’t say, did I read the word “increased”? “Except for not result in increased flood heights”. That was, then it said comma “additional threats to public safety.” That wasn’t part of that “increased.” That’s additional threat…

Mr. Gilhart: There’s no additional threats to public safety.

Mr. Okum: Oh really? You’ve got people working in office space and warehouses and, I’m not talking additional people around the site. I’m talking the people that you’re putting inside that building. And we told you that from the very beginning that you’re five foot below the flood plain. The site has been, it has been awhile, but the site has flooded before, and if you come up with a design that protects the public, and those people are public too. It’s not just the people downstream. It’s not the people on Neuss. It’s the public, and that’s all public. So the section you gave us…
Mr. Gilhart: I have come up with a design for the building that does that.

Mr. Okum: We haven’t seen that.

Mr. Gilhart: Sure you have. It’s there.

Mr. Okum: Okay. Okay. If I can, Mrs. McBride, at the last meeting, under your section, we talked about the landscape areas that they were placing in front of those buildings being nothing but dirt and basically deteriorated and gone within a short period of time. If the applicant had raised those areas or created an elevated landscape area in those areas, would those accommodate that and prevent that walk-through that people will do?

Mrs. McBride: I believe that they did landscape those...

Mr. Gilhart: If I may, there’s no walk-through. We have a complete landscape plan.

Mr. Okum: Okay. I’m just asking. Next item, the applicant has indicated that the parking area will be repaired as needed. Mr. Shvegzda has stated, Mr. Gilhart, that their recommendation is for 20% of the north parking area to removed. What is your position on that?

Mr. Gilhart: I would ask you why the north parking lot area?

Mr. Shvegzda: Is that being used for parking?

Mr. Gilhart: I’m sorry?

Mr. Shvegzda: What purpose is it serving?

Mr. Gilhart: For truck turnaround.

Mr. Shvegzda: That’s why I mentioned...

Mr. Gilhart: Truck turnaround and parking.

Mr. Shvegzda: ...reduction of the area that’s not needed for truck turnaround.

Mr. Gilhart: It’s necessary for truck turnaround.

Mr. Shvegzda: That’s what I said. Reduction of the area that isn’t needed for it. The whole parking lot is needed for that?

Mr. Okum: So your answer is you don’t want to...

Mr. Gilhart: No my answer...

Mr. Okum: ... remove any of that parking lot.

Mr. Gilhart: ...is why the north parking lot?

Mr. Okum: Okay. That’s fine.

Mr. Gilhart: Because the problem is with the truck turning radius. I believe Mr. Okum at the last meeting advised us that there would be semis and he is likely correct.

Mr. Okum: You’re submitting something else tonight, Mr. Gilhart?

Mr. Gilhart: Excuse me?

Mr. Okum: You’re submitting a response to my question at the last meeting tonight about truck turnaround?
Mr. Gilhart: No, no. You had mentioned about the truck turnaround and I provided turning radiiuses. You just asked me now another question about the north parking lot and I asked you, I’m not against providing additional area. I asked why the north parking lot?

Mr. Okum: A drive aisle could accommodate that then, is that correct?

Mr. Gilhart: They speak for themselves there. It takes the whole entire parking lot.

Mr. Okum: You were requested at the last meeting to provide copies of the covenants so that we as a Commission could determine whether these uses are excluded or prohibited from the PUD.

Mr. Gilhart: I can do that. I do have, the reason I didn’t is because Mrs. McBride said that the covenants for the PUD produce necessary amendments including the addition of signature line so on and so forth prior, in underline, prior to City Council action.

Mr. Okum: Okay.

Mr. Gilhart: I have that. It’s PUD. It’s PUD. I just received them yesterday.

Mr. Okum: You indicated there is no plan for outdoor storage. Is that correct?

Mr. Gilhart: No. It’s not permitted within 300 feet of a residential property anyway, so the whole north parking lot would not be, you couldn’t do it.

Mr. Okum: There was a statement by Mrs. McBride regarding Planning Commission and Council determined that the proposed open space is sufficient for proposed development.

Mr. Gilhart: I’m not opposed to that at all. It’s just the north lot is a problem for us. We can certainly do something in the south lot.

Mr. Okum: Based upon your reading of the PUD, since you’re here giving us information tonight, are there any exclusions to the uses that you want to put in the site?

Mr. Gilhart: Yes. Sexually-oriented businesses. That’s excluded.

Mr. Okum: Automotive repair is permitted? I’m not asking for a complete audit on this. I think Staff need time to look at this to understand it, but I just want to make sure that we’re...

Mr. Gilhart: Yeah it’s the PUD, and just to give you an overview, the PUD, “those uses permitted in GB, GI, MS, SS, PFL, PFM, PFH and OB districts except sexually-oriented businesses which are consistent with the overall purpose of the PUD.”

Mr. Okum: I that our Zoning Code? You’re reading that from our Zoning Code?

Mr. Gilhart: This was the covenant. I found this. It was a prior Zoning Code.

Mr. Okum: We’ll have to have Staff look at that.

Mr. Gilhart: And I’m assuming that if the Code changes it would be from the old PUD to the new PUD. Would that be accurate? Or because that’s documented and registered with the County, would it fall within the old PUD?

Mr. Okum: That’s registered on your deed? On your title?

Mr. Gilhart: It’s Ordinance.
Mr. Okum: That’s not the covenant on your property. That’s the Ordinance, our Zoning Code Ordinance.

Mrs. McBride: This is...

Mr. Gilhart: Well this first part is.

Mrs. McBride: No, the covenant would be what’s recorded at the Hamilton County Courthouse.

Mr. Gilhart: What is this then?

Mrs. McBride: That is the Ordinance I believe that City Council adopted to rezone the property.

Mr. Gilhart: Yes, this was the rezoning.

Mrs. McBride: That’s different than the covenant.

Mr. Gilhart: That’s all we have.

Mrs. McBride: Then somebody needs to do a title search.

Mr. Okum: There needs to be a title search. If I could just finish.

Mr. Gilhart: It’s a PUD.

Mr. Okum: Mr. Gilhart, Staff indicated that you requested, based upon your submission, signage modifications to your existing signs on Frances Lane, both on Princeton Pike and Kemper Road. Is that correct?

Mr. Gilhart: Yes.

Mr. Okum: Okay the Kemper Road location, I believe according to Mrs. McBride, is the only place that this site would potentially have frontage on Kemper Road. The building.

Mr. Gilhart: As far as the access?

Mr. Okum: No, the building.

Mr. Gilhart: The building has access over the, or I’m sorry, the...

Mr. Okum: Not access, frontage, because frontage is how our signage is calculated. Is that correct?

Mr. Gilhart: They have an easement for frontage on Frances Lane, both Kemper Road and Princeton Pike.

Mr. Okum: I don’t think the easement applies to building frontage. I’m not sure, but I don’t believe so. I think we’re going to have to hear from Staff in regards to that. And I did a site survey. I did. I drove it. I Googled it. Clearly there is, if I’m on Kemper Road and I look straight down Frances Lane, I see that building. If I go a little bit east, the old cinema, back end of the cinema, blocks the percentage of the building. So there’s like about a third of that side of the building. So there is frontage on Kemper Road. I’m not...

Mr. Gilhart: Visibility from...

Mr. Okum: I’m supporting your position that there is frontage on Kemper Road, but I’m not supporting your position that there’s any frontage on Princeton Pike.
Mr. Gilhart: We discussed this way back when it was suggested that Princeton and Kemper, that we would need signage because we don't have the visibility.

Mr. Okum: You have signage in the PUD, just as every business that's located in that PUD...

Mr. Gilhart: What signage is that?

Mr. Okum: ...has a position on the marquee or a potential position on the marquee for identification of their business.

Mr. Gilhart: Which marquee is this?

Mr. Okum: The huge sign that has the digital board on it on Princeton Pike. It's part of the PUD. That big sign that got the national award that we approved.

Mr. Gilhart: You know I guess to get, what you're getting at...

Mr. Okum: That doesn't qualify?

Mr. Gilhart: Does it qualify? I don't know if it qualifies or not. I know that it's a separate owner now and I don't think they would...

Mr. Okum: It's till part of the PUD. That's the problem.

Mr. Gilhart: I guess here's what I'm, I understand your concern about green space, the open space, and I'd be more than happy to work with that on the south end, because I think that's a huge big area. As a matter of fact when we repair the pipes that would be the perfect area for it. The second thing is...

Mr. Okum: I'm concerned about those residents on Neuss. I'm concerned about 1,175.24 square feet of signage on one PUD.

Mr. Gilhart: Let me address both of those. I did not submit this because it wasn't (inaudible, off mic). These are photos of the north end of the parking lot. These are the residences (inaudible, off mic). Regarding the signage, I'm open to signage. Just help me out and give me signage on Kemper and Princeton Pike. If we have to go down to the monument sign, we can do that.

Mr. Okum: In addition to that, I think it's appropriate to try to help a business. I'm in an office complex on Fairfield Business Center. This is the sign that Brenna Group has for our retail, our businesses. Our spaces are 2,500 square feet to 5,000 square feet. Office/warehouse, very similar. I went up to the corner of Seward Road and Route 4. You turn left. There's a development that Loveland Excavating built there that's got office/warehouse development similar to yours, and it has very similar signage out on the roadway for business. I think it's important that those businesses get some signage so they're identified. Certainly the sign package that you submitted doesn't reflect similar, and the question came up earlier tonight, similar developments in this area. I went across Crescentville Road and looked at the property in front of Champion Paper, or Champion, the Champion company that has that driveway there. There was signage there for those warehouse/office developments. Very similar, low-profile monument sign that identifies the businesses located in there so that those businesses do get exposure. Our Code, according to Staff, allows 100 square foot of signage on Kemper Road based upon frontage for your development. I'm not objecting to that per se, but I have more objection to the signage issue at Princeton Pike. That's the big issue. If you want to split them down and do 50 at each point...

Mr. Gilhart: And the reason...

Mr. Okum: ...I might be open to that.
Mr. Gilhart: The reason I submitted the signage originally was because that was what we had. We just wanted to go back to it. I’m not saying it’s set in stone, but that’s why I submitted it. There wasn’t any increase requested.

Mr. Okum: There was give and take, Mr. Gilhart. I was here on that PUD. That PUD signage was give and take from the very beginning...

Mr. Gilhart: Absolutely.

Mr. Okum: ...to the PUD. Not to you individually, but to the PUD to all the businesses and all the owners that were associated with that. Your brothers were involved, your family, there was a number of different owners of that PUD at the time, and that PUD’s consideration for signage went to the whole PUD. It included Princeton Plaza. It included where Noodles, etcetera is now, which used to be the gas station and KFC. It included the bowling alley. So that was all part of one PUD. So those considerations were all given by the City, and that’s how we ended up with 1,000, what’s that number again?

Mr. Gilhart: And sure, I would argue that’s why...

Mr. Okum: 1,175.

Mr. Gilhart: ...that redevelopment was so successful. It’s probably your most successful redevelopment in the entire community.

Mr. Okum: I don’t see that in other developments. There’s other reasons that... I don’t see that in other areas of Cincinnati as well...

Mr. Gilhart: I would just say there’s four corners...

Mr. Okum: I mean Colerain Avenue, Colerain Avenue...

Mr. Gilhart: That’s the number one corner.

Mr. Okum: Colerain Township has made a very, very structured and very firm position on they were not going to be Colerain Avenue any longer, and I’ll compliment their zoning, their Planning, and their City and Township Trustees for taking it head on and reducing the amount of signage down Colerain Avenue. Everybody has always referenced Colerain Avenue, how bad it was, and they have really made an effort to do it. If you look at the Copperstone or Copper Creek, the first entrance, the first development there where Meijer is, they have basically one main marquee sign with entrance, which identified businesses in that development. They don’t have multiple signs on multiple places for that entire development.

Mr. Gilhart: I’m not asking for that for this project. I would just say that I hope that you’ll help us make this a successful project.

Mr. Okum: Then my suggestion, Mr. Gilhart, is answer the questions that Staff has requested.

Mr. Gilhart: I have done that.

Mr. Okum: I don’t believe you have, and if you want me to vote on it tonight...

Mr. Gilhart: No, no, I’m not saying that.

Mr. Okum: ...based upon your responses, I’m going to be voting against it because you haven’t answered the questions that Staff has been asking you for. Give us a reasonable sign package. One that this Commission can consider. I don’t want to rewrite your proposal by motion. I want you to submit what is a reasonable person’s...

Mr. Gilhart: I understand what you’re saying...
Mr. Okum: ...approach to dealing with this.

Mr. Gilhart: ... to some degree, but the problem I have is every time I submit something, what I think is reasonable or applicable for the site, I bring it in, it gets kicked out. I change it up a little bit. I bring it in and it gets kicked out. You have to; the problem is with this whole process, I’m not given direction, specific direction. Then when I come back, sometimes it’s different issues. So it would be most helpful if you would say, Mr. Gilhart, this is what I think would be good for your property. What do you think about that?

Mr. Okum: I commented at the last meeting. I said I was concerned about the issue with the FEMA flood plain. I said I was concerned with the signage and I was concerned with the proximity of the development to those residences. Those three items, of those three items, what have you addressed?

Mr. Gilhart: Of the three, the FEMA I have...

Mr. Okum: You’ve not changed anything.

Mr. Gilhart: That’s not true.

Mr. Okum: In my opinion, you have not changed a thing.

Mr. Gilhart: I’ve met the FEMA stipulation in there for the costs. I even provided a list of what’s included in the FEMA publication, what’s excluded. If we’re talking about the north parking lot, I just provided a turning radius because that’s brought up. That’s won’t permit any reduction in that. I’ve also said that in the south parking lot, I’d be more than happy to consider that. I’ve also provided four photos that show no one can even see the project currently from those houses. And the signage, I’d be more than happy to. I need some direction though. If you say hey, I’ll give you Kemper Road and I’ll give you Princeton Pike and it’s reasonable, something that we can make a go with this business, I’m on board with that.

Mr. Okum: That was what I closed with at the last meeting. I said if this project was based upon that signage on Kemper Road and Princeton Pike, I would not be supporting it based upon what I’ve seen. I told you that.

Mr. Gilhart: But you just said you would be okay with Kemper and Princeton if we could work out size.

Mr. Okum: Something reasonable. Not pole mounted ninety square foot signs.

Mr. Gilhart: I don’t know what something reasonable is. I’m serious.

Mr. Okum: Well, the PUD currently is over signed, so you need to be understanding that you are not an island to yourself. You are part of that PUD.

Mr. Gilhart: I understand that, but understand its 54 years to take something, and we had this with the shopping center, to bring it up to every single code and change it for 54 years with the way they were back then, it’s a struggle. I’m trying to do the best I can. And I want to ask Staff, if I haven’t complied with your requests as far as answering your questions, tell me, because I went line for line.

Mrs. McBride: The applicant did provide responses, but the responses were the same signage that we had seen, so that’s not, it doesn’t agree with what Staff is suggesting.

Mr. Gilhart: And that’s one particular item.

Chairman Darby: Before we move on to Mr. Hawkins, a couple of housekeeping items I need to jam in here. Members first of all, please be mindful that your mic should be on and time you’re talking, even if it’s just to second a motion. Secondly, we’re creating somewhat of a problem for our transcriber by talking over one another.
Maybe that’s some of my fault, but let’s be mindful that we learned in kindergarten, we take turns.

Mr. Hawkins: Mr. Gilhart, I’m in support of you having signage on both Kemper and 747, Princeton Pike. What I would urge you to do is make sure you’re attentive to whatever Staff is discussing with you with regard to signage. Some of what you’ve heard from this Commission, some of what you’ve heard from Mr. Okum, I would be looking at what is the minimum amount of signage you can live with, and I’d start there. I’d take that to Staff. I’d ask Staff for their viewpoint on that. I do think it’s appropriate and we’ve had some discussions about this before with regard to you having some vantage point of signs on both roadways. I think it’s, while we have that piece of property there, I know the PUD developed some years ago. The property’s been split since then, correct?

Mr. Gilhart: Yes.

Mr. Hawkins: Okay. So I think there’s some issue with regard to, I don’t know if there’s a means to guarantee that the property owner there is going to sit there and guarantee that you’re going to get signage on their sign, but at any rate I think it’s important that you’re listening to the comments that Staff’s giving you with regard to the signage and I think less is going to be more in terms of getting approval from this Commission. Okay? The only other thing I want to touch on, again, I know we’re beating a dead horse on this 50%. I’m interested in you being successful. I don’t know that you have to, you’ve heard this. I want to make sure that you understand this, and if Mr. Taylor or Mrs. McBride have a different viewpoint on what I’ve heard, if I’m not understanding, please correct me. What I’m hearing them indicate, Mr. Gilhart, is you don’t have to go out and get estimates from your subcontractors but you do have to break down the labor, the cost of supplies, and again it’s an estimate, and that’s what’s listed within the federal guidelines of you breaking down. It may be your break down of it, but if you’re breaking that down to get to the, for instance $35,000 for plumbing, fixtures, and piping, and you’re saying x of that $35,000 is going to be labor, y is going to be supplies, what have you, that gives Staff and the Commission some more information to go in basing that number. No one’s saying you’ve got to go out and bid it, but still in the guidelines it talks about that breakdown as an estimate, so you can make that estimate, but if you just give the blanket number, and I understand you sit there and say well I’ve broken down plumbing, I’ve broken down HVAC, but it needs to have a little more detail for the further breakdown from those, you may be okay with regard to that.

Mr. Gilhart: May I make a suggestion? Is it possible to, if everybody’s, if you’re not on board with the project you can tell me and we’ll just call it a night, but if everyone or most everyone is on board with the project, wouldn’t it make more sense to keep this thing going is to approve it, if that’s what you want to do, contingent upon satisfactory costs provided to Mr. Taylor, satisfactory green space in the south parking area because I think I’ve shown that we need that for turning in the north, and like Mr. Okum said, it’s a give and take negotiate. If we could come up with something that is livable, as long as I’ve got Kemper Road and Princeton Road signs, tell me what that is. What is the code on that, for example?

Mrs. McBride: Well, the Code on that is you would be allowed one sign on Kemper, 100 square feet and eight feet in height. 50 percent of that could be used as a manual change board. You are not permitted any signage on Princeton.

Mr. Gilhart: So what then would be, you talked about possible, Mr. Okum, maybe a reduction or something so we could get two. What would be?

Mr. Okum: I said 50 square feet on Kemper and 50 square feet on Princeton Pike.

Mr. Gilhart: What if we go, what is it, 100? Does that include though the base?

Mrs. McBride: It’s the sign area only.
Mr. Okum: Mr. Chairman, I did not, I’ll answer my question again with the microphone on. I said 50 square feet on Kemper and 50 square feet on Princeton Pike. That would be equal to your 100 -square foot that is permitted.

Mr. Gilhart: So if I could make a suggestion...

Mr. Okum: If you were not, let me preface this, if you were not part of a PUD and you were a stand alone property not part of that 1,000 square feet of signage. So this is really over and above or part of the PUD. It’s still making an adjustment to the PUD number.

Mr. Gilhart: The problem we’ve had in the past is we were General Business, and as you see in that document there, we were taken from General Business PUD. There’s some advantages to the PUD and there’s some disadvantages to the General Business, and that’s where the conflict lies. I mean I could say...

Mr. Okum: A PUD is a balance of both. It gives the opportunity for owners of property to develop with a lot of latitude to types and blends and uses within a PUD. It allows them to go beyond the square footages that are allowed for signage. It allows them to have a parking field in one area, less parking in another; waive certain regulations and add other items. It’s a give and take.

Mr. Gilhart: That’s why I requested additional signage.

Mr. Okum: But the GB, you would have never had 1,100 square foot in that GB district.

Mr. Gilhart: Right. It would have been for that particular parcel.

Mr. Okum: That is correct.

Mr. Gilhart: But what I’d like to do, and you can make a motion or not make a motion, I would like to get it approved based on satisfactory percentage in the south parking lot of the open space with 50 square foot ground signs on Kemper and Princeton Pike, and what was the other item? Was there another item? Oh, and satisfactory cost estimates submitted to Mr. Taylor, and I think those are the, correct me if I’m wrong, I think those are the three issues.

Mrs. McBride: I would also like to throw in a fourth issue and that is the covenants, because the City really needs to see those covenants because a couple of different reasons. One, I don’t know what uses are permitted within those covenants. We may want to modify the uses that are permitted within those covenants specifically to address Mr. Gilhart’s current project. The second thing is that there are a total of 14 parcels that make up this PUD, and there are now four different property owners that own those. My bet is all four of those property owners; I know not all four of those property owners have signed those covenants in addition to the City. So that’s the fourth issue is that we really need to get those covenants, and I’ve said prior to the City Council acting on it, but Staff needs to have time to review those, make suggestions, and work with the Law Director and get them back to the applicant so that they can have a good position on this.

Mr. Gilhart: See I was under the impression that those were the documents, the PUD, that’s what control the PUD, does it not? The ones that I submitted?

Mrs. McBride: This is just the Ordinance approving the PUD. Covenants that run with the land, I know you do a lot of real estate work, so I know you’re familiar with covenants, declarations, and easements, okay? These are the covenants that go with that PUD that were executed by the property owners at the time as well as a representative of the City.

Mr. Gilhart: But they would talk about a zoning Ordinance? Is that what you’re saying?

Mrs. McBride: No, they would talk about specific uses. They may have talked about any other restrictions that were put on that property. I don’t know what those might
be, but there are going to be a series of covenants and the City requires those for every PUD that we do.

Mr. Gilhart: Well I would add then, the fourth item, satisfactory submittal of the covenants. And if that meets the four items that your concern, that will allow enough time to get the final site development plan, everything cleaned up, get the covenants. Because then City Council would review it, I imagine.

Chairman Darby: Mrs. McBride, is there a date sensitive issue with the covenants?

Mrs. McBride: We would want to have them several weeks ahead of Council’s hearing the matter so that we could review those, work with our Law Director and then obviously get them back to the applicant to make sure that they’re good with those suggestions or changes as well. Again, all four of those property owners as well as the City would need to sign.

Mr. Gilhart: That’s another issue. How can I force someone to sign? Are there covenants that are required? Additional amendments? I noticed that was one of your items. What would be required?

Mrs. McBride: Well, I mean for example, if one of the covenants is that there would be no warehousing on the property, obviously you’re going to want to have that changed.

Mr. Gilhart: I see what you’re saying.

Mrs. McBride: The City may choose to put in there that there would be no automotive repair on the property. I’m just throwing that out just as...so...

Mr. Gilhart: How would that process take place though? How... I mean as far as how many meeting would we go through for that? Who decides what comes in, what goes out?

Mrs. McBride: Staff will review them and make suggestions. We’ll work with the Law Director on that, and then we would supply them to you and we would them to the City.

Mr. Gilhart: It just seems, to me as a novice on this, simple. It’s a PUD. It’s whatever it says in the PUD. I don’t know, and again, we’ve been through this many times before. It was considered a minor change, I believe. It was considered in the past minor changes, now it’s considered a major. Does that make it to where we need covenants, because we didn’t have to have them in the past?

Mrs. McBride: Again, this PUD was done before I was involved with the City, but my understanding is that every PUD that’s come through the City has had a set of covenants that go with it. We were just working on one over in Pictoria, and the uses could have been an issue.

Mr. Gilhart: Because we’ve submitted, I don’t know how many times, ten times, various approvals, and it’s never been part of it. That’s why I ask.

Mrs. McBride: The changes that have come before in the center have all been related to retail type uses and they have been minor changes they’ve been additional signage, they’ve been I believe they must have been minor changes and they have not been changes that we felt would have impacted the covenants for the property. Which again typically deal with things like land uses and most of the uses, uses that you have brought to us previously have been retailers, have been restaurants, have been personal service uses, have been medical offices, those types of things would have been permitted.

Mr. Gilhart: Ok I just find that that’s already what I proposing is already in the PUD. That’s why I don’t see the difference but... I mean it lists all of the different uses, it
says office in there, it says retail in there, it says warehouse already that’s why... I don’t know what to do at this point Mr. Darby.

Chairman Darby: I think that this something we need to decide though.

Mrs. Harlow: Mr. Chairman?

Chairman Darby: Let me go on Mr. Ramirez.

Mr. Ramirez: Thank you Mr. Chairman. Just for the record I am on board with your project, I would like to see it succeed and move forward but with some of the unknowns I’m pretty much on board with Mr. Hawkins on. I can see just sitting here listening and some of the comments you made you’re trying to make this work in working with us such as the signage which is, you know that’s been a bit issue in the past. You know with the zoning appeals and with this board as well. So you know that given if we can work out the signage I’m still not sure about the FEMA and the total cost and how that relates and giving an okay without really knowing much in the background what’s going on and the cost associated with that but a Mr. Hawkins said if we can get a little more detail on those costs, break them down a little bit more. I certainly want to see this work and it’s not like we’re trying to be difficult but you know if we say it’s okay and you go forward and you build the project and you sell the property and a new owner comes in and they realize they are in a flood plain, all the owners are upset and they have a bit flood whatever it will come back to this board saying it was all okay when really maybe it wasn’t okay or maybe we should not have proceeded with that so. Just my comment for the record. Thank you.

Mr. Gilhart: I’m just asking to move forward based on those four items I guess it is. I can meet those four items satisfactorily, from what I am hearing pretty much everybody’s on board.

Chairman Darby: Let let … I still have some lights. We may have more items I want to make sure that everyone exhausts their thoughts on this. Mrs. Harlow.

Mrs. Harlow: Thank you. I want to bring up the March 14th Planning Commission meeting and in that Mr. Gilhart we discussed whether this is a major change or not.

Mr. Gilhart: umhumm

Mrs. Harlow: … and we determined that it was a major change because it’s not the same purpose the building is not being used for the same purpose that it was originally built for. And so the minutes back that up and because you are not bringing something forward for us to vote on at this point in them, we don’t have to make that determination until you bring a Final Development Plan correct? And then we make that determination.

Chairman Darby: Thought we did that.

Mrs. Harlow: Preliminary. Okay preliminary. I want to see it succeed to, but I think that in order for that to happen we have to have the information that we need and it is a major change. I don’t know if the Gilharts have owned that property all from the get go and

Mr. Gilhart: The bowl?

Mrs. Harlow: I mean the whole area through there. All of the four parcels.

Mr. Gilhart: 1950……

Mrs. Harlow: Fourteen parcels of land and four owners.

Mr. Gilhart: um hum, there just.....
Mrs. Harlow: There should be somewhere in your records the covenants that was originally part of that original documentation.

Mr. Gilhart: It’s possible. Unfortunately I wasn’t even born yet but..

Mrs. Harlow: I understand but if not you know go to the Courthouse and see if you can’t find that because I think that is something that we have to have. Thank you.

Chairman Darby: Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. I just want to be clear as we talked about the covenants and things before has anyone gone down to the auditors office to try to pull those?

Mr. Gilhart: I have personally searched online hours and hours, I have not come up with anything. I stopped searching because I was provided by Lou Santoro, you may recall, that’s my brother-in-law the document that showed that it was ordinance was approved in 87’ for the PUD and I thought that was it, it says PUD and it says what the uses are and what’s excluded.

Mr. Hawkins: I would suggest going down to the actual Auditor’s office and see if, you never know the folks that work down there are great if there’s something there they’ll find it, if it is not, it is not but I would go down there and have some one on one contact with them. Here’s the only thing I would say with regard to your request for this commission to vote on this with those four different issues to be addressed with staff and taken care of and then that matter going before council. It’s whatever the commission wants to do. What I would say is this, and you may not have witnessed this, when City Council gets something like this that comes before them that has come from a different commission with some kind of complete approval or contingent approval based on something else that has to be worked out with staff, if there’s anything that is not buttoned up in that when it comes before council that usually ends up going poorly for the person who’s making the request. If ..

Mr. Gilhart: Gets denied or it gets ... excuse me gets denied or gets tabled.

Mr. Hawkins: But it also leaves a bad taste in the mouth of the council members usually so the only thing I say is this, This commission really and staff really I would look at, from your prospective, is here to assist you so that when it gets to that point before council there’s no new question, there’s no new issue, everything’s buttoned up and comes before council and council sits there and goes yeah everything is addressed. If it is not and I have set on council when things come up and they haven’t been and there’ve been applicants who’ve stood right where you stood staff has told them you need to do this commission has told them you need to do that and they say we’re not doing that and they go before council and it ends badly. So I understand that you may be a little frustrated with some of the stuff that has come before you but really the comments that you are getting are here to help you so that, that final step is smooth and easy and you’re not standing there talking about anything new. Whatever it is that comes up if someone asks you a question at that council meeting it’s already been addressed it’s a non issue, it’s and easy, easy slow pitch for you to knock out of the park but the risk you have if you’re doing sort of a contingent approval is, there may be some issues that have not been cleanly addressed and that may be a problem for you. I’m just giving you that data whatever you ask this commission to do is fine but...

Mr. Gilhart: I understand what you’re saying if we can get down to the issues I think there’s four and if I don’t address them, if we do something contingent, if don’t address them then it’s not going to go through. I mean I would address those four issues and have them nailed down. It’s hard through this process because there’s a lot of give and take and there’s a lot of leeway with the PUDs. We’ve got property and buildings that are half a century old, but it’s hard for me to say, you do these items and we’re good because it always seems like as best as I try to do that the next meeting goes sideways off into somewhere else.
Mr. Hawkins: Tell me this, upon, upon and approval from the commission how fast would the applicants go before council, would it be the very next meeting, and obviously in this instance if there would be on a contingent basis it’s going to take a couple weeks anyway, just to go over some of the data. But would there be any lag time if the commission had all the data it wanted and the commission approved it would it go to the next meeting. I guess it depends on if it’s the next night after this or not but.

Mr. Taylor: I believe there’s a degree of latitude as to when this would be presented to council. I think there’s a couple of options that you all have, one is you can, you can approve with some conditions and the conditions would be that, you know you can either have them come back to you as a body, you can have them work it out with staff and staff can make a report to the chairman. I mean that’s one option. Another option would be to continue this yet again if you choose, I think there’s a couple of different ways you could probably approach this. It’s a matter of what your comfort level is at this point. One thing we do want to, I guess recognize at least is this actually because we anticipated that this was going to be a major change, when this was presented we did go ahead and open a public hearing and it was continued from the last meeting, that public hearing was continued until tonight. At some level the public hearing portion of this probably needs to be addressed.

Chairman Darby: Mrs. McBride.

Mrs. McBride: Yeah, just one. So Mr. Hawkins, City Council will also have to hold a public hearing because this is a Major Amendment and to do that we’d have to give proper notice so it would not be the next council meeting but the one after that, that would be a first reading and then a second reading after that with the public hearing.

Mr. Hawkins: Thank you.

Chairman Darby: Mrs. Harlow.

Mrs. Harlow: Thank you. So I think that you have heard that there’s four items that they want you to address. Is it possible that you can get on the agenda for the May 23rd special meeting? If you’re looking at moving your time line along is that a possibility? I guess I am asking administration?

Mr. Taylor: Sure I mean I think we would probably want submission by the 24th of this month just as the other party indicated, that would give us a month to work out whatever details there are.

Mrs. Harlow: I think that at this point in time have we covered all the four items that seem to be our stumbling block here?

Mr. Shvegzda: I guess that would be the case. There are other issues that were discussed and if the applicant is agreeable to those then the four additions that are the larger issues would be the ones to accomplish.

Mr. Gilhart: Is there any outstanding issues, like the lighting plan we know to do it with the low there were two submitted.

Mr. Shvegzda: The repair of the parking lot and culvert for phase 1.

Mr. Gilhart: Yeah that has been agreed to you just want to see a note on the plan right?

Mr. Shvegzda: Well it would be part of the agreement at this board.

Mr. Gilhart: Yeah I’ve made that in my responses I’ve said that every time.

Mr. Shvegzda: Last time it said repair as needed with no date, no indication when that would happen.
Mr. Gilhart: Repair as needed phase 1, you know. The thing is if this gets approved the following day we are out there and we’re working on it. The parking lot is going to be the first thing. The drainage pipe the other section that’s pipe has been repaired but the hole needs to be fixed. I would start immediately but I can’t know when to tell you that if you have to give me some direction. When I say I’m going to repair if needed were going to start when the project starts.

Mr. Shvegzda: That wasn’t apparent from the response.

Mr. Gilhart: Okay.

Mrs. Harlow: Mr. Darby.

Chairman Darby: Mrs. Harlow.

Mrs. Harlow: On Mrs. McBride’s consideration there are eleven items that need to be addressed and some of those you have talked about. You have talked about the dumpsters you talked about the landscape plan, the existing parking lot so forth and so on. If you don’t have a copy of this ask Mrs. ….. Okay you have a copy of that.

Mr. Gilhart: ummhmmm

Mrs. Harlow: So you know exactly what she’s looking for.

Mrs. McBride: And actually a number of those items as I indicated in my comments could be addressed at the final development plan.

Mrs. Harlow: Correct

Mrs. McBride: Because Mr. Gilhart will be back before this commission with a final development plan so we were just trying to give him the heads up with regards to what we would be looking for example with regards to dumpster enclosures they need to met the requirements of that section of the code.

Mrs. Harlow: Okay and then also in here and gosh I hate to bring this up, the existing Princeton Bowl sign on Kemper Road must be removed in June so you’re looking for, to use that same.

Mr. Gilhart: Well I’m just looking to be able to instead of remove it and come back have the sign company have a plan to go remove it and put the new one up ...

Mrs. Harlow: So

Mr. Gilhart: The other issue is ...

Mrs. Harlow: You’re on a time line on that one though. That’s

Mr. Gilhart: Yeah that’s yeah

Mrs. Harlow: Okay. So I thing that those are the things that you need to take away from tonight. And if you can get your information together by the 24th get on the agenda for the 23rd of May. We want it to succeed as well.

Mr. Gilhart: For the council meeting is that what you are saying

Mrs. Harlow: No there’s a special called planning meeting on the 23rd of May for another applicant. So you could possible get on the agenda for that night if you are looking to move this along faster.

Mr. Gilhart: I’m just looking at some of these comments, I thought we satisfactorily
Mrs. Harlow: I would like to make a motion to table this and let the applicant do the necessary ground work on the covenant and on the other issues that Mrs. McBride has brought forward and then he can bring it back.

Chairman Darby: Is there a second?

Mr. Hall: I'll second it.

Chairman Darby: There a discussion. Mrs. McBride.

Mrs. McBride: Could I ask maybe if Mrs. Harlow could amend her motion to continue the public in hearing in progress?

Mrs. Harlow: To continue the public hearing yes.

Mr. Okum: And we can discuss the motion to continue

Mr. Gilhart: Is it. Excuse me. Is it possible for me to get a definite defined list? I know I have this in front of me but many of these items have already been addressed like the...

Mrs. Harlow: That I think can be worked out with staff

Mr. Gilhart: Okay

Mr. Okum: And a copy of these minutes will be available to you.

Mrs. Harlow: And maybe a copy of last month’s minutes

Mr. Gilhart: So staff will give me an itemized list of the absolute items that need to be addressed.

Mr. Okum: Motion to continue discussion on the motion.

Chairman Darby: The original motion has been amended to include this continuous of the public hearing.

Mr. Okum: [(inaudible mumble...)] tabling [(inaudible mumble)]. You can’t discuss the table

Chairman Darby: Will second for that also

Mr. Okum: We have a second.

Chairman Darby: Okay. All those in favor of the

Mr. Okum: Wait can we discuss the continuance?

Chairman Darby: Mr. Okum.

Mr. Okum: Okay. Just so the applicant is aware these the supporting information that is required by FEMA, that for my understanding goes all the way through, through your construction process and should you actually exceed those numbers I believe that you are culpable or responsible for those, at issue. I would hate to see the city in the position where we are responsible for that end result of those costs being underestimated or improperly categorized. Because of those reasons that he presented to us regarding public health safety and welfare I would be very concerned about that approval and I don’t have a problem with it as long as every base is covered so the reason I don’t want to just move right into the continuance and I’m supporting that is I want to make sure that this applicant is understanding that the these are not simple things. The covenants on this development are very critical to this body making a decision that can refer this to council affirmatively. If it and you do know the rule right? It requires five affirmative votes to go to council unless, is that
right five, four, five we get five on this? It will require five affirmative votes or it will be council will see it as we denied your request so you need five positives.

Mr. Gilhart: umm hummm

Mr. Okum: Okay. And now I am not going to say anything more about continuance except I am ready to go with it.

Chairman Darby: All those in favor of the continuances of the previously been described secretary please call a roll

(Mr. Bauer polled Planning Commission members, and with a 7 – 0 vote the motion passed for continuance)

Chairman Darby: Thank you for coming. I am hearing one call for a recess. Let’s take five minutes please.

Mr. Gilhart: Thank you.

Chairman Darby: Let’s take five minutes recess.

(back ground chatter during recess)

Chairman Darby: Let the record show that we are reconvening at 9:12 and we will move on to new business.

VIII. NEW BUSINESS

A. Elmwood Staffing Services, 11784 Springfield pike minor improvement requiring planning commission approval

Leah Elliott: Good evening.

Chairman Darby: Good evening.

Leah Elliott: Hi, I’m Leah Elliott and I am here on behalf of and in represent of Elwood Staffing. We have recently moved into the Springdale area in Glensprings Plaza which I think I just geographically challenged but I know it is a quick walk in one direction over here. We have, we are new to this area but Elwood Staffing is a staffing company we place employees in positions with client companies at their facilities. Mostly in industrial logistics. Energy, oil and gas some professional and construction industries. Feel like the Springdale, Ohio market is a great opportunity for us and after, shortly after moving in we realized that our sign in particular the color of our sign was presenting a bit of a challenge. So I am here today requesting approval of our application for minor improvement which is to permit the Elwood Staffing sign which is purple in color. Across there is a submission, with our submission was a copy of the channel letter sign raceway mounted submitted in the purple coloring consistent with our other 200 locations across the United States. Elwood staffing has invested hundreds of thousands in our branding and our marketing nationwide. A very key component to the registration of our trade mark is the color component itself and would like to request the commission to consider our request to permit that purple coloring, which does, I believe take up more than fifty, it takes up more than fifty percent of the sign which the ordinance currently reads or the code that it must be earth tone in color.

Chairman Darby: Thank you. Mrs. McBride.

Mrs. McBride: Thank you. As the applicant indicated they have recently moved into Glensprings Plaza. By our code they would be allowed a total of fifty square feet of wall signage and the sign that they are proposing actually is only thirty square feet so it is significantly under their sign area that they are that they are proposing do meet the code in terms of the type of sign. It’s going to be channel cut letters as the
applicant indicated and they also need to comply with the fact that it would be set three feet off of each end of their tenant space. It was a little bit hard to determine that. The real reason that they are here is as the applicant stated the sign is purple and the code does require at least fifty percent of the sign area to be earth tone colors. There are a number of other tenants already in that center that do not comply with that so staff really doesn’t have an issue with that.

Chairman Darby: Thank you. Mr. Okum.

Mr. Okum: Seeing no other lights Mr. Chairman I’d like to move that approval for Elwood Staffing at 11784 Springfield Pike case #31930 for the approval to allow the sign color to remain as is present in its purple trademark color.

Mrs. Harlow: I’d like to second that.

Chairman Darby: It’s been moved and seconded that the request be approved. Secretary, please call the roll.

(Mr. Bauer polled the Planning Commission members, and with a 7 – 0 vote, the motion was approved.)

Chairman Darby: Thank you and welcome to Springdale.

Leah Elliott: Thank you, Thank you commissioners.

Chairman Darby: Moving on item B.

B. Millennium Kids Creative Center, Angela O’Hara 140 West Kemper Road, Conditional Use Permit.

Mr. Okum: Good evening.

Ms. O’Hara: Hello.

Chairman Darby: And we don’t have any Shrimp.

Ms. O’Hara: I didn’t hear you.

Chairman Darby: We don’t have any shrimp.

Ms. O’Hara: You sure.

Chairman Darby: okay.

Ms. O’Hara: Not even in water with extra lemon. My name is Angela O’Hara and I was interested in opening up a daycare center and the location at 140 West Kemper.

Chairman Darby: Can you hear?

Recording secretary: It should be on yeah just talk a little closer to the mic.

Ms. O’Hara: Oh because normally I am really loud. Sorry maybe I have been sitting too long. I’m sorry. My name is Angela O’Hara and I was interested in opening up a daycare center at 140 West Kemper. Anything else? Ya’ll done made me nervous. Ya’ll staring at me.

Chairman Darby: Take your time.

Ms. O’Hara: From the ages of 6 weeks old to 12 years old…six weeks of age till twelve years old. Hours from five thirty till six o’clock. Five thirty am till 6 o’clock pm.
Chairman Darby: What we do in this portion you can tell us anything that you would like to because were going move on the staff to staff reports and then there may be some additional questions.

Ms. O’Hara: Okay

Chairman Darby: The stage is yours.

(In audible talking in the background no mic.)

Ms. O’Hara: No we won’t be occupying the whole building we will be occupying the back part I am assuming because when I went in there is a back part then the Doctor’s office then there’s another part on the opposite side of the Doctor’s office. So we want to be on the back part of the building.

Chairman Darby: Okay.

Mr. Okum: This is a conditional here forgot need swear in.

Chairman Darby: we need to okay Mr. Okum.

Mr. Okum: I need my sheet.

Mr. Okum: We need to open the public hearing to. You are Conditional Use right? We’re both dazed right now. Here we go. That’s not the right one. We have to get the right one here.

Chairman Darby: I’ve got it.

Mr. Okum: It was in here.

Chairman Darby: Here here.

Mr. Okum: It was in here. Where’s my motion. Okay for purposes of anyone that wishes to speak in this regard this is a public hearing and we will need to swear you in and anyone else. Just raise your hand and repeat. If you plan to speak or you wish to speak on this issue we are going to need you to stand up and be recognized. Okay. Raise your right hand and repeat after me. I state your name

Ms. O’Hara: I Angela O’Hara

Mr. Okum: Due solemnly swear

Ms. O’Hara: Due solemnly swear

Mr. Okum: To tell the truth

Ms. O’Hara: To tell the truth

Mr. Okum: The whole truth

Ms. O’Hara: The whole truth

Mr. Okum: And nothing but the truth

Ms. O’Hara: And nothing but the truth

Mr. Okum: So help me God.

Ms. O’Hara: So help me God.

Mr. Okum: Let the record show that the people that are wishing to speak in this public hearing have been sworn in.
Chairman Darby: Thank you.

Mr. Okum: So now we are ready?

Chairman Darby: Mrs. McBride.

Mrs. McBride: Thank you. The applicant is requesting a Conditional Use approval to allow for a daycare center within our (OB) Office Building district. We have a series of standards which I have included in my staff report of seven different items that the commission needs to consider in acting on this Conditional Use request. We did not get any site plan or anything for this application, in fact Mr. Taylor and I were just conferring I did pull off Auditor’s information and it appears that there is one building on this site but there also is a possibility there is a second building on this site but again we don’t have a site plan so we really can’t be certain of that. We do have parking requirements obviously in our zoning code for daycare centers were required, there’re required to provide two parking spaces for the facility and one for every eight clients. We didn’t know how many clients the facility was going to have so we can’t determine how many parking spaces they are required and because we have a site plan we can’t tell you how many spaces they have so parking is a little up in the air here at the moment. They did submit a building floor plan and label an area as a play area and as some as they commission members will recall that has been a sensitive subject over the years in the City of Springdale. So we want to ask for additional information on the play areas specifically how is it going to be enclosed, what hours is it going to be used, how many kids are going to use it at a time, what will the play area contain those kinds of things so that we can properly evaluate that. We didn’t receive any information about if there would be deliveries, food service deliveries, those types of things to the facility. There is a kitchen noted on the floor plan so, and also how waste would be handled on the site. We did not receive any information about either free standing or building mounted signage so we assume that would comply with the zoning code. Whether or not they are proposing any other improvements to the site or to the building because we do not have a site plan we can’t be sure of that and then we had asked for the hours of proposed application and I think that the applicant just indicated that that would be 5:30am to 6:00pm.

Ms. O’Hara: Yes

Mrs. McBride: So those are my comments and I will be happy to answer questions at the end.

Chairman Darby: Any staff comments that they want to make at this time?

Don Shvegzda: Since there wasn’t a site plan submitted I had assumed there wasn’t any modification to this site therefore no comments.

Chairman Darby: Yes sir thank you, at this time we will… Mr. Okum.

Mr. Okum: Thank you Mr. Chairman. My microphone is on. Just making sure. Did you receive any comment back after you submitted this? Was there time to get comment back to this regarding?

Mrs. McBride: Preliminary comments? No there wasn’t there was not time.

Mr. Okum: Okay there are a couple things I mean I can do Google earth and I can see that the distance between the back of this building and the residences is significant and is wooded. It’s got the creek line but there are residences adjacent to the property so we going to need some boundaries set by you so they can isolate the play area from the children so that the residence are protected and it is during certain set hours.

Ms. O’Hara: Okay.

Mr. Okum: If you could and I think it’s probably a perfect location for this use
Ms. O’Hara: Okay.

Mr. Okum: Based upon its distance from the residences and its proximity it’s got the bank parking lot next to it and basically grassy area to the west of it. It’s probably a good site for this use. I’ll be supporting it but I’m not quite sure how were going to get there yet.

Ms. O’Hara: Okay.

Mr. Okum: Because of those enclosures and protection.

Ms. O’Hara: Okay.

Mr. Okum: That’s necessary. You need to close the public hearing because there’s nobody else is there anyone else is there anyone else from the public that wants to address it.

Chairman Darby: Since there is no one else here to address this issue well the young well the man behind her.

Ms. O’Hara: You all said something about the deliveries. We …

Chairman Darby: He was sworn in also?

Mr. Okum: Yeah.

Ms. O’Hara: We won’t have delivery as far as food deliveries is what you said like food deliveries and is that what you was thinking?

Mrs. McBride: Yeah we noticed there was a kitchen marked on there and so didn’t know if Sysco or somebody might be bringing in food we didn’t know what kind of

Ms. O’Hara: Not at this time it would be catered in it all depends on your health department levels they can get a conventional oven and one of us will be buying the food but it wouldn’t be no big semi trucks anything like that at this time to deliver no food.

Chairman Darby: Mrs. McBride, oh I thought you were… Mr. Okum you want to earn your money please.

Mr. Okum: Based upon is there anyone else here in the public that would like to address the commission in this regard? Ok then I’ll move to close the public hearing.

Mr. Hall: I’ll second that

Chairman Darby: The motion was seconded the public hearing be closed voice vote all those in favor. All those in favor (multiple aye votes) all those opposed (no opposing votes). Okay public hearing is hereby closed

Mr. Okum: Now we can discuss. I just, can staff deal with this with regards to the play area because.

Ms. O’Hara: That was one of my concerns as well because there is a slope in the back so when I walked out there from the exit door I envisioned the two the gate from the door leading out to the grassy area not in the back part of the building because the back part is a slope that goes down.

Mr. Okum: To the right of the building or to the left.

Angela O’Hara: If I’m standing to the left of the building if I’m standing and I’m facing the building it would be to the left of the building basically going east.
Mrs. McBride: West.

Mr. Okum: That would be west.

Ms. O’Hara: Would it be going west, Okay, Okay I thought it would be going east but okay.

Mr. Okum: So it will be where the parking those eight parking spaces are next to that area.

Ms. O’Hara: Correct.

Mr. Okum: To that would be to the west to the North West corner of the building.

Ms. O’Hara: Correct.

Mr. Okum: For purposes of looking at Google Maps and Identifying.

Ms. O’Hara: I thought it would be east.

Chairman Darby: Mrs. Harlow.

Mrs. Harlow: Yes. I would like to ask the applicant if you ever intend or decide to grown your building to a 24 hour facility. Is that anything that is in your future?

Ms. O’Hara: To be honest with you it wouldn’t make sense because of the way the state pay it wouldn’t make sense. It just does not make sense.

Mrs. Harlow: I wanted to just make sure that wasn’t going to happen. Thank you.

Chairman Darby: Mrs. McBride.

Mrs. McBride: I was just going to suggest that Mr. Taylor and I feel comfortable that we can address these issues with the applicant and in fact maybe could possibly meet with her this week to try to get those things kind of ironed out.

Chairman Darby: That sounds like a good idea. Mr. Bauer.

Mr. Bauer: Thank you Mr. Chairman. Just a quick question on your layout I’m confused on directions that in that building we’re talking about the Doctor’s office next to the bank correct what part of the building are you in?

Arthur Wilson: If you driving by and you look on your left.

Ms. O’Hara: It’s the first.

Arthur Wilson: And you going to the Sprint Store at Tri-County Mall it’s right there it’s the its on the left.

Mr. Bauer: Okay.

Arthur Wilson: Now the doctors building if you was to come in and kind of go like that way and then the other part the doctor’s building is up here and the part we would be is just right on the other side.

Mr. Bauer: Okay so what kind of separation is there between this and the doctor’s office?

Arthur Wilson: You can’t even get in that side of the building from the doctor’s office.

Mr. Bauer: Okay. It’s separate.

Ms. O’Hara: Like they put a closure up there.
Chairman Darby: Could we get your name please sir.

Arthur Wilson: Oh I’m sorry I’m Arthur Wilson I’ll be I’ll be partner with her.

Chairman Darby: Thank you.

Arthur Wilson: My bad. You really can’t even get in there from the doctor’s offices.

Ms. O’Hara: It was like there was a door there before but its, it’s been closed off.

Mr. Bauer: It’s been closed off?

Ms. O’Hara: Yeah.

Mr. Bauer: Okay. That’s it Thank you.

Ms. O’Hara: Okay.

Chairman Darby: Mr. Okum.

Mr. Okum: Mr. Chairman I’d like to make a motion to approve the Millennium Kids request for Conditional Use variance for the site at 140 West Kemper Road, Springdale, Ohio case number 31935. This Motion shall include our City Planner’s recommendations and considerations as outlined on those documents submitted to us.

Chairman Darby: Thank you.

Ms. O’Hara: I do have one question. You asked about the hours if there is in the future, saying and the mall closes during the week at 9 on Sundays at 6 and if we may have to stay open past 6 would that be a issue? Just just I’m just speaking on if we get...

Mrs. McBride: Not unless Planning Commission ...

Chairman Darby: You’d have to come back ma’am for that.

Mrs. McBride: Are you putting the hours of operation into the approval of the Conditional Use? Because otherwise you would not have to.

Chairman Darby: Yeah.

Mrs. McBride: Okay

Mr. Okum: Okay so were what were the hours that she gave us?

Mrs. Harlow: 5:30AM to 6:00PM

Mr. Okum: 5:30AM....

Ms. O’Hara: But since we’re by the mall I didn’t want to expand the hours because of staffing and ....

Mr. Okum: My motion is going to be to amend to go from 5:30AM till 6:00PM. Should things change you’ll need to re-apply for a variance, a Conditional Use hearing to change those hours.

Ms. O’Hara: Understand, okay.

Chairman Darby: Thank you.

Mr. Okum: I’m so amending my motion to stipulate the hours 5:30AM to 6:00PM.
Chairman Darby: Okay, now we will take a second. The move and second that the motion be approved as indicated by the motion. Secretary please call roll.

(Mr. Bauer polled the Planning Commission members, and with a 7 – 0 vote the motion was approved)

Chairman Darby: One last question. Is that the year you won state

Ms. O’Hara: 2009

Arthur Wilson: No that was this was two years before

Ms. O’Hara: We won state in 2009.

Chairman Darby: We won't hold it against you.


Chairman Darby: Thanks for coming.

Ms. O’Hara: Thank you all.

Chairman Darby: Item C.

C. Days Inn, 400 Glensprings Drive, Improvement requiring Planning Commission Approval.

Chairman Darby: Thank goodness.

Mr. Okum: We haven’t hit 2 am yet.

Mr. Bowy: Good evening my name is Shawn Bowy and I recently purchased what is currently the Springdale Inn & Suites, prior to that it was the Howard Johnson Hotel your caddy corner neighbor and I bought this in January we are in the process, the goal is, is to renovate the property, change and improve the clientele, the service basically everything about the hotel to attract a different client base. That's in progress right now, we started the day we bought it with making improvements and we have been doing everything on the inside and we are here today or I’m here today to you know to ask for approval or just to discuss for the exterior renovations for that piece of it. That and the sign just like Elwood the staffing my sign does not adhere to the fifty percent earth tone colors due to trademark, the branding, it’s a franchise sign so I am looking for approval to make a amendment or waiver to allow the sign. So that’s why I am here.

Chairman Darby: Thank you.

Mr. Bowy: This is Paul Lee he is the architect that designed and put together the exterior renovation plans that you have in front of you.

Chairman Darby: Did you have anything to say at this time.

Mr. Lee: We have read through Mrs. McBride’s comments and we do not have any rejections to them at all and are willing to take what we can to address those comments and hopefully we can address those at a staff level.

Chairman Darby: Thank you. Mrs. McBride.

Mrs. McBride: Thank you. The existing Springdale Inn & Suites that is before the Commission this evening is on about 3.8 acres of property and it is zoned GB or General Business district but it is also as Commission knows within sub area B of our corridor review district and as such then it has specific requirements to it. The
applicant is proposing to paint the existing brick a charcoal color and the CRD district does not permit painted brick but this brick has already been painted so the color that they are painting it staff has determined it is in fact an earth tone color. They are going to be adding a cornice around the top of the building that would be white and then adding canopies over the upper floor over their windows that would be blue. The corridor review district does allow for the use of accent colors up to a maximum of 10 percent of the elevation and staff is very comfortable that this is under 10 percent but we do need that calculation from the applicant just to confirm that for the records. With regards to the entrance way they are proposing some significant improvements and to the guest entrance where they go to register in terms of adding stone work to the columns and then effacing those up they are very dated right now. Then putting a parapet at the entrance that would also include two Days Inns signs and we will talk about the signage in just a minute. We should get however some sample building materials and colors even if those are submitted to staff after any action the Commission might take this evening so that we have those for the record. Sometimes printers print at different at different colors and we would hate to think what staff thinks is charcoal actually turns out to be Elwood Staffing purple, that wouldn’t be very good. So right now the development actually has three free standing signs. There is the ground mounted sign that is on Glensprings that has 32 sq. ft., there is the interstate sign which is also on their property that backs up to 275 that has approximately 288 sq. ft. that’s 90 ft. in the air and then there is the sign at Springfield Pike and Glensprings that is approximately 128 sq. ft. at 30 ft. in height. The latter two are shared with what was Beef ‘O’ Brady’s. So what they are proposing to do is to keep all three signs and reface them. There would be a slight increase in the size of the ground mount sign on Glensprings from 32 to 47 sq. ft. it does not appear that the sign would be any taller but it would be 15 sq. ft. larger. What staff has recommended with that is that to make it more conforming with the corridor review district that it be placed either on a brick or stone base we are suggesting stone because we thing that would complement the stone that is being added to the columns there on the front of the building. That the interstate pylon sign would be increased from 288 to 303 sq. ft. the height would remain the same so it would be an increase of a little over 15 sq. ft. in sign area and I guess I should note for the Commission you are seeing the signs increase in height the Days Inn logo comes up and it’s got the sun on top our code requires you box that whole sign out so although the sign area is increasing by the definition of the code how we calculate it the true sign area probably actually is somewhat of a decrease in terms of what you will visually see. Okay does that make sense? (cough) Excuse me. The Springfield Pike sign is actually decreasing in size that’s 128 sq. ft. and there proposing 106.8 sq. ft. so it’s a decrease of 21 sq. ft. of sign area. So as I mentioned on the Glensprings sign we are suggesting that that be required to have a stone base and that will also need to be located within a landscaped bed per the corridor review district and our new sign requirements as well. That the color of the pole of the sign on Springfield Pike and the color of the frame be approved by staff to try to get that into some type of earth tone color and that that sign also be included in a landscaped bed and then the pole and the frame color for the interstate sign also be reviewed and approved by staff. It has not been identified at this point in time. They are also proposing two building mounted signs as I indicated they would be on the new parapet one would be facing Glensprings on the South elevation and the other one would be on the east elevation so when you come off of Springfield Pike down Glensprings then there would be the Days Inn sign on the building. Each one of those signs would be flat box panel signs at a little over 47 sq. ft. so the sign area is consistent but the corridor review district and our new zoning code does require that channel cut letters be utilized. These are obviously logo issues so the commission would need to decide that that was appropriate at this location as opposed to channel cut letters. Also the issue of the 50 percent of earth tone colors on the sign these signs are not earth tone colors so the commission would need to decide that as well. The existing waste enclosure there is a shed and a waste enclosure as you look at the building to the right or to the east of it and the waste enclosure is in not very good condition so that would need to be brought into compliance with our zoning code. Similarly the landscaping on the site has deteriorated over the years and we are not suggesting that they bring it up to what the current code requires in terms of digging up parking areas and adding islands and that kind of thing but we would like to work with the applicant to improve the landscaping that is there within the existing green areas. Also there are a number of
places in the parking lot where the asphalt is in poor condition and the striping is hard to see so we would want to see that brought up to good condition as well. Those are all of my comments.

Chairman Darby: Mr. Taylor comments.

Mr. Taylor: The only thing that I would add is that the Beef ‘O’ Brady’s sign is under order to be removed obviously it has not been accomplished yet but that’s all I have.

Chairman Darby: Mr. Shvegzda.

Mr. Shvegzda: Just one item in looking at the site there is a major water course to the north. We have looked at the FEMA flood insurance maps it did show the special hazard area in the back there. The map actually shows that it envelopes a corner of the building, however in 2010 the city did a study for that area of the creek that established an actual flood elevation for that area and a letter of map amendment was agreed to by FEMA that now takes the building out of the special flood hazard area so they are good.

Chairman Darby: Congratulations on that one.

(chatter and laughter)

Chairman Darby: Mr. Okum.

Mr. Okum: First I want to congratulate you on you endeavor, I think you will do fine.

Mr. Bowy: Thank you.

Mr. Okum: Branding is important and this is a brand that people will identify with especially in today’s time vs. what we saw there six months or a year ago. I do have a question regard to your two building signs that are mounted to the building. I seem, I travel a lot, I seem to have seen Day’s Inn logo signing with individual channel letters maybe I haven’t are you familiar with their sign packages.

Mr. Bowy: They change them all the time the standards but they are the current standard is that it has to be within an enclosed box with the Day’s Inn sun logo at the top. There are some hotels and you are right you have seen that before but that is not that’s not what their current standard is.

Mr. Okum: I mean you are using that basically that on the monument sign that they entry into the business based upon that you’re going to have the sign on the interstate that obviously can’t be that way I don’t have a major objection to it. The problem I run, you run into is you and the establishing a precedent that it’s ok for this because of it’s a trade mark logo box and then you know Waffle House is a trademark logo box and etc. etc. etc.. We have to be careful about that. This is on the edge of the corridor review district its right there just happens to be right part of it. I mean I understand the economics of it as well this is your doing a lot here so I have to be sensitive to that I’m a realist.

Mr. Bowy: Thank you.

Mr. Okum: Based upon that I will be supporting your request.

Mr. Bowy: Okay thank you very much.

Chairman Okum: Mr. Bauer.

Mr. Bauer: Thank you Mr. Chairman. I want to echo Mr. Okum’s comments glad to see this it’s long overdue. Will brighten up that part I travel home or to work every day passing that thing couple comments. There is a light along the ...
Mr. Bauer: Yes. I don’t know how anybody stays in that room but in the morning I see that all the time I wonder that. You are aware of it. Hearing what they said about the Beef ‘O’ Brady’s sign are you taking that into account when you

Mr. Bowy: Well actually I would like to speak to that. I am in the process with the bank that currently owns the Beef ‘O’ Brady’s building with an agreement because it is a reciprocal agreement for me to be on their sign and whoever is going to be eventually going to go in there will be on my interstate high rise sign. I have agreed when my sign gets replaced with Mr. Whitcamp at the bank who owns it that I will be responsible for blacking it out or whatever needs to be done. He and I have an agreement in place for that.

Mr. Bauer: Okay okay. Alright and the other thing was in your one photo it looks like there’s a cell tower or something on that one side.

Mr. Bowy: There is there.

Mr. Bauer: Does that go back there.

Mr. Bowy: It will go back up there but I am trying to, that sign right now the new sign will be lit from the inside right now it is currently lit from light bulb, spot lights from the bottom going up, the new one, Sprint owns the sign the previous owner sold or the lease for that is an easement for Sprint to have their tower up there so I can’t get rid of it but I am trying to get it contained within the sign so that it won’t be seen. That’s my hope. I don’t know if that’s going to happen yet but that’s what I am trying. But if it doesn’t work it will have to go back on top of the sign.

Mr. Bauer: I appreciate it thanks.

Chairman Darby: Mr. Hall.

Mr. Hall: Thank you Mr. Chairman. I just had a quick question for staff. Did I understand correctly that that sign is under order at Glensprings and to be taken down?

Mr. Taylor: The Beef ‘O’ Brady’s part of it correct.

Mr. Hall: Since that is a shared sign how will that be handled sir?

Mr. Taylor: They just need to take the panel off we can’t make them remove the pole.

Mr. Hall: I understand. Thank you.

Chairman Darby: Mr. Okum.

Mr. Okum: History gets us in trouble some times old time thinking there was a lot of discussion over when Sprint well at the time I guess it was Sprint and they wanted to put that cell tower on top of there I mean we literally approved the housing the element the whole mast of that enclosure so should they decide to change from because technologies changed I mean literally they could probably wrap it around the pole below it and it function just as well but should they say well we going to need to be ten feet taller or have a different type of mast on top of there that would have to come through this commission because we did we were very concerned how that implement would be on top of that sign.

Mr. Bowy: I’m trying everything within my power for it to not be up there.

Mr. Okum: They may be able to do mast.

Mr. Bowy: I’ve had conversations with them it might be possible but we’ve kind of also been waiting to get their working with my sign company as well but until we could get approval on the signs to be able to say yes we are going to move forward
there we have not been able to really move forward with here’s what the calculations are and what not the calculations but the sizing that Sprint requires for whatever they are going to put back in there. Those discussions haven’t progressed yet but with approval or you know then we can start that conversation but I do understand that if it there is any change I understand that does have to come back before

Mr. Okum: Particularly change in height would be you know a concern.

Mr. Hall: Have to come back.

Mr. Okum: Well it’s the sign so it’s the whole.

Mr. Hall: Gotcha.

Mr. Okum: Issue with the need to come back if it goes higher.

Mr. Bowy: Okay.

Mr. Okum: They typically don’t want to have to do that because.

Mr. Bowy: I was going to say based on my.

Mr. Okum: They keep going ....

Mr. Bowy: Initial conversations with them I think if anything it would stay the same or go smaller. I don’t foresee that they would want it to go any larger.

Mr. Okum: Okay.

Chairman Darby: Ready for a motion?

Mr. Okum: I don’t see any other lights Mr. Chairman. If I could I would like to make a motion to approve Day’s Inn at 400 Glensprings Drive Case no. 31936 with the motion I shall include staff, city engineer, city planner’s recommendations and considerations additionally the color pallet shall be submitted as requested by staff and it shall be similarly and close to what was submitted in this submission colors that we saw this evening. And that the signage package shall be approved as submitted in this submission. Is that okay staff.

Mr. Hawkins: Second.

Chairman Darby: Been moved and seconded this item be approved. Secretary please call the roll.

(Mr. Bauer took roll and the motion was passed with a vote of 7 – 0)

Chairman Darby: Now you’re finished congratulations.

Mr. Bowy: Thank you very much I really appreciate it.

Mr. Bauer: Welcome to Springdale.

Mr. Bowy: Thank you.

Mr. Hawkins: We have another hotel if you want to buy that to.

Mrs. Harlow: We have a couple more actually.

(laughter and background chatter)

Chairman Darby: We’ll move on now any item for discussion.
IX. DISCUSSION

Mr. Bauer: I have one question I know we want to get out of here is there any relief on the barbed wire/razor wire.

Mr. Taylor: You will be happy to know that it is coming before you next month.

Mr. Bauer: Oh okay. I don’t know if I am happy about that or not.

Mrs. McBride: Happy being in quotes.

Chairman Darby: What would be coming?

Mr. Taylor: They are they have to take it down and what they’re proposal is it is essentially a chain link fence with slats into so that you can’t see the units.

Chairman Darby: What’s the code saying?

Mr. Taylor: I don’t know that there’s. I think within the PUD you guys have the ability to say okie dokie or not.

Mr. Bauer: There are cages for them that can be put over the units.

Mr. Taylor: I think the issue that there’s like thirty units up there so it would be you know a number of cages so I think we just I haven’t reviewed the proposal I just know that it is not razor wire.

Mr. Bauer: Thank you.

Chairman Darby: Anyone else?

Mr. Hawkins: Mr. Chairman I have one more thing for discussion. Is it possible to get some clarity around this whole FEMA estimates what’s needed whether it comes from Mr. Forbes or if there is anything else that expressly lays out what we should be seeing and then the follow up to that is what if any liability does the City have commission has council has should something happen. What’s that look like?

Mr. Taylor: I think that the short answer is the documentation that I have been able to locate so far is before you guys tonight and ultimately I think there’s judgment to be applied to it. Certainly by me acting as the “expert” for our flood plain administrator. I think you’d probably be in a better position to answer the liability question but my surmise is that if we diligently pursue this and we have reason to believe that we are getting factual information and by reason I mean our collective experience in the business I believe that we have fulfilled our duty and one of the reasons to kind of lets say emphasize this tonight was specifically for that because I don’t think that we want to look like down the road that we kind of glossed over it and signed off on you know not a very detailed estimate.

Mr. Okum: I can't Mr. Chairman ...

Chairman Darby: Mr. Okum.

Mr. Okum: My comments were regarding public safety and we have all talked about it in all developments and any time you end up with a flood plain and a potential flood hazard or a risk there is a certain amount of assumed risk on the user the occupant and the developer but God forbid something does happen in a FEMA flood plain not this particular that we didn’t do our due diligence and somebody died as a result of our neglect or abstinence of thoroughness possibly I’d put a call down to Todd Kinsky down at regional planning see if there is somebody down there that deals that’s been there doing a lot of stuff in that area maybe they’ve got somebody on staff that could help and were part of the mix of take use make use of it if it is available. You know just to get that extra pair of eyes on it that we may need and I think the recommendation to talk to our law director’s office just to make sure that we cover
Chairman Darby: It really, hindsight is 20/20 but wouldn't it be a lot better if at the very beginning those figures were required to be generated using a strong model and then you could just forget about it? In other words if you can't show at this point then there is no need going through the rest of it.

Mr. Taylor: Yes but

Chairman Darby: I know it's never been that way

Mr. Taylor: And the but is there’s estimates and there’s estimates and I know at least Mr. Bauer and Mr. Okum know what I’m talking about. Frequently, and I’m sure you guys are asked to do this give me a budgetary number for X and you’re able to do that with some level of back up. You don’t just go..... well looks like about $10,000.00... I mean it’s based on as you said square footage, tonnage, whatever and I believe that is available at this level. A firm quotation is not. He does not have that level of detail on those drawings and to ask him to go to that step at the very beginning may be over reaching on our part because I think the idea of the process is that we move from let’s say a broader brush to a finer point and ultimately with the finest point being the building permit. We get the preliminary, we get a concept, we get the preliminary, we get the final we get a then we have documents that would enable us to get a building permit. Certainly by the time he’s generated documents that are suitable for a building permit I can guarantee you any contractor is going to know down to the dollar how much that’s going to cost them. I guess it’s kind of a judgment when we ask for what level of detail and again at this point I mean I think we ask for as much as reasonable at this level which is a lot more than what we have and then when it comes time for the detail when you guys approve the final plan I would expect a whole other level of detail and certainly when we approve the building plans. I think we need and what needs to be done and I need to figure out a way to document this is this needs to be made clear to him throughout this process because we got to have a record that indicates we are staying on this issue. It is a little challenging with the applicant.

Chairman Darby: Mr. Ramirez.

Mr. Ramirez: Thank you Mr. Chairman. My comment is you know at what point do we not allow applicants to come forward with different documentation, different articles, code and without giving us time to digest that information and make an immediate comment on that. Do we have a standard where that should be submitted so that staff has time to look at it and then in return our packets which I pre-read I can look at that as well instead of flying out documents throwing up photos and code before us in the middle of the meeting?

Mr. Okum: To tell you truthfully I agree with you.

Chairman Darby: I would feel comfortable saying no handouts unless previously agreed upon. Is that not workable?

Mrs. McBride: I will tell you for example the City of Cincinnati Board of Zoning Appeals in their bylaws a rule that says any documentation must be presented three days prior to the meeting to staff. Period they don’t take it you don’t bring it unless it’s waived by the board and there are a few rare occasions when they have ....

(talking not on mic)

Mrs. McBride: Correct. Correct. So something like that could be done but we do have as you know we have dates for re-submittals we try to get if people submits things on time then we try to get them comments so that when it comes to you all it is a cleaner package and they know where they stand. But sometimes these are coming in in pieces anymore and we’re not able to get them comments and then there’s a date then when they need to submit back to us so that we can then put a formal staff
report together for you all to be included in your packets by the Friday at noon before the meeting.

Mr. Okum: I can only speak to a regional planning commission there’s nothing that comes regional planning commission that’s ever submitted on the floor for the commission to review that I can really, once in a while, but 99% of the time everything has been reviewed by staff with recommendations from staff as to consideration for up down or a no vote on it. That’s pretty consistent. I think you are dead on Joe we got the thing is that you want to give the applicant the opportunity to present their case but we’re putting staff in a terrible position...

Chairman Darby: And we’re putting ourselves in a terrible position.

Mr. Okum: ...and putting ourselves in a terrible position as well. Staff I mean honestly things that are brought before us I wouldn’t use it as plus or minus to make a decision on an issue because they didn’t have a chance to review it. There therefore I mean you could take things out of context very easy and you could be given something that clearly they don’t they don’t there’s whole sections missing that you’re not seeing. And sure you can pull anything out ....

Chairman Darby: ...they’re called FEMA documents. Mr. Taylor procedurally how do we nail this down? Do we need to as a group is it so formal as us agreeing on language or just what?

Mr. Taylor: Well the truth of the matter is I really don’t know I think we have in all of our applications we have deadlines and so forth. I think, I don’t know if whether at some point in time Planning Commission actually approved you know a set of rules.

Chairman Darby: I’ve never seen them.

Mrs. Harlow: You mean bylaws?

Mr. Taylor: You know and if so if that exists somewhere......

Mr. Okum: I can find them I think...

Mr. Taylor: We need to ..... 

Mr. Okum: I think I have a copy of them at home.

Mrs. Harlow: Would you think?

Mr. Okum: Think.

Mr. Taylor: We need to amend them; we may not need to amend them we may just need a Building Official that it’s a little bit of a hard case on these things. I mean an ultimately....

Mr. Okum: With our meeting with our meetings being on Tuesday, if I can speak frankly if you get the documents on Friday for you to disperse them so that staff has an opportunity to review them, discuss it among themselves on Monday or in Tuesday it’s not enough time.

Chairman Darby: No.

Mr. Okum: It’s just not enough time.

Mrs. McBride: The way works right now is the staff comments all come into the city by noon on Friday so that your packets can go out to you on Friday so you’ve got the weekend you know to look at it.

Mr. Okum: So we’ve already got the staff comments so they would have to be in five days prior to your comments.
Mrs. McBride: Which is typically...

Mr. Okum: Should you wish to amend?

Mrs. McBride: ... it’s about a week ahead that we ask for revisions back roughly.

Chairman Darby: Gregg you mentioned your roll. I would think that it is appropriate from this chair I can say no we don’t want those.

Mr. Okum: I mean there’s applicants that send PDFs to staff that they can’t even look at...

Chairman Darby: It’s done.

Mr. Okum: ... they have to print them out in full view full size.

Chairman Darby: Mr. Hall

Mr. Hall: Thank you Mr. Chairman. I would like to make a quick comment on the FEMA issue that was brought up earlier. The way I see this and interpret it being in the land development business and building business with my son the, we’ve got the applicant, you’ve got the owner, you’ve got the builder, you’ve got the developer and you all so have the general contractor. That’s including being the applicant. When he brought the proposal up to develop this property I looked at it and I though gee whiz where’s the transparency here and is it, is it just adjusted so that it conforms that fits the guidelines of that. I thought when the question was addressed this evening earlier you know, I don’t have any plans I don’t know what I am going to put in I’m going to put a ton and a half air conditioner and well you know what do you base that on then. Being in the business I know that if we took a proposal or an estimate to a lender we would just be laughed out of the place. So I think, I think it behooves the city to be very very cautious to be sure that there’s transparency so that we’re not stuck into this think when it does flood because it’s going to. It is just when it happens again so that’s my comment. Thank you.

Chairman Darby: Thank you. Anyone else? Motion?

X. CHAIRMAN’S REPORT - None.

XI. ADJOURNMENT

Chairman Darby: Motion?

Mr. Okum: Move to adjourn.

Mr. Hall: Second.

Chairman Darby: Moved, second

Mr. Ramirez moved to adjourn. Mr. Hall seconded the motion and the City of Springdale Planning Commission meeting concluded at 10:05 p.m.

Respectfully submitted,

________________________, 2017 __________________________
Dr. Darby, Chairman

________________________, 2017 __________________________
Richard Bauer, Secretary