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 Shvegzda, City Engineer; Gregg Taylor, Building Official

III. PLEDGE OF ALLEGIANCE

IV. MINUTES OF THE REGULAR MEETING OF MAY 9, 2017
Chairman Darby: Chair will accept a motion for the approval of the minutes of the regular meeting April 11, 2017.

Mr. Hall: I’ll second that Mr. Chairman.

Mr. Okum: Second

Chairman Darby: it has been moved and seconded that the minutes of the April 11 meeting be approved.

Voice vote taken with no commission member’s opposition.

Chairman Darby: Minutes are approved. Now for report on council. By the way I love the new highway.

Mrs. Harlow: You do?

Chairman Darby: It gets me home a quicker.

V. REPORT ON COUNCIL
Mrs. Harlow: Our May 17th council meeting all members were in attendance. We had the introduction of two new firefighters. Austin Robinette and Joseph Hansen and we also had an introduction of a new employee who will be working in the municipal building. His name is Robert, Bob. He goes by Bob, Dennis Ellerman and it’s always exciting for us to be able to welcome new employees. It’s a fun thing. Most of the time we are looking at numbers or ordinances so we enjoy that very much. We had our regular committee and official reports. We only had one item that came up for some discussion that we wanted to forward on to our city planner and that was questions about how our zoning code addresses marijuana dispensaries growers and etc. As you all know that’s, we read about that communities dealing with marijuana dispensaries or growers in their community and how they’re going to deal with it. So we want to make sure that our planners have some answers for us when we go to our council meeting in June and that would conclude my report. I’d be happy to answer any questions.

Mr. Darby: There being none we are going to move on.

VI. CORRESPONDENCE
None
VII. OLD BUSINESS

NONE

VIII. NEW BUSINESS

A. SCP Springdale LLC, 12110 Princeton Pike, Major Modification to a PUD

Chairman Darby: Representative please come forward. Good evening sir.

Mr. Cumming: I’m John Cumming with Strategic Capital Partners and I’m pleased to be here tonight. Here before the Planning Commission as well as members of the audience. I’m really here to, we’ve had plenty of time to discuss this project that we are proposing with members of city staff, I’ve had some conversation with neighbors adjacent to the site that we are looking at so I was really glad to walk through our plans. Really, look at how our plans laid out in comparison to the existing approve plans from 2015. Anyway I wanted to introduce new owners of our project team including Patrick Warnament and Dave Meyer with Kleiningers Group as well as Mike Hemmer with Hemmer Construction. And helping us all the way through in our plans and our pricing etc… They are available for any questions that would come up and ones that I can’t answer.

Chairman Darby: You mentioned questions, may I advise our audience. Hello folks how are you this evening? Are you ready to be here with us for a while? (laughter) Okay. As we have progressed through this particular site we have allowed for input by residents and I noticed we have a tremendous number of residents here. So what we’ll do is this, we will ask that you hold your comments until we get to the point in our agenda where the staff has made their comments. That way you’ll be armed with additional information. Okay thank you.

Mr. Cumming: Well I have a short PowerPoint presentation as you can see. Just to outline who we are who are company is and what we do and our investment in the Cincinnati area including Springdale as well and to walk through the master plan in some level of detail in comparison the plan that you last saw a year and ½ ago. And with that I will walk through the material here. So just a minute, I won’t spend a long time on this. Strategic Capital Partners, our offices are in Indianapolis. We were founded in 2005; our managing principals Gene Zink and Rich Thorne are former Duke Realty investments. Rich actually lived in Cincinnati as part of that experience we developed downtown office buildings as well as industrial buildings here in the Cincinnati area, including in the West Chester area as well as downtown. We just bought two office buildings in downtown Cincinnati and are redeveloping those buildings and so we have a commitment to this area. We are really a development and acquisition company and our concentration really is in industrial and office real estate. (away from mic) example of some of the projects that currently have in process here. These were the areas, were a focus company in terms of geography and where we’re doing business. Indianapolis, Cincinnati, we’re in Raleigh-Durham, we are in the process of hoping to do some projects in Nashville, Charlotte and Louisville. We won’t be coast to coast we are not a huge firm, concentrating in the mid-west and the south east mid Atlantic. I mentioned we already have investment here in Cincinnati. 312 Elm and 312 Plum Street projects developed by Duke actually Rich and Gene were with Duke when the buildings were developed, we came back in a little over a year ago, year and ½ ago and bought these buildings, since we bought them we have put about $2 million dollars of improvements into the buildings. Also, if you have had a chance to be either one of these buildings any time last year you’ve seen tremendous amount of improvement in the common areas etc. Venturware Business Park is an example of industrial type equity we have in the Indianapolis Market near the Indianapolis airport adjacent to the FedEx distribution facility. In Indianapolis four buildings existing, more on the way. The University of Indianapolis is about a 4000 students private university in downtown Indianapolis doing some student housing, office building, medical office building. (not audible) the Westfields is a one-story office project that is existing. And additional of building, bottom left, this is Chantilly, Virginia in the Washington D.C. market, this is Raleigh, North Carolina. This is a brand new spec office building of 200,000 square feet that we are just completing. We have part of the building already leased and have additional land adjacent to the building for future building. Parkwood Crossing is an
office project that we purchased about six months ago, eight months ago in Indianapolis. It’s a large office portfolio build estimates developed over time. Main and Main in terms of an office location in Indianapolis 1.2 million square feet, eight building acquisition for us. That brings us to the project here in Springdale. I think most people probably everyone in the room understands the location as well or better than I do. Between I-275 on the south, 747 on the west and Crescentville Road on the top. We are under contract to purchase all 130 acres, that are existing they are outlined in blue. The reason that we are here and the reason that we are looking to move forward with this project, a couple of things, first of all in terms of this, we see it as such a strong business park, industrial park location. We view this as a, what we call an infill location, not stretched out way out in the suburbs bought really with great access to 275 and close to I-75. Great access to the tenants that we are hoping to attract and to the employees that these tenants will hire. These days, especially with unemployment being down and really the industrial market being very active as well as well as the office market we know that dealing with these tenants that a major part of their decision-making based upon their ability to attract quality labor. It’s got a great location to do that. In terms of access, obviously very important industrial park being able to get cars and trucks off of the interstate. We are working through, as I mentioned earlier and had had several conversations with city staff and have come up with a plan that might, this is a modification to the existing plan from 2015 and I will outline some of the changes. For all of Cincinnati, the industrial market has had a record year in 2016 in terms of occupancy. New space and number of deals that have occurred, obviously that is very attractive to us. Along with that there’s not a lot of new construction of new buildings new spec buildings that we’re seeing and the market that part of that is because it’s hard to find sites that are really good sites that are, where you can build the type of buildings that require that. We walk through the overall master plan here and that I will kind of outline what we view as phase one, phase 1.5 and phase two in terms of buildings showing up on the site. Our project really consists of five buildings on the industrial side plus one building that I’d call office slash retail type use right on 747. I have a pointer but it is not showing up on the screen so I will just right to walk through it we certainly have hard copies of printouts of this plan if anyone wants to see that. I’ll start with North being at the top, Crescentville being at the top of the page and kind of work my way around and let you know kind of how we are looking to phase. Okay I will start with phase one. Our plan would with phase one, would be to start two buildings at the same time. We’re starting with buildings two and three. Along with buildings two and three as you see the L shaped public road that would go in as well as the cul-de-sac that would allow access to Crossings at the Park. That road as well as those two buildings would be phase one and obviously we would need to have the road in before were able to start building the buildings. We’ll provide a traffic maintenance program so that while we are under construction the residents and the neighbors are able to access in and out of the site. Usually, and we will certainly provide plenty of detail on that. You know that we have additional submittals as this project moves forward relative to items such as traffic management, architectural for the buildings, landscaping on individual buildings. I’ll show the phase called 1.5 the only difference is you see a building that is now on the hard corner of 747 and Crescentville. Let me, before I go any further, mention the size of these buildings. We have not increased the size of the buildings from the previous approved plan. The largest building that you see on the screen right now is the one in the upper right 374,000 square feet. The building and the middle, building two, 207,000 square feet. The building on the upper left is 180,000. We view these as office warehouse and distribution. Our plan would be to build on a speculative basis but certainly if we are able to find tenants for these buildings ahead of time then we would love to do (in audible). See when the third building comes up on the screen in phase 1.5 the road infrastructure has not changed so where already serving that site with the road infrastructure. Once these buildings are leased we then move forward with the buildings to the south and along with the building to the south would be again a public road that would extend to the south to buildings four and five which would be about 147,000 square feet at the bottom of the page and building five which is about 108,000 square feet. That really defines the buildings in terms of what is there today the REC Center the clubhouse it would all be demolished. We would be on the other side of the Crossings at the Park as you can see. The detention pond in, that detention pond would be designed to handle drainage requirements for the phase one road as well as the phase one buildings. Once we would build the southern leg of the road the phase two road as well as buildings four and five
then we would delay southern a detention pond as you can see it the bottom of that page. The previous plan from 2015 also showed development, there is a parcel that we would not be a purchasing that parcel that is immediately to the west of buildings four and five. Immediately to the east of Crossings at the Park. That is not part of our plan to develop. This part of our plan from the beginning of the project is to install landscaping as we are trying to see on this page first of all on the east side up against the neighborhood to the east that landscaping as well as berming and spacing and setback, all of that buffering would be from the previous plan that was adopted. Also included in the landscaping up against the detention pond on the north end detention pond by Crossings at the Park and then also with phase two off the detention pond some landscaping on the north and the west side of the pond in between Crossings at the Park and that detention pond. I’ll quickly mention the out lot, the Office Retail small building which on this map shows about 18,000 square feet. That site in our view is too small to do an industrial building but it certainly could work on office slash retail building. We wouldn’t look to spec the building, necessarily but it would be (in audible) buyer or tenet that would come to us and we would sell that lot or build. This is the 2015 plan and I just included this as a comparison just for reference to the plan and it is a little off kilter we had a kind of reposition it that Crescentville on the north end because it was a different layout before. But you can see along Crescentville really the changes are fairly minimal on the north end of the site. They had as you can see three buildings, which we have laid out in a similar fashion. The differences are as you go south of there and up against the Crossings at the Park, they show two larger buildings, we show one smaller building on 747. An additional building on the east side of the cul-de-sac. As you work your way down to the south end of the site I will mention we do not intend to develop the south side of the stream coming through there. The previous plan did show development on that south side of the creek they actually showed one industrial building and two office buildings to the south of the creek. Our plan would be for that to be in green area moving forward in natural area. Our overall plan is less dense the square footage and less buildings than the previous plan. A lot of the reason is because of that south end… (fades out not audible). That creek which is also with the previous plan…(fades out not audible)... This is a little bit more detailed, these are going to be hard to read but these are the really copies of the same plan we provided to the city back into April which kind of shows the sections of the site in a little bit more detail. We’re showing landscaping, as I said earlier we know that we will be coming back in with individual (not audible) for the building (not audible) work through these shows a little bit better detail on the south end of the site where I mentioned that we are not crossing the creek, we are not touching the south side of the creek. The landscape details these are going to be tough to read on paper but we will be working through with the planning commission and the city. I’ve got a comparison right here. Line of sight I will mention this is a good visual reminder on the east side of the site up against the neighborhood and a 250 foot setback from the property line we are building a mound as a buffer for line of sight. Look at these diagrams they are an analysis if you can kind of see on the right hand side you’ll see the outline of the house based on the existing elevation of the homes in that neighborhood. Setback distance you see a mound going up, you see landscaping on top of that mound and this is really just a description of and confirmation that we are not coming back in reducing the site lines at all from the previous plan. This is what I wanted to get to because it is a little easier..... In terms of the total acreage the difference in the amount of roads, total acreage of the 2015 plan is a 160.....(not audible) .... Our plan is 111 and mainly the difference between that is that small parcel that I mentioned at the center that we are not going to be... (not audible). The number of buildings on the previous plan was a total of nine, five industrial buildings and four office buildings. Our plan shows six buildings total, five industrial and one small office/retail building that I show on 747. Total square footage will be 1,285,180. Our new plan would be 1,035,500 roughly 250,000 square feet less. Maximum building square footage, we are staying within be approved maximum building square footage, Billings three happens to be 374,400 square feet. The maximum building height for all of the buildings throughout the park we have also maintained that previously (not audible). As I mentioned earlier the previous plan had an office building and an industrial building south of the stream (not audible) Graphic six (not audible)... at Crescentville up the road in the new road being built with access to Crescentville that is the same on both plans at that location being shown. In terms of setbacks, I mentioned earlier on the east side the building setback from the property line is 250 feet. The pavement setback buffering 150 feet, those are
unchanged from 2015. In terms of the east boundary the mounding and screening around Crossings at the Park as well as the east boundary all of that and I’m just trying to illustrate or not coming in to change those items. It’s tough is not quite apples to apples because we were not planning to develop again that’s small parcel in the middle so on the east side of the Crossings at the Park. This is our project timeline. This is our best guess to see the overall project timeline. We know that we would have City Council meetings coming up in June and July then we would come back to planning commission in August. We are currently working through TIF process with the city with the port authority and so that’s ongoing. We would look to hopefully wrap that process up this fall. We would love to be in a position to start construction yet this year. But realistically it’s probably much more likely that it would occur construction would start next spring given where we are in the year. In terms of phasing I mentioned phase one, phase 1.5, we look to stabilize those three buildings first before we would start on phase two. Infrastructure we believe would take, we believe you do that within one quarter, (not audible) ….process or less. These buildings in terms of time frame to build these buildings would be somewhere between 9 and 12 months typically which would put us into, if we are able to start in second quarter of 2018….phase one hopefully able to start phase 1.5, phase 2. Our plan, as I said, it would be to, once were able to close on the ground and work our way for all the approval process with the City we would be able to start would in 2018 ….as opposed to waiting for a tenant to start construction, we would start 2019-2020 …. That is really my summary. I’d be happy to answer questions moving forward.

Chairman Darby: We’ll hold off on those if you would. Thank you very much. Go to our staff reports at this time. Mrs. McBride.

Ms. McBride: Thank you. As the applicant has indicated we are here to consider an amendment to the PUD for the GE Park property. The plan that was approved on the fall contained 1,285,180 square feet and I think the commission is familiar with that plan on this as has been outlined to you this evening on by the applicant they are now proposing instead of nine buildings, six buildings that will contain a total of 1,035,500 square feet. One of those buildings as has been mentioned building number six is also an office is to be an Office Retail building at 18,000 square feet. Because that is a use that was not originally proposed with the PUD it would be considered, in staff’s opinion a major amendment to the PUD. The two members of council who serve on the Planning Commission, however; will need to make that determination so if you could only do so now that would be appropriate.

Chairman Darby: Mr. Hawkins.

Mr. Hawkins: I think it’s a major modification.

Chairman Darby: Mrs. Harlow.

Mrs. Harlow: I agree.

Mrs. McBride: Thank you. The setbacks both building and parking setbacks were established with the original PUD and what we are suggesting is that those same setbacks be continued on with this PUD. Specifically that the front yard required would be 75 feet, side yard if it’s adjacent residential would be 100 feet, side yard not to residential be 25 feet. The minimum rear yard if it was adjacent to residential would be 125 feet and if the rear yard was not adjacent residential buildings could be set back 25 feet from the property line. With regards to parking from the right-of-way that would be required to be 10 feet off the right-of-way as it would from adjacent property line that was not a residential use but where it did abut a residential use parking would have to be set back on 20 feet from the property line. And again those are consistent with the PUD that was approved previously. The applicant provided parking calculations and again I think this is on their best guess because our parking would be based on the percentage of these buildings would be office vs. warehouse so think it’s kind of a best guess at this point obviously. We would be reviewing that in detail should the project move forward and would be seeing final development plans. The parking numbers that they provided are actually below those that are required by our zoning code and I supplied you with that information so all parking obviously would need to meet the
parking requirements of the zoning code once they come in with a final development plan again should the project move forward. The number of loading spaces that are proposed for the industrial buildings meet the code requirements, they did not show the one loading space that would be required for the retail/office building and that’s a detail that we can work out of the final development plan. We did not receive a photo metric lighting plan, however; they have on notes on sheet C100 which indicate some light levels and light fixture mounting heights and so forth that do not comply with our code so until we see a photo metric lighting plan which they’re proposing to submit a final development plan we can’t agree to anything in excess of what’s required by our zoning code. They did not submit any information with regards signage. You may recall that the prior submittal showed one development sign on Crescentville Road and one development sign on 747 then each individual lot was to have a ground-mounted sign in front of it as well as building signage as permitted by the code. We would suggest that that would be appropriate if the development moves forward, again we did not receive any of those details. Also as a part of the prior PUD approval there was to be a gateway element at the northwest corner of the site at Crescentville and 747. That easement has been included on the landscape plan but whether or not there is to be participation in the development of the gateway element is something that planning commission and council I think, need to think about. They will also need to meet requirements of our bike parking provision which is new in our code since the last PUD was submitted. They did submit preliminary landscaping plan that provided for landscaping adjacent to the streets and adjacent to portions of Crossings in the Park and then that significant buffer that was required as a part of the last PUD approval on the east property line. We had a number of kind of comments about plant materials and lawns being labeled and those kinds of things. I think just to kind of touch on some of the major things was that wanted to see more diversity in the plant material that they needed to add additional landscaping on Crescentville Road. That they needed to label all of the existing vegetation that was to remain. That there be additional material added as a part of the storm water detention basin design. And then obviously we will be looking at as the applicant indicated individual landscape plans for each lot as it comes in and as I mentioned on the buffers on the east property line and adjacent to Crossings in the Park and all of the street trees and so forth would all be constructed upfront with phase one of the development. We do need to have additional plant material though added on portions where the property abuts Crossings in the Park there are property lines that are not showing landscaping currently and those are going to have to be addressed and landscaping added to that. Also the Office Retail parcel doesn’t show landscaping so we’re going to need to see that as that project moves forward. And then on the east property line, there’s additional plant material and so forth that we would need to work with the applicant on to secure that buffer area for the folks that are going to be living adjacent to the development. There has been a change in the zoning code in terms of the amount of open space that’s required in a PUD. It now requires 30%, the applicant indicated verbally that they would be providing that but again that sheet 100, I’m sorry C100 of their set still indicates 20% so that would need to be revised to indicate the 30% that’s required. We now have building design standards as the commission knows so should the project go forward any final development plan would need to include building elevations that address those building standards. They would also need to be addressing things such as the waste removal and how that’s going to be screened as well as the screening of any our mechanical ground mounted or roof mounted mechanical equipment. They have indicated as the prior PUD committed to no outdoor storage, however; if there should ever be any outdoor storage approved by the commission and or council that would need to be done and consistent with the standards contained in the zoning code. We also have industrial standards now within the zoning code and any use that might go into the GE Park would also need to comply with the industrial standards that are contained within that section. We had previously received draft covenants from the prior PUD. We have asked for those covenants from this applicant we have not yet received them and staff is taking the position that they need to be submitted with any amendments from the previously submitted covenants prior to this project moving forward to council. Staff needs to see those; the law director needs to see those to see if there are any modifications that are necessary to address this particular project. We did not receive until this evening what the height of the proposed buildings would be, but what we’re hearing is that would be a maximum of 44 feet which is consistent with the prior approval. You have heard me mention sheet C100 several times sheet C100
contains a number of notes of the majority of which are not accurate to this development it looks like they were a carryover of maybe from the prior development so those all need to be revised and I would ask the commission not to consider any of those notes on C100 and specifically make that a part of any motion. Then sheets L106 and L107, which are the site sections do not include the line of sight so typically you would see what I figure at an average height (not my height) but at an average height would see looking standing in their backyard. It does not include that detail and we want to see that, we have seen that on prior submittals and we feel that we need to see that given the proximity of a residential uses. So those are all of my comments if you have questions I’d be happy to answer those.

Chairman Darby: No.

Mrs. McBride: Hold them till the end. I’m sorry.

Chairman Darby: We’ll proceed the. But I do want to raise an issue because it’s been problematic in the past. Are we experiencing any problem with the covenants? No? So were rolling on OK.

Mrs. McBride: Let me just be clear, it is my understanding of the covenants for this project were never recorded. There was a draft version that was circulated and there were some amendments or changes made to those covenants but they were never formally recorded so they are still in a draft state but we need to see this to make sure that for example that they allow retail or general office type uses. And again to address some of the other modifications that are in this proposed PUD over the previously approved PUD.

Chairman Darby: Alright. Mr. Shvegza.

Mr. Shvegza: thank you Mr. Chairman. As part of the package the traffic impact study was submitted, it was reviewed by the city traffic engineer and was acceptable with just the following comments on the Progress Place and 747 intersection. The 2018 opening year the overall intersection goes from a level service D for the no build a scenario to the level of service F in the build scenario. Now it was further commented on by the traffic engineer that the primary reason for that was the time of delay was increased based on the review of the traffic model for the proposed development the actual southbound queuing length is not made significantly worse than comparing the no build and build conditions. I just wanted to mention that because that obviously is a critical intersection there. The traffic impact study does not recommend a traffic signal for the proposed east west roadways intersection with state route 747. Obviously the city would not approve a signal that this location. Part of the reason for that was and traffic studies in the past it was noted that there is significant queuing length that occurs in the PM peak that extends beyond the proposed intersection and for that reason and the fact that we of high volumes and the number of lanes on 747 is recommended that left turns into and out of the propose roadway be prohibited. The concept plan was included with the study that showed recommended improvements to Crescentville Road. The concept plan that was submitted showed only one lane in the westbound direction. The previous concept plan that was submitted did show two lanes in the west bound direction. Based on the review the queues that will occur basically from these west bound to southbound turn will block one of the throw lanes so it is recommended and that the additional lane for Crescentville Road be included as it was in the initial submittal. In addition going forward of course those improvements to Crescentville Road will need to be reviewed by the Butler County Engineers office because half of that road is within Butler County. One other aspect that is necessary as part of the traffic improvements is that the interconnect between Crescentville Road and 747 intersection will be extended to the new proposed signal there on Crescentville Road. As far as a summary of the recommendations and the traffic study there will be a northbound right turn lane from 747 to the proposed east west roadway. One thing that is not shown at this point there is some concept grading plans that are included however they’re not shown for this particular area. The grading that would take place from the new right turn lane back up to the propose site in the discussion with public works against basically they have finally gotten the ground cover established their and that will side after numerous years since the great separation been completed. There
criteria for the detention analysis will be based on the July 1, 1985 storm intensity. The applicant has submitted grading plans that show the required grading for the proposed hard surface therefore obviously considerable amount of detention is required. The condominiums so would be advantageous to move the end of the public roadway so them. Grading plans note that there's approximate 1,000,137 cubic feet of detention detention basins which are supposed to be dry basins, no standing body of water within management, the plan said that there is about 49.35 acres that will be newly converted that there is frontage on the condominium property. In regards to storm water it does have the cul-de-sac turnaround like a teardrop type radius shown at the end and of the median there or what not that there be a little bit excessive width for that area. We will need the applicant to submit an auto-turn analysis to see what actual wheel path widths are necessary to provide access for trucks at that location. Again the sidewalks are proposed on both sides on both sides of that as well. On the north south roadway that provides access for the condominium development, that is 33 feet proposed to be 33 feet in width there are rules and sidewalks shown on both sides and it does have the cul-de-sac turnaround like a teardrop type radius shown at the end and we just need as all of those particular cul-de-sac radius we need to confirm that those are sufficient for public works maintenance vehicles and whatnot. Also again in regards to the access to the condominiums there was a concern again that the right of way from the proposed street calls from what sure of where the access point is where the condominiums so would be advantageous to move the end of the public roadway so that there is frontage on the condominium property. In regards to storm water management, the plan said that there is about 49.35 acres that will be newly converted hard surface therefore obviously considerable amount of detention is required. The criteria for the detention analysis will be based on the July 1, 1985 storm intensity. The applicant has submitted grading plans that show the required grading for the proposed detention basins which are supposed to be dry basins, no standing body of water within them. Grading plans note that there’s approximate 1,000,137 cubic feet of detention and physically comparison we looked it that based on what was previously submitted and it was about the same. Obviously as this moves forward the final plans additional analysis will be needed to need be submitted to verify the amount of volume required and how it's been provided for. There is also and the aspect of getting the major storm into the detention basin. A lot of this particular development will get storm sewers so the requirement of knowing that the intention to provide the full capacity of a major storm within the detention or within the storm sewer system so that it will reach the detention basin or as part of that flow to the creek and drain over lands. So that will
need to be defined as to how that is to take place not necessarily the final analysis determined with at least known for one of the provision will be to convey the flow. There was a question regarding the south basin and the outlet point for that was about 20 feet above the flow line of Beaver Run Creek obviously that is something that will need to be rectified in the final plans as well as the detail detention basin analysis. As far as the storm sewer again that will have to have final analysis submitted with the final plans and the water course that currently exists that conveys the flow from Butler County, which is conveyed under Crescentville Road that leads to the condominium development for condominium pond. That is shown to be intercepted by a catch basin conveyed at least in part by storm sewer system so again there is the necessity of knowing how anything over the capacity of the storm sewer is going to be conveyed for the development. As per city regulations that minimal developed areas need to be treated with acceptable post construction storm water quality from best management practices for that will have to be provided most likely in the detention basin that and something that will have to be finalized in detail. Again there is nothing planned at this point for any development on the south side of Beaver Run Creek so that will remain as it exists. The segment of Beaver Run Creek within the subject development area is regulated flood plain so the development will need to take that into consideration as the final plans are prepared to make sure that there is not any significant rainy fill or rechanneling of that particular creek that may impact the flood elevations. As far as miscellaneous comments, one of the things that has been included on the plans is basically 1000 feet of proposed sidewalk that will fill the gap that exists between the sidewalk that currently ends on the western portion of Heritage Hill subdivision between that point and where it currently exists on the most recent improvements to Crescentville Road. As part of the final plan development we will need to look at if there is grading issues that occur within the proximity of the public roadways whether guardrails will be necessary or other provisions for protecting vehicles. As the final plans are developed for the mounding area again it needs to be a review and methods included that will take into account any water that may be trapped so that that’s intercepted or prevent water from being diverted onto the homes and Heritage Hill subdivision. Regarding the maintenance as of traffic for the condominium residents the preliminary plans show a temporary gravel entrance at Crescentville Road just to the west of Business Center Drive. There is a concern that this particular location for the temporary drive on Crescentville may be a problem in this slightly offset to the west from the roadway from the north therefore vehicles turning left out of that will have to cross over potentially the queued traffic in the left turn lane turning on to the public roadway to the north. Again the temporary drive is noted to be a 20 foot wide gravel drive approximately 580 feet in length. As far as any information that needs to be included as we develop anything further there being the for information to note there will have to be sufficiently wide shoulders on the road, ditches, and culverts for drainage. Some type of visual delineation of the edge of the roadway surface, temporary signage, barriers, lighting etc. that may be necessary. Given the 580 foot length of the driveway and the unknown duration of the time that the gravel drive will be in place there’s a concern that if it is exceptionally long that the gravel drive would not be appropriate especially if are going through the winter months because obviously gravel drive when would be hard to plow. At a minimum at this stage we really need a narrative explaining the general parameters of the maintenance and traffic plan which would include such items as the phases of MOT work. The sequences of the work phases, duration of the phases, and those sorts of things. I think the applicant had noted that they anticipate a three month time period for the construction of the infrastructure so with round about numbers we’re looking at about three months potentially for that traffic to be, for the condominiums to utilize that temporary drive. Based on the information on sheet L100 there appears to be a recorded ingress egress easement in place for the condominium properties to have accents on 747 just a question on how that has been negotiating as far as has the elimination of that easement subsequent to them being provided direct access from the public right of way. Also I think it was mentioned in general on sheet C100 that on the conditional zoning requirements is there isn’t a thing of notes one note lists under item 4 the length of proposed street cul-de-sac is approved as shown and I think Mrs. McBride noted that this whole series of notes needs to be not a part of any action by this commission. That concludes my comments.

Chairman Darby: Thank you sir. Mr. Taylor.
Mr. Taylor: Thank you Mr. Chairman. A couple of things I would like to reiterate that were mentioned by Mrs. McBride and Mr. Shvegda. The first two things regard access to the Crossing’s and also access to the plus or minus 5 acre parcel that is between the Crossings and the proposed development, I think it is important that there are no gaps between the public right of way and those properties. So that’s going to be something that needs to be addressed. In my report I said uninterrupted and contiguous connections and I wanted to mention that again. I think it is important that in a key part of the original approval was the construction and planting of the buffer areas to take place in phase one of the development, not in phases. The maintenance of traffic situation is going to require some diligence on the part of the developer in terms of working this out. Particularly if this thing does not occur during good construction months as Don mentioned going into potentially some bad weather with a very temporary road surface may not be appropriate so that would be something I think should be addressed. A couple of things regarding the tree replacement. They did provide a summary of the amount of trees to be removed and there is a significant shortfall in terms of what they can get back on the site. They have proposed to pay into the city’s reforestation fund at the rate of $75.00 per caliper inch which was the agreed upon amount with the previous plan. In addition you all had required the previous development to stand good for $29,888 that was supposed to be contributed as part of the original Crossings at the Park plan so that will need to be included as well. Last time around I think we mentioned at the close of the meeting that it would be good to have kind of a summary of where we were in 2015 so included in your packet and we’ve got it here on the screen which maybe we can go over just briefly. This is the plan that you all approved in 2015 with the nine buildings. This is what Mr. Cumming showed you earlier unfortunately ours is not oriented in the same way because we did not rotate it to make it easy to see. North is actually going to the right in this case but I think you can see the landscaping along Heritage Hill and Crossings at the Park. You can see the magnitude of the buildings and the number of buildings and the general street pattern. That was interesting, sorry about that technological issue here. In terms of the buildings there were originally what we approved were nine industrial buildings ranging from 28,800 square feet to 374,400 square feet the total building area as you can see was just shy of 1.3 million square feet the maximum size as was pointed out previously was 374,400 square feet and the maximum height was 44 feet. Outdoor storage was prohibited and the covenants and standards were submitted for review and approval by the city. From an infrastructure standpoint public access to the Crossing’s was a key part of this. The internal roadway within the development were to be constructed as public streets and to public streets standards. The improvements to Crescentville Road included a signal and additional turn lanes and of course they did in fact plan on crossing Beaver Run and building those buildings to the south. In terms of setbacks and so forth there was a 250 foot setback at the east property line, 100 foot setback from the Crossings, and 150 foot landscape buffer on the east property line and basically a 75 foot landscape buffer around the Crossings. There’s some minor deviation from that near the old roadway that you may recall. There is a 75 foot minimum set back off of Crescentville Road and I think these are fairly consistent with what has been presented with the new plan. From a green space standpoint the old plan called for 26 almost 26.4%. The estimated tree removal was to be confirmed by a tree survey at each final development plan. This particular project has a much more detailed tree survey attached to it than we previously were given. There was a commitment to honor the tree replacement as I indicated from the Crossings and there was intended to be a gateway provided at the corner of Crescentville and 747. Finally one other thing I would like to provide, as part of our notification for any kind of public hearing we sent out a mailing to affected property owners. Included in the letter basically it says written comments from the public with respect to the application may be turned in to the building department prior to the public hearing. We did receive a communication this afternoon which I have included at your seat. As you can see we got it at 4:00 this afternoon so we have not had time to review it but I would like, if you guys will bear with me it is fairly lengthy but I would like to read it into the public record.

Chairman Darby: Mr. Taylor. I appreciate those comments and prior to your reading it into the record I just want to reiterate to the other members of the commission that we have discussed the issue of us receiving handouts at meetings but as Mr. Taylor
explained this is kind of an adverent situation. I think it is necessary to read it into the public record.

Mr. Taylor: Thank you.

Chairman Darby: Thank you.

_The letter was read into the record by Mr. Taylor, verbatim and is included with the minutes._

Mr. Taylor: And thank you for your indulgence it took a while to get through that. And that is all I have sir.

Chairman Darby: For the record I want to indicate, I notice in the letter, the statement that we are happy to sit down and discuss each of these issues with the developer or with members of the zoning staff did not include the Planning Commission in that line but for the record I want it noted that the staff has not had an opportunity to consult with us regarding this letter so we are not in a position to involve ourselves in a discussion of the issues that are listed. Correct. Thank you. Did I see a light? Mr. Okum.

Mr. Okum: Thank you Mr. Chairman. It just have a question for staff. The letter that we received tonight has a lot of information and it just as we are going to listen to the residents as well, I guess the one question I have is just to clarify for everyone I know that this was reviewed and approved by Planning Commission. I also know that it was referred to the City Council for their consideration and approval is that right?

Mr. Taylor: That is correct.

Mr. Okum: Did City Council take action on the PUD?

Mr. Taylor: Yes.

Mr. Okum: Voted for?

Mr. Taylor: Correct.

Mr. Okum: So it was approved. I just want to make sure that the process went through because he’s referring to the commission approval vs. City council approval so we want to make sure that that’s part of the record.

Mr. Taylor: Council did in fact act on this. Correct.

Mr. Okum: Were a set of covenants completed and submitted to the city and filed of course?

Mr. Taylor: There were a set of covenants proposed and reviewed and to my knowledge never executed.

Mr. Okum: So they are not on the title, they’re not registered with the auditor?

Mr. Taylor: I believe the only covenants the ones that were filed with the Crossings at the Park back in 2003/2004 whenever that was approved.

Mr. Okum: Okay, thank you.

Chairman Darby: Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. Thank you Mr. Okum because along those lines I was going to say I wanted staff to state the process so that folks were clear, not so much for the commission but for those that were here and for those that were involved in writing the letter because the letter makes it seem as though the commission is going to cause action to take place whereas this has to go to council and council is going to
vote and that is what is going to cause action to take place. So I think it is important with the information that was provided in the letter by the attorney from Strauss & Troy it is a little misleading with regard to the action of the commission being what is going to cause action to take place is going to be what goes to council is actually going to make things happen. Thank you.

Chairman Darby: Okay. At this time we’re going to allow residents and those of interest to come forward. We welcome you and we welcome your input. I would ask though that you be courteous in terms of the time that you take.

Mrs. McBride: Mr. Chairman, I think you want to swear in the witnesses since this is a public hearing.

Chairman Darby: Mr. Okum.

Mr. Okum: For those of you that could potentially speak, or wish to speak in regards to this issue at this point would like you all to please stand and we’re going to swear you all in at one time. If you wish to speak or you could possibly wish to speak please stand. It is not necessary but you come to the podium and speak that you want to get everyone sworn in at one time.

(Multiple individuals were sworn in at this time)

Mr. Okum: Let the record show Mr. Chairman that those that are intending on speaking or considering speaking have been sworn in. If you do happen to think of something that you wish to be sworn in or wish to speak we do need to make sure that are sworn in.

Chairman Darby: With each of you who comes forward please begin with your name and address.

Mr. Wahl: Thank you. My name is Thomas Wahl. There are a number of times through sessions in the past, in fact, I have fifty-year experience with the Employee’s Association, I was twice the president of the board of that Association, eleven-member board that managed the park for about 55 years. Just so happened that the two times as the board president, both times probably around 4 years was for the first proposed PUD here and then of course for the second proposed PUD, which went through. I was actually invited by the board to come back on, the General Electric employees board to be president to lead that project and that was a great project by the way and I still want to thank the people here that approved that. Unfortunately the timing wasn’t the greatest thing. Now I represent as the president of the Crossings at the Park, I’m the board president there. We did have a special meeting last night. We have meetings monthly with our group where we talk about issues and things that are going on. We had a great meeting last night where some the attendees had an opportunity because John had sent me a copy of what their plan was vs. Vandercar’s plan. So we went over that with the members that were there and everyone is really grateful with what this plan looks like as compared to the Vandercar. I do have a couple of things that I would like to point out. One might be that I know that this letter started off by saying the GEEAA organization, as a still exists; well there is no GEEAA organization today. There have not be in dues collected for well over a year. There’s no members. Everything that was once was an office held within the confines of GE aviation the facility office and out of there for the 50 plus years where the park was being managed. Everything there is gone. Just to give you that heads up. A couple of things, well John and I have an item that we’re going to discuss, but we’re going to do that sometime later. One thing I wanted to point out is that the unnamed north to south creek that runs through the property, all the way from north in Butler County, that creek has been a problem occasionally in fact it least once a year we have to do a clean out of the north end of where it matches the road that goes along because it would fill up with debris then the water would overflow on to the road. So many times we were driving across that road even when the park was operational there would be times when you would drive across there and driving through water. My understanding from the discussions with Viking was that there was going to be nothing done with that creek and I just wanted to make sure that this in fact that this is the fact. Again the north south creek that runs all the
way from Butler County that runs right through the middle of the, just at the turn point where they are going to put road in. That has been a real issue for us for quite some time. Also there has been a lot of the erosion there.

Chairman Darby: Sir. Please speak into the mic. Thank you.

Mr. Wahl: Sorry I was addressing John. Sorry. Pardon me for that. There’s been quite a bit of erosion the factor that has taken place because of that creek that runs there and I’d like to have the new owners give it some consideration to maybe help with that erosion issue. Aside from that we just say that we’re extremely happy with what we have seen so far. The last thing that I wanted to say is I wanted to thank the city. We have gotten some phenomenal support from Mr. Taylor and also from the Building Department; the Police Department has been outstanding to help support us for a couple times of having car than just laying there were having to anything done to it. I understand that just recently the mayor approved where we now have a better rodent control process. We have skunks and raccoons and opossums and all kinds of interesting little creatures that are floating around there as you can probably well imagine. We are happy with that and we would also like to just to express that we would love to see the lower eastern section of the park which were the creeks are and where the something run, Beaver Run Creek. We know that that’s always been a difficult area but it would make a great park setting for sure. I’d like to think that maybe at some point in time it to be a little park for Springdale. So that is all that I have to say. Thank you.

Chairman Darby: Thank you Mr. Wahl. You have the critters I have the grill. (laughter)

Mr. Wahl: We will bring them over to you.

Chairman Darby: The MIC is open folks.

Mrs. Thompson: My name is Amy Thompson, Crescentville Road. I keep hearing that people with properties nearby have been addressed. I have received nothing. I have traffic concerns. I live right adjacent to Commerce Park Drive where there are accidents constantly. That this number of trucks and semi’s and that going through and if this is going to be industrialized, how much is that going to be addressed. There is major roadway sitting right in front of my property from where semis are stopping and turning left on to Commerce Park. If there’s increased industry how is that going to be assessed. Will it be the potential of the road being widened further down Crescentville from GE Park? All of those things concern me and my property because I run a business out of my property. If I lose my driveway I will lose the only potential parking I have for business. I am just curious how the development will affect further up Crescentville going east from the property.

Chairman Darby: Thank you. Thank you for your input.

Mr. Fellerhoff: Good evening.

Chairman Darby: Good evening.

Mr. Fellerhoff: Mr. Shvegzda, Mrs. McBride, Mr. Taylor nice to see you. My name is Matt Fellerhoff I’m the attorney who wrote the letter that was just read it and first of all the I can’t express my surprise that the whole thing was read and I appreciate that and I apologize for taking up so much time. They also want to apologize there was a discussion of the board’s rules for submitting written documentation I took advantage of the, since we were not consulted about this, I took advantage of the notice and the requirements of the zoning code that indicated that that materials could be submitted up until the time of the meeting and that’s what I did.

Chairman Darby: Thank you.

Mr. Fellerhoff: I’m not going to obviously go into that detail again that’s not going to do anyone any good. Just want to repeat that my client is the current owner of the piece of property that is part of the PUD that is going to be amended. If that
amendment goes forward and we are not part of that, we have not been asked to be a part of that, we have not been asked to be part of the development, nothing has occurred there has been no communication about going forward with regard to the project in going forward for Springdale. That has not happened. We welcome the opportunity to talk to anyone about this and we welcome the opportunity to talk to the members of CM Capital. As we have stated if what happened in 2015 where we lost the ability to use the property that occurred we would have developed the property. The property would be developed right now and we would not be having this conversation. The conditions that were talked about they were not signed and they were not entered into because we entered into this litigation. For those reasons they did not occur. As the property owner, my client’s property is being damaged. What it is being left with is a piece of property under the plan that was proposed was a piece of property it had no access. Now I hear just today that may be in response to my letter and knowledge that there may be a public road in the south part of the development and we appreciate that. A conversation might have helped us with that. In addition to that we have a piece of property that does not have appropriate buffering for its piece of property. It appears that our property that we own it is being volunteered to be buffering for the Crossings, the rest of the Crossing’s property. Additionally our property as it is zoned right now is some to have a roadway through the property it would serve the original development, the approved development. There has been no provision for the zoning of our property. Right now if this is approved our property is left with a roadway to know where and that’s what we are required to, the only thing that we are allowed, my client is allowed to produce on the property or to put on the property. He cannot develop it isn’t on developable piece of property. Because of that my client as an owner of the PUD being amended, should have been a part of this PUD application and frankly should, we contend that the city of Springdale should require that before our PUD as amended we should be a part of that amendment and consent to that. In addition as the owner of that property, we have acquired the developer’s rights for the property. Under the conditions that attach to the property, as the developer in addition to the city which has certain ability to approve developments on the property, my client has the ability to approve development on the property. We have not been consulted and we have not given our approval to this development. For those reasons, because our property has not been even addressed in this proposal as it should we think it is entirely premature to proceed with this proceeding. I do appreciate the fact that this is a board that will submit its recommendations to the city and I understand that. Obviously this was our first opportunity to say this and I certainly did not want to approach the city later, this is where the board makes its recommendation and needs to understand this. Further, we have an entitlement under the zoning and under the current conditions that attach to all of the property to utilize our property. There’s no consideration of providing utilities to our property, though there now appears to be a public roadway that is on the property there’s no provision for those utilities particular there is a sewage line that is south of my client’s property that we do not have the provision of those utilities. That should be taken into consideration. I have addressed the other concerns that were identified in my letter; I am not going to repeat those for the benefit of everybody. I am happy to answer any questions and again if the board has any questions, if the administration has any questions or the development has any questions and would like to talk to us we are more than happy to try to do so to address it but as of right now we have been left in the dark and our property is being damaged. The property is currently in litigation the title is unknown. My client expects to be able to develop the property as was approved once the litigation is finalized. The property is also in that litigation and CM Properties which is the owner of the property, recorded owner of the property under the deed that was submitted has filed a foreclosure action in that case seeking to have a sheriff’s sale of the this very property. At a sheriff’s sale the property would be sold to the highest bidder. There is no guarantee that the developers who are here are going, if that sheriff’s sale happens, are going to be the developer of this property. For that reason additionally it doesn’t make any sense to proceed to rezone the piece of property which is in a foreclosure action which may end up in somebody else’s hands. If it is not mine it may be another property owner but it is entirely inappropriate to proceed. I’ve said everything else in the letter. If there are any questions I will take them, otherwise I can go sit down.

Chairman Darby: Sir I want to thank you for your input.
Mr. Fellerhoff: Thank you.

Chairman Darby: Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. Mr. Fellerhoff, if you could come back for one second, I just have a couple quick questions for you. I appreciate you being here and sharing your sentiments. On behalf of Vandercar you understand that with regard to whatever approvals or changes with regard to a PUD it does not matter who the property owner is necessarily it’s going to run with the property. Just as the approval that was made by council back in 2015 is running with the property now and as someone else comes forward if someone wants to change that they would have to come forward and do so.

Mr. Fellerhoff: I understand that, the problem is that the changes that are being presented leave my client’s property undevelopable because they are not part of this PUD process and it leaves it. It destroys the value of the property and that’s why I addressed the constitutional issue.

Mr. Hawkins: And you are speaking specifically to the southernmost portion of that property. Obviously, I know Vandercar is saying that they have the rights to the entire property but specifically you’re talking about that property that is the southernmost tip

Mr. Fellerhoff: I’m talking about the property that is to the west between the Crossings the condo and the roadway that was identified as private but now they are saying is public. It’s probably a strange shape it’s more between four and five acres. If you look on the original Vandercar approval there roadway was on the property and there was buffering there but its four or five acres that cannot be used. I’m sorry maybe it didn’t describe where that was but it is the property that wasn’t identified in the application but it’s the property being excluded from the development that was in the private PUD and is not in this PUD. If it were on the screen or I could use the paper.

(Background chatter multiple people talking)

Mr. Fellerhoff: If you look where the roadway is that goes across the property starts approximately where the roadway it’s the Crossing’s property. Maybe a little to the right in that and it encompasses most of that roadway the lot buffer and perhaps part of building two. Yes right around there. And that is the zoning that cut out of the zoning as approved by the PUD is what we will be left with.

Chairman Darby: How large did you say that it is?

Mr. Fellerhoff: More than four but less than five I can tell you exactly in acres.

Mr. Hawkins: Mr. Fellerhoff, has any court put an injunction on this property with regard to any further development of construction?

Mr. Fellerhoff: there is no injunction on the property, a lawsuit that has some ramifications but there is no current injunction, there is a stay of foreclosure procedure right now.

Mr. Hawkins: Through the course of, I know you are in the midst of litigation, through the course of any litigation had anybody sought an injunction and then denied one?

Mr. Fellerhoff: An injunction on development?

Mr. Hawkins: Yes.

Mr. Fellerhoff: I’m not aware of one of those. Frankly the fact that it is in litigation and the fact that this title is at issue usually stops development like this. The fact that there is a foreclosure action stops the development (not audible).

Mr. Hawkins: But no court has come through and indicated that they can’t do that?
Mr. Fellerhoff: There is no court order that I am aware of preventing this from happening.

Mr. Hawkins: Thank you sir.

Chairman Darby: Mr. Okum.

Mr. Okum: Thank you Mr. Chairman. Just a couple items for clarity. Was there a split of this property that allowed this property all of a sudden to be part, not all of a sudden but in the process because I don’t recall us approving a lot split at this commission?

Mr. Fellerhoff: I’m not, I was not there when understanding is that it was always a separate parcel and so there wasn’t a lot split that was required.

Mr. Okum: So it was originally part of it just a parcel contained within the PUD?

Mr. Fellerhoff: The PUD that was approved in 2015 it was

Mr. Okum: I’m going way back, yeah, way back when.

Mr. Fellerhoff: It was part of that approval.

Mr. Okum: We also have a parcel that was the retirement home that was going to be built by a Shepherd or somebody that was next to the retail along the tracks area. And then we have the Crossings element as well as part of that the original PUD. That property there thank you. So we’ve got, thank you. For the record I thank you Mr. Taylor probably want to get that on the record so that was what, then somebody else’s property. Okay. Was the notification of the property owners of executed? Okay, that is all I have for now thank you Mr. Chairman.

Mr. Snyder: My name is Steve Snyder and I represent NES Commercial who owns the six acre parcel (not audible). My concerns are a lot smaller than the last 45 minutes after listening to the letter. We only really have three major concerns. I have not had an opportunity talk to anyone or have been contacted by anyone from Strategic Capital and I would like the opportunity to sit down and talk to them about items, ingress and egress, utility access and visibility for our, with hopes to be a retirement home on 747. We currently have ingress and egress and also utilities of record which I think impacts the property that’s of subject tonight. That probably needs to be discussed between us how to abandon them as easements go through and how to have new easements for access and utilities. I’d like the opportunity to be able to do that with somebody from Strategic Capital Partners or whoever ends up developing this property. It seems to me that there is a lot of time or going to be a lot of time left to be able to have discussions and decisions made on any of this.

Chairman Darby: Okay. Questions? Thank you sir. Are there others? I thing we can close.

Mr. Okum: I move to close the public portion of this meeting.

Mr. Hall: Second

Chairman Darby: It has been moved and seconded that the public hearing be closed. Voice vote all those in favor. (multiple response Aye) Opposed? (no responses). The public hearing is hereby closed. Now we have the opportunity for commission members. Mr. Okum.

Mr. Okum: Thank you Mr. Chairman. I guess the question I had coming into the meeting tonight was and it’s still service it’s here can a PUD be modified under our rules to be less area in the original PUD that was approved?

Chairman Darby: Mrs. McBride.
Mrs. McBride: Yes I think that it can.

Mr. Okum: I believe it can to.

Mrs. McBride: Just to be clear all of the property there is still going to be zoned PUD you are approving or recommending or considering I should say an amendment in major amendment on a portion of the PUD.

Mr. Okum: So you’re not abandoning under the PUD conditions that were set forth in the original PUD you are basically isolating and segmenting a section similar to what we did with Princeton Plaza in that PUD with different parcels within it?

Mrs. McBride: Or very similar to the NES property here or the Crossings at the Park property here.

Mr. Okum: That’s what I was referring to. I guess that answers my question with regards to procedurally that we’re looking at amending this portion of the PUD not the crossings portion of the PUD not the NES or the Vander car portion are not being amended. Okay. There’s still an owner’s there’s no part of the PUD but this is a portion of the PUD that we’re looking at. Questions for the developer and staff and whoever the developer Rep probably wants to come to the podium that he could for a moment. Just a number of things and this is a minor move the went through my notes and then move them over and she was just to keep track. We do need to make sure that the changes that are in this portion of the PUD did not impact or restrict or take away the functions of sewer, water that are currently provided to those sites or was part of the PUD has to be provided to those parts through or part of this site. And sure you have addressed that that I wanted to speak to it if you could please.

Mr. Cumming: We would make the commitment that we would not alter or reduce that access to utility and access to road. (not audible)

Mr. Okum: Okay. As far as impacting those properties within the PUD by adverse effects of storm water, storm water runoff you would not be impacting that on then you’ve addressed most of that. I did have a concern regarding your dry basins? I’ve seen it used a lot for... but basins I prefer what with a fountain and that sort of makes things nice but dried basins tend to, there was a dry basin that Showcase Cinemas that completely ruined with trees and became a forest and it was not a dry basin anymore. What material is in your dry basins?

Mr. Cumming: (not audible)

Mr. Okum: You were sworn in? Oh we are out of that part of it.

Mr. Warnament: Patrick Warnament, 6305 Centre Park Drive, West Chester, Ohio. Yes the basins will be dry, easier to maintain, no geese things like that, Boggs other types of things and just when the grass and landscape where we had it shown.

Mr. Okum: So they get mowed?

Mr. Warnament: Yes they get mowed. The slope on the sides is mowable.

Mr. Okum: Okay. While you’re still up here Heritage Hill has mounding that is required under the PUD. That still needs to be worked out when the view and obstructed view to the residents and commercial buildings being in their backyards. We’ll get to that when we start looking at the sightlines that staff has recommended in regards to those but that mounding that you have drawn in how is the water conveyed back into your site from the east side of those mountings?

Mr. Warnament: There’s an existing ditch along the tree line basically the fence line of Heritage Hill properties and we’re still working it out but we are proposing they have some breaks in the mound to pass water through or we can run a piping system down through their.
Mr. Okum: With catch basins and so forth.

Mr. Warnament: Yes.

Mr. Okum: The mounding maintenance and so forth that’s the responsibility of the PUD?

Mr. Warnament: Yes.

Mr. Okum: Is it apart responsibility of the entire PUD or is it the responsibility of this portion of the PUD.

Mr. Cumming: I’m not sure of the answer on that.

Mr. Okum: I think that that would be necessary that you maintain and do all maintenance of landscaping and buffer areas under your PUD.

Mr. Cumming: We would commit to that.

Mr. Okum: Going back to the buildings. It was really hard to read from the Vandercar site plan building one of Vandercar’s I think the floor level was at 680 if I can read it from staff’s picture of that. I think you are at 676 so you’re about 4 feet lower on your floor line. Vandercar had in their previous submission had said that they were going to cut the building and to the hill. I don’t know what the grade lines topo’s are for the Heritage Hill residents but is that your same intent is that you’re going to cut those out and move the material from that and put the wall in retaining against the hillside?

Mr. Warnament: Yes. That northeast portion of the property still will be significant cut to make everything work out. Where’s a significant drop their existing.

Mr. Okum: Yeah it then it does the next level down goes to 645 so basically you’re talking segmented that they pretty decent drop between building you’re building three and building four if I’m right because your floor level is a 645 on building four and building five you’re at 641 is that correct?

Mr. Warnament: Yes.

Mr. Okum: I believe that the previous PUD approval was 648 and the reason I use those numbers is because those are real numbers, those are numbers that you put a 44 foot wall on that and that’s where you’re at and when we look at those sightlines that we expect to see prior to final approval I’m going to be very critical of that I was before those sightline impacts on those residents and what they are going to see. I understand we’re 150 feet back to parking and I’ve got all of that and I understand the dynamics of that and been doing it a longtime so I’m very familiar with but I’m going to be very concerned about that upon review. What material are you building wall systems with?

Mr. Cumming: The wall systems will be with the precast concrete.

Mr. Okum: Precast concrete and then an approved finish and so forth. Okay. I guess let me just check to make sure. I do have some concerns with regard to the temporary access roadway coming from Crescentville Road to get the Crossings residences into their development. That is quite a ways to go. They’re going to be in no matter what they’re going to be crossing your proposed street in order to get it to where it needs to go. Have you thought about possibly still giving that access off of 747 where they can gradually get into their site a lot easier without driving through an entire construction development? Trying to maintain the gravel road that trucks are going to be driving on that heavy equipment is going to be driving on. And then you really have to take it all out.

Mr. Cumming: With regard to the traffic, the temporary traffic maintenance program, we would have to sit down with the city and to develop that. (not audible) plan beyond and amend that.
Mr. Okum: Okay. And for now I think that is everything that I have. Thank you.

Chairman Darby: Just one thing that came up earlier. You guys have anything that you could present to us at this time regarding the gateway element.

Mr. Cumming: We do not have a rendering of that gateway element (not audible) the city.

Chairman Darby: I am sure that Mrs. McBride has some ideas for you.

Mr. Cumming: I certainly hope so.

Chairman Darby: Okay. Mrs. Harlow.

Mrs. Harlow: Yes, I have a question for Mrs. McBride. Of course not knowing who the tenants will be or what type of operation they will be running our previous PUD covered the, no 24 hour loading docks back there and that type of thing. Will that continue on and be covered under this PUD?

Mrs. McBride: That would be continued in the covenants which we have not seen yet but which per my comments I’m saying have to be submitted and reviewed and work through with staff and with city representatives the law director etc. before it can move on to council.

Mrs. Harlow: Okay that is what I wanted to make sure. Thank you.

Chairman Darby: Mr. Bauer.

Mr. Bauer: Thank you Mr. Chairman. A couple bits of administrative stuff. The packet of comments that we received from Kleiningers Group. The timing wise of that stated April 26 so your comments that you have they addressed some earlier comments I am assuming from staff and then these are brand new comments based on their revisions?

Mr. Taylor: Correct.

Mr. Bauer: Okay. For the applicant. 44 foot you indicated that you would maintain that height the building do you anticipate that at every building on that site one through five I should say.

Mr. Cumming: We do not we expect that to be for all of the buildings. Some if not all of the remaining.

Mr. Bauer: Thank you. I too like Mr. Okum said that roadway temporary roadway concern me. You did not really describe that in your presentation you said that you’ll work with the residents that was a concern to me too is how that would work with the folks in the condominiums to be able to get out through all of that construction traffic so I’m glad to hear that you are willing to address that.

Mr. Cumming: We recognize that that important item, in fact the reason I did not address that in detail tonight is because that is a work in progress.

Mr. Bauer: Thank you.

Chairman Darby: Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. Question for staff. For the course of all of this was there any discussion with Mr. Forbes specifically around any issues or potential issues with adjacent property owners within the PUD?

Mr. Taylor: Not specifically. He is aware of the communication that we received today and of course no one has had time to really get into that.

Mr. Hawkins: Fair enough. Thank you.
Chairman Darby: Mr. Okum.

Mr. Okum: I’ve just got a question for staff. We did receive on April 26 a letter from Kleiningers Group with pages one through 11 with responses to staff comment. They were provided to us and typically I reference the documents received by staff prior to this meeting. There are some things in here and they concur with and there are other things in here that they still think that they still need to work through. So I am inclined to exclude that comments from my recommendation but on the other hand there’s items in here that they agree to and they commit to and I invite that to be part of the record. So I am torn between both ways here. So the only way that I can do this and make the motion work is to exclude all but things that they will comply with. Okay. Does that make sense staff?

Mrs. McBride: Yes but there are some responses in that letter that don’t correspond with the plans that were submitted.

Mr. Okum: Well that makes it worse. So what are we going to do?

Mrs. McBride: Can you pull out the ones that you feel are appropriate and that are compliant with the plan submittal.

Mr. Okum: I sure will. It will be a long motion and it will take a while but I’ll make my best work at this okay.

Chairman Darby: Bear with us folks we have a number of inputs, he has a number of inputs to consider well formulating this motion. Mrs. Harlow.

Mrs. Harlow: Thank you Mr. Chairman. My question goes to the piece of Vandercar Property that is there. Under the PUD that is being submitted tonight it seems like that the crossing’s has been addressed and those people are satisfied and the gentleman that owns the property, the rest home property, he seems like he was going to be granted some relief on his concerns. I guess my concern is the Vandercar Property if we approve this and I know we’re approving the development plan no matter who owns it, it doesn’t matter but I hate to see any one owner have restrictions on how they can use their property and how they can get to their property. Can anybody help me work through this?

Chairman Darby: Mrs. McBride.

Mrs. McBride: Yes. So what I think would happen with this is that if there are going to develop that 4 to 5 acre parcel independent of the rest of the PUD that the city and the current PUD proposal before you is for a public street to access that property so the access and what we’re hearing is that the utilities would be provided so what would have to happen on that 4 to 5 acre parcel to make it developable is they would also come in for major amendment to the PUD, there would be reviewed by planning commission and council with a final development plan coming back to the planning commission that would detail that how that property would be developed. Would it be for office, would it be for some type of industrial, warehousing type building I don’t know that would be for them certainly to propose?

Mrs. Harlow: Is that enough room acreage to build something on and still have your buffering that is required and the setbacks that are required?

Mrs. McBride: Certainly enough acreage to do an office type development. I don’t know how big an industrial building could be built on that.

Mrs. Harlow: Because it would have to be buffered from the Crossings correct?

Mrs. McBride: Correct.

Mrs. Harlow: And then that is what a 75 foot setback?
Mrs. McBride: Correct. Planning commission does have the ability to modify any setbacks and so forth depending on what type of screening and buffering is offered.

Mrs. Harlow: This is a little bit of a different set of circumstances that has been brought to planning. With all of the swirling motions that are going on in the court it’s difficult and challenging. Thank you.

Chairman Darby: Piggy backing on what Mrs. Harlow just said we’re going to take a 5 minute administrative break folks in formulation of our motion.

(ADMINISTRATIVE 5 MINUTE BREAK)

Chairman Darby: Let the record indicate that we’re back in session. Mr. Okum you had a comment.

Mr. Okum: Thank you. I have consulted the staff on this and there are a number of items regarding that access roadway, the covenants that were considered and being reviewed and updated and so forth in just a variety of small items. Typically when I have a motion that is more than 10 items there is a reason for that and I don’t like to do it because I think there too many open ended and unfinished items. So based upon that I am not and since I can’t, and I’m the person that makes motions for this commission I am not prepared to make a motion this evening we sort of straw voted in a poll talked with the other members of the commission and I don’t think any of us are really ready. Basically Mr. Chairman I would like to move to continue this to our next meeting.

Mr. Hawkins: Second.

Chairman Darby: It has been moved and seconded that this submission be continued until our next meeting which is roughly 2 ½ weeks. Secretary please call the roll

Mr. Bauer took a roll call on this motion and that was a 7 to 0 approval to continue to the next meeting.

Chairman Darby: We will continue this item under old business that our June 13th meeting. Thank you for coming folks.

IX. DISCUSSION

Chairman Darby: Moving on with our agenda or their item as for discussion from the group?

Mr. Okum: Nothing Mr. Chairman.

X. CHAIRMAN’S REPORT - None.

XI. ADJOURNMENT

Chairman Darby: Chair will. Accept a motion for adjournment

Mr. Hawkins: Mr. Chairman.

Chairman Darby: Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. I know everybody wants to get home I understand. I just want to make sure that Mrs. Harlow addressed this in her report on council if there is anything the staff needs or needs us to do or if you need a formal request from the commission or a vote to staff to address the issue on the marijuana. Council bottom line was interested in planning commission and staff doing some rezoning or looking at rezoning are considering rezoning to prohibit cultivation and
dispensary and all of those things for marijuana so I don’t know if staff needs a vote to act or if staff is going to present something to the commission for us to discuss but I just want to make sure that there’s anything that we need to do that we do it so we can facilitate that to happen.

Mrs. McBride: We are already working with the law director to develop that language and there are some other tiny minor cleanup items also in the codes that we’re going to have a few items for you for the consideration at your June meeting when you will likely have done previously prepare a memo for you that will itemize those and then the actual text amendments themselves will be attached to that.

Mr. Hawkins: Fantastic. Thank you. Now I move to adjourn.

Mrs. Harlow: Second.

Chairman Darby: It has been moved and seconded that we are adjourned see you in June.

Respectfully submitted,

________________________, 2017 ___________________________________
Don Darby, Chairman

________________________, 2017 ___________________________________
Richard Bauer, Secretary