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, Lawrence Hawkins III, Dave Okum, Joe Ramirez, Meghan Sullivan-Wisecup

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

III. SWEARING IN OF NEW PLANNING COMMISSION MEMBER MEGHAN SULLIVAN-WISECUP

IV. PLEDGE OF ALLEGIANCE

V. MINUTES OF THE REGULAR MEETING OF NOVEMBER 14, 2017

Chairman Darby: The chair will now accept the motion to adopt the minutes of our previous meeting of November 14, 2017.

Mr. Okum: So moved.

Mr. Ramirez: Second.

Chairman Darby: It has been moved and seconded that those minutes be adopted.

(Voice vote was taken and the minutes were adopted with a vote of 5 in favor, 0 opposed and 2 abstentions.)

VI. REPORT ON COUNCIL

Mr. Hawkins: Thank you Mr. Chairman. City council met on December 1 for the swearing in we had initially five members present after swearing in Mrs. Sullivan-Wisecup and Mr. Anderson who was also present with us today, we had all seven members present. We had only two matters of business, a resolution thanking Mr. Bob Diehl and a resolution thanking Mrs. Marjorie Harlow for their time and service. Council also met on December 6. All seven members were present. We had a presentation for the budget for 2018. We should note that the anticipated revenue for 2018 is the highest it is been for some time now. With regard to ordinances and resolutions, we had resolution R15-2017 confirming the Mayor’s reappointment of Scott Garrison as a member of the Board of Health, which passed with a 7 to 0 vote. We had resolution R16-2017 confirming the Mayor’s reappointment of Lynn Jones as a member of the Board of Health, which passed with a 7 to 0 vote. We also had resolution R17-2017 confirming the Mayor’s reappointment of James Squires as a member of the Board of Health, which also passed with a 7 to 0 vote. Council took the action in appointing Jeff Anderson to serve on the Board of Zoning Appeals as well as Meghan Sullivan-Wisecup to serve on the Planning Commission. Both of those passed with 7 to 0 votes.

VII. CORRESPONDENCE

None.
VIII. OLD BUSINESS

A. SCP Springdale LLC, 12110 Princeton Pike, Springdale, Ohio, Revision to a Preliminary PUD Development Plan Approval (application 32930) Public Hearing continued in progress.

Chairman Darby: Would the representatives please come forward.

Mr. Cumming: Good evening, I am John Cumming with Strategic Capital Partners. I’m glad to have the opportunity to appear before you again this evening. With me are some of our development team members as well. We have Dave and Lynn from Kleingers Group our civil engineering group. Mike from DBG who is our wetlands consultant. So we wanted to make sure that we had the right expertise here to answer any questions that might come up about our plan. With that we will get started here and let me answer any more questions along the way.

Here is the sight at 747 and Crescentville. The change that has occurred and we will get into this in more detail is that we were able to put under contract the five acre parcel that at one point we did not include in our development plans. Our development plan has increased land wise by five acres and we will get into detail on that. The project timeline wise, this is kind of starting back when we were from the summertime in terms of Planning Commission and City Council process. On the preliminary plan approved at Planning Commission in July and then City Council in September, I had mentioned at that City Council and there was a chance that we would be able to put that five acres under contract just to make everyone aware. After that meeting, we did end up getting it under contract. Here we are now with our revised plan. Moving forward, we are still in a position where we would love to be under construction in the second quarter of next year so once we are able to get through our master plan approval, development plan approval then we would get into detail design for the first two buildings that we would look to start in the second quarter of next year. Seeing as though I have made a couple of appearances here the site has been certainly been a topic for discussion with various development plans over the years I thought it might make some sense to kind of compare where it started and kind of where it has been in some of the changes that have occurred along the way. In 2015, Vandercar brought this site through the approval process and was approved, eventually approved at Planning Commission and City Council. At that point the project had, I think I have a site plan I will reference on this. That was the plan from 2015 and from 2015 so a mixture of industrial and office. Nine buildings total, five industrial buildings and four office buildings. 1,285,000 square feet in terms of the maximum building size and maximum building height those were established with that plan, 375 feet, 375,000 square feet. The largest building and 44 foot height on the maximum. At that point the creek that runs to the south of the project there were three buildings planned south of the creek and there were two office buildings and one industrial building, you can see that kind of at the far bottom of the page with the industrial building south of the creek and then the two office buildings to the west of that south of the creek. Traffic signal at Crescentville, the setbacks were established at that point. On the East property building set back of 250 feet from the property line, with a pavement set back of 150 feet from the property line on the East and the a buffer on the West surrounding the Crossings Condominiums, a 75 foot buffer that was established with that plan. When we started working on the project and came in with our initial approvals over the summer, our plan was less than the Vandercar because what happened is that Vandercar was able to obtain a five-acre portion of the overall site and so as a result, our plan was less dense than that plan. So our plan at that point was these five buildings and you can see the road leading to the south at the top of the page was farther to the east because the five acre parcel that I am referencing is the parcel that is just immediately adjacent to the road to the south and then over to the property line where the condos are. So it is kind of almost the middle portion of the site, but that was carved out of our development plan. We did not have any intention of building a building south of the creek at that point to either. This was the plan when we came through the summer and was eventually approved through City Council, but then we did have the change with this five acres. So on that plan that we came through in the summer again it is six buildings, five industrial one office retail along 747, total square footage of 1 million 35, same building size and height, no plans.
to develop south of the creek and traffic signal again at Crescentville and the same setbacks on the east the 250 foot setback for building and 150 foot setback for the pavement and at that point the five acre portion was really a buffer for the condos so it really didn’t apply to the plan that we were taking through. On our current plan, and I will get to detail on this, our current plan bringing the five acres in does a couple of things. First of all we’ve really have the same number of buildings but we have kind of changed the order of those and so really the three buildings on the north end of the project are really unchanged, it is the two buildings at the south end that are different than the plan that we took through and had approved in September and then the road as you can see has shifted to the west. So what we did, and you will see from the previous plan, the two southern buildings on the area now has become one larger building. We’ve gained about 120,000 square feet plus or minus a few if you added those two buildings together and it is about a 1000 square feet less than one building that we’re showing right there. That five acres, as you all know, was the subject of a lot of controversy and a lawsuit that had been lingering for quite a long time. It sort of had a cloud over the development and everyone was kind of asking how that was going to be resolved and when it was going to be resolved and what the effect was going to be on the development of the park moving forward. We were surprised when it was, when we had an opportunity to terminate the lawsuit and our company was not in the lawsuit it was the group that owns the property today that we have it under contract with. They were in the lawsuit with VanderCar, the VanderCar group. I got a call one day that said look I think that we may have an opportunity to terminate this lawsuit the way that it would be done is that we would need to buy that land and if we are able to buy that land we will set up a transaction where the lawsuit is terminated for good. So we felt like that was a really good outcome and so we committed to pay additional dollars for that five acres to help end the lawsuit and as well in order to pay for that additional land we increased the square footage from our previous plan, like I said about a 120,000 square feet in order to pay for the five acres. So we are under contract to close in the first quarter of 2018 and that five acres has been added into our contract so we control that land as well as rest of the land seen on the slide here. After the meeting in September I also got a call from City staff and asked that we explore and show a site plan for the building on the very far south end of the park which we are showing as building five, 165,000 square foot building and with a bridge coming over the creek and servicing that building. So that was really the impetus to include that building on the plan was that call and so we have done that. We will go through some details. You know the plan I know is hard to see for everybody in the room and so we have a few plans that show kind of different segments that show a little but more detail. We have got buildings one and two on this. This is the far Northwest corner of the park. Our plan for phase one is to start building two and building three at the same time. You will see building three in a second. From an infrastructure standpoint nothing has changed, we still plan to build the “L” shaped portion along with the cul-de-sac serving the senior living property as well as the Crossings property as phase one along with buildings two and three and then the portion of the road that starts at the “T” that you see and then going south and serving buildings four and five would be part of phase two in terms of the infrastructure.

This is building three, so buildings two and three of our plan is to build both of those buildings on a speculative basis starting in the second quarter of this year.

Here’s building four, again 374,000 square feet. We’ve had the opportunity to have a lot of discussion and I think very productive conversation with the Crossings at the Park homeowners. We clearly recognize that building a building that’s closer to their property line and building a road as a result of that, that’s closer to their property line is something that’s an impact to their property. Certainly much closer than it was in the previous plan, so we’ve been working with the group and they’ve been very good to deal with throughout this process, so we’re still working on various changes and possibilities for our site but I wanted to mention and appreciate, they’ve been very supportive throughout this project. Clearly, the change on this with the larger building and the road coming closer to their property line has brought on questions that we’re looking to try to answer.

There’s a little more detail on the building, five to the south at a 165,000 square feet.
This will be a little bit repetitive, but it’s a grading plan and the reason we included this is because it shows a little bit more in detail the detention as well as improvements to the existing detention pond, adjacent to a part of the Crossings property. The property line between the Crossings property and the property that we’re looking to purchase, actually the property line cuts right down through the middle of the existing detention pond, so that will be establishing an agreement with the condos to maintain that pond ongoing. What we wanted to mention, many people know there’s existing water erosion and some drainage problems with the existing site. We’re looking, and have committed to improving those conditions. Improving the erosion issue that they’ve had. Making sure that the detention pond that exists, which is not always at full capacity, has plenty of water coming in and out of that pond to keep it as an established pond that we’ve had a lot of detailed conversations about improving the situation from a drainage erosion detention area with the condos.

A little more detail on building three.

On building four this is again, part of phase two, you can see kind of the lower left-hand side along the road, two new areas that we have a proposed berming to provide additional shielding from the road and building from the condos. That shows up on this plan and I wanted to point that while we were on this slide. Also shows at the north end of the detention pond and kind of a dotted in area which would indicate an increase in the size of the detention area as well as kind of an “L” shaped darkened area that which shows an area that's currently seeing a lot of erosion. That's the area where we're looking to improve that.

From a traffic maintenance standpoint, nothing has changed in terms of our plan on that. We are still looking to really kind of do the first phase of the infrastructure in kind of two sub phases. So, what we would do is come up with, we have a temporary plan that really I think everyone has kind of seen and signed off on, but it’ll allow access for the residents in and out of the park directly over to 747 as we’re completing the cul-de-sac and then the “L” shape portion of the road that then goes north and to the stoplight at Crescentville. Once that portion is complete, then we would complete the portion that would allow the residents to use that newly constructed road to come in out of the park and to their residences. Once that area, that road sections complete then we would complete the section from the cul-de-sac that goes west over to 747 and then that would complete the phase one infrastructure and allow the residents an efficient way to get in and out of the property during construction.

This is our landscape plan. Again, I know it’s a plan, it’s hard to see all the details on this, but we'll get into some more details here. We’ve also been very careful and worked with staff as well as the residents on site sections. Site sections meaning if you live on the east side of this project and you’re at your front door or back door, what will you see based on the landscaping, the berming, the building heights, etcetera. So we’ve got really nine different vistas from the east that you can see identified with kind of a circle and then a straight line over to the neighborhood as well as we have four site sections from the condo area and you can see kind of the four circles and then direct lines heading over to building four because that building is the closest building to the condos. We’ve also got a couple of shots from Crescentville on the north looking directly south to building three and it will show what people are able to see if they’re on Crescentville as they’re looking south into the park. We’ve also got, I should mention before I leave, we’ve got two shots of the new building that’s been added south of the creek as well.

This shows building five landscaping in a little bit more detail. Per staff comments, we've added additional landscaping. We’ve also added additional landscaping along the road and near the bermed areas that I mentioned to help block the view from the condos, not only to the road but also to building five there. Here’s again the line of sight. This has a few less layers on it so maybe a little bit easier to see, but this is a line of sight study that shows these views. So again, I apologize. It is hard to see, but we’re trying to include all the information. These three site views are the first three on the previous plan, so if you go to the upper right corner, really and they go right to the north of building three and then numbers two and three go right into building three. Those are these three pages. So you can see on the top one from the right hand side, you can see
a diagram of a house, and then you've got the setbacks. You've got a 15-foot high berm built with eight-foot pine trees, I think up to 14-foot trees on the slope on that berm. Then you can see the top line with a viewpoint that there is no building on that viewpoint, but that’s why you don’t see a building on the far left side shown.

And as you work your way down, you really see that it’s really the same concept. You have the same setbacks, the same height mound, and then the floor elevation of the buildings will move up and down, so the height elevation of the building will move up and down. You can see what number two, that a straight line view from the house on the right straight across to the left, you would not see the building, that view would really go to the top of the building. You really wouldn’t see it, and really the same thing for the one below it, number three.

The next three here, four, five and six are still along the east property line looking into building four. You have the same situation in all three of these with the setbacks, with the berming and the landscaping. The building floor heights as well as the top of the building, you’re not seeing building from those houses. Seven, eight, nine or the far south end there and as you’re going into the creek area as well.

So, you can see the seven actually catches south of building four and then the southern two are going into the area where it is heavily wooded and then near the creek. So, no building insight there.

Then we’re back to the line of sight overall. This really will show the line of sight from the condos. So, this will be the views from the condos on the west over to building four, again the closest building to the condos.

So, here it is kind of the opposite. The left-hand side will be the condo building's themselves; the far right-hand side would be the buildings themselves. In this case building four, there is some building of a visible in all these scenarios, but you can see the property line, you can see the setback, you can see the limits of the road, and then you have the parking lot, and then you have the building. So, there is some building visible here, but it’s mainly because of the contours and the elevation of the land, with the condos versus the project.

This is, again Dave, I’m trying to remember, is this the one from Crescentville the last two? (Background talking off mic.)

So, the one at the top of the page is kind of the fourth section, site section from the condos over to building four, and then I apologize, the bottom two are the two site sections from Crescentville on the north and then looking south. So, you can see the road on the right-hand side of those two. You can see how there's a steep slope down and then we're actually showing a truck backed up against the dock there. So, basically what you're seeing on the first one, you're seeing some building on the second one, virtually no building from, from the height of Crescentville there. (Background talking off mic) Oh, I'm sorry.

David made a good point. So, the one thing that we've introduced on this revised plan is a screening fence that would run, east of the property line, and it would help screen not only visually but also sound, be a sound barrier to help reduce noise from truck traffic and car traffic within the park. We are proposing a 12 foot, and again, these are consistent with the plans that we had provided earlier so I’m making sure that we stay on that. A 12-foot a screening fence that is shown there and it's kind of shown in between the evergreen and the other tree. Our plan would be to put landscaping on both sides of that screening fence. This will be similar and I think we've got a detail on it, but, it would be similar to the type of screening fence that you see along the interstate that were provide sound as well as some visual barrier along there.

We’ve proposed 230 feet of that, lineal feet of that screening fence at the location that's closest to. Does that show up on here, Dave, or is it the next one you’ll see? We have 230 feet laid out and we established the location of that because it was an area where it's, first of all, it was closest to the road and closest to the building. Then as well the, there's an existing tree line that we're looking to protect as much of that tree line as
possible, in between the condos and building four, especially at the north end of that
tree line. It's a much more mature tree. As you go south, that tree line tends to, the
trees become smaller. Some of the trees are Ash trees that are probably dead, and it's
a lot more scrub, so we wanted to bolster that area with the screening fence and
Vandercar, on their plan from 2015 also had a screening fence there, so our road
classically is, we've protected that seventy five foot buffer from the previous approved
plan and have added in the screening fence as Vandercar did as well. So, that was kind
of the genesis of that, I just wanted to take a second on that.

This is going to be tough to read, this is just a summary of the changes that we made
after further discussion with staff to the plans just to make sure that we were trying to
clean up the plans and make them as consistent as possible and provide the information
that staff needed. So, I'll just touch, I won't read this verbatim but, I included it because
it's a decent summary of the changes that we've made from previous plan to now.

We have performed the tree survey. This was the second tree survey we've done, so
when we changed the plan, made it more dense, changed the road, etcetera, recognize
that an additional tree study needed to be done. So, we did that. We're using that tree
study to note where existing trees are, especially trees that are six inches in diameter
or more, and making sure that we're taking that into account as we propose a
landscaping plan, so that was done. We actually moved to a portion of the north south
road farther to the east to get it further away from the condos. We added the 12-foot
fence that I mentioned along with the landscaping on both sides. We added the
berming and mounding south of the pond that I've mentioned and pointed out along
the south and west boundary. We've proposed an additional truck egress for building
three onto the public road near the north end of the park. We added additional cross
sections. I think we actually went through all the cross sections, but we added
additional cross sections for the new building that will be built on south of the creek,
building five, and then we added additional cross sections from the condos to show
again those views. We've documented in more detail the erosion mitigation and how
the drainage system would work, and have committed to improve that or erosion and
flooding that the Crossings property are currently experiencing. We've documented
that we will certainly, building five, especially at the south end, which has more flood
plain area around it, that we will comply with all City flood plain and development
regulations as well as anything a required by the Army Corps. We've also added an
emergency drive from the south end of the condos to the new public street, the phase
two road. This is an example of the fence that I was talking about earlier. Kind of a
stone looking fence. There would be trees planted on both sides of this fence.

So, I wanted to run through it in some detail but not spend all night. I know there'll be
plenty of comments and questions, so certainly if there's any questions right now, I'd
be happy to answer them or I can answer them later as well.

Chairman Darby: We'll move on to our staff reports and it will come back to questions.
Mrs. McBride.

Mrs. McBride: Thank you.

Chairman Darby: Thank you for your presentation.

Mrs. McBride: As the commission has heard this evening, there's three significant
changes to this development from what we've seen previously by this applicant. They
have added five acres, a little over five acres to the overall development. They have
added a little under 300,000 square feet in building area and then they have decreased
the amount of open space by about 18% over what you had recommended approval of
last time. So those factors then would cause this to be a major modification to the PUD
that you all approved previously, but I will need the two members of Planning
Commission who serve on Council to make a determination on that.

Mr. Hawkins: For the record, I find that this is a, a major modification, major
amendment based on the fact that the, there's an increase in the building square
footage, the 297,100 square feet. The size, areas increased by 5.15 acres as well as
there's been an 18% decrease in open space from the previous approved plan.
Mrs. Sullivan-Wisecup: I also find that is a major modification for the same reasons that Mr. Lawrence Hawkins has stated.

Mrs. McBride: Thank you. With regards to building setbacks, we had established those a number of months ago with one small variation, the proposed buildings to meet the setbacks, and we'll be looking at those obviously more in detail with the final development plan submittals. The same thing applies to parking setbacks. We have established those, but we will be looking at those in more detail with the final development plan submittal. We have provided the parking requirement standards that would be required for both office, for retail and for warehouse; however, since the applicant doesn't know what percentage of these buildings would be office versus warehouse, it's not appropriate this time to say they do or they don't meet the parking requirements. Again, that's another detail that we would be looking at with the final development plan. Similarly, we would be looking for photometric lighting plan and cut sheets for different fixtures with any final development plan for each lot as it comes in. The applicant has agreed that it is a low activity level use and that they would comply with the requirements of our zoning code.

We have previously approved two development signs for this project on one on Crescentville Road and one on 747. Each of those signs was to contain 120 square feet at ten feet in height. Additional signage was to be provided for the Crossings development as well as the additional undeveloped property. They haven't identified those on these plans but the provision has been made for those to be implemented. Similarly, with the final development plan for each lot, they would be entitled to one ground mount sign that could contain up to a hundred square feet and eight feet in height and we'd be seeing details of those with the final development plan. The plans that were submitted by the applicant do include a city gateway element at the northwest corner of the site and that would come in, the details of that would come in with the initial phase of development, whether that's building three or building four, the details would be expected with that submission.

Bicycle parking would be provided, again on the final development plan level. They have submitted landscape plans. We had been working with them quite extensively because obviously there are several areas of impact where we have residential properties that directly abut this site. We will be looking at the specifics of each lot again with the final development plan submittal once they know the formal layout for that. But there were a number of things, they are still working on a tree survey so some of the comments that we have are pending on when that tree survey is done. Specifically, how far down the mounding needs to extend to the south or additional plant material must extend from the end of the mounding south, to abut with the existing plant material. We can't do that until obviously we know where that plant material exists.

They are showing, building four on some of the cross sections actually has a finished floor elevation three feet higher than the previously approved building 4 and seven feet higher than the previously approved building 5. In order to maintain that same height level, instead of the forty-four foot high building, it would need to be a thirty-seven foot high building unless they can properly document that they're going to be able to screen that in a similar fashion to what we had approved previously. We have some other minor landscape comments; I'm not going to go through all of them, but just a few other ones that I did want to touch on this evening. All of the buffer yard landscaping and all of the streetscape landscaping needs to go in upfront with the first phase of this development, again, whether it's building three or building four or one, it all needs to go in with that initial phase. Relative to the east property line obviously the Commission and Council have given considerable consideration to what kind of buffering exists and would be proposed on that east property line. Right now they are grading into the hundred and fifty foot setback along that east buffer and we were going to be losing obviously some of the existing plant material, we need to review that once a tree survey is completed so that we can determine what that plant material is to be removed and whether or not it needs to be replaced with additional plant material. Excuse me. As I mentioned, additional plant material may need to be added south of the mound on once that tree survey is documented to determine where we're existing plant material needs to be supplemented with new plant material. To the east of building number
four, there is actually grading encroachment into the twenty-five foot do not disturb zone so that, that cannot occur. That grading plan needs to be modified. Relative to the buffer on the west side adjacent to the Crossings development, there is a large tree that they're proposing to save, and in order to do that they would need to construct a retaining wall in order to save that tree. We will want to be seeing more details of the 12 foot fence that is proposed and staff does have some concern if it is to be a structure similar to those constructed along 275, the sound barrier walls, whether or not it would have that same effect in that the properties that are immediately adjacent to the fence see a reduction in the sound level, but those a little bit in from the proposed wall would see an increase in the sound. So, we would want some assurance that we're not just pushing a sound problem back from immediately adjacent properties.

We would also want to see that some plant material in the form of ivy or some other type of material was added to both sides of the wall. One to approve the appearance of the wall and two, to also provide some type of sound attenuation. With regards to the cross sections, cross sections number eight and nine don't show accurate representations of existing trees because the tree survey isn't complete, so those are going to need to be revised once that tree survey is complete. Cross sections one through seven and number 13 are showing scaling trees that are ten feet tall, they're labeled on the cross-section is eight to ten feet in height, but when you go and check it against the plant schedule, they're only eight feet in height and that makes a significant difference when you're looking at those cross sections. So, the cross sections either need to be revised to show the eight-foot trees or the plant schedules need to be revised to show 10-foot trees, but it's a little bit misleading at this point in time.

As I mentioned on the total area of open space on the site has been decreased. It's gone from 62.39 % down to 44.3%, but I would remind the commission that 30% is what is required for a PUD. So, in any event, they are in excess of that. Some of the other items that we'll be looking for on the final development plan submittal are obviously building, elevations, building materials, colors, that type of information once they available. How they're going to be handling waste and screening those, how they're going to be screening their HVAC equipment and where that's going to be located. We'll be looking for details on the proposal number of retaining walls. I'm sure Mr. Shvegzda will comment on those and we'll need to see details on what types of materials and so forth are going to be used for that. Will need to be compliant that there's no outdoor storage and that the users are also compliant with our industrial performance standards that are contained within the zoning code. We have asked for Covenants for this project in particular staff is very interested in how these landscape areas and the detention areas and so forth are going to be maintained on an ongoing basis. We have not received those covenants yet, so we are recommending that those would be supplied to staff prior to any Council consideration of this matter. That concludes my report.

Chairman Darby: Mr. Shvegzda:

Mr. Shvegzda: Thank you Mr. Chairman. The first page, my comments really just deals with a highlight of the changes from the originally approved plans, so I won't go into that specifically. The second page starts with the basically the comments on the plans that were submitted on December 1st. An amended traffic study to account for the reconfigured building layout and additional square footage was received and comments were submitted to the applicant on December 7th. Applicant submitted their responses to the review comments and I've just heard today from the traffic engineer in regards to his review of it, overall the adjustments in it have responded to his previous comments. The analysis that was utilized for the intersection of the new north south drive or public roadway and Crescentville Road, they utilized a dual northbound left turn lane, which significantly reduce the queuing length in that left turn lane that had an impact that would make the driveway from the building in that vicinity a more workable. We'd still have to look at this specifics of the geometrics of the driveway, potentially have to include a raised concrete median to separate it from the oncoming traffic and prevent left turns in there because that driveway would be strictly a right out only at that point, but we did need to confirm that the idea was to utilize the dual left turn lane at that point because that's not really reflected in the exhibits or the plans that you've seen to date. In regards to that subject drive from building number three, basically the thoroughfare plan notes that there should be 200-foot separation from
that major intersection there at Crescentville Road to the radius return of the proposed drive. They're indicating approximately 162 feet, maybe really more or actually less than that but however, in conjunction with the potential revised length of the queuing that would be in the left turn lane and some other modifications to the driveway location may be maybe acceptable, providing those matters can be reconciled.

Going on the other thing we did look at to, there was concern for the ability of that, a large semi-truck to be able to make a right turn there and stay within its side of the road, basically not encroach over into the southbound traffic. The analysis was submitted. We reviewed it. It is consistent with being able to make the turn stay on, basically the northbound side of the roadway, however; again, the critical issue was looking at how the queuing length would be for the intersection there because obviously the majority of these vehicles are going to be turning left at Crescentville Road to head to 747. Again, one of the things that would make this more of an acceptable situation would be to have the raised median within the center of the roadway there to prevent left turning traffic southbound from trying to enter this location and separate the traffic from the southbound. Regarding the storm water analysis, of course, at this point we don't have the detailed analysis, kind of giving a summary of where we're at in regards to the previously submitted plans and the total volume of detention basin versus what's now proposed at this point. There's three detention basins for total of over 1,014,076 cubic feet of detention to be provided, in conjunction that, I think it was mentioned before by the applicant, there was this section of the stream, the waterway that comes into the northern part of the existing condo detention basin. At this point, there is a number of points where it's eroded. I know that was discussed at the July 11th Planning Commission meeting and also at the September 6th Council meeting and the applicant indicated that they would work with the condo development to resolve those erosion conditions. A note, obviously at this point these were preliminary plans there wasn't a detail submitted for the method to resolve the erosion conditions, but a note was indicated in there that basically said two things would be provided, one would be to provide basically a continuous low flow of water into the existing condo detention basin such that it would remain a viable pond basically with a permanent body of water, and the other part was that they would take care of the erosion conditions that existed in the channel that is currently to the north of the existing detention basin. In regards to this for the final plans, obviously they'll have to be specific criteria will need to be agreed to for determining what the low flow volume or rate of flow would be into the existing detention basin so we can know how to basically review, looking at the control structures and how that actually affected and also the propose storm routing path downstream from the existing detention basin is going to be modified such that primarily it will be running in a ditch that's kind of at the end of the grading work that will be completed for the proposed north-south roadway. There were some steep areas of that particular ditch, proposed ditch so that we will have to really look at that for the ability of methods to be provided to prevent erosion and that particular channel. Also in regards to determining which areas need to have the erosion protection, we would recommend a field review of the subject channel will be required to identify and locate where these erosion concerns are so that we can then have the basis for the applicant to proceed with detailed plans on how to solve those particular conditions. I think also that was mentioned on the grading plan, there's an outlined area of potential expansion for the existing pond, discussions with the applicant that was kind of utilize as a potential area for some additional volume if in fact, when they do the detailed analysis for the overall site that they still need additional volume. Of course, part of that work would be on the condominium property, so they'd have to obviously agree to that particular work to be done. In regards to the December 1st submittal, it all showed 165,000 square foot building on the south side of Beaver Run Creek along with the associated parking, detention basin, etcetera, and of course obviously this is going to require a great deal of grading and embankment construction in the vicinity of the channel. With that mind there's probably going to have to be permitting under OEPA section 401 and core engineer section 404 for that particular work. We had suggested at some point that preliminary meeting be set up with those bodies to review the situation. The proposed road that crosses Beaver Run Creek is proposed to cross it via a 35-foot wide bridge for length, which is scale of approximately 115 feet, which would enclose that section of Beaver Run Creek. In addition to that, there's three retaining walls, several at the, from the upstream to the downstream location there and just in scaling, those were about 800 feet in length in total. There's no heights on the walls
given at this point. If you look at the extreme end as far as the flow line and the creek versus the top of the building or essentially to building’s finished floor elevation that the walls could be as high as 32 feet. Actually, there’s this section, one of the sightlines sections, section nine shows actually a portion of the wall there and it just in scaling, it’s about fifteen feet in height, but obviously all these things will have to be detailed in the final plan preparation. In addition, the applicant has stated that the wall will be constructed with a modular wall types system, a concrete wall where they essentially have box that they basically stack and anchor back into the ground. In this particular area, we would recommend, if at all possible, that the soft armoring type bank improvements would be utilized. These really similar to what was utilized for the downstream on Beaver Run as part of the cities projects to stabilize the creek banks. It’s just in keeping with the cities the aim of providing healthy riparian corridor along the Beaver Run Creek. Regarding the design for the bridge and encroaching embankment and the area of the channel and other design elements obviously with they’ll have to be at the point of verifying that there will be no increase in the flood elevation for that particular area. This is FEMA regulated flood plain area, and so that’ll have to be dealt with. Once that final plan or planning preparation takes place, that information will have to be submitted for review.

In regards to the north south road, that construction area, currently the out letting channel and storm sewer for the existing condo development kind of runs from south end to a little bit to the south and to the east and actually the north-south proposed roadway will conflict with that, so as was mentioned before, they’ll reroute that outlet point so that it’ll be to the west side of the proposed roadway within, primarily within a channel section with a course we would have to have additional information to verify that the capacities adequate that has erosion control that to deal with the probable high velocities along that particular channel. The existing retention basin that serves both serves the Crossings at the Park condominiums will actually, with the purchase of the five acres that was mentioned, is now jointly owned by the Condo Association and the applicant basically the property line kind of runs through the middle, not quite the middle of the pond, but thereabouts. So, based on that and joint owners association consistently the Crossings at the Park and the applicant will need to be enacted in order to maintain the pond and a joint association. Also, there are, with the three detention basins and Mrs. McBride mentioned the additional concern of the other sort of common areas including the, in the landscape mound, all those things would be need to reconsider it in some type of association management group to maintain the particular facilities. I think also in regards to the maintenance of traffic, I think it was indicated that basically you have the construction of the section from the cul-de-sac that will be built out on to 747, in the meantime, the existing roadway will be utilized in maintaining access to the condos. Once that section from the proposed cul-de-sac up to Crescentville Road is complete then that traffic will be maintained on that section with the work between the cul-de-sac area and 747 to be completed. In regards to the current plans, they do show a typical section and notes all the general locations of the utilities, one item that was not included with streetlights. Obviously, streetlights will be required for this particular development and will need to be shown on the final plans. The remaining comments on the following sheets just really deal with previous items from the past approval, so just as a point of information. That concludes my comments will be happy to answer any questions.

Chairman Darby: Thank you. Mr. Taylor.

Mr. Taylor: Thank you Mr. Chairman. Nothing really new to add here, but a few things I’d really like to reiterate. I think really important for the record, as has been mentioned, the impact on Beaver Run is substantial and the applicant has indicated that they’ll comply with all of our flood plain and riparian corridor ordinances. We would just need to verify that as we go down the road, but that’s a very important issue. The drive near building three, as Don mentioned, you know in order to make that work in any fashion, there has to be a double left and a median and that wasn’t reflected on the plan, although it’s reflected in the traffic study, so that will need to be clarified and verified as we go. The tree survey needs to be completed. The applicant is aware that we’re expecting any shortfall in the tree replacement to be paid into our tree placement fund reforestation fund. That’ll be determined as we go down to the detail, but it’s going to be a significant number based on what we’ve seen so far. In addition, the approximately
$29,000 that was a commitment from the previous developer of the Crossings at the Park. That was a shortfall that they had, was never paid in, that’ll need to be included into that shortfall. Finally, I think a significant issue is the, the maintenance considerations for the open space and the detention facilities. At 44% open our green space, if you will, that’s like 57 acres of land on 130 acre site, so it’s a significant a piece that needs to be identified as to how that’s going to be accomplished. I mean, the applicant has indicated there’d be an owner’s association, but we don’t know exactly how that’s going to be funded, structured and exactly what they’re going to be expected to maintain. That concludes my report.

Chairman Darby: Thank you. Since the beginning of this, project, the developers, staff and members of this commission who really benefited from input from residents and you’re here tonight. So, at this time, prior to the commission beginning questions, I’m going to ask if their representative, a couple of representatives from the group who’d want to come forward and speak with us. That way we’ll have a better handle on the kinds of questions that we want to make.

Mr. Rahe: My Name is Donald Rahe, and I am the president of the Crossings in the Park Condo Association. For those who are not aware of the association, it is a retirement community for people fifty-five years and older. Most of the residents, there are seventy years old, many of them are in their eighties and a handful of them are in their nineties. A lot of them are in wheelchairs, walkers, and canes. I just had a hip replacement but I’m walking pretty good last week. But the point I want to make here is this is an unusual community because a, it’s not a nursing home situation. When a person has to go to the doctor, have to go shopping or something like this, they just ask a neighbor. A neighbor does it form them or takes them. So it is kind of a self-sufficient group. Like I said, most of them are in their seventies.

Our objective tonight, because this has been kind of, if you’re just new here, this is your listening to all this stuff and you’re saying, man, this is kind of confusing. Well, here’s the good point. I’m a simple man so I’m going to make this really simple for you. The reason we’re here tonight, our objective is to completely reject the new proposal. We want to go back to the October proposal and we want to slightly modify the October proposal, so our people at the condo can live a peaceful life and a healthy life. That’s the whole idea why I’m here and why you see a lot of these people here. That’s what we’re here for. The reasons that we want to discuss now, which was just mentioned by a couple of you. The new proposal is significantly different. Significantly different than the October proposal. The new proposal is detrimental to the residents at the Crossings of the Park from a health standpoint, from a noise level standpoint and from a peace of mind and living in this retirement community. Right now as we look at this, I’m going to ask you people here, because you’re the people are going to vote on this. I want you to keep in mind if you can, if your parents or your grandparents or the 70, 80, or 90 years old and they decided that they were going to go to a retirement community, they want to live next to people like themselves. They couldn’t take care of their own property anymore, so they had to go to a condo situation and they wanted to be surrounded by like people. Would they be happy to be in a park where when they moved in, there was a golf course around them, but like John told me once done, we can’t put a golf course around you. That had to kill him when he said that. I know it did because he’s really a good guy. But man, to say that to me, we can’t put golf course around you. I’m not asking, but a golf course around me. I’m asking you don’t put an 18-wheeler haul road right next to where these people live. You know what? One of the proposals was 42 feet away from Tom Wahl’s house, from his property line 42 feet away. And you know what? It went up to 75 feet. I went 75 feet. How in the world who okayed 75 foot? They said you guys didn’t City Council did. They okayed 75 feet for a haul road. I’ll tell you right now, if you want to know what the whole major problem is, why we’re all here. It’s the haul road. The haul road comes down next to us, their new proposal was for 75 feet away, and then I just met him out there. I want you to know this, John’s a good guy. He really is. He’s got a good heart. We met out there and we talked, we met a number of times and they’ve changed it from 75 foot, to 85 foot. And so you know that’s a step in the right direction. I want you to think a second. I want you to keep this in mind when, when you ever vote on this, but keep in mind whenever a person makes a decision and they know it’s wrong and they know it’s going to hurt other people, the reason they deliberately choose wrong is because of money! That’s it. It's
money. It always comes down to that, money. So, you go and I got a decision. This is wrong, this is going to hurt these people, but you don’t want to justify it because man, I’m going to make some money out of this. Now, here’s the thing, you’re voting. You’re representing these people. They elected you to represent them. The next thing you might think is wait a minute man; this is a lot of money for the City. I want you to know this. That was five acres they’re talking about is peanuts and the cost of the entire thing. It’s peanuts. Now, here’s another fact for you. Get ready for this one. Keep saying, we’ve got to make up that money. It was $500,000 and you know, to me, I’ve haven’t got any money. $500,000 you could be sitting out there and say, wow man, that’s a lot of money, you got to make that up. No, they don’t. They’ve already got it figured out. When you come in 747, immediately as you come in on the right is a three-acre plot that they own and they don’t know what to do with it. And you know what they’re going to do with it. Hear me now, believe me later, they’re going to sell that to the nursing home people because they got six acres and they buy those three, they got a nice nine-acre plot. And you know what, that property right there was worth more than a little bit they bought in the middle. So, they make it up. What a change. We got this, we don’t have to deal with Vandercar anymore, but we sell it to these people, they’re happy. Will the Crossings be happy, yep. I’m happy to see a nursing home come in. You want to know why? 70, 80, 90 year old people, their time is limited. That nursing being close from my viewpoint, and I’m just one person, if they got to go there temporarily, that’s good. If they got that restaurant, that’s good. We can go use it. They’ve got an exercise room, we could use it. It’s all good. Nothing’s bad. If you got to move over there temporarily or not that’s good. For them, they get rid of those three acres they don’t need, and they make the exchange to make the money for the acres they just bought. Money, that’s the main reason why most decisions are made when you know the decisions wrong and you’d do it anyway. Little history, after the October meeting, they gave the plans to the old president and I didn’t have him, so I walked into this meeting. I heard there’s going to be a meeting and afterwards I went out and I want to tell you this. I went out and talked to John and one of the engineers. It was the best meeting you could imagine. He couldn’t have been any nicer to me. It was great. He says Don what do you need? What can we do to make you happy? I says, well, we don’t want to have it dry retention pond. We’d rather have that’s got water in it. He’s got an engineer there and no problem. I said, well, we’ve got this terrible erosion from Beaver Creek. He says, when we got the erosion, the pond will take care of that, and I said, there’s one other thing that’s really important. I said, we need a berm the whole length of the property over there on Lisbon between the property that you guys are building and us. I said, I see where up on the top of this whole thing that you’re putting a berm for those people up there, Heritage Hill. You’re putting a 15-foot high berm with a 90-foot base and trees going all the way across it and what are you given us, nothing? He says, well Don, you know what, we can work that out. We shook hands and I left there and I told the people at the meeting. They know this. I said, this guy is great. They said what proof do you have of what’s going on? I said, we shook hands. Now remember folks, I’m a simple man. I’m as country as a chicken coop. When you shake hands where I come from, that’s it. You gave your word and that’s it. And we shook hands on this and I left, and I told my people, he’s a good guy and I believe it. And you know what? Today I still believe this. And they said, Don, you’re so naïve, it’s impossible sometimes. They said sometimes when people shake your hand; they’re just trying to see if you got any money in your palm to put in their pocket. So there’s a change in the plans and they are going to go, they want to go to Vandercar’s plan and what you’re going to be told over and over again is that because you accepted Vandercar’s plan, then you should accept their pretty near exact rendition of it. I called up my lawyer; it’s not my lawyer, their lawyer. I can’t afford a lawyer. So I called the lawyer and I said, man, what’s going on here? And he says, well, what’s the deal? I say I’m the president, I said this seems confusing to me. Vandercar did not own the property then or now, and they gave the blueprints and this is accepted by, as they said, the City and everything else, they were never recorded. They were never recorded. Do you want to know why they were never recorded because they didn’t own the property. So what happens? Lawsuits. Now I want you think of this. When they talk about, we’ve got to make up that money. Folks, this is pocket change. When you look at the whole cost of building these buildings and everything else and making all these adjustments, but they’re willing to go and get lawyers head to head in the courtroom and why are they going to do this? Because buddy, they don’t have to watch the shows on Discovery, on finding gold because they found it. They’ve got it. They got a gold mine. They’re going to make a fortune on this
and you'll know what, if you're worrying about making money for the City, you're going to make plenty of money. Whatever you decide out of this. There's going to be plenty of people hired. There's going to be plenty of money for you guys for the coffers, but you don't have to do it at the cost of these people sitting here. You don't have to do it that way. So I called my lawyer. I told him that. He said, wait a minute, are you telling me that they didn't own it then, now, and they turned this in and they voted OK. I says, yeah, but after that in October, we voted to accept this other plan. He says, so the first plan was never acted on? I said it because it was never even registered. He said, well, it doesn't mean anything. They're trying to make you think because you did this for Vandercar you got to do this here, and when I say that, I was in a meeting with some administrators when I was at that meeting, one of the administrators sitting right next to me, as soon as the words came out and he goes, no, that's not right. I looked over, I went, I talked to our lawyer about that and administrator on this item. He said, we don't want to go to court on anything. You can go to court and anybody can win when you go to court. Well you know something. No. I've been to court a bunch of times. I've been there through arbitration. I'd never lost once, and if we wind up going to court, bring it because I'm telling you right now, this is not right. And when you get to court, that's not always what's written down is what's right and what's wrong. Somethings interesting to me. When you look at this whole project, I try to look back at and I try to say to myself, what, what doesn't fit in here? That doesn't seem right and you know, as I looked at it and I found a number of things that fall into that category. One, just as some thought for you, remember you did this for Vandercar, we should be treated the same. Think of this. Heritage Hill has no haul road up there by it, and the current boundary is 150 feet away. Crossings of the Park, they get the haul road with their proposal now and it's 75 feet away because they said you said that's OK. Another thing, they're haul road or there, boundary up there, they have at Heritage Hill, a 15 foot high berm with a 90 foot base evergreens the entire length of the thing. Sounds pretty good to me. If I was living up there I'd say bring man, bring your trucks up with me let's make this thing. Crossings at the Park, they just propose a 12-foot high wall, 250 feet long and you want to know something. He just changed that and that's good. He's really a good guy. And he changed it. He went from 250 feet to a, let's see, this is our discussion out in the hall to 315 foot for the wall. I don't think it's going to treat everybody the same. We got a berm, 15 foot high, trees across the top, 90 foot based the length of the whole thing and we'll go down to hear these old people, 70, 80, 90 years old and we're going to put the haul road by them, but remember they're getting the Berm no haul, these people are getting the haul road. Now I'm going to get the haul road where you're going to give him, we're going to now move the 230-foot wall to a 315 wall. Well I'll tell you what's good it was going to be 12 foot high, that's what you heard he changed it out there to 16 foot. Good. Changed it to 16 foot. Folks, he's coming in short because the distance is a 1,000 feet. We want a 1,000 feet. They got it all the way. We want it all the way. Now here's a thought for you because it always comes down to money, doesn't it? What you just propose there has to be 800-foot retaining wall buy the bridge down there in the southeast portion. They've got to put 800 hundred foot retaining wall. What are we asking for? We're asking for this wall for the sound and everything else. It's the same thing. Dollars and cents back and forth. Here's one for you, the City puts in a road a their going to put in the road for him, Cities going to put in the road. They're going to maintain it; they're going to do snow removal. Tom, you're the president before. Who maintains our road? (talking from audience not audible). Who does the snow removal? (talking from audience not audible). Just thought I'd throw that out because we want to treat everybody exactly the same. Why is it so significantly different? I want to throw out one for you that probably, I hope it didn't, but it might have gone right over the top of your head, when they said the size of the buildings. Folks, the size of the buildings are almost funny. You're ready for this? Building three, 770 feet by 480 feet, building four 720 feet by 520 feet, buildings one and two, 600 by 370, 740 by 280, building five, 750 by 220. You want to know something, think of this, they are 44 foot high but as you said that may be wrong; they got to lower this a little bit. But you know what's interesting? That's two and a half football fields long. Think about the second, two and a half football fields long. I'm going to tell you this right now. The Bengals never would score. I mean they can't go hundred yards. Next time my wife and I, we've been driving around. We're just trying to find one that's two football fields long and we can't and they're putting four out of five of them, two and a half football fields long. You say, wait a minute, when you shook hands and you were so happy. You know what I was so
happy in October, I swear I left and went to Graeters and got an ice cream. I called the most because, I called you up, didn’t. I said, man, this is great. This guy’s square. We shook hands. Everything is OK. I said, things really look good, and then we came back with the Vandercar plan. Here’s the big kicker folks, building three and four in the October plan that they submitted, they are significantly smaller. I’ll say, well, space wise, maybe they’re not. You know what we’re worried about, how far is it from this haul road to where we live? That’s what we’re worried about. How close is it and when you met this gigantic building, you know how much the difference is, we superimposed where the old road was supposed to be and we put it over where the new building is and it goes through the bottom third of the building. Two and a half football fields, long. Building five. I worked construction I was a rod buster. The guys who carry the steel on their shoulders and put it in cement. Did that for a number of years going through school. I know what it takes to build something on bad ground. I’m looked at where they want to put building five. Now when he came with four, remember this, we had the plan on four. There was no building five and all of a sudden now, there’s building five and this thing’s huge. 750 feet by 220, he’s going to make it a little bit smaller now, but still it’s pretty big. Two and a half football fields long. It wasn’t even there before. I said, John, I was born at night, but I wasn’t born last night and John, I worked construction and that ground is terrible. Where you want to put this building, the ground is terrible and it’s going to cost you a fortune, a fortune to put the bridge in, to do the groundwork, to take care of it and follow the code and everything. You’re not gonna make any money. John said to me, Don, it wasn’t in our October when, because financially it’s really good for us to put it in there, but the City said they wanted us to put it in there. I said, Oh really? So the next thing I thought I go back to square one, money. They want the building there because they went the money you’re going to get out of there with tax money. So I met with three administrators from the City. I was sitting down there and I threw that out at them and I’ll tell you what, you’re a Mayor as a square guy. He’s sitting right next to me and right then in my heart, I’m getting indigestion because I’m thinking, man, they did this just for money. The builder doesn’t want the building five. We don’t want the building five. It’s going to cost a fortune to make it. There’s a bridge they need to put in, who’s going to pay for this, but get ready. Hear me now, believe me later, they’re going to ask you to pay for the bridge and they’re going to ask you to put the road and around the new building and then you’ll both share off the building. The Mayor said to me the reason, and I believe him, I believe him he’s an honest guy, he says Don the reason we put that in is because we were afraid they weren’t going to upkeep that property and they were going to let it go to the second growth and that would really be horrible for your people living there to see this. Man, I felt good. I really did. I went home. I told my wife, man their Mayor is a good guy. They’re thinking about this. Now you’re ready for an answer. I’m the answer man tonight. Ready for the answer. There is, a right now, an existing blacktop golf cart path that was used to keep that property perfect because it was a golf course. It’s made the tee perfect and it can be kept perfect now, and if you’re worried about keeping an eye on it, is it going to go bad? I guarantee you this. Ken Wuertz lives right near there and I guarantee you, if it gets to be a mess, he will call you and tell you. You’re all laughing that was used to keep that property perfect because it was a golf course. It’s made the growth and that would really be horrible for your people living there to see this. Man, I felt good. I really did. I went home. I told my wife, man their Mayor is a good guy. They’re thinking about this. Now you’re ready for an answer. I’m the answer man tonight. Ready for the answer. There is, a right now, an existing blacktop golf cart path that was used to keep that property perfect because it was a golf course. It’s made the tee perfect and it can be kept perfect now, and if you’re worried about keeping an eye on it, is it going to go bad? I guarantee you this. Ken Wuertz lives right near there and I guarantee you, if it gets to be a mess, he will call you and tell you. You’re all laughing because you know I’m telling you the truth. You hear me now, believe me later. What he’s gonna do, he’s going to call up and saying man this mess over here. I can’t stand this. So you won’t have to worry about keeping an eye on it. We will. Heritage Hill, started out it was going to be 275 feet, it was down to 250, and now it’s down to 150. The distance between the property line, 15-foot berm, 90-foot base evergreens entire length, once again, Crossings with Park started out of 42 feet from Tom Wahl’s house and got the 75 because that’s what the City wanted and now they moved it up to 85. I came with a 230-foot wall. We need a 1,000-foot wall to cover the entire thing. Here’s one for you, just as a thought for you just to throw this out. Heritage Hill, when you go in there the next time I want you to take a look, there’s a sign, it’s about this big, and my wife pointed out to me, it says, no through trucks. Think about that a second. She goes by and there’s another sign. No loud stereos, no loud noise. So wait a minute here, we got Heritage Hill, no through trucks, Crossings at the Park. Let’s put a daggon 18-wheeler right down next to your place. We’re going treat everybody the same. Here’s a question for you. Cities putting in the road, this haul road. It’s to be a City project. They’re going to put it in, and when you put it in a City road, 24 hours a day, trucks can go through there. 24 hours a day. Here’s another one, it just came off the top of my head. Just thinking you know your old man, you have crazy thoughts. I dealt with truckers because I drove a wrecker and I used to pick their trucks up and stuff. They
have bunk beds like on the top of the cab. If they come there at night and stuff, they can’t get in are they going to be sleeping above the cab, just as a thought, just want to throw that out? I guarantee you Crossings at the Park people were kind of thinking about that a little bit. There is a five percent incline decline or wherever you want on the haul road now by us. Next time you are next to a truck, watch them take off. They are diesels. You know when they take off they go about from here to there and they shift and they go from here and they shift and you know something, those diesels are nasty dirty pieces of machinery. I spent a whole summer putting springs on them and they are nasty. You want to know something when they shift, if you’re next to one that happens to have the exhaust pipes going above the cap this black smoke comes out. In the summertime, if you pull behind on 747 you pull behind a truck and you’re stopped there in the lights dark not for you. You can’t go in. You’re sitting there. If it’s summertime, your windows down. You don’t want, you’re going to do, you’re going to wind your windows up because you know when that truck takes off, you’re going to eat those fumes and then when it takes off and they shift three times, I want you to remember these people here because they are going to deal with this 24 hours a day. Every day they’re there. Noise, pollution, dust, dirt, nothing’s good. If you tell somebody enough, something, enough, they’ll start believing it unless they are an old man like me I’m simple. I keep hearing trucks are going to use the light up there. No, they’re not, they’re going to come down 747 and if they got to go to building one or two, they’re right there. They’re going to turn in off 747. If they go to the other ones, they’re still going to turn in there and go up to three and four and God forbid, I hope fives gone. So they’re not gonna go up. The trucker is not going to say, let’s see, I’ve got a choice, I can turn right here right now, or I can go up there and wait through that light and turn right and then go up there and wait through that light. When they leave, they’ll go that way, but coming in, they’re all coming down 747 right in there. The choice you make tonight, isn’t just for these people sitting here, you’re making a choice for the future of the entire City. You want to know why? Because as far as I can tell, this is the first major, first major situation where you’re trying to put in a big industrial park right next to two residential areas and the residential people are the ones who vote for you guys and you represent them. You want to know something, down the road, remember I told you to stay on the road, hear me now, believe me later, down the road this can be brought up again. Whatever you decide to do here is going to be brought up again. So now you say to yourself, OK, you voted in the past to except this. I have spent a lot of time thinking is over. I can only think of three things. It was a split vote, four people who voted to accept Vandercar’s plan. I can only think of three ways in my simple little head how in the world four people vote for this. One possibility and I hope this isn’t it; they didn’t care about the residents at Crossing at the Park, just about money.

Chairman Darby: Mr. Rahe. Mr. Rahe.

Mr. Rahe: Yes.

Chairman Darby: You’re presenting some very insightful information.

Mr. Rahe: And you know what I’m almost done.

Chairman Darby: Okay, I was going to ask if you would wrap it up, because we would like to

Mr. Rahe: I’m almost done. The second one is, you could have not completely knowing what was going on in decision and I believe that was what it was. I believe Vandercar when they presented this, didn’t give you the whole insight. John and them did, they explained it too completely. They gave you the insight. The last thing is number three could have been temporary insanity; four people just went crazy and voted the wrong way. That wasn’t it. They voted because they didn’t really understand what they were doing. The whole magnitude of the situation. Folks, thanks for listening to me. I hope you make the right choice.

Chairman Darby: Thank you for your presentation. At this time I’m going to open up to questions. Anyone else from the audience, first of all? Yes ma’am. Please come forward.
Would you please come up to the for the record. You can just stay put; we have a mic for you.

Mr. Okum: Just take your time. That’s fine.

Mrs. Grist: My name is Patty Grist and I’m a proud member of Crossing at the Park. It’s very, very difficult to continue or to add any more to what Don has said. He has given an excellent presentation and I think all of us at the Crossings are 100% behind him. But to soften this, I would like to, for all of you to see a view from a person who has spent 33 years working with seniors and has retired and for some reason when I was ready to retire, the condos were going up and I thought, you know, this might be good. This is, this is what I need to do. I am a golfer. I went to see when they were just being built; I wanted to see it was all about. Tom Wahl, bless his heart he knew the importance of what the people through GE primarily and through other things, all of us, he knew that this was an excellent opportunity to take the monumental of program of GE Park and continue it. Make it for the seniors. On my 55th birthday, January 17th, I signed for, I thought it was just the third place that was sold and I was proud of it. I look at the seniors that I work with now, all of them in big homes, right, I don't work with him now, excuse me, I am retired, but those that I worked with, they would love to be a part of something like Crossing at the Park until this has come up. These people were people just like everyone else. I am a senior and I have problems. Please think about what the City of Springdale could accomplish by promoting saving Crossings at the Park and hopefully getting a nursing home or an assisted living. Maybe even a little park and I brought that up a couple years ago, a little park for seniors where we could make a beautiful spot for the City of Springdale. Thank you for your patience.

Chairman Darby: Thank you for coming.

Mrs. Thompson: Hello. I'm Amy Thompson. I live on Crescentville Road. I brought up my concerns before as a resident of Heritage Hill. I have a business out of my home. I have wrote down some things as everybody was talking tonight. One thing I haven't heard of addressed is will they continue the sidewalk along with the Crescentville improvements? There's a gap from the last house to closer to 747 where there's no sidewalks. We have a lot of people in the subdivision that walk to Thornton's, walk to Dollar General and there's no sidewalk. If you're going to add now two left turn lanes, plus I'm sure a right turn lane on Crescentville, that's a huge area for people to be crossing with no crosswalk. So there needs to be a traffic light and pedestrian right away. With the light, is it going to be timed? Is it going to be 24 hours? Is it going to be, the one at Tivoli is set up, if someone pulls up at the light changes. How is that going to work with another one or is it all going to bottleneck in front of my house, which is at Commerce Park, which already during the rush hour times you can almost not get out of my driveway. I don't see how adding even bigger buildings, which would be more trucks, more employees, and more people coming up and down Crescentville, they're not all gonna go to 747, it guarantee it. They're going to figure out they can turn right and go to Mosteller like so many of the semis do now. With buses stopping at numerous houses down Crescentville for students, for pickup and drop off for preschoolers for pickup and drop off at their homes and you've got semis going 45 miles an hour down Crescentville Road, they can't stop in time. The buses have more than once, had to not stop and pick up my child, go down to Benadir, make a right back up and around because it's not safe because the trucks are so close, the drivers don't feel safe stopping. Adding all of these businesses with trucks with the ability to turn right down, Crescentville, it's going to get worse. Someone's child is going to get hurt because there is no one policing this and if it's still a two-lane road, that's a problem. If it becomes a larger road, it's an even bigger problem for the people with driveways onto it. There will be no way to get out on to the street. It's already a problem. There's accidents constantly. Most of them don't go report it, but the ones that do, I've personally had to call the police about it. Another thing I wrote down is, as far as tearing down, trees, shrubbery, and all of this stuff, what's going to happen? Do any of these that have become just literally falling down trees? Are there termites that are going to be scattering into all of these homes in the area? Are there going to be problems with rodents? Is there going to be, what's gonna be done with all of this? How does this work? You know, I'm eight houses away. I'm concerned about what can be detrimental to my house down the road with all of these heavy machinery. Is this going to be 24
hours? Is this going to be, are the trucks only going to be allowed to do deliveries and pickups and parking and all that stuff during certain set hours? I'm very, very concerned about so much business going next to houses and to the seniors. I can't imagine having to be stuck in surrounded by businesses and fighting for one traffic light to be able to leave my house. That I can't imagine. I hope the City makes the right decision.

Mr. Wahl: Does anyone else want to say anything first? I would like to be the last one if that's okay.

(Chairman Darby) Let's get a Mic. for you please.

Mrs. Joanne Bachmann: I've not used one of these before so I hope I don't blast you out. My name is Joanne Bachmann and I live at 405 Lisbon Lane. Lisbon Lane is just on the other side of; I think it's called Beaver Creek. Beyond Beaver Creek, is where the road is going that is being talked about? I don't know the name of the pond that is back here, but regardless, my intent in talking to you is to invite each and every one of you to come to our home, see what you're talking about doing, see where you're going to put up through road, where you're going to put 44 feet tall buildings and try to envision where we live now. Our property values will immediately drop down to about half. Nobody has addressed that yet, but I think that's a very important factor. I know what I paid for mine. I know what it will probably sell for if this goes through. I think there's a lot to think about on both sides, but if they put a road up there and then put 44-foot tall buildings, it will crush us all. Thank you.

(audience member talking off mic. Not audible)

Mr. Hahn: Thank you for having us. I'm a newer member.

Chairman Darby: Could you speak into the mic please?

Mr. Hahn: Sure. I said I'm a newer member of the community. I'm actually Mr. Okum: What is your name sir?

Mr. Hahn: James Hahn 419 Lisbon Lane. Patty is my neighbor and I never in my wildest imagination would have ever thought that, around two years ago when I moved into that community that I'd be standing here today, talking about these concerns and these issues that are affecting the people here in this room. It's extremely sad for me to have to see Patty get up here and try and articulate and she did a fine job of exactly what is concerning for her and, and the community. It was just brought up about the property values that will be very impactful. This community is primarily a transitional community to a next phase in life. The folks, that I purchased the home from the Parkers, which they all know great, great couple. They were in that transitional phase where they had to go to a kind of a care-taking situation. I can only imagine what that would be like having to make that move and to have your property value devalued rather than appreciate it with the rest of Springdale because it's a wonderful place to live. But again, it saddens me that I would have to listen to Patty articulate those concerns in a community format like this because it's something that, it's truly avoidable. I’ll leave you with one last thought. We currently look out into the what used to be the golf course, a pristine, beautiful golf course and now it's a little bit overgrown, but it's still nature and it's beautiful. That's my backyard. That's Patty's backyard. If this was your backyard, what kind of decision, what kind of thought process would you be using currently? Because it is truly going to impact a lot of people. For those that are right on the backside of that new building that they're going to have that they want to make bigger, it'll impact those homes for sure immediately, right? But that when they pull comps, to determine the value of a home, they pull the comps for those who just sold right there, and if it's any of those up against, the area that's of concern, it's going to devalue the whole community. So, it's just not just impacted by the berm the fence and large buildings. So that's all I wanted to add. Thank you very much for your time.

Chairman Darby: Thank you for coming.
Mr. Vanover: Tom Vanover, 11982 Tavel Court. First off, these are my neighbors. We have a development, proposed development between us, but most, all of them I talked to just a matter of a few weeks ago and I thank you for your hospitality and your support. I too, I spoke before, this is, well and quite honestly, go back, check the record I voted against Vandercar at Council. This blowing up those two buildings to one, now on my side and I would be, well my front yard would essentially be the third tee box on the old golf course. I, it's going to impact, you've pushed the impact from about 2/3 of the way down, Ledro all the way down to our doorstep. Actually, it's wrapping around behind us because I'm on the creek. That concerns me, that building back there. You mentioned about the Corps of Engineers, Ohio, EPA and also I wonder what impact it's going to have on the inlet coming from Tri County and that basin there, because upstream of the property back behind what was Perin Interiors is a big pool. Well then we started a series of runs that come back behind my house, that run is where the erosion damage happens, and you're going to put a solid wall on that bank to divert it? Well that diversion, it's going to go someplace because it will dissipate that force. We can talk about property values as you can go back and look, and the October meeting I did my presentation on the property, affected property values and, our neighborhood. It just, I guess the biggest question in my mind is if the previously approved plan was workable, then what has changed now that we have to have this major change? That's something, I know you all, I've sat up there with you. I just asked that you take that in total consideration and I know most of you will, so I appreciate that.

Chairman Darby: Thanks sir. Yeah,

Mr. Wahl: My name is Thomas Wahl. You heard it several times already tonight and I live at 401 Lisbon and I want to thank you all for what you're doing for the City. You have a great Planning Commission group here. These people are unbelievable. They've been very supportive of us. The Mayor is supportive of us and I want you to know as the former board president that was able to get the other plan approved, I'd like to just make a few comments and I think what I'll do is read them as opposed to just throwing it out there why that way, keep all the emotion out of it and that probably would be a good thing. But at first, I want to say that I really appreciate that our current president, Don Rahe came up here and did he have emotion because it's an emotional issue so I thank him for that. That helped me a lot. So, I have volunteered in a number of capacities in the property, in question at this meeting and work closely with most of you representing the GE Park Board for the startup of Crossings at the Park. And of course that's what this is all about, Crossings at the Park. That PUD plan was designed within a two-year effort to secure the success of the park operation while making the property a better place for its members and for the City of Springdale. You may recall that as a result of our involvement then, I was able to donate property requested by the City in the northwest portion of the park to improve the Crescentville intersection with state route 747. Unfortunately, due to a number of issues, the developers, Shepherd Industries did not complete the PUD as plan. His company failed and walked away from the completion of the project in the 2009 time period. That is why this development of some sort needs to be done today. We all appreciate that. Most recently, I represented Crossings at the Park as the homeowner board president. Of course, Don just replaced me, what, six weeks ago, or somewhere in that timeframe. We worked very closely with a Viking and Strategic Capital Partners regarding their plan PUD representing the 48 homeowners at the Crossing HOA board discussions the value of the strategic plan and every HOA monthly meeting for the past year. We talked about that plan. We are a 100% convinced that Viking and Strategic Capital Partners represented in there PUD presentations to us, to assure our community that our plan was significantly better for us, which of course it was. In fact, at all the meetings here with the City's involvement. Their plan was represented the same way, thereby assuring that our property values would not be negatively impacted. As they would be by the previous plan that's known as the VanderCar plan. At my last meeting at the owner's association as the Owners Association President, I spoke for Viking and Strategic at the podium and no one else in our community chose to come forward. A 100% approval rating that I had never witnessed before taking this position. I'm sorry. Now that the 4.5 acres of property was recently acquired by Viking the developers are requesting the same plan as they themselves previously noted, was not in our, or the city's best interest? Taking this position now is unacceptable to our community. There are other options they can take to offset the additional cost of that acreage. They could keep or they could keep it
completely undeveloped as planned previously and all of the meetings to date, using it as an area for additional tree plantings necessary to meet the Springdale Tree Ordinance replacement requirements. My heart was broken when I heard that we were looking at the fact that there’s a big tree issue and we’re looking maybe to get some money for this City to take care of that issue and that that doesn’t sit well with me. Quite frankly, I’d love to see more trees out there. We’ve got the space for it, we should get as many trees out there as we can and I know all of you feel the same way about that. The bottom line is adopting a new plan now and so different as they advertise to when our support is not an option. It would be a grave injustice to the 48 homeowners living in this great location and in this highly respected community of Springdale. As a minimum, our setbacks through the construction of the new road for traffic to service the warehouses in near our community should be at least double the distance that will be in effect for our great neighbors in Heritage Hill on the east border of the property. With my extensive involvement in this property, I am convinced 100% that the previous advertised PUD that won our support can work for the developer even with the additional costs of that acreage. This is an excellent opportunity for a successful financial project due to the value of the land versus its cost. Thanks for hearing this out tonight. So I appreciate that. We’re looking forward to moving forward, but we’re looking forward to moving forward with the plan that you all approved in October. Thank you.

Chairman Darby: Thank you for coming. How is the group you want to go, do you need a break? Let’s take a five-minute break. Springdale time. That’s seven minutes.

[Break]

Chairman Darby: At this time, we’re going to reconvene and I invite the commission members bring forth their questions. Would also, before we get into that, I would like to say, folks, I really appreciate you coming out on an evening like this and believe me that what you have been saying, we are hearing. Mr. Okum.

Mr. Okum: Thank you Mr. Chairman. I guess I have some questions. I’ve been good I got my mic on. I’ve got some questions for the developer. If he could come just in regards to a few things. Staff referenced an owner’s association and I was sort of interested in finding out how that would be structured. You do have the condominium owners, you also have the property that is committed to elderly housing. That develop, that empty space but still eventually will be a part of the development, and it’s part of the PUD of course. Who did you plan on being involved in that and to what financial obligations each of those parties would hold?

Mr. Cumming: We haven’t finalized it. There will be an owner’s association that has not been finalized. We know that all the property owners will be participating in that and any of, as we would develop buildings, any future owners of those properties would be would be obligated to be owners with it, members of that owner’s association and be obligated to the duties or fees to maintain that any of the common areas within the park.

Mr. Okum: And that includes the Crossings and this other parcel I would assume?

Mr. Cumming: Yeah, I mean we, we wouldn’t necessarily look to, I guess take over the internal Crossings Owner’s Association and what they’re doing. But for instance, we know that the existing detention pond is split in between the two properties. We know that there has to be an agreement between the two owners to maintain that into the future. So, we wanted to really understand and make sure the plan was approved with an obligation that the owners association would be formed as a contingency to the final CCR’s being finalized and recorded.

Mr. Okum: That would be part of the Covenants?

Mr. Cumming: Correct.

Mr. Okum: Tied down into the covenants as well as the registered into the deed I would assume.
Mr. Cumming: Correct.

Mr. Okum: Just so I understand. It appears from listening, and I listened very well to the residents that it appears that building four seems, which was four and five, and now it's building four seems to be the crux of this whole mess and comment. It jumped out at me as well. It really, it's a monument. It's a huge, massive structure. Staff has stated that the building would need to be lowered down to 37 foot, you understand that, right?

Mr. Cumming: We would either lower the floor or lower the ceiling, but make sure we stay under the, the total height restriction

Mr. Okum: If that building wasn't, I made a few notes so bear with me. If that building wasn't a 720 foot deep in was 570, 576, then you could literally move the road a reasonable distance away from the condos and accomplish, looking at your square footages, I think you'd be about 50% of the increased square footage that you're looking for the development of the increased amount. Had you considered that?

Mr. Cumming: If one building that we're now proposing with docks on both sides a cross dock building, you get to a point where the dimensions of the building just don't, aren't marketable. If it gets too square or even deeper than it is long, were at 520 deep, and so the more you would shrink the length of that more of a box that becomes and less marketable. So I think it would be more likely if we were to need to decrease the square footage there to go back to a plan where it had two smaller buildings rather than one large building.

Mr. Okum: And I understand that. But from this commissioner's position, I do not really see an approval based upon what we see here. And I'll be very blunt about it because that building jumped out at me is right away. Even the sightlines and the need to put a concrete wall up that's 12 foot high and all the mitigation issues that you're trying to do and it was vote spoken very well by a resident that residents of Heritage Hill, which I have fought for, ever since a SHOPCO and that's a long time ago.

Chairman Darby: That's cuz you're old.

Mr. Okum: I know I am. Thank you. But I have fought for those residents and the protection of those residents and likewise, I fought for the Crossings when they were trying to build it and told them that they needed to deal with sound attenuation on the, from the trains because they wanted to build condos next to this, these train tracks. Mr. Wahl's sitting back there saying, Dave, you did, you said that, didn't you? I can remember, the person making the presentation said something that I take offense to now that, as I get older I don't hear as well. That developer made that statement that I don't hear as well, but I do hear and I hear these residents. So, I know how things are impacted. I live next to, near the expressway and the sound attenuation wall doesn't actually come across back my property, but I get any since we increased the expressways speed up to 65, I get a lot more noise on my property than they ever had before. But I do know that sound from trucks makes a significant difference. One of the things that concerned me about what this, because it is a graded a roadway is a jake breaking occurrence that would occur of trucks coming down the hill and we would need to address that, either in our zoning regulations or code a so that jake breaking would be prohibited and fined if it would be to occur. I'm not a power to do that, but I think that that's something that needs to be considered because trucks do that. They save their breaks, they use the air, and the air makes an enormous amount of noise. I get it at my house from Glensprings. I think everybody here, Tom's raising his hand, he hears it to. Just going further, just so I understand building three and four, there would be no lighting on those east and west elevations, like we're not in the final building design.

Mr. Cumming: Yeah, we would, staff had mentioned earlier we would absolutely comply with the City.

Mr. Okum: I think when you put it next to residences and you put the industrial use, next to residents you have to be a little bit more adaptive, more attentive to how those
things happen, especially when you’re talking 44 foot high buildings. The condition for no outside storage. I didn’t hear that mentioned at all. It is in yours Anne? I missed it. I’m sorry. I apologize. The other items I had were basically, you know, if you could shift that roadway further away from these people’s homes and the one thing that jumps out at you is on the back here on page L11, you show trees have to be demolished a huge area which is basically against the condos, separation between the condos and part of that’s because the roadway has to go there and that whole area of trees has to go, which means you’re going to be paying into the tree fund significantly. For the residents benefit, one of the residents made a statement or comment that, you know, put the trees, Mr. Wahl did, put the money into trees there. When a development contributes to the tree fund in Springdale, trees are planted. The City has a replanting program, a pretty robust replanting program and the money doesn't just go into the coffers, I don't think, at least I've never believed that it did. I'm not on Council and I'm not part of the administration. Mr. Webster, does the treat money go back to trees? OK. So the money goes back to trees. So, if the roadway were moved further east than we end up with less impact on that area next to those residences.

Mr. Cumming: I can address that one item. I think Mr. Rahe had referenced a short meeting we had before the public meeting here, we’ve been working on some revised plans to try to lessen the impact to try to increase the distance between the property line and the road in front of building four there. The plan that we had just rolled out on the table for their consideration was to move the road 28 feet to the east so that buffer would then an effect be instead of 75 feet would be 103 feet, and it also showed instead of a 12 foot fence, a 16 foot fence. It showed a fence that was over 300 feet long, instead of 230 feet long. And it also showed the very southern of the road as it then would cross over the creek, that whole section of the road being shifted to the east as well to bring that road farther and farther away from the southern units, the condo units. We continue to try and we’re committed to make additional changes as needed, to address that, the distance of the road. So anyway, I just wanted to mention those items.

Mr. Okum: So it sounds like it’s a work in progress.

Mr. Cumming: Pardon?

Mr. Okum: It sounds like it’s a work in progress.

Mr. Cumming: It’s work in progress. That’s right.

Mr. Okum: So, one other question in regards to that because based upon that, I’m probably not going to be supporting a change tonight because it is a work in progress, I see potential. I didn’t anticipate that land being a golf course forever. I didn’t, I certainly was one resident recommended for residential would have been great. Unfortunately, it’s probably never to happen. I’m a realist. I understand. I’ve lived in this community the better part of my life now and I’ve lived through every commercial development that’s tried to go in there including SHOPCO and the others, and the land use plan for the development for the property and everything else associated with it. But I do want to know what your use on building five is. It appears that it’s not warehouse because it has like parking all the way around two thirds or two or three sides of it. I didn’t see truck docs.

Mr. Cumming: On the south end.

Mr. Okum: It is on the south end. OK.

Mr. Cumming: One thing I didn’t mention to you brought up that building with a plan that we had rolled out before the meeting was a reduction of the size of that building down from a, from 165,000 feet as it was shown to 110,000 feet. So again, while we basically eliminated the western portion of the building as we've brought that bridge over the creek farther to the, to the east as well. OK.
Mr. Okum: You’re down to 45% open space. Dome developers want to maximize what they can buy the code. They’re still spot on the other side of that cul-de-sac is that something that you’re potentially thinking of in the future of building six back there.

Mr. Cumming: I’m sorry, I’m not sure which one you’re talking about.

Mr. Okum: If the building five were built go to the other side of the cul-de-sac, there’s a parcel of land there.

Mr. Cumming: Yeah, there would be no intention to build anything on the other side as well. OK.

Mr. Okum: So it’s just one building, one cul-de-sac, one roadway going to it basically.

Mr. Cumming: Right, and you know that’s why I mentioned at the last meeting that there was, we had no intention of building a building south of the creek and if, you know, and we still, we still don’t, I mean, we put it on the plan because we were asked to put on the plan and if the concern is really more about the long-term maintenance of that property, we mistakenly I went into this, we went into this initially thinking that, that if it were left untouched green, that would be a positive as seen by the City, but if the concern really is OK, it would be great to have a green area but we also concerned about what the long-term maintenance of that area is. We would be glad to get into detail about that and not push hard to build a building south of the creek. That hasn’t changed. The reason it’s on the plan tonight is because we were asked to put it on the plan.

Mr. Okum: So deer and wild animals and so forth can’t just habitat and do that area or are you, are you saying that the City would require you to mow it and maintain it?

Mr. Cumming: I don’t know. We haven’t gotten into details.

Mr. Okum: I would think reforestation would be an appropriate use for the land.

Mr. Cumming: Yeah, I, we haven’t gotten to it.

Mr. Okum: Especially with the green umbrella issue and in the hot areas that we are rated for in our area. Certainly that would be an area that you could reforest and repopulate some type of tree growth, especially with the expressway, don’t know how well it would work. Mrs. McBride you’ve got some experience with that. I think you. That might be a nice area for green space or reforested area.

Mr. Cumming: We had offered as well to, I guess not in a public meeting, but we had offered a staff to get their opinion if we’d be willing to contribute the land to the City if the City wanted to turn it into a park.

Mr. Okum: All I can say is I, I think it’s a work in progress here. We’ve heard a lot of very good comments from the residents. I think the resident’s comments were very valid. When you bring in a high intense development next to residential properties, it pushes buttons. You have to give those people an island if you can, to protect them the best you can. On the other hand, we then expect to have happen what happened? What was the McClellan Lane we didn’t expect McClellan Lane to occur that they bought all the houses and build a Costco there 25 years ago. So, things change and you don’t expect it. Based upon that, I’ll probably be voting against the motion. Thank you.

Chairman Darby: Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. What I’m going to say is not a revelation. You’ve heard from the residents, you’ve heard from some of the commission and it was obvious in reviewing the plans, the proximity of the development. To the Crossings with this change is just to close. The roadway is to close. Building four is too close and it’s too tall. When you review the sightlines on L109 and L110, despite the mitigation it’s unacceptable in terms of what those residents are experiencing. I’ll commend you on your receptiveness to what commission, the administration, residents input and how
you've reacted to it. At the same time, it's important that you understand, and I know you haven't been around for this entire development discussion, going back to Vandercar and all that, but it's important to note, and this probably has been said at some point in time, but I'll reiterate it. These residents, this commission and City Council and the administration have routinely with regard to this property, seen a presentation development presented and then turned around and it's changed and usually changed for the worse in the eyes of the residents, commission, Administration and Council. So when this matter came before Council back in September, and the idea of a new plan also with the potential that these five acres may be purchased was presented, that idea was talked about, it was clear that the members of Council were not very comfortable that's putting it as conservatively as you could. Some probably had an almost visceral response to the idea of, here we go again with another idea, another plan another change. Nobody was real excited about the idea of that being even discussed without it coming before this commission beforehand. But, it's important to, to understand every time this thing gets tweaked, so does everybody in this room because you're going back in and you're changing things and just when folks start to settle in and think, well, OK, this may be OK, then there's a change and if anybody could wave a magic wand, the first thing that they would want to put on that property probably is not warehouse and manufacturer or warehousing in this development. Folks are dealing with the circumstances as they are and we have to deal with that as it is. It's important that you're very sensitive to the idea of the changing of this development. It takes a lot for folks to accept the situation as it is in this development as it is to change it again, becomes a problem. The other thing I wanted to make sure, and your staff can articulate this to the residents, what the process looks like regarding what happens next, if this commission approves or denies this, with the finding of this being a major amendment and modification just so residents are aware and understand process-wise what we've been looking at.

Mrs. McBride: So, when this commission makes a determination, they will be making a recommendation on to City Council and City Council would have two readings on the matter, one of which would be a public hearing and then they would have the final say on that. At that point in time then, as you've heard a lot of talk tonight about a final development plan as any phase of this development were to move forward, then a final development plan would come back to this commission and a final development plan is the process where all of the details of the development come out. The specific type of tree, the size of the tree, the number of those trees, what the light level would be at the property lines, what the buildings would look like, what they're going to be made of, what color they're going to be. All of those kind of details then come back before this commission for review and approval before the development can go forward.

Mr. Hawkins. Thank you Mrs. McBride. So, I want to make sure the residents understand that because it's important that you come to that City Council meeting and express your thoughts and views. It doesn't stop here. OK. So that's important that you understand the process and understand where those final approvals will come or denials as they may be. Thank you

Chairman Darby: Mr. Bauer.

Mr. Bauer: Thank you Mr. Chairman. Just a comment, I echo the comments that have been said. I guess when I envision that five-acre parcel of land and it coming together under your ownership, I view data as still being a buffer between the residents of the Crossings and you're in the development of the business development there. So I've kind of taken aback a little bit by the changes, and I don't think yet you've accomplished enough taking care of the resident's concerns. A question on the heights of the buildings. You eventually, do you see them all being 44 foot high?

Mr. Cumming: No, the only two buildings that would be designed to be and they don't think they would even be 44 feet high, but there are two buildings that are designed as crossdock buildings right now, which would be buildings three and four would be the only two buildings that would be that high. The other buildings that would only have docs on one side, the smaller buildings would not, would probably be at least four to five feet shorter than that.
Mr. Bauer: And then the reason, again, I think I heard you say that the reason for combining the two buildings into one large number four was a marketing of the buildings to potential clients.

Mr. Cumming: I mean, the reason is, a couple of reasons I guess. One would be marketing certainly would help where you'd have two buildings that are similar to crossdock type variety and then you'd have two to three more buildings that would be the single loaded skinnier buildings that we show, which are buildings one and a two and five on the latest plan. The other part of it is, and I, and I know from a financial standpoint, there are financial impacts here. In order for the lawsuit to be terminated, and we were not in the lawsuit, but the seller and Vandercar had to come to an agreement to buy that land to buy that four and a half to five acres. The cost of that is not chump change. It's over ten percent of the overall purchase price. So it's not, an insignificant number. In order to pay the additional land costs additional building square footage was put on the plan. So again, when you take those two smaller buildings and combined them into one building, it was about a 120,000 square feet plus or minus that was, that's to pay for the additional land cost. We don't have an agreement to sell the three acres along 747. We don't have an agreement to sell that. So we don't have an agreement to sell that, to take that money and to pay ourselves back. So I just want to make that clear as well.

Mr. Bauer: Then the last question, you've made a comment, Mr. Rahe made the comment that you, building number five was not put there because if your need as a development, I guess I'm confused, naïve, what's the reason the City, the Administration wants that to be part? Can I ask that question?

Chairman Darby: Mr. Mayor?

Mayor Webster: The city really isn't looking for another parkland number one. We're concerned about the amount of money it's going to take to maintain that. I don't think it's something we could just accept and just forget about it. It's going to be a thicket over there. It's going to be something that you're going to have all kinds of varmints. You're going to have the residents here calling City Hall when you going to take care of, you know, you got skunks you got this, you got that over there. You know, we just didn't see a viable plan for the City taking that property. It's that simple. Did we, I guess some of the folks maybe thought we wanted the building over there. That's not the case at all. We, we told John, hey, we don't want the property and we want to know how you're going to maintain it because you own the property, we're not going to take it. You're not going to build a bridge and you've got a piece of property over there. How are you going to maintain it? And that's exactly the conversation that we had with John, and then the next thing we know they've, you know, they've decided to put a bridge in and they decided to develop with a building, which is certainly their right. The previous plan that two buildings over there as I recall. Now they've got one. While I'm up here, Mr. Chairman, may I make a couple comments? I sat there and listened to the residents and some of the things I say you're probably not going to appreciate hearing, but I'm not up here trying to sell the plan. I'm not here trying to torpedo the plan. I'm just, my observation is that some, maybe some folks in the Crossings here think that this is a rezoning, the hearing, which we went through you know over the last couple of years, and that's not the case. This is a plan approval. It's my understanding that you guys are attempting or been asked to approve a preliminary plan and that's what it's going to go to Council. I mean, the golf course has gone. There's not going to be a golf course. There's not going to be a senior park. There's not going to be a dog park. It's going to be an industrial site. That's the way the zoning reads and there's nothing on the agenda here to change the zoning back to something else. So, you know, some of your concerns, and I don't say I don't agree with you, but that's gone. I mean that stage coach already left and it's not going to happen. So you know, once you've got an industrial site. As far as size of buildings of the largest building on this site is no larger than the largest Vandercar building. In fact it is, it's exactly the same, 374.4 and there are buildings, Don, if you go up the Monroe, you see million square foot warehouses. So people do build bigger buildings and what they're proposing here. Secondly, 44 foot height, I mean, I don't know if the standard, but that's not unusual in an industrial site. So those, those are just those are things that are going to happen and I think that what, what you people have got to try and negotiate with a
developer is setbacks and the try to abate the noise and all that kind of stuff. It sounds like the developer, contrary to the previous one that we had, is certainly reasonable or are they willing to listen to some things, but he’s not going lower the height of the building and he’s not going to shrink to the size of the building. That’s not going to happen and he’s going to put warehouses on there. So, I think if you come to grips with that and say, OK, now how do we mitigate the noise and the pollution, right? I think my observation is the developers willing to work with people to do that. That’s all I got to say. Thank you.

Chairman Darby: Thank you Mayor.

Mr. Wahl: Mr. Darby can I make a comment?

Chairman Darby: One.

Mr. Wahl: I just want to let you all know, I appreciate where the Mayor, what he just said. It recognized that I really worked with our residents for the last eight months on plan that Strategic Capital Partners got approved by our group. We totally appreciate that something needs to be done. We know that there is no getting around that. There’s money involved and money always talks. The only thing that we don’t like, we don’t like the fact that even after I helped them personally, myself that would be Viking with their issue with their lawsuit. I supported them with some information they needed. They requested it, I gave it to them. They never mentioned one single thing about buying the five, the four and a half acres or changing the development to go back to a VanderCar plan, which was really a non-planned anyway because they’d never owned the property. We just don’t want that to happen. We really don’t. It’s crazy if that happens. I feel like I was taken as a fool to try to help them out, quite frankly. That’s all I want to say.

Chairman Darby: Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. For either the applicant or staff. A couple of questions have come up regarding sidewalks throughout the course of this planning. Is there anywhere where we’re going to have sidewalks either on Tylersville or coming down through the development to reach the retail area that is there?

Mr. Cumming: Along 747?

Mr. Hawkins: Either along 747 or an access point, access road, down into the development or even from the Crossings to that retail. Is there any sidewalks that are, are set there, any of those locations?

Mr. Cumming: To be sure we are right I’m going to make sure and Dave can speak to that. In terms of the.

Mr. Wright: My Name is David Wright and I am with Kleingers. Yes, there are sidewalks along all the public roads. There’s also a sidewalk extension from the north south road. To the east to connect into Heritage Hill.

Mr. Hawkins: So when you say public roads, you’re talking about all through the development, there’s sidewalks.

Mr. Wright: That’s correct.

Mr. Hawkins: On both sides of each public road.

Mr. Wright: Yeah. It’s shown on the typical section. That’s what we would intend.

Mr. Hawkins: And are there, at the points of intersections, are their curb cuts that make it accessible for wheelchairs?

Mr. Wright: Yes there would be.
Mr. Hawkins: Thank you.

Chairman Darby: Mr. Ramirez.

Mr. Ramirez: Thank you, Mr. Chairman. Just for the record I’ve just a few statements on my part. First off, I appreciate the residents coming out and giving us their opinion and certainly enlightened me. It made me think about the whole project and another way. I’m a 47 year old resident of Springdale, so it’s very important what the residents think. I’m also a senior citizen so taking that into consideration. And also the developer. The developer purchased this property with intent of a developing the property to make money. Like the Mayor said, it’s not going to be a golf course any longer and we just need to work with the developer and you know I appreciate what the developer’s doing. He certainly has his ears open and he’s willing to work with the residents surrounding that property. A couple other things concerning that. I would like to see that road a little bit further away from the property, from the residential property. Lastly, I’m not really in favor of building five either. I would like to see that go away as well. So, that’s my comments. Appreciate it.

Chairman Darby: I guess it’s my turn. Having sat through this process for a while, I can state that, comments tonight from the residents closely mirror comments from residents at the beginning. Then as a result of cooperation and working together with the developer, we got to the point where there was an agreed upon plan. Agreed upon plan to fit in with the rezoning which had occurred. I guess what I’m impressed with is that we have a developer at this time who stood there and expressed a willingness, especially based on some of the questions that Mr. Okum made. Expressed a willingness to work with the residents to come up with a plan that again could be agreed upon. I think that should be our goal. At this point in time I must join Mr. Okum and saying that I’m not in a position to approve the plan as it’s presented at this time. There’s too many things and not just the comments coming from the residents, but also many of the things that come from our staff members. There is just a number of things that need to be worked out. So, that’s where I am. I’m Mr. Okum.

Mr. Okum: Thank you, Mr. Chairman. I typically at this point make a motion, bring it to the floor. I’m going to go put it in your hands sir, do you want this brought forward with a motion or do you want to continue it and resolve some of these outlying issues?

Mr. Cumming: We’d like to continue it.

Mr. Okum: Based upon that, Mr. Chairman, I’d like to move to continue the hearing process.

Mr. Hall: I’ll second it.

Chairman Darby: Moved and second that the hearing process, the continued, secretary, please call the roll.

(Secretary called roll and the motion to continue the public hearing in progress was passed with a 7-0 vote.)

Chairman Darby: For those of you who are wondering, we just voted affirmatively that they will note will be no up-down vote on this proposal this evening. It will be on the agenda again at our next meeting. You are welcome to stay, we’ve still got a lot of lively issues to go through. (laughter from audience) OK. Moving on to new business.

IX. NEW BUSINESS

A. American Mortgage, 11503 Springfield Pike, Springdale, Ohio, Minor Improvements Requiring Planning Commission Approval (Application 33032)

Chairman Darby: Representative. Please come forward.
Mr. Jahnigen: It has been quite an experience sitting here tonight from a lot of sides and view points. I know everybody is tired, but I want to just get straight to the points and be as simple as I can be. I appreciate having the chance.

Chairman Darby: Please, please come up a little closer to the mic.

Mr. Jahnigen: I'm sorry.

Chairman Darby: We need your name and address.

Mr. Jahnigen: My name is Rick Jahnigen, and you want my company address or my home address?

Chairman Darby: Work address please?

Mr. Jahnigen: 11503 Springfield Pike. Obviously, it's American Mortgage. I represent them. I'm the facility manager for this operation and as I started to say earlier, the one thing I'm taking away from this meeting is that I think the system that's being put forth here tonight from all sides, reinforces my faith in that system. I commend everybody involved for doing it that way. Now, I'd like to just basically cut to the chase and simply say, as a company and as a member of the community, we are totally focused and in line with the standards and the requirements and the direction that the City of Springdale takes. I think our facility demonstrates that, with the exception that we might have jumped the gun a little bit on the removal of some shrubbery and trees that I was quite frankly unaware that we were not able to do that without formal approval from the building group. And for that, I apologize. I'd like to just simply say we are making a request as it's outlined in your standards or your amendment saying that, the Planning Commission may allow an adjustment to the CRD requirements, provided the adjustments are not conflict with the purpose of the CRD or public health, safety or welfare of the City. Therefore, I'm asking if the Commission would consider the use of the stated product that we'd like to use, which is a vinyl material for a privacy fence to cover the HVAC equipment on the side of our building and for the simple reason that it is, in my opinion, a far better look, not just for our building, but for the entire City. I think that it gives a better view. It provides a future standardization or an opportunity to use this product because it's much much better than it was 20 years ago. Having said that, that's our request.

Chairman Darby: We'll move the staff reports now. Mrs. McBride.

Mrs. McBride: Thank you. The property in question is, GB, General Business District and it's also located in sub-area C of our corridor review district. Around ten years or so go, a series of, excuse me, Arborvitae were planted on the north side of the building to screen the extensive mechanical equipment and generators and so forth, HVAC generator equipment that exists on that side of the building. Since that time, they had grown up to be quite an extensive wall. The applicant, I believe has a different security cameras on that side of the building and they felt that they were blocking the view of those Arborvitae down and then to construct, and I'd ask for clarification from the applicant, either a six or a seven foot high, a vinyl fence. Within the CRD district, it's specific in terms of what types of fencing material is permitted. It could be wood, they could iron stone or plant material, but chain link fences, vinyl fences, fiberglass fences, plywood fences, et Cetera, are prohibited by the code. However, if the applicant can prove that the proposed fencing material does meet the intent and the process of the fencing requirements within the CRD district, then Planning Commission can obviously override that requirement and approve the request. Since the time that the applicant made his request to the City, all of those Arborvitae were removed so you can see the two different pictures that we've supplied in our staff report. Staff, I guess the only suggestion we would have is whether or not it's necessary to run a fence the entire length of that building if there isn't some other way to provide screening of the mechanical equipment that would still provide for a view from those office windows and a view of the building. I mean, it's an attractive building, and if there isn't some other way perhaps to do that. So, that would be staff suggestion. Obviously, we'll be
working with them on the street scape landscaping that have severely pruned or removed. So, happy to answer any questions that you have.

Chairman Darby: Mr. Shvegzda did you have anything.

Mr. Shvegzda: No comments.

Chairman Darby: Mr. Taylor. Tell us a little bit more about the process that we're involved in now Mrs. McBride, if you would please.

Mrs. McBride: So the applicant has asked basically for relief or modification from the requirements of the corridor review district. As I mentioned they are in Subarea C and that district does not permit vinyl fencing. Now, those requirements I have to say were written quite some time ago before vinyl fencing had gone to the extent that it is today. It's a much more accepted product today, and some would say it's perhaps maybe a better product than wood in terms of long term maintenance and long term appearance. That being said, that might be something we might want to look at in terms of the text amendment in the future. But, tonight Planning Commission does have the ability, if you feel that that type of vinyl fencing meets the purpose and the objectives that are set forth in the corridor review district, you do have the ability to approve the applicant's request. I would ask again that they clarify whether that's a six foot or seven foot high fence because it's been mentioned both ways. Again staff was thinking that perhaps there might be some way that would provide screening for the mechanical equipment, but allow a better view of the building, both from the street to the building and from the building outside the building and provide, maybe better views for the security cameras and probably less expensive than running a fence the entire length of your side of that building.

Chairman Darby: You're kind of axing the notion of a fence that runs the entire length of it?

Mr. Jahnigen: Right now it would run the, it would parallel the perimeter dimensions of the building. There's approximately four to six feet in each, not even that much, probably more like three feet, that's a walkway into that till you get to the HVAC equipment. We did respond back saying we will go with a six foot high, we agree that we don't want to block the windows. I think that would look bad and we appreciate your input there. We hope that the commission looks at this as a method to make things better, better looking, and certainly as a win win. We want the community to look good. We're very proud of our building. We're very proud of our city and we want our customers and our residents to think the same of us. So, we want to comply as best as possible. That's our position. Having said that, again, after hearing the things tonight that were very major issues, this is like a pebble or sand in the desert. It's not that big a deal.

Chairman Darby: None of our applicants are pebbles in the sand. You all really important.

Mr. Jahnigen: I know that. I'm just saying from all of our perspectives any more time and energy on this is not a good use.

Chairman Darby: Mr. Okum.

Mr. Okum: Just a couple of comments. I did a pencil in. You've got one, two, three, four, five elevations of equipment along the elevation sections of equipment. Some of them are low and some are high. Two of them are significantly high and those are the ones that probably, I don't even know if six feet will cover them.

Mr. Jahnigen: I measured it and if you'll permit me to check my notes, the six foot would cover that section if I can just.

Mr. Okum: OK.
Mr. Jahnigen: It will confirm that with you just to make sure. I’ll show you my sheets. I think I just didn’t bring up.

Mr. Okum: I’m good if at six will cover it, if it’s takes us seven to cover it, I understand why.

Mr. Jahnigen: Our hope is that not only that, but the shrubbery and the tree planting that we took down on the Grandin side what now was dead will be replaced and we’re prepared to take care of if those don’t grow to a satisfactory height that doesn’t give an additional shielding, we’ll replace it.

Mr. Okum: In continuing that further. Are those lower offices not occupied?

Mr. Jahnigen: No, they are.

Mr. Okum: Okay so to give them a view into the open area when the cars are parked would be nice if you staggered the fencing just with mechanical equipment, then you could give them some through view.

Mr. Jahnigen: I have heard that from some employees that they were hoping that they were going to get a window.

Mr. Okum: It gets a window opening into the light, a little bit of daylight in there. Additionally you don’t need them all at seven foot. You can stagger them and landscape with staff on the parking lot side of the fence so that you actually can have some type of landscaping elements in front of the fence so that those window elements would be able to see daylight and get light into the building, which is also good for employee feelings. So, my feeling is if you’re willing to break the fence up, you should work with staff. I don’t have a problem with a vinyl fence because I do know that things have changed and they think it’s more appropriate. You’re going to need on the one that’s closest on the unit, it’s closest to route four, that would need to have returns because obviously you’re building sets that way and it needs to return to go back to the building, but you also leave room for your mechanical people to get in there and service their equipment. So, we’ve got electricians in the audience and the electricians would say they need to get into things. That being said, that would be my view,

Mr. Jahnigen: Our proposal would have, at least before this discussion of separating them was to have a gate about halfway down in front of where the lowest.

Mr. Okum: I just think it is a blind across the building and typically in when you do separations between properties and so forth, there’s some breaks and so forth and that would be a lot nicer on here because the Arborvitae it definitely were very healthy.

Mr. Jahnigen: They were, I’ve never seen trees grow like that. We never dreamed they’d be that high when we put them in at six foot high and now 14 or 16 feet.

Mr. Okum: I remember when they were planted.

Chairman Darby: Mr. Bauer.

Mr. Bauer: Thank you Mr. Chairman. Question for you. In your submittal there were all kinds of different types of vinyl fence there.

Mr. Jahnigen: I tried to show you a typical. We would go with a solid panel and our original thought would be to use the lattice for the last 12 inches. Again, to give it a little more airy look. The color would be the same color as the trim on our building, which was a beige or a sand based on the suppliers color chart.

Mr. Bauer: And your objection to landscaping is a shielding.

Mr. Jahnigen: Just that we’ll be back to where we are in some time down the road and they require a lot of maintenance. I think it would be a cleaner look and keep the
windows open, which now that the trees are down, the employees are like, because a lot of them hadn’t worked there when those trees were eight feet tall.

Mr. Bauer: I agree that Arborvitae got too tall, but I mean a landscaping can be bought to.

Mr. Jahnigen: If we thought we could get a good look that you would approve from landscaping and we could avoid the fence, we would certainly be open to that. I thought the whole goal was to block based on how I interpreted your a covenants, was to shade or protect anybody from outside of the property from seeing any of that. Any of the HVAC equipment. Well, there might be three to four or five feet between some of these units, but still on certain angles you’ll see them and we were thinking that you wanted it to be a like the tree system. Totally like a fortress wall.

Mr. Bauer: Thank you.

Chairman Darby: Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. I agree that the fencing along the entire length of the building is overkill and it would not look as aesthetically pleasing as just managing each unit. In a perfect world, I’d love to see it done without the fencing, but if we’re going to do fencing, I agree with what Mr. Okum indicated. If you’re doing some kind of a barrier around each unit with some screening of foliage around that fencing or that screening, that’s going to look a lot better than a fence along the entire building.

Chairman Darby: Now staff, we do want to make sure that there’s an understanding as to what needs to occur prior to that fencing going up correct? In terms of the color selection and everything else that’s involved.

Mrs. McBride: Yes. We would suggest that maybe we could sit down and meet with the applicant and come up with something that works for him and represents what the commission is hoping to accomplish.

Chairman Darby: Great. Mr. Hall.

Mr. Hall: Thank you Mr. Chairman. I have a question for the applicant. Have you considered the putting this fence up will also put up a barrier between your windows and the street which wouldn’t be visible if a perpetrator was there and trying to gain access to your building rather than using the, shrub type.

Mr. Jahnigen: Well there’s a limited amount of space there and by the time you leave an access from the fence to the HVAC equipment, which is 24 inches is not a ton of space, but that’s what we thought was workable, you know, we’d like it to be more. But the problem is on the opposite side of the six-inch support post leaves about a foot. If it were solid at the whole wall were solid, you’d have like a foot there to put some kind of a planning or landscaping. I don’t think it’s enough to make a difference. I mean there’s just not enough there to plant and then we still have the issue of that it grows outward to the parking lot and you can’t see it now, but the cars would pull in and just the heat from the engines of the cars was destroying the shrubbery wherever they made contact. And that might not happen in the first year or two, but as these things grow, they’re going to grow exponentially outward and upward, and then they’re back out impeding in the parking lot again. That lot is pretty tight as it is on that side of the building. We were shying away from that thinking we pick up some added space for the cars by that extra 10 inches or thereabouts.

Mr. Hall: Thank you.

Chairman Darby: Mr. Okum.

Mr. Okum: I agree with staff in regards to we need to get the landscaping addressed as well at the same time we do the fencing. So, in my opinion, there still needs to be landscaping along bed elevation. I believe staff beliefs that it needs to be there as well. Is that correct?
Mrs. McBride: Yes. What we were suggesting was a mixture of some type of screening material and landscaping. And something that is going to be low maintenance, so it is going to be slow growing that is going to be not get to be like you're super Arborvitaes.

Mr. Okum: Those are like mugo pines that grow twelve feet tall. So based upon that, I'm going to make a motion for the CRD site plan modification at 11503 Springfield Pike, case number 33023 to include in my motion for approval. Landscaping conditions to include a resolution with staff per the CRD for appropriate landscaping along the north portion of the building. And additionally that the railings or the fences shall be permitted in a in a vinyl composite material and it should be worked out with staff is to appropriate size and location.

Mrs. Sullivan-Wisecup: I'll second.

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

(Secretary called roll and the motion was approved and passed with a 7-0 vote.)

Chairman Darby: Now we're finished with you.

Mr. Jahnigen: Thank you very much.

B. The Calvary Pentecostal Church, 11905 Kenn Road, Springdale, Ohio, Zone Map Amendment (Application 33049) PUBLIC HEARING.

Chairman Darby: This is a public hearing. Yes sir, please identify yourself.

Mr. Henson: My name is Anthony Henson with the Calvary Church standing in place for Pastor Tom Ellis. We hold residency there at 11965. We have a church and a school in our current building. We acquired the property across the street, under the address of 11905, 11965. In this building we are looking to reuse this space for a daycare and to transition our school. To do this, we are proposing a zone map amendment to PF Public Facility.

Chairman Darby: OK. We'll move on to Mrs. McBride at this time.

Mrs. McBride: Thank you. As the applicant mentioned, this is the zone change request for 8.067 acres of property located at 11905 Kenn Road. Right now it does zoned RSH-L, residential, single household, low density district, and the request is being made to rezone it to PF Public Facilities district. The church has acquired the property and they would like to use it for a daycare and school, for pre k through 12th grade. Their existing facility which is across the street and contains over 20 acres is zoned PF Public Facility district. Also, the fact that the property is adjacent to 275 makes the Public Facilities district appropriate in staff's recommendation. The 2002 Springdale Comprehensive Future Land Use Plan designates this site as Public Institutional, which is also consistent with the requested Public Facilities district. Should the applicant want to include a daycare or preschool at this location and if the property is rezoned to PF Public Facilities district, it would be necessary to come back to the Planning Commission to get a conditional use approval for those specific uses within the Public Facilities district. It's our understanding that they're not going to be any improvements at this point in time to the outside of the building or to the site, prior to getting a permit or a certificate of occupancy. They would need to provide parking calculations for us to determine that it was in fact appropriate to be used for school given the number of parking spaces on the site. Then the only other comment staff this part of the staff would have, would be that any signage would comply with our, with our zoning resolution.

Chairman Darby: Thank you. Mr. Shvegzda anything?

Mr. Shvegzda: Since there are no site modifications at this time. I have no comments.

Chairman Darby: Did you have anything Mr. Taylor?
Mr. Taylor: Thank you Mr. Chairman. Only to add that at such point in time when they would come before you again for the daycare conditional use, there's likely to be some building modifications that may be required and that would require a separate building permit that'll be down the road. That's all I have.

Chairman Darby: At this time are there any comments from those in attendance from the public? Seeing none we will close the public hearing. Mr. Bauer.

Mr. Bauer: I've got to make it long. Just a couple questions, more for staff I guess. As long as I've lived in Springdale Temple Baptist has been there. They've been there for forever. That's a question a long time.

Mr. Taylor: A place of religious assembly is it permitted use in any zone district?

Mr. Bauer: OK. That was my next question.

Mr. Taylor: And that's why the church was permitted to be there and the facilities that they were using in conjunction with the church were permitted use. So, what we're trying to accomplish now, if it's going to be, even though Calvary is to own it, to cross the street. It's a separate parcel. It's going to be used for educational purposes that would more closely fit into it, that would not be a permitted use in a residential zone, so in order to enable them to use it the way they want to use it, it requires a zone change to PF.

Mr. Bauer: Thank you.

Chairman Darby: Mr. Okum.

Mr. Okum: Mr. Chairman, I make a motion for the approval of the Calvary Pentecostal Church at 11905 Kenn Road, project number 33049 and include specifications designed and contained in the exhibits submitted and include a zone which includes a zone map amendment to include all staff and City Planner recommendations.

Mr. Hall: Mr. Chairman I'd like to second that motion.

Chairman Darby: It has been moved and seconded that this submittal be approved as identified in the motion as read. Secretary please call the roll.

(Secretary called roll and the motion was approved and passed with a 7-0 vote.)

Chairman Darby: Congratulations.

C. Kerry Ford Tri-County, 155 West Kemper Road, Springdale, Ohio, Development Plan (Application 33051)

Mr. Gloyeske: Thank you, Mr. Chairman. I'm Mark Gloyeske with Viox and Viox Engineers. I'm here on behalf of the owners of Kerry Ford Tri-County located at 155 West Kemper Road. We, as you probably recall, we were here a couple months ago presenting phase one of their proposed building expansion. That included some additional service bays, ten additional service bays to be exact and then approximately 7,000 square-foot building expansion. That kind of made way for this next phase of improvements. You know, it's moving with some of the service uses. We can add about 4,000 square feet of building. Kind of on the front side of the building and kind of repurpose the inside the field of the entire inside of the building. So, like I said we're adding about 4,000 square feet of building. Some of that is going to be added under what's already kind of an enclosed canopy. So it's got a roof awning over a currently outdoor area that's going to be enclosed and then we'll be extending the building by, a pretty minor amount on the Kemper side as well as a little bit on the Northland side. The biggest improvement that you'll see from the outside on the Northland Boulevard side we are going to add a vestibule kind of entryway. If you've been there now you notice where the customers park there's not really a front door. You kind of have to go around the sides and, and building and get in. So we'll be adding a, a front door, the kind of invite the customers in. We're also be upgrading the out exterior the building to
comply with Ford's new specifications. So, it'd kind of be a spruce up of, really the whole exterior of the building. We will be adding, replacing the sidewalk in the parking out front to kind of make it more inviting. We'll have some stairs that go up to the front door of the building. The accessible entrance will be relocated around to the side of the building where the accessible parking will be relocated to. Then there will be a couple of new garage doors for the service bay on the Kemper side and some new signage is actually existing signage, its just relocated onto the a building addition on the Kemper side. I'll be happy to answer any questions you guys have set.

Chairman Darby: We will go on to staff.

Mrs. McBride: Thank you. The Kerry Ford property is currently zoned GB or General Business District and as the applicant indicated, we have previously approved, an expansion in October for that building and they're now requesting a, another expansion for 4,000 square feet on the northeast corner of the, of the building. It's our understanding that the expansion is to add additional showroom and office spaces in the customer area. Also, to create a new customer entrance on the east side of the building, which would face on Northland Boulevard as well as adding some enhanced customer area for the Quick Lane Service facility. They are proposing to eliminate 22 parking spaces with this 4,000 square foot addition and 10 parking spaces would be required for the 4,000 square foot addition. They have indicated previously that they have 521 parking spaces on site. How many are parking versus storage? That gets into a whole other discussion and they are required in total then with this addition to have 169 spaces, when staff has visited the site, and I know some of the commission members have indicated this as well. They're really very few spaces that are available for customers. Staff has suggested and the applicant has agreed to designate 15 parking spaces for customer use only. So, I think that that's an improvement over existing conditions. The proposed expansion is basically to match and kind of update the existing facility. It's going to be white painted block with a number of metal panel elements. I actually saw the facade that they are proposing just north of Louisville over last weekend and it's a much more modern kind of crisp look for the building. With the expansion, they still meet the 50 foot set bar setback requirement that's required on Northern Boulevard. They did submit photometric lighting information for us and they do meet the requirements of the code. With regards to signage they are proposing to have two Ford signs. One would be 31 square feet and one would be 21 square feet and then they did not provide the size of the Kerry sign. I don't know if that's the existing sign and it is to be relocated or if that's a new Kerry sign. They are also proposing signage that would be the service, the quick lane tire and auto center, fast lube tires and alignment breaks and batteries and vehicle checkup. None of those sizes were, were provided. So, we're going to need to work with the applicant to make sure that they're compliant with our zoning code or they'll need to go to the Board of Zoning Appeals to get a variance for any additional signage. One point that we did want to express to the applicant was that in looking at their drawings and seeing the facility that I saw north of Louisville whether or not the signage would extend above the roof line of the main building. Our Code requires that they can't extend, any more than 42 inches above the main roof line. So we just want to point that out to them. The proposed building addition unfortunately removes the only landscaping on the site. So what the applicant has indicated is that they're going to take two islands right now that are near the proposed new customer entrance point and they're going to remove the impervious surface, the staff report says pervious it should say impervious. I'm sorry about that. And they're going to make those into landscape islands. So, we would want to work with the applicant and review their landscape plans for those two islands. We're also suggesting that they add bumper blocks to any of their parking or display spaces that right now about a property line or right of way line, just to assure that the cars don't have any creep into the road right away or into any existing grass area. Those were all my comments.

Chairman Darby: Thank you. Mr. Shvegzda.

Mr. Shvegzda: Thank you, Mr. Chairman. Just two comments. Since the majority of the building expansion is being done in areas that are already an impervious surface when we recommended not recommended any additional detention be required. In regards to water quality, post construction water quality measures, the previous expansion
Mr. Taylor: Nothing further, Mr. Chairman.

Chairman Darby: By the way, we want to thank you guys for your quick attention to the gravel situation.

Mr. Gloyeske: Happy to take care of it for you.

Chairman Darby: Mr. Bauer.

Mr. Bauer: Thank you, Mr. Chairman. A couple of questions. On C100 where you're relocating the AC unit. The transformer out there in front, do you have a location where it's going?

Mr. Gloyeske: It's going to be just slid down. So if you look at C200 and you see the building addition kind of sits on top of where that is. There's a little corner where the building addition returns and meets the existing building. It's going to be slid down at that corner. Yeah.

Mr. Bauer: Thank you. While we're on that C200, the distance between that corner of the building, we were just talking about the new building and in the parking there, I mean that goes back that's really a lane that goes back to the that side of the building and around. Is that, what's that distance? Is that ample distance in there between where you got?

Mr. Gloyeske: I don't know off the top of my head, but uh, we can confirm that and then if it's not, then we'll just mark out that last parking spaces there.

Mr. Bauer: It just looked kind of close there without a scale. OK. And then when you're done with this addition, I notice there's no screening of the mechanical equipment on top. That's not a requirement when they build an addition?

Mrs. McBride: We had asked the applicant about that and they indicated they are not adding any new mechanical equipment on the roof top. So, if they're not adding anything, it's difficult to make them screen.

Mr. Gloyeske: We actually are going to change that. The architect here, we'll address that though.

Mr. Laderick: I'm sorry. My name is Stan Laderick, I am with RSL Architecture. We are going to be touching the mechanical units on the roof and we will screen them per the requirements.

Mr. Bauer: Thank you. That's all I had.

Chairman Darby: Mr. Okum.

Mr. Okum: I think it's a great change. Access and parking is critical. It will be an improvement to the development, so I'll be supporting it. I also was concerned about the mechanical. For purposes of this motion, I'll just place into the motion. Any new or replacement mechanical units shall be screened from view of adjoining properties of public right away. So, just so you understand why I'm doing. Based upon that and I don't see any other lights. Mr. Chairman, I'd like to make a motion to approve Kerry for Tri-County project at 155 West Kemper Road, case number 33051 to include specifications, designs contained in the exhibits that were submitted prior to staff prior to this meeting to include all staff, City Engineer and City Planners, recommendations and considerations and that any new or replacement mechanical unit shall be screened from view of adjoining properties in public right away. In regards to signage, just to make sure, I think we should at least say that signage conditions include and shall be
compliant with the existing code which involve new or replacement signage. Just put it in there. Keep it all together.

Mr. Ramirez: Second.

Chairman Darby: It has been moved and seconded that the submittal be approved as identified in the motion. Secretary please call the roll.

(Secretary called roll and the motion was approved and passed with a 7-0 vote.)

Chairman Darby: Congratulations.

Mr. Gloyeske: Thank you for your time.

X. DISCUSSION

Chairman Darby: Have you ever been reading a novel? And it’s so good. You wish there were more chapters? OK. That is not where I am right no. So moving, moving on week. Do we have items for discussion? Mr. Ramirez.

Mr. Ramirez: This will be short, but a Days Inn came before the Zoning Appeals and we had to approve their signage earlier and we were a little confused because the Beef ‘O’ Brady’s had a removal termination to remove the Beef ‘O’ Brandy’s sign. The Beef ‘O’ Brady’s sign is mounted below the Days Inn Sign so it would look like we gave an approval to Days Inn to put their new signage up on top of a sign that was subject to come down. So, I think we looked through the minutes, we found out there was some, some discussion about that and Mr. Taylor can maybe help us out with this one, but we thought we were in a bad situation at BZA because of that. But in the end it was just a small little blurb in the minutes but it did cover us. So, now the question is Beef ‘O’ Brady’s sign should be coming down, but Days Inn just spent $20,000 to put that sign up on top of that. So how that’s going to impact the Days Inn signage which is mounted on top of Beef ‘O’ Brady’s. Mr. Taylor.

Chairman Darby: Mr. Taylor will work it out.

Mr. Taylor: I’ll just work it right out. I believe the intention, when you all saw the Days Inn proposal was that the Days Inn sign on top would absolutely be approved and that was based on the old Springdale Inn and Suites, which was Howard Johnson’s, which was Roadway, which was whatever. The idea here is that the hotel was in continuous operation and at some point in time the Beef ‘O’ Brady’s went out and it was vacant for more than six months. So, the requirement is that a sign identifying a property that’s vacant more than six months needs to come down and further, I’m not exactly sure at what point pole signs became a nonconforming use in our code but the long and the short of it was pole signs with the exception of being along the interstate or major shopping centers that you folks routinely approve, those are no longer a conforming sign. And so Beef ‘O’ Brady’s was out for more than six months. It lost its standing as a legally nonconforming sign so it needed to come down. That was explained to Mr. Bowy who’s the proprietor of the Days Inn back, I think this came before you guys I believe in April of this year and he was aware of that and I guess just to clarify he had actually made a statement before this board that he had an arrangement with the bank who was the receiver of the Beef ‘O’ Brady’s property after it went through foreclosure or whatever, that they had some sort of cross agreement, and it was going to be his responsibility to do something with that sign. In the intervening time apparently he forgot that that had occurred and fortunately we had the minutes to kind of refer back to that indicated that he was aware of that after all. So, long and the short of it at this point in time a letter was sent to the bank, the owner of the property telling them they still you know the BZA, did not, well upheld the ruling of the Building Official and that they would have to remove the sign, however; they can appeal it and it would be appealed to the Common Pleas Court in Hamilton County. I’ve tried to, and I’m playing phone tag with the representative at the bank to try to determine what their next step is going to be whether they’re planning on trying to pursue a court remedy or if they’re just going to take it down or if they’re going to go to court. We’re going to try to work
Mrs. McBride: I mean just to be clear it's not a sign that has to come down. It's the panel that has to come down because it's the panel that's tying to Beef 'O' Brady's not the sign itself.

Mr. Ramirez: Coming here tonight I notice that the panel was painted black and white and now is also illuminated so you can really see the Beef 'O' Brady's again because it's painted white.

Chairman Darby: Mrs. Sullivan-Wisecup.

Mrs. Sullivan-Wisecup: I was on BZA and when we had done it, it was a very very long drawn out thing and we just kept saying to them that we're just there to say to reaffirm that the City was correcting what they were saying and we did finally do that which I was very proud of our board for doing that. They were under the idea that they were basically had to cut that entire oval part off and then and then move because they kept saying that it was going to mess up how it was put together or that it was going to make the sign not work anymore. So, do they have to actually cut out that overall.

Mr. Taylor: In a perfect world. Well let me just say this. The pole supports both the Days Inn sign and the Beef 'O' Brady's sign. The intention was never to compromise the Days Inn sign. However, if the cabinet that holds the Beef 'O' Brady's sign can be removed without compromising the pole or the sign above that would be the best solution because what we've made all the other entities do was take the entire thing down. Obviously we can't make him take the pole down because it supports the conforming sign or the legally nonconforming sign which is a Days Inn sign that's why this thing is so complicated. So, in the perfect scenario they could remove the cabinet from the pole and leave the pole. If that is unable to be accomplished then I think we have to look at what can they do within that cabinet and at this point I think the answer is you well number one turn the lights off for sure. Then the panel needs to be not the old Beef 'O' Brady's panel or any other identifying thing, it needs to be completely blank. Again if we can get them to take the whole thing down, that would be perfect. If that's impossible because it's welded and there's no good way of getting rid of it, then we have to at least make them completely block it out.

Chairman Darby: Mr. Okum. Just real quick. The worst end of the whole thing would be is that there'd be a steel pole with a Roadway sign or Days Inn sign on the top of a steel pole. Doesn't that fall under our interstate signage area.

Mr. Taylor: The interstate one does.

Mr. Okum: I thought that because of its distance from the expressway, I mean it's almost in the right of way.

(multiple people talking over each other.)

Mr. Okum: It's on City owned property. Well then the whole thing needs to go. But I thought the purpose of going back times. But I thought when we had it Howard Johnson's there and we had Chi Chi's and we had Perkins all three. The purpose of the sign was to accommodate all those three. It was sort of like a mini PUD or a double letter zoning there. At one time because Chi chi's got its liquor license as a result of Howard Johnson's being built and that was all sort of a blended mesh of stuff. Why only two businesses ended up on the side really does not make a lot of sense. But anyway just one other comment we approved signage at Glensprings, Wimbledon which is called something else I guess. That monster sign they put out there with all the white boxes is most ridiculous thing that I've ever seen. Frankly, I'm disappointed in the developer. The site looks terrible. He's probably not going to get rentals, but I can't believe that the man doesn't have enough common sense to think that if he doesn't
market his businesses, how in the world would any other business want to locate there. Enough said.

XI. CHAIRMAN’S REPORT - None.

XII. ADJOURNMENT

Chairman Darby: Since I don’t get to make motions I move that you all have a Merry Christmas and a Happy Holiday season. With all these motions we are adjourned.

Respectfully submitted,

________________________, 2017 ___________________________________
Don Darby, Chairman

________________________, 2017 ___________________________________
Richard Bauer, Secretary