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 III, Dave Okum, and Joe Ramirez

Staff Present: Anne McBride, City Planner, Don Shvegzda, City Engineer, and Gregg Taylor, Building Official

III. PLEDGE OF ALLEGIANCE

IV. MINUTES OF THE REGULAR MEETING OF JULY 11, 2017

Chairman Darby: The chair will now accept the motion to approve the minutes of our August 8th meeting.

Mr. Okum: Move to approve.

Mr. Hall: Second.

Chairman Darby: It has been moved and seconded that the minutes of the meeting of August 8th be approved. Voice vote, all those in favor 7, opposed 0, abstentions 0. They are approved. The chair will now accept the motion to approve the minutes of the August 24th meeting.

Mrs. Harlow: Move to approve.

Mr. Okum: Second.

Chairman Darby: Approved and seconded that the minutes of the meeting of August 24th meeting be approved. Voice vote, all those in favor 6, opposed 0, abstentions 1 (Joe Ramirez).

V. REPORT ON COUNCIL

Mrs. Harlow: Thank you Mr. Chair. Our council meeting was September 6th. All members were in attendance. We had the second reading and a public hearing on amending the zoning code and zoning map of the City and this was for the Higher Ground Ministries church and it was from the Residential Single Household High Density to a Planned Unit Development and that passed with a 7-0 vote. We also had a public hearing and a second reading on approving a Preliminary Development Plan, PUD for the property located at 1391 East Crescent Ville Road the Higher Ground Ministries Church and that was approved with a 7-0 vote and of course both of these came out of Planning. Our third item we had was Ordinance 35-2017 and this is approving a Major Modification to the Planned Unit Development and Preliminary Development Plan at The Crossings at the Park, a PUD, Tri-County Commerce Park. I guess I shouldn’t have been surprised but I was surprised because what was presented at this meeting to Council was not exactly what this board agreed upon. The confusion or the changes came about because this developer has an opportunity to purchase some additional property in the complex. So if he was going to purchase this additional property then he might want to rearrange a couple of the buildings on the property. Am I getting that right Mrs. McBride? I guess like I said I shouldn’t have been surprised but I was surprised. Every time that GEEAA has been before either this body or before Council it
has never gone the way that we thought it was going to or it was never fully cemented the way it was supposed to be. So because they wanted to change it, and to change the buildings and the way that they were going to be located an amendment to the Ordinance was added to include that the Covenants be presented to the Building Department before any building permits were issued. So the Building Department has to see exactly where they are going to put those buildings, those couple of buildings that they had in question and the Building Department has to approve of that. Of course again they won’t know for probably a couple of more weeks whether they are going to get that property that they want but they believe that they will get the property that they want. So it does not make a great deal of difference in the total outcome but again it was just a change in the way that they were presenting it to Council as opposed to what we heard here on this board and that just goes against my skin, it goes the wrong way and I am going to ask Mr. Hawkins if he has anything that he wants to say out this particular part of the Council meeting.

Mr. Hawkins: Thank you. As Mrs. Harlow indicated, the area that they are talking about is sort of in the southern central part towards the South East part near, I think it is 5 acres or 15.

Mrs. Harlow: 5 acres.

Mr. Hawkins: 5 acres that they did not own or control and so that was the part that was in question. It came to their attention and they indicated that this took place probably shortly after they presented to Planning Commission, that they may have an opportunity to purchase that. It is nothing that they are in a position to rely upon but they have generated some additional plans as Mrs. Harlow indicated as to what they would do if they had that additional piece of property. The street comes down sort of at an angle to maneuver around that 5 acre spot and so if they got this piece of property they would probably straighten that up a little bit, move it a little bit more westward and they talked about instead of there being two buildings down there I think that it is maybe building 4 and 5 making one bigger building that is probably closer to the size of building, I can’t remember if it is 3 or 2.

Mrs. Harlow: Building 1.

Mr. Hawkins: Building 1. So that is sort of what they were discussing as a potential idea. This commission has seen and council has seen through the course of the GEEAA process with the prior developer some frustration when plans change and they get presented differently. It did not appear that they were trying to be sneaky or anything like that where the prior developer probably was questioned a little bit more because of some of the things that they did and didn’t do along the way, but they did present that to Council as saying, hey look here is sort of our potential plan B and they seem rather optimistic I think that they are going to be able to get their hands on this property.

Mrs. Harlow: I came very close to asking and making a motion that this just go back to Planning Commission and then they would have to come back to Council with it but I know that is a lot of money on the line there and at the end of the day the total square footage that they were looking at, I believe was very similar to the second plan. The number of buildings that they were going to put there was not going to have a great impact on the development but it was just that we have worked so hard to get to this point and you know, we brought forward to Council what Planning Commission thought was a done deal and then it is presented to Council in a totally different way. So it was just a lot of frustration especially on my part.

Chairman Darby: Mrs. McBride.

Mrs. McBride: Thank you. I happen to be at that Council meeting and I too was surprised by the presentation. Just so that the Commission knows thought that 5 acres is zoned PUD and it is zoned PUD for industrial type uses. Now, when that comes in, if they are successful in acquiring that and they choose to merge that in with their existing PUD plan, when they come forward with a Final Development Plan then the two members of Council will have to make a determination as to whether or not that is a
Chairman Darby: Mr. Okum.

Mr. Okum: Thank you Mr. Chairman. I guess the question comes, is what set of standards does that 5 acres fall under, the original PUD because it was excluded or the new PUD as documented in minutes of this meeting and the motion that was brought forward from Planning Commission. Would there standards be based upon their site being the original PUD site, because we do not have means and bounds and specifics except generalities that it is that 5 acre site. That is one question. Number two is, is that when you do this, and I understand why the developer would want to do it, there are things that are not taken into effect, the trip generation of vehicles, the traffic issues, the land use and design, the control over landscaping elements and building heights and all the other things that are associated with Planning Commission. I understand where you are coming from Mrs. Harlow because those are all things that Planning Commission does and labored with this developer on the entire site. I certainly understand the change, it doesn’t make sense for that 5 acres to sit there but I would like to sort of understand what set of standards it is going to fall under. Is it going to fall under the new PUD that we approved for the entire development, was it brought into that as by the motion. The only thing that the motion did, and it was good that you got that in there in regards to the covenants, but the motion didn’t bring into the fact that this is now part of this approved PUD, maybe it did and what conditions needed to be applied to that 5. Now we can control it under Final Development Plan, I believe. I see Mrs. McBride is going yeah we can to a certain degree I think. But it is going to take a very keen eye to make sure that we know where we are going to be when this Final Development Plan comes. I would have rather seen it come, that remain where it is at and if they wanted to make the deal on it then do an amendment to the PUD just like we would have done at any time, the two council members would have made the decision whether that would be part if it was necessary for it to go to Council and just left it sit on its own because right now I am a little bit uneasy about whether what we referred to Council is going to be imposed upon that 5 acre site accordingly and there are other things to be involved. There’s the residents, the hearing of the residents that are adjoining that 5-acre property. There’s all kinds of actors that, and this developer when he made the presentations to us, we were, it was like a challenge to know where we were going to be at each presentation. I’ll just sit back and see how things go. I hope it goes well, I do.

Chairman Darby: Mr. Taylor.

Mrs. Harlow: That was all discussed you know the height of the buildings and the trip generation, I don’t think that is going to make any difference because they were going to be the five buildings there, whether they are combined or separated they didn’t think that would make much of a difference and the residents they were satisfied with what had been presented to them. That left us with either sending it back to Planning or putting, adding an amendment to it.

Mr. Okum: If I could.

Chairman Darby: Mr. Taylor has his light on, I think he wants to try to help bring this into focus.

Mr. Taylor: If I might, just as a point of clarification. What I believe the intention of the developer was, was two present the plan that you all did in fact approve, however; kind of a late breaking development as Mr. Hawkins indicated, they are of the belief that they are going to be able to pick up that five acre piece that Vander car previously owned. I think the idea behind introducing that to council was in recognition that if they do in fact pick that property up it will absolutely have to come back to this body no matter what, but I think the hope was by introducing that to council that possibly it may not have to go to Planning to Council to Planning. I think that was the applicants hope in presenting that potential option. I think you can rest assured that the plan is
coming back here one way or the other. I don’t think there is any question about that, it is just a matter of what process we end up following in order to get the thing finally approved. Again as both Mrs. Harlow and Mr. Hawkins indicated this is still not a done deal. So I think it does point out the PUD that was modified back in 2015 with the nine buildings that Vandercar proposed has been modified as you all did to exclude that five acre parcel. I think the intention of the developer is that if they are successful in acquiring this property it would more closely resemble the Vandercar Property the only difference as they see it in terms of building height building location building size and so forth the only difference would be that Strategic Capital does not envision any development South of Beaver Run so that its effectively going to be very, very, very close to the plan that was approved for Vandercar in the even that they are able to pick up this other property. I don’t know if that’s clarifying or making the waters even more muddy, but that is my understanding of what was going on.

Chairman Darby: Mrs. McBride.

Mrs. McBride: The only thing that I would say to add onto that is that the zoning code as criteria for consideration for our two members of council that are on the commission and when staff does their reports we do look at that and give our opinion as to whether or not we think and it is a major or minor change so we have guidance there depending on what it is that they are proposing if the propose anything. If in fact and they do propose something and the commission feels it should stop here we most certainly can apply the covenants to that property that will be coming in on the design standards landscaping that we will most certainly make sure that the residents to the west would be well protected and well screened from any development that might happen on that five acres. Again until we know that they have it, until we start to see something you know I think we can address it if and when it comes.

Chairman Darby: Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. Just piggybacking on what Mrs. McBride and Mr. Taylor said they did not get a blank check they still have to come back through and still have to go to the process to get approval and so I won’t speak for the other six members of council but that was my mindset is that, hey look they are still going to have come back through and get approval should they get the five acres should they want to develop it and make changes to the PUD. There is nothing about in that is going to cause me to lay awake at night and worried about that the hours going to do something completely outlandish but I think, again because we went through this particularly with Vandercar and some of the stuff that they did I do not think that this developer was trying to be sneaky or do anything clandestine, I think it was really the opposite that they are sitting there saying hey look we just got this information and we would put it out here. Obviously if we could wave a magic wand we would rather have that go through planning first but we had a public hearing there were a number of folks here probably as usual more people from the crossings and there were from Heritage Hill and you know at the end of the day they all came and spoke and I believe the mayor specifically asked for whoever was the president of their board to come forward and indicate are they satisfied are they happy do they have concerns regarding this development. The main thing that they had a question about was the creek that ran through the middle from north to south and that was addressed as well. As, Mr. Okum, you indicated there would be some concerns on my part regarding the sightlines or what have you for those residents of the Crossing’s looking west but I think there will be an opportunity to have some checks and balances if they are able to purchase that and if they’re going to develop that.

Chairman Darby: Mr. Okum.

Mr. Okum: Just one and a final comment. I agree with what everyone is saying. I understand the position that you were put in these council members but in addition to that part of the conditions that we gave to the site was is building height requirement and I believe the building height requirement was 43 feet.

Mrs. Harlow: 44 feet.
Mr. Okum: 44 feet on that five acre site. I sort of felt comfortable with that five acre site just sitting there with the condos on the other side of it because I felt that ultimately if I came before planning commission as an entity on by itself we would have a little bit more control over and that and you mention the site line, how that is going to impact those residents and those sightlines particularly because we were very specific about that in regards to have those buildings reacted to Heritage Hill and we would certainly want to be and that becomes a little bit narrower like a banana there it sort of wraps around the condominium complex. That I am concerned for and I am trying to not be overly concerned right now but in way I am a little bit concerned about that because of those standards that we gave in that PUD approval. So that is my only comment and that is all I am going to say for now. Thank you.

Chairman Darby: Anyone else? One comment. As I recall this is the piece of land held by that an owner who sent an attorney to represent his interest in the concern was if you guys approve the development that they want mine and is kind of cut off.

Mrs. Harlow: They thought it was going to be landlocked.

Chairman Darby: Yes so maybe there’s the positive side to this also the theme of the development comes along the way that is...

Mrs. Harlow: Well I never got the impression that they would be landlocked. I never got that impression, I always was told that that road would go to their property and they would have the ability to have an entrance onto their property.

Chairman Darby: Want to help us out.

Mrs. Russell: Christine Russell, you all known me. Just from the audience I am still hearing a few different things in here and I think it is worth clarifying directly. What council approved was exactly what planning commission approved. The alternate plans that they were presenting were FYI only. They were not in asking for approval, that was very unclear in their presentation and I from the audience kept wishing that somebody from Strategic Capital would say very clearly that we are not asking for approval for this we are just presenting this for information so they will be coming back for a modified Preliminary Development Plan modifying that PUD to include that five acres so David, your concerns will absolutely be addressed. I can speak for the city that the landscaping that everybody worked so hard to get approved on that five acres is what we are going to show them and say let’s start with this what was approved before and see if they need modifications from then they have been very accommodating and understanding that the landscaping that you all worked hard to put in place is very important to us. I don’t anticipate that they are going to back off of that I think they understand that what was approved before is what they have to live with so they will be coming back to modify that to include the five acres as well as them start the approval for the final development plans on a site by site basis. Gregg is that correct? Thank you very much. I hope that I clarified I was just are still hearing some different things so I apologize for speaking out of turn but thank you.

Mr. Okum: Thank you that was helpful.

Chairman Darby: Mrs. Harlow we still have the floor.

Mrs. Harlow: We also had two 1st readings of ordinances amending the various sections of the codified ordinance for the City of Springdale and that was for medical marijuana and the one was for amending the various sections of the codified ordinances of our code and then the second one was for first reading of the zoning code related to medical marijuana. Then the last thing was that we had resolution authorizing the City Administrator to file an application with the Ohio Public Works Commission for LTIP funds for State and Capital Improvement programs. And that would conclude my report.

Chairman Darby: Thank you very much.
VI. CORRESPONDENCE

None.

Chairman Darby: I am going to take 2 minutes before I continue the agenda, Mr. Okum had to take an emergency call and he assured me that he would be back in a couple of minutes and if he is not we will go on.

VII. OLD BUSINESS

None

VIII. NEW BUSINESS

A. AT&T, 711 Kemper Commons Circle, Springdale, Ohio, Revision.

Chairman Darby: In the meantime the representatives for items under new business. You are inside two minutes thank you.

Mr. McCure: Hello I’m Mike with the Adams signs, 1100 Industrial Avenue, Massillon, Ohio. We are proposing the AT&T building with three signs on three sides of the building. You should already have all of the paperwork. Yes no maybe?

Chairman Darby: Our protocol is we give you the opportunity to say anything you want to about the project and then we go to staff reports.

Mr. McCure: I really don’t have anything else to say they just told me to come present it.

Chairman Darby: Okay thank you. Mrs. McBride.

Mrs. McBride: Thank you. When Planning Commission approved the Final Development Plan for the AT&T store at 711 Kemper Commons Drive it was November of last year they did not have building signage at that point in time. If you recall they are going to use the second panel on the Raising Canes ground mounted sign but they did not have their building mounted signage at that time. So one of the conditions of approval was that they had to bring that signage back to this commission for review and approval. Would they are proposing is in tune of about 143.7 square feet of sign area. They are proposing the AT&T logo and then the AT&T letters on each of the three sides of the building that actually front a public right of way. That is the north to south and then the east elevations of the building so it is unique in that there are actually three sides of this building that do face a public right of way. Each one of those signs is 47.9 square feet. They do meet all of the requirements of the code in terms of that been channel cut letters there location from the edge of the building and so forth all meets the provisions of the code. The code would allow them to have a total of 228.5 square feet of sign area so they are significantly below the sign area that they are permitted however; their north building elevation is allowed to have 72.8 square feet so they are under on that and that’s fine. The south elevation is a lawn to have 128 square feet and again there are 47.9 but the east elevation is only one to have 28.5 square feet and again they are proposing 47.9. Staff feels that this is a minor change to that again their overall square footage is significantly under and to keep them building balance staff feels that is appropriate to keep the same signage on all three of the elevations and we would suggest approval to the commission. If you have questions I would be happy to answer those.

Chairman Darby: Mr. Taylor did you want to have something to this? Mr. Shveglda?

Mr. Shveglda: No comments.

Chairman Darby: No environmental impact? Okay thank you.
Mr. Okum: Mr. Chairman I would like to make a new motion to approve the requested AT&T, 711 Kemper Commons Circle, planned application 32658, with them request as requested by the applicant.

Mr. Hall: I will second the motion

Chairman Darby: It has been moved and seconded that this submission be approved as indicated in motion secretary please call roll.

(Mr. Bauer called the roll and this was passed with a 7 to 0 vote in favor.)

Chairman Darby: You have your approval.

Mr. McCure: Thank you guys.

Chairman Darby: Thank you for coming. By the way that is a good looking building.

B. J C Events, 11700 Princeton Pike, Springdale, Ohio, Minor Revision to the PUD, Development Plan.

Mr. Okum: Mr. Chairman.

Chairman Darby: Mr. Okum that is your call.

(cell phone ringing in the background.)

Mr. Okum: That’s not my phone. But I promise you that I will look at this in an objective manner. But I do have a soft spot in my heart and I ruined everything that I just said.

Chairman Darby: Gentleman, please come forward. For the record please introduce yourselves.

Mr. Haverkos: My name is Steve Haverkos and I have been associated with the haunted house for the 37 years that it was at St. Ritas. I was the go between the first couple of years and we have been running it since the early 80’s. Previous to that, for two years at Cassinelli Square. The school, the diocese took a turn and is moving away from any public events for liability and business type reasons. They do not want outside groups coming in to increase the liability which is a common thing across the board. What we are asking is to continue to partner with St. Ritas and with the Springdale offering support group which is actually doing a lot of work and to do as Jaycees with the scholarships in the holiday baskets and things like that. We have continued over the years to do the Easter egg hunt at our expense for the recreation department and we have enjoyed that and we just want to, we’re strictly volunteer organization. Things have changed a lot; the village made us comply with some staff that was not code at the time. Recently that has changed and there are a lot of very strict codes that, along with haunted house is in particular. We had been able to work with Tri-County Mall. As far as using 10,000 square feet in the center of the first floor of that building, the fire alarm and sprinkler system is still intact, we would have to add to the fire alarm. The new code 411.1 it requires us to put a voice with the fire alarm. That is the newest addition to that, previous to that we have to drop all of the power in from fire alarm goes off every prop we have has to stop our soundtrack passed to stop and the house lights have to come on automatically. That is all part of the new code that is required
by the State of Ohio. We lead the way in that, we still help promote that and we would not do anything that was not at least compliant with that if not further. We’re asking permission to do something for the community. Tri-County actually offered that we can do outside entrance and we felt like they stepped forward so we want to continue with the inside mall entrance so that it would draw people back into the mall as well to thank them for their efforts as well. So that is pretty much what we’re asking. We were very successful at St. Ritas. This is a new venture for us. All of the new codes and new permits. We were so long at St. Ritas that we were able to work with the village and so all of these new things are very new to us and we are trying to find our way through the expenses part of that as did Dave and the guys that started the one at St. Ritas. Their first year they had to install not only a sprinkler system and an alarm system but there was not enough water pressure for volume up on top of the hill so they also had to put a storage tank and then called to go with it.

Mr. Okum: Two tanks.

Mr. Haverkos: Two tanks. So all that got switched to one but there was a huge thing and don’t think that was on their radar so we are trying to stumble through this we have been working with the building department and the fire department the police department has agreed to be our security off duty. So they are scheduling that the chief approved that. We’re coming here to ask for permission. We’re not intending to moving walls. We will create temporary barriers to move the people through the space that we have chosen and have the props go on and off and that whole part of it but we have no intention of cleanup and the permanent walls or anything that would alter that space of them then just the temporary barrier.

Chairman Darby: Okay great. We will move on to our staff reports Mrs. McBride.

Mrs. McBride: thank you. As the applicant indicated they would like to construct a haunted house on the first floor of the Dillard’s building in about 10,000 square feet of space. It would be accessed from the interior of the mall and they’re also going to provide services, their restrooms and so forth available to the patrons. Approximately 100 folks at the time can experience the haunted house so there’s plenty of room obviously inside the mall for anybody that might be waiting. The facility would be open from the 5th of October to the 31st of October and they would vacate around the third week of November. They have provided us with the hours that they would be opened and I have noted those in my memo to the commission and obviously there’s plenty and sufficient parking on site for anyone who might want to come to the open house. We would have to ask that the two members of council that serve on the commission to indicate that this is in fact a minor modification. You will recall that we have already introduced entertainment uses to the mall in the form of the movie theater so this is an extension of that type of use into the facility. Staff does believe it is a good thing that’ll bring some folks to the mall and certainly a good cause. We would need the two members of council to indicate that.

Mr. Hawkins: I think that it is a minor modification.

Mrs. Harlow: I’ll agree.

Chairman Darby: Thank you.

Mr. Taylor: Thank you Mr. Chairman. I just wanted to add that we too have a set of plans submitted by these fellows and they were prepared by professional engineering and architecture firm. As Steve indicated the building permit requirements for an event like this are pretty daunting. The Dillard’s space has both a fire alarm and a sprinkler system which are two of the most important and expensive components however; they’ve got to do a lot of, and excuse me for using the word “stuff” it’s Derrick’s most hated word that comes out of my mouth. There is some emergency lighting, there is the voice over that Steve referred to, and the automatic light controls and so forth and
they have indicated that the plans are pretty well done and I believe that we’re not going to have any issues with them complying with the code. That is all I have.

Chairman Darby: Mr. Shvegzda do you have any “stuff” you want to add to that.

Mr. Shvegzda: No comment.

Chairman Darby: Okay thank you. Mr. Ramirez.

Mr. Ramirez: Thank you Mr. Chairman. Just a couple of questions. J C Events is that the Jaycee the organization “JAYCEE” is that the same group?

Mr. Haverkos: It is not. We have created our own nonprofit. The J C Events is in the process of being a nonprofit so that we can run any event and then we can get our own insurance just for liability sake. In the Jaycee organization has changed tremendously since it was started. We have flown under that flag but we have been able to use the school’s nonprofit. In recent years so as we move on to our own we have endeavored to create our own nonprofit so that we can do whatever else that we would like to do for charity.

Mr. Ramirez: One other question. Would this fall under the entertainment tax pledge and as a movie would have is there an additional tax for people to go buy tickets and then move event? I’m thinking about revenue for the city here? Should there be? Anyone?

Chairman Darby: With a nonprofit?

Mr. Okum: Admissions tax.

Mr. Ramirez: That is all I have. Thank you.

Chairman Darby: Mr. Okum.

Mr. Okum: Thank you Mr. Chairman. Steve, yeah you were a young guy when we started this process and you have aged well. It’s great to see that you are still involved. It was very disheartening to see the archdiocese made the decision, and a lot of happiness that came out of that house. Just for everyone’s knowledge, I believe you on the over a $1,000,000 of proceeds that have gone to St. Ritas School over these 37 years. It is something that still stays very close to us and we appreciate what you do. It is a major commitment on your part and the people that are working with you on it and it is very very worthwhile. In regards to insurance, you indicated that you will be fully insured through the process so in addition to what the mall has its blanket policy and its umbrellas the organization has traditionally purchased insurance with an umbrella and that is which are doing in this particular case. Based on that I don’t see any other lights I would like to make a motion.

Chairman Darby: We are ready.

Mr. Okum: Mr. Chairman I would like to make a motion to approve the request to the application number 32739 for the purpose of the Tri-County mall haunted house to be operated by J C Events for the you 2017.

Chairman Darby: It has been moved.

Mr. Hall: I would be honored to second it.

Chairman Darby: It has been moved and seconded that this submittal be approved as indicated in the motion. Mr. Secretary would you please call the role.

(Mr. Bauer called roll and the motion pass with a vote of 7-0 in favor.)

Chairman Darby: Ready to roll.
IX. DISCUSSION - None.

X. CHAIRMAN’S REPORT - None.

XI. ADJOURNMENT

Chairman Darby: Reluctantly, very reluctantly, I’m willing to accept a motion that we leave here.

Mr. Okum: Mr. Chairman for your knowledge I will be coming in on a plane are on the 10th I believe. Somewhere around that time, I may be in late or I may not make it.

Chairman Darby: Thanks for the notification.

Mr. Hawkins: I move to adjourn.

Mrs. Harlow: Second.

Chairman Darby: Moved and seconded with that we adjourn. See you on the 10th folks.

Respectfully submitted,

______________________, 2017  ______________ _________________
Don Darby, Chairman

______________________, 2017  ______________ _________________
Richard Bauer, Secretary