

PLANNING COMMISSION MEETING
March 13, 2018
7:00 P.M.

I. CALL MEETING TO ORDER

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

II. ROLL CALL

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

Members Absent: Meghan Sullivan-Wisecup

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

III. PLEDGE OF ALLEGIANCE

IV. MINUTES OF THE REGULAR MEETING OF FEBRUARY 13, 2018

Chairman Darby: The Chair will accept the motion to adopt the minutes of our previous meeting, February 13th.

Mr. Hall: I move to approve.

Mr. Hawkins: Second.

Chairman Darby: It has been moved and seconded that the minutes be adopted by a voice vote all of those in favor, 7 Aye, opposed, 0 opposed, abstained, 0 abstained. The minutes are adopted. Moving forward to our report on Council. Mr. Hawkins.

V. REPORT ON COUNCIL

Mr. Hawkins: Thank you Mr. Chairman. City council met on February 21 of this year, all seven members were present. With regard to ordinances and resolutions, we had Ordinance number 5-2018, authorizing the Mayor and Clerk of Council/Finance Director to execute an agreement with the City of Montgomery to provide prisoner confinement, which passed with a 7 to 0 vote. We had Ordinance number 6-2018, amending the Zoning Map for the property at 11345 Century Circle West, changing the zoning district from General Industrial to Planned Unit Development. This is the Vineyard property. That passed with a 7-0 vote. We also had Ordinance number 7-2018 approving the Preliminary Development Plan for the property located at 11345 Century Circle West, The Vineyard Ministries. That passed with a 7-0 vote. Both of those last two matters had come before this commission previously. Ordinance number 8-2018 Approving a major modification to the preliminary transition district development plan for 242 West Sharon Road, this was the Housing Network of Hamilton County that also came before the commission. That passed with a 6-1 vote. Ordinance number 9-2018 approving a major modification to the planned unit development and preliminary development to the Cassinelli Square PUD for the construction of a small hospital, another matter that came before this commission, passed with a 5-2 vote. Ordinance number 10-2018 approving a major modification to the planned unit development and preliminary development plan to the Northwest Business Center Planned Unit Development. This is at 325 Pictoria Drive, this is the area of the former Bahama Breeze, with the Hilton brand Home2Suites hotel. That passed with a 7-0 vote. Ordinance number 12-2018 authorizing the Mayor and Clerk of Council/Finance Director to enter into a contract with Adleta Incorporated for the Glensprings Drive rehabilitation project and declaring an emergency. The cost of that project is approximately \$880,000. The City has it in its budget \$976,000 so we have a bit of a significant cost saving through the course of that project. That passed with a 7-

0 vote. We also had added on Ordinance number 13-2018, an ordinance to amend the City of Springdale's income tax code to adopt sections 718.80 through 718.95 of the Ohio Revised Code and declaring an emergency. That passed with a 7-0 vote. We also, with regard to meetings, Council met on March 7th, all seven members were present. We went through and had a citizen commendation for Brian Frech who was involved with stopping, well he was stopping one individual who committed a theft but where he was living there were a number of thefts that has taken place, he took the initiative to stop this individual, hold him down while police arrived so he received a Commendation and award from the Mayor. Also, we had a AAA Platinum award winning recognition for traffic safety presented, and we also had the introduction of, for commendations for Springdale Officers Joseph Robers, Jesse Morgan, Kellen Lyons, all who were involved in rather dangerous situations. Specifically, there's one that was dealing with an assailant who had a firearm, they were able to resolve that situation without any shots being fired, anyone being injured. In terms of Ordinances and Resolutions we had Ordinance number 14-2018 authorizing the Mayor and Clerk of Council/Finance Director to execute an agreement with the City of Forest Park to provide prisoner confinement. That was a first reading. We had Ordinance number 15-2018 adopting a supplemental appropriation estimated receipts ordinance to adjust appropriations for current expenses and other expenditures and adjust estimated receipts for the City of Springdale, Ohio during the fiscal year ending December 31, 2018. That passed with a 7-0 vote. We had Ordinance number 16-2018 authorizing the provision of health care benefits to certain part time firefighters for the City of Springdale and declaring an emergency. That passed with a 7-0 vote. We found that it would be an added incentive to have health care for our part-time fire fighters in terms of being able to get them in. The number of part-time fire fighters is drying up and the competition between cities and villages has increased so to be able to offer that to them is a benefit to get them to apply here as well as they are able to work past the 30-hour threshold because they will have the opportunity to have health insurance. We also had Ordinance number 17-2018 the director authorizing the Mayor and Clerk of Council/Finance Director to enter into a contract with Murphy Tractor and Equipment Company for the purchase of a John Deere backhoe and loader and declaring an emergency. That passed with a 7-0 vote. We had Ordinance number 18-2018 authorizing the Mayor and Clerk of Council/Finance Director to enter into a contract with the Utility Truck Equipment, Inc. for the purchase of one bucket truck and declaring an emergency. That passed with a 7-0 vote. We had Ordinance number 19-2018 an agreement regarding the Chesterdale Road improvements that passed with a 7-0 vote. That concludes my report unless there are any questions.

Chairman Darby: Thank you very much.

Mr. Hawkins: Thank you.

VI. CORRESPONDENCE

None.

VII. OLD BUSINESS

- A. SCP Springdale LLC, 12110 Princeton Pike, (Former GEEAA Park), Springdale, Ohio, Revision to a Preliminary PUD Development Plan Approval (Application 32930)
Public Hearing continued in Progress.

Chairman Darby: With this item we will continue our public hearing. Would the representatives please come to the podium.

Mr. Cumming: Good evening I'm John Cumming with Strategic Capital Partners.

Chairman Darby: Good evening, nice to see you again.

Mr. Cumming: Pleased to be with you again this evening and present our revised master plan for the project. I've prepared a short update PowerPoint that we will walk through and will be, obviously, happy to answer any questions along the way. If I can't get it to move. Okay.

(talking off mic.)

Chairman Darby: I think we might need to get some kids in here so we can get these things working properly.

Mr. Cumming: Unfortunately, I am not a technology expert. Okay. Alright here we go. What I thought I would do with this continuance, is to provide an update on the project timeline that we are hoping to accomplish which would include Planning Commission this evening, City Council approval April 18th's meeting. We are trying to track our land acquisition and the completion of the TIF process for the project by the end of April. We are planning to start construction as soon as possible which would be this summer likely around the 1st of August. Then the first two buildings which would be phase of one would be complete at that point in the second quarter of next year. I thought it would be good to start out with the plan that we presented back in December at Planning Commission and then highlight some differences between the last plan and the current plan. This plan, as you can see consisted of five industrial buildings plus an office/retail building that we have always shown on 747. This consisted of public infrastructure, public road that would be constructed as you see on the plan and this public road would continue to the south end of the property. Between building four and The Crossings at the Park condominiums and then was to cross the creek with a bridge leading to a fifth building located on the south side of the creek. The current plan, the changes include this, really buildings one, two, three and four along with the office/retail building are unchanged in terms of size and location. This you can see building five, south of the creek has been removed and the public infrastructure has changed so that the northern L shaped portion along with the cul-de-sac would remain but the leg of that public road that was leading from the L shaped intersection south has been changed and that public road has been eliminated in favor of a private road that would be constructed in conjunction with building four. What we were able to do with that private road vs. the public road is reduce the right-of-way requirement and create additional room so that we can provide additional berming, buffering and landscaping to The Crossings at the Park condominiums with that new ground that we were able to obtain with the private road vs. the public road. Obviously, the bridge over the creek has been eliminated. We do have a plan for an access form of that private road within access easement, you can kind of see on the southwest corner of building four, this access that would then tie into an existing bridge across that exists across the creek so that we are able to maintain the area south of the creek. This is a comparison of what we are able to accomplish with the revised plan. What we have been trying to do for the last 60 days plus is to create a situation where The Crossings at the Park property is on a level playing field with the residential neighborhood to the east in terms of buffering and setback landscaping etc... So, what we have is just a comparison of buildings three and four and then kind of comparing those distances on both the east and the west side. So, building three, you recall, is the building on the north end along Crescentville, building four is the building on the south and if you look at the first line across, so the distance between either the house or condo depending on whether you are talking about the east side or west side is 196 feet from building three east side to the house, closest house. On staying with distance between the house and pavement on building four 196 feet also and then on building four on the west side toward The Crossings that distance is actually 208 feet so it is actually 12 feet greater distance between the condo and pavement verses the house on the east side. If you move down to the next line the house or condo distance to the actual building itself you can see 315 feet on the east side of both buildings three and four and then 311 feet on the west side of building four so only a four-foot difference there. From the property line to the pavement, 150 feet for buildings three and four on the east side and 138 feet with building four on the west side. In terms of property line to building 269 feet for the east side buildings three and four and 241 feet from the west side property line to the building. Then in terms of the berm and landscaping, with that additional room as I mentioned on the west side of building four between The Crossings and building four

we would be able to maintain, build and maintain a 15 high berm that would also have landscaping planted on top of it which would, and I will get to this site sections, site view analysis in a little bit, but really trying to illustrate that we are trying to put The Crossings on a level playing field as I mentioned. So, these next few slides are just the current plan in a little more detail and the one thing I'll mention, the intersection, the L shaped intersection that joins the east west leg of the public road and the north south leg of the public road has been reshaped some per staff comments in order to help maintain for snow removal etc... We have kind of added a, almost partial bulb type shape to it on the southeast portion of that intersection. The other thing that I will mention is that on the north end at the intersection of Crescentville and the public road we now have a double, that intersection has been increased in size, we now have a double left turn northbound out of the park on to Crescentville. So, just a couple of things I will mention there. Again, working our way around the park in a little but more detail, this is building three. We are showing, we are thinking about traffic flow of cars and trucks in and out of these various sites. We believe the traffic flow around any of these buildings for the most part will be, especially buildings three and four will be in a counterclockwise mode where you would have cars and trucks entering in the site on the south end and either parking in the car parking lot or trucks coming to the dock doors on the south side and then typically they would circulate out of the site as they would run counterclockwise then we are showing an exit. A truck exit only on the northwest corner there that would go out to the public road. We are showing a median to make it clear that there is only one way for those trucks to go and that is to go out of the site. This is building four, it shows the public, oh I'm sorry the private road in a little bit more detail. Now we get to grading plans, and these grading plans really are for the most part unchanged I believe since our last meeting for this site. For building three same thing, really the changes occur that I talked about earlier with building four. So, the lines, the darker lines that you see should represent the contour lines and you can now see the existence of the berm that I mentioned on the west side so that it matches up with the berm on the east side. Our traffic maintenance plan remains really unchanged in terms of the phasing of that. We would still construct the east portion of that public road first and have the temporary access for the residents at The Crossings to be able to access in and out of their property similar fashion to how they do now. Then once that cul-de-sac and the L shaped portion of the road east of that cul-de-sac is completed then the residents will be able to use that newly constructed road and we'll finish up the small strip of that public road between the cul-de-sac and 747. This is our current landscaping plan. Obviously, it is hard to see this in detail, we have been working with staff on this to make sure that we have gotten the landscaping to the point where it needs to be. There are still views associated, site views associated with this plan that are indicated in small circles so that you can kind of see that along building three and building four on the east side. You kind of got 1,2,3,4,5,6,7 different viewpoints. Those are indicated, those will match up with the site views that I will show you hear in the few slides. Then on Crescentville you kind of see two circles that our views eight and nine, those are the views viewing from Crescentville down to the north side of building three. Then, you have four more views coming in from the west, those in circles are sitting on top of the condo units as it appears on the screen and those are used 10,11,12 and 13. So I just wanted to identify those now so that it will give you some reference point when we walk through those sites of view analysis. Again, the current landscaping plan and a little bit more detail of buildings one and two and a retail/office building as well as the detention pond and public infrastructure. Building three landscaping plan. Building four, and now we get to the site line analysis. I know that this is hard to see, we're just trying, I'll try to point out what these lines and arrows are pointing to. So, on the right side this is view 1,2 and 3, so this would really be the northeast portion of the site. Building three as well as Crescentville, I'm sorry, at the north end of the site. So, at the right side you have got what is represented as a house, you can see at the far-right side and then it goes to the property line and the pavement setback, as well as the buffer line. Then you can see the berm and the landscaping that is planted. Then if you continue to the left on the screen, you then see what is shown as a truck, that the truck trailer, the car vehicle, and then parking up against the building. Then on the far left you have the building with the maximum height of the building than these were all drawn at the actual elevations that they are planned with the civil plans and so if you look at those two lines we have two lines with an arrow kind of coming out from those houses. In all three cases, the lower line indicates the view

just for the top of the mound and what you would see and then on top of that is a separate line that shows that you with the landscaping installed on top of that berm. When all cases here on sites two and three you can see that it blocks out the view of the building built at the maximum height. This is views 4, 5 and 6, so we are working our way down the east property line to building three and building four we have the same scenario where you have in all cases the landscaping on top of the berm blocking the view from the residents on the east to the top of the building. This is 7, 8, and 9. Seven is the far southeast view point and from there building four is really actually kind of to the north do you don't see any building at that point. Eight and nine below that is the view from Crescentville going to the south so you can see the street level at the far-right side, you can see the building height on the far-left side so between the landscaping build or installed along Crescentville and along the property line you see the building, the top of the building not in view. Then this is sites, view 10, 11 and 12. So it's kind of the same concept we are just looking at it from the other side here and especially if you go to number 11 at the bottom of this page, it is a good view point of the condo on the left-hand side, the property line which actually in this case comes, this splits the existing detention pond. The property line kind of runs right through the middle of the detention pond so you kind of see that low flat level is the detention pond and then it grades up into the berm and the landscaping on top of that. In both, for the view point from the condo to the top of the mound you can see that both the cars and the trucks, the view to the cars and the trucks, it is not possible to see those and then the arrow on top represents that view through the landscaping, the trees planted on top of that berm, which then eliminates view of the building so we are kind of getting it to a similar situation as the east side. So, that's the detail that I wanted to show you. We've had a good working session, several good working sessions with The Crossing at the Park owner's association and several of the neighbors. We have tried to incorporate their comments along the way here and we feel like we have come up with a good solution to try to accommodate their needs. It has been a very good working relationship with them over the last couple of months and the same thing working with staff, they have been patient with us as we have made those changes in the plans. Obviously, there are a lot of things that need to change each time that we provide a new plan, they have been patient with us and I think we have got the plans to the point where we are able to then make, obviously we will have a whole new the round of design that will come in terms of final development plan that will have all of the details on the individual buildings site, I will have the details on the public infrastructure on the master drainage plan and all of the other items. But, then we think we're at a point now where we can take this overall master development plan and then begin our design with the final development plan so that we are able to start construction on these first two buildings as I mentioned hopefully the next several months. I would be happy to answer any questions thank you.

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

Mrs. McBride: Thank you. I don't want to be repetitive and go through all of the things but we have continued to maintain the same both building setbacks and parking setbacks throughout the review of this development, which were incorporated from the prior approvals. We did have some questions about property lines between buildings three and four in terms of who will actually going to own a buffer yard, the mounding and so forth that is going to run along the east side of the property as well as the property to the south. So, the applicant is going to need to clear that up for us on the final development plan. In terms of parking will be addressing that on the final development plan. They have agreed that, they have specified our parking requirements and we have made them aware of the fact that if they were to park it by over 30% of what is required and they would need to do additional landscaping for that. The lighting and the lot signage will all be addressed on the final development plans and that has all been established in terms of what specifications. What we're going to be looking for it is a low activity use for the lighting and then with regards to the lot signage, the ground mount signage that would be 8 feet in height and 100 square feet and their location that has all been decided. There are the two development signs that had been approved for the Springdale Commerce Park PUD and those are has we have been discussing now for many months the only thing that I would point out to the commission

is that the applicant has agreed to incorporate both signage for The Crossings at the Park and the undeveloped parcel in those development signs which I think is important so that you know if you've got friends coming over, the deliveries or whatever that those will be clearly marked below on Crescentville and on 747. Similarly, in the final development plan stage we will be looking for our bike parking and also with that phase what kind of city gateway element we're going to be creating there at the northwest corner of the development. They submitted revised landscape plans and I am very happy to say that we had very few comments on them. Just one comment about an open swale between buildings one and two and then some minor comments on the condo buffers. So, those are both things that staff can work out with them. Also, on the final development plan will be looking obviously for building details to make sure that they comply with our building design standards for our nonresidential PUDs. We will be looking for details on the waste screening and how that is going to be functioning. Details of a retaining wall that is still included on the project as well as how they're going to be screening the roof mounted equipment, which obviously is going to be very important when it comes to Crescentville Road. We continue to have a condition that there would be no outdoor storage areas within the PUD and that they would need to meet the industrial performance standards that are included in our zoning code. They have provided us with a copy of the draft covenants and we have provided them with some comments and we are working with them to address the comments that you see in your report. So, I think that's all of my comments for now.

Chairman Darby: Thank you. Mr. Shvezda.

Mr. Shvezda: Thank you Mr. Chairman. Just to kind of summarize the changes that the applicant had mentioned from the previous plan submittal. Of course, we have building five that has been eliminated and of course that reduces the overall building square footage on the site. We do not have the public roadway that runs along, basically what would be the west side of building five in that area. We have the private drive now are reducing paved area and moved to the east which allows additional buffer area between the development and the condominium development. The emergency access drive that were shown between the public road at that point and The Crossings at the Park condominium is no longer a part of the plan. We have the 20-foot drive that leads from the end of the private drive that head down to the bridge, the existing bridge over the creek which serves as access for maintenance vehicles that could be needed on the other side of the creek. With the elimination of building number five on the south side of the creek we have a much-reduced impact as far as grading within Beaver Run. There's two areas with a combined length about 620 feet of graded area that would impact the flood plain, with this there's no retaining walls. Previous, the December submittal had almost 1200 linear feet of impacted in the flood plain area and that had included 800 feet of retaining wall. As far as storm water detention we have 862,488 cubic feet of detention for this current submittal as opposed to the June 23, 1,000,138 cubic feet of detention. Of the existing detention pond that serve the condos is now shown to be expanded also to accommodate detention of the propose site. As far as specific comments, the traffic study was submitted, it was reviewed, the summary of the changes as far as trip generation with that part of that. Basically, it indicated that the trip generation for this is less than the previous submittals. With that being said the traffic study also did include the provisions for the double left from northbound on the proposed road to westbound Crescentville Road. This allows basically a shorter queuing length for that traffic that is that that area which then permits the viability of the driveway that is proposed for the building number three. With that, the proposed plans indicate the width of the roadway is 57.5 feet the edge to edge. The specifics to the make up of the lane width is not given. It appears that it would be workable. The final plan will need to be presented with the signal pole locations to in the area that would be set back far enough that it would be an area that is reasonably safe from turning trucks. We have had a number of issues with trucks hitting poles for that would be important to review. Final plans will also need to include auto turn analysis to verify that the lane widths and those particular locations are sufficient for the turning trucks and particularly the double left movement from northbound to westbound Crescentville Road. Based on the numbers that were presented as far as the detention what we have is a 13% reduction in that proposed detention volume while there was an increase in the impervious area. Subsequent

discussion with the applicant they have submitted additional storm, preliminary storm drainage information, revised information that verify that their proposed detention volume is sufficient although as final plans are submitted they will need to have the detailed information to be submitted to confirm those particular requirements. The preliminary storm water calculations did utilize the 1985 storm event which is what has been used in the past and was proposed to be used for this particular development. At the time of this submittal the final plans for the first building, it is important at all of the overall infrastructure for the site including the roadway, the storm sewer system, the detention that they are all in place and have to be completed in total before the buildings start. In addition to storm water detention analysis we will need to be supplied in conformance with the city regulations. One of the other aspects that is included in the plans there was a discussion about the maintaining of the existing condominium detention basin as far as having sufficient flow to make it a viable permanent pond within that particular area. There was also concern the water course that connected that too. There is existing erosion that had to be dealt with as part of this particular development. That is reflected in the notes that are included on the plans. Again, as far as the final plan development we will have to come to agreement on what the flow rate would be for the detention basin to pass into the existing condominium basin, amount of erosion control or erosion protection that has taken place along the subject channel. So those will have to be included with the final plan development. In addition, the current grading plans note that the existing Crossings at the Park development pond will be enlarged by about 66,000 cubic feet, obviously that is owned by the condominium development so that will have to be an agreement with the condominium owners for that particular work to take place. Regarding the area that is going to affect the Beaver Run Creek, the flood plain area, we have some grading that goes down within the flood plain area and one of the thing that we would like to take a look at or have a developer take a look at those possible utilization of soft armoring techniques to allow them to have a greater slope in that area so hopefully we can eliminate the greater amount what is imposing into the flood plain areas. One other aspect is the existing outlet from the existing condominium pond is going to have to be redone just from the grading and the private drive that is going to be constructed, there's a concern in what is shown now is an open channel conveyance of that storm flow. We have an area that runs adjacent to some of the fill area and then it empties in Beaver Run Creek at what appears to be about 18% grade, it is very concerning that it may be a velocity issue which will lead to erosion problems. In our view the best method to take care of that is to have it all within, contained within a storm sewer of some sort. But again, that will still have to be worked out in the final plans. We talked about that we do have common pond areas for both of what will be, as part of the private, part of the development plan and also shared use with the condominium development as far as the pond there. Some kind of joint owner's association for The Crossings at the Park and the applicant will need to be enacted as well as for the development itself or the various ponds and public areas or excuse me common areas that will be a part of that. The plans do now reflect as far as the cul-de-sac that will lead back to the access for the condominium development that will be within the public right of way, those will be defined access point to the cul-de-sac. Regarding the sidewalk that will be constructed to fill in remaining 1.000-foot gap between the sidewalk that currently exists at Heritage Hill and the proposed public road that will intersect Crescentville along with that the curb and gutter section will need to be construction to handle storm water there. Along with the, of course the grass strip between the back of curb and sidewalk. We talked about the maintenance of traffic, the sequencing and construction such that access is provided at all times for the condominium development. One of the other aspects is just as far as the construction of all of the storm water management system and the roadway infrastructure and any other improvements is required for the overall development will need to be constructed in full, in regards to that the improvements to Crescentville Road which are partly within Butler County, obviously will have to be approved by the Butler County Engineers office including the signal. The current plans do include a typical section that notes general locations for utilities including streetlights and regarding the streetlights along with the required underground conduit and other associated equipment required for the proposed development be recommended some type of LED luminaire would be utilized in a pole type that would be selected by the city. Preference would be for the streetlights to be owned and maintained by Duke and set up through an association that would be directly billed to

the property owners. The proposed signalized intersection at Crescentville should include lighting and overhead signage and also the radar detection system that is now the city standard. The signal pole type will need to be reviewed and selected by the city. There's one aspect of the public right of way that is being dedicated in the location of the proposed intersection on Crescentville, as it notes now it kind of jogs back in ten feet from where it currently is, we would like to have that, it was previously dedicated when the roadway improvements were done on Crescentville and 747, we would like to have that continue ten foot addition conveyed to the intersection of the public roadway with Crescentville. Mrs. McBride mentioned the aspect of the open drainage course that went between the park, the truck turn around areas from buildings one and two, that needs to be, looks like based on what is shown on the landscape plans that some type of culvert would appropriate for that area to allow the plantings to take place there. That concludes my comments.

Chairman Darby: Thank you. Mr. Taylor.

Mr. Taylor: Thank you Mr. Chairman. Just a couple items here. As you heard from both Mrs. McBride and Mr. Shvegza, the covenants are an issue and kind of a work in progress. It is clearly the intention, I think, of the developer to work with us here in order to get this resolved in terms of common area maintenance and so forth. And as Mrs. McBride said the last item of her considerations, we would hold any kind of permits until the covenants have been agreed to, signed off, recorded and delivered a recorded copy back of the building department before the be any permits are issued. Again, as Don mentioned the flood plain ordinance when we get the final development plan will have to be complied with in full. Don mentioned that some amount to fill in the flood plain is shown, and requires a lot more analysis to know whether that's problematic or not but it can definitely be mitigated or so it would appear. We've been all over the place on this tree situation, we have a I think a solid count on where we are at this point in terms of the total caliper inches that are going to be removed and need to be replaced. The developer has asked for a little bit of relief in the area of the west berm that was added with part of this submission, the reason being is that there is a substantial stand of trees that are going to need to be removed in order to create the mound and that number of caliper inches is 849 caliper inches. Should you all agree to that, the short fall that is going to need to be paid into our reforestation fund is about 395 caliper inches and we had agreed some time ago to accept a payment of \$75.00 per caliper inch. In addition, they are still responsible for the short fall from the original Crossings at the Park Development and they have acknowledged an agreement to go ahead and pay that as well. I would say probably the only other thing that I have to mention is when it comes time to do the final development plan the fire department of course has reviewed the preliminary development plans but each one of these sites and is likely to have its own private fire protection system and private fire main and we're going to want the fire department to look at access potentially some private fire hydrants and private fire main locations. That concludes my report thank you.

Chairman Darby: Thank you very much. We will move on to questions comments from the commission members. I remind you to please, use your microphone when you speak. Mr. Okum.

Mr. Okum: Thank you Mr. Chairman. Mr. Taylor what was the reduction in caliper inches was it the difference between a 4744 and the 3895, and the correct?

Mr. Taylor: That is correct.

Mr. Okum: So, the 3895 that \$75.00 per caliper plus the \$29,000 would be put back into the forestation, reforestation?

Mr. Taylor: That is correct. You are correct.

Mr. Okum: Thank you that is all I have for right now.

Chairman Darby: Mr. Taylor.

Mr. Taylor: It is a public hearing, I don't know if you want comments from the public or not.

Chairman Darby: We will. Don't we generally do our questions first? We can do it now. Since this is a public hearing those wishing to speak please come up to the desk.

Mr. Sheffield: My name is Sam Sheffield and I live at 222 Edinburg in The Crossings at the Park. John came to our meeting a couple of times, I just wanted to make sure it is still in effect for no overnight trucking parking, is that true?

Mr. Cumming: We certainly would comply with the noise ordinance within the city in terms of the business park.

Mr. Sheffield: I mean trucks are going to be parked overnight is that correct?

Mr. Cumming: Well I think there could be trucks parked in a trailer parking area overnight, I think that is possible.

Mr. Sheffield: There will be any like containers like export containers stacked up?

Mr. Cumming: There will not.

Mr. Sheffield: Alright, my other concern basically is when it comes to businesses moving in there, in one if you get like a computer companies cell phone companies and the handling of rare earth materials and the other concerns obviously hazard materials. My particular job, I worked at a chemical company over on the other side of town and any factory company and there's a lot of materials that slide under the radar because they are either lightweight or they're going to retail, what if you're selling a bottle of acetone which is a flammable material, my company would have to put a flammable diamond on it to send it to but if it is going to Lowes a consumer it's gonna be a limited quantity so there'll be no hazard charge, so it flies under the radar. If you got anything that is a small material and whether it's corrosive, flammable, poison, or whatever those are light enough will be shipped limited quantity and it is not considered hazard. Also, when it comes to storage certain materials have to be kept separated. Your oxidizers have to be least 4 feet from corrosive or flammables. Dangerous liquids cannot be stored with corrosives. Spontaneous combustibles cannot be loaded or in any room with any corrosive materials. Flammable solids can be stored with flammable materials but not with corrosives. I am just concerned about the storage problems. The way my company does it they put each in a different building. The only other concern that I have is that a lot of input has been put on Crescentville and building the intersection for here and Crescentville but if a person that goes in and out of that on to 747 from The Crossings at the Park every day 5 to 7 o'clock at night I can hardly make a right turn out without waiting 5 to 7 minutes and maybe 10 minutes. Also, I leave my house for work at 6:00 AM and I would say 2 to 3 days a week I cannot make a left turn not because the flow of traffic because the traffic is completely blocked up. A lot of that is not the City of Springdale's fault. You get industrial trucks coming from Fairfield or West Chester like Duff Drive and it just doesn't look like there is enough room for everybody with the current lane that you have. I know you have had traffic studies already but I am just talking from a person that drives in and out of there, to me, 747 seems to be dysfunctional and somehow it needs to be addressed. Basically, that's all that I have, thanks.

Chairman Darby: Thank you for your comments.

Mr. Ruzick: My name is Ken Ruzick and I live at 509 Salzburg within The Crossings at the Park. My comments are extremely brief just to say that I have been with this thing for two years as you all have been in the certainly want to commend the work of the city and all of the members of the city and I want to commend John Cumming for his careful attention to the needs of our community because I know that he is a bit concerned with Heritage Hill but he has done a marvelous job. He has changed those plans dramatically as a result both comments that were made back in the fall and I certainly stand very much in approval of the passing of the plan. Thank you.

Chairman Darby: Thank you sir.

Mr. Rahe: I'm Don Rahe. I've spoken to you before, I'm from 406 Lisbon and I want to take this time, I told John that I was going to come up, the sentence or two that he said about meeting with us does a really cover it. He came to my house and met with the board for extended period of time, it was all afternoon actually. And then he came twice and he lives in Indianapolis and he came twice to our meetings our monthly meetings and when he came over, he had a slide presentation and everything, and he spoke to them any said he'll stay to the end and ask any questions and some people did come up with individual questions for him. Then there were some concerns because some people didn't quite understand everything and I talk to him again and he said I'll come back again. He came back again and spoke you know to everybody and answered all the questions that they had. But the other thing that I was really impressed with is that he talked to me man to man and he said we're really looked at both sides of this and we wanted to try to be fair to both the surrounding communities and give residents both on the east and west and you really did that he showed up there and of course I saw this a long time ago but the change that he made because we actually met as a board before he came to meet at my house and I told them, they said what you think, and I said I really hope that there is a change but I'll tell you this he was so creative not just him but the people who drew it up were so creative and I know you listened to what I had to say but he not only listened to the group that he had there but he had to write everything down and he had you tried to address everything that he could and afterwards you know I shook his hand I was extremely happy with the way things came out and he really did care about us as human beings as he said his neighbors and he cared about the other side also you know up there on the east side. So that really meant a lot to me and then the only thing that I am getting right now, and you heard it before and that is about traffic that is the thing that I hear so much. But I want you to know this, the people there are happy with the plan the way they are drawn up and they really were and they're happy with the adjustments be made. He made a lot of adjustments that are gonna cost him money that helps us out. When he bought that property and then he built the berm for us. That goes a long way and taking care of an erosion problem and that and we really do appreciate that. Now from your standpoint the traffic coming in off of 747 is a real concern where the trucks would be turning in there. Now I have been told over and over again that they are probably all going to exit out and go the other way go through the park and go out with a new light up there but where they come in people are worried about it because it is pretty congested already and just to make a consideration that maybe have all of the truck traffic go up to the new light coming in and going out. You're building a bigger road there, that would help with significantly but I realize you have a traffic manager and you spend a lot of money and time looking at this but from our stand point our people are worrying about the trucks backing up to come in where as now we don't have much truck traffic obviously, we have mostly just cars and that stuff but there is going to be an additional twenty condo units that are going to be built on the property. Additional from what we already have, so we have 48 now we are going to have 68 units pretty soon. He will be talking to you but he has already purchased the property and he is going to be building these units. So, this is significantly more of the car units so where you come in if you would consider at least thinking it over about having the same sign that you have at the other side that is no through truck traffic so that if they were not turning in off 747 I think that would help us significantly. But also I realize that this again going to back it up at the light at the top when you are going to turn right. Once again, each one of you listened to me that night and I really appreciate that and to John and his whole group we really appreciate the adjustments you made mean a lot to us, they really do, so thank you.

Chairman Darby: Thank you all. I just want to. Oh, we have another speaker.

Mr. Vanover: Tom Vanover, 11982 Tavel Court.

Chairman Darby: You're still wearing that hat, aren't you?

Mr. Vanover: Yes, Sir I am. At least till Thursday afternoon. You dance with what brung ya. First, I appreciate the work of the developer and working with my neighbors and

The Crossings. They, by no means are most directly impacted by this development. It is funny you mentioned about truck parking because as I was looking at plans on each one of those buildings on three and four there are at least thirty stalls to park trucks. That does not include the bay doors, that is just parking stalls for trucks. That concerns me in hours of operation where you have the yard jockeys moving trailers around. I know we don't know, at least I don't know, what is going in there but there's noise issues that concerns the residents. I am still not overly happy about building four being blown up. I much preferred the prior plan on, where they had the two smaller buildings. The other concern is we've got a reduction in detention storage but increase in impervious service. That water is going someplace. Mr. Okum you lived in that neighborhood for a substantial period of time. I remember the 85' storm. I remember the 87' storm that, we had what two 500-year storms within a period of about two years. That is a concern because that creek, it will go from a foot to ten feet in a heartbeat. This water is going to get there somehow, what's the control of these detention basins? They are still, as far as I understand that they are going to be dry. How are they going to bleed this out and control that to reduce the faction going in. Where is the input from these detention basins coming in in relation to the entry point for the one that comes underneath 275 and that serves as Tri-County?

Mr. Shvezda: This would be down stream from that particular location.

Mr. Vanover: So, these are downstream of that, from

Mr. Shvezda: From the culvert that comes under at 747.

Mr. Vanover: Right.

Mr. Shvezda: Yes, it would be down stream from that.

Mr. Vanover: Ok. So, you've got two forceful, of course the one in Tri-County they have done a good job at breaking the force of the water coming in because I will see a fountain spray when she's running hard from where it is breaking it up but now you're sending another in so you've got two entry points of water coming into the flow of that channel and fairly close proximity. It's still an issue. I still don't, the other issue that I've said from the beginning the dry basins become a maintenance nightmare and you've got the one central on the main road coming in but then you've got the other one in the southeast corner just south of building four that's tucked in back there. Dry basins have a notorious history of silting in and becoming quagmires, mosquito breeding grounds. That's a problem. So, just something to think about. Thank you.

Chairman Darby: Thank you Mr. Vanover. Any other speakers? Yes Sir.

(talking off mic.)

Chairman Darby: We need you up here if you are going to, to get it on the record.

Mr. Rahe: Don Rahe again. Maybe we misunderstood but we have been told all along that this is not a dry basin. Could we have a comment from them because we have been told that this is not going to be a dry basin. We discussed this pretty much at length so if there is some confusion maybe on our part.

Mr. Wright: Good evening, my name is David Wright, I'm the engineer with Kleingers Group. Just wanted to kind of explain a little bit on the detention end of things. The northern detention basin, we expect that will be wet when it gets fully designed. That will lead into the shared retention pond with The Crossings. Their existing pond is wet, we would intend that the expansion to that would be wet as well. The pond on the very south end, that one I think is yet to be determined with working with John but I think it could be wet or dry. Either way and it would work from a detention stand point.

Chairman Darby: Thank you. There being no other people identifying themselves as speakers we are going to at this time close the public hearing. We will move on to commission members. Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. I had a couple of confirmatory questions. First off with regard to the change that was made with the public road turning into a private road, going past building four, north to south, we talked before and you'd indicated that there would be sidewalks throughout. Will there be sidewalks on that private road to or no?

Mr. Cumming: I don't believe so.

Mr. Hawkins: But all of the public roads would have sidewalks on them?

Mr. Cumming: I think that's right.

Mr. Wright: Yes.

Mr. Cumming: Yes. That is correct.

Mr. Hawkins: And then a confirmatory question. With regard to phase one would that also include taking care of the mounding throughout the entire site and the screening as well?

Mr. Cumming: It would.

Mr. Hawkins: Thank you. Thank you, Mr. Chairman.

Chairman Darby: Mrs. McBride.

Mrs. McBride: I just wanted to make the commission aware. You have heard me talk about section 153.253 (D)(6) a-j which are our industrial use standards and I think a lot of those standards would go toward some of those concerns that you have heard. For example, fire and explosive hazards, dust and smoke, odorous matter, a toxic or noxious matter, noise, vibrations radioactive or electric of disturbances incineration facilities and waste materials. A lot of those are covered in the code and they're referenced then in the staff report and recommendations on to you.

Chairman Darby: Mr. Okum.

Mr. Okum: thank you Mr. Chairman. Sorry let me get my mic on. Can we speak to the sidewalks for just a second? The Crescentville Road side walk that you're extending what is the width of that sidewalk.

(Talking off mic)

Mr. Okum: So basically, from one on a bike could be on that sidewalk safely.

(Talking from the audience off mic.: Bike trails and only 8 feet but a 5-foot walk is what is in a subdivision.)

Mr. Okum: It ties into a 5 foot or 4-foot walk at Heritage Hill correct?

(Talking off mic from the audience: Correct.)

Mr. Okum: And how far does that sidewalk go.

Mr. Wright: If I recall about 1,000 feet, 1,100 feet or so.

Mr. Okum: Where will it end, at the entrance at Crescentville and then rotate in?

Mr. Wright: I believe that we are showing a walk to the west as well.

Mr. Okum: I have to apologize; the plans are so small that only a magnifying glass can read them.

Mr. Wright: Sure. Yeah, we are showing sidewalks extending to the west and I believe, yeah we are showing sidewalks to the west and there is a walk that is shown going all the way around the development basically.

Mr. Okum: So, you are going all the way to 747, is that correct?

Mr. Wright: I believe that there is a section of existing walk over there.

Mr. Okum: Right there is.

Mr. Wright: Yeah so, we are connecting into that.

Mr. Okum: So, all the walks, so if we get to Crescentville and 747 then we would go south on 747 to the existing walkway there?

Mr. Wright: Yeah there is an existing walkway on 747.

Mr. Okum: That will all be maintained and tied in. Okay. That is the only question that I had in regards to walkways. The indication is that your intent is to leave the area across Beaver Creek as part of your open space and that is a commitment under the covenants as well.

Mr. Cumming: That is correct.

Mr. Okum: Just confirming that. Let me see if I had anything else. I did have the material storage and handling standards, I knew those were in our codes so I had that down. I knew you would comment to it Mrs. McBride. I understand what Mr. Vanover is saying in regards to overflow of water and force of water and volume of water going all at one time. Engineering standards and designs have gotten a lot more restrictive about the release flow and when it releases. Maintenance is critical to that. I am sure that there is going to be a maintenance standard in the covenants that is tied to the PUD for that maintenance so those units are maintained. If a detention or retention basin is in an area where it is not going to be observed by the public and it can be maintained dry I don't have a direction either way on it. I believe the condos would prefer to keep their lake a lake and enjoy that beauty and the wildlife and so forth that visit it so I'm ok with that. The one I see is below is south of building four. That personally the control of release of water out of it is more important than whether it has water in it or it does not have water in it.

Mr. Cumming: Thank you.

Mr. Okum: That is all I have Mr. Chairman. Thank you.

Chairman Darby: I don't have any lights.

Mr. Okum: You've got one coming.

Chairman Darby: Mr. Hall.

Mr. Hall: Thank you Mr. Chairman. This question is for staff concerning the private water main going back to the developer's project. Will the fire department or who's department would that be to enforce that if there is a catastrophic failure in the last building that there would be sufficient water take care of an incident like that? Would the fire department take care of that Mr. Taylor or is that part of your scope?

Mr. Taylor: It is actually shared. Hydraulic calculations, that would really be under sort of our purview but annual inspection and all of that sort of thing fall on the fire department so I would say that between the two departments that situation will be resolved.

Mr. Hall: Thank you very much.

Chairman Darby: That's it Dave. I believe that we are ready for a motion.

Mr. Okum: I think so Mr. Chairman. I think we, Mr. Chairman if I may. I think we need to get a consensus from the commission prior to a motion on the reduction of the tree commitment under our tree preservation replacement program. Mr. Taylor had said that we are going to reduce it down. I'm trying to find that note, where did I have it, to reduction to 3,000 what was that number 3,895 caliper inches.

Mr. Taylor: Correct.

Mr. Okum: I think that should be part of the motion of we're in agreement with that but I want to hear from the commission.

Chairman Darby: Are you referring to the issue of the berm?

Mr. Okum: No, it is because of the berm.

Mr. Taylor: Correct.

Chairman Darby: In order to put the berm in, this reduction, the trees would have to be removed if it had been the original plan that would have been removed so that generates the request.

Mr. Taylor: That's correct.

Mr. Okum: I see heads shaking.

Mr. Ramirez: I'm in agreement

Mr. Hawkins: I'm in favor of it.

Chairman Darby: you got your straw vote

Mr. Okum: That's what I wanted Mr. Chairman thank you and. They hope this is a good last time that I have to make this motion. Mr. Chairman I would like to make a motion for approval of the Springdale LLC 12110 Princeton Pike case number 32930 to include in my motion the following items: based upon the specifications designs and exhibits that were submitted and reviewed by staff prior to this meeting which include C000, C100, C110, C111, C112, C120, C121, C122, C130, I'll get quick, L100, L101, L102, L103, L104, L105, L106, L107, L108, L109, L110, L111, and L112. Did I get them all? I think I did? To include in this motion also staff, City Engineers are City Planner's recommendations and considerations that the plan shall for this applicant shall submit be complete set of covenants that shall be reviewed and approved by staff and our law director's office. This motion shall also include requirements under the tree preservation ordinance, and to allow a reduction to a total of 3890 caliper inches of tree replacement plus the required balance that was due of the \$29,888. I think that is everything. Did I miss anything Mrs. McBride? Good.

Chairman Darby: I'm sorry I was just trying to respond to something. Moved and second?

Mr. Okum: We need a second.

Mr. Hall: Chairman I would like to second that motion.

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

(Secretary called the roll and the motion was passed with a 6-0 vote).

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Chairman Darby: The motion is passed. I would like to commend the developer for their dedication and patience, but I also wanted commend you guys what we have observed is true citizenship participation and that makes us all better. Thank you. Let's take five minutes please.

Chairman Darby: Okay we will now be convened. As usual, that Planning Commission 5 minutes was 12 minutes.

- B. The Calvary Church, 11965 Kenn Road, Springdale, Ohio, Application for Conditional Use Permit (Application 33229) Public Hearing continued in Progress.

Mr. Okum: Is there anyone here that is planning to speak in regards to this case. If you are please stand we're going to swear you in and even if you were sworn in at the last meeting so if you please stand and raise your right hand. Are you going to speak? No, I see no's. Okay raise your right hand and repeat after me.

(Multiple members of the audience were sworn in at this time)

Mr. Okum: Mr. Chairman the speakers have been sworn in.

Chairman Darby: Presenter please come forward.

Mr. Winkler: Brian Winkler with Lincoln Construction. As you mentioned we're here for the continuing, the public comment for the conditional use permit for Calvary Church had 11965 Kenn Road. They are looking to convert the old library building of the old Temple Baptist that they purchased the property and making that into a nursery/daycare building. Since last month and we have provided to you as requested with some additional information including some renderings of the site, site plans, the fence details and some photos of the specified fence that we're putting an along with landscaping and some existing photos of the screening in the mound to the north property line.

Chairman Darby: Thank you. We will go to our staff reports. Mrs. McBride.

Mrs. McBride: Thank you. As the commission may remember, the proposal is for a 4,500 square foot pre-K facility that would have 77 students and 10 to 12 employees. It would be open on weekdays from 7:00 AM to 6:00 PM. So, we have also provided the commission with our standards for conditional use to make sure that you feel comfortable with the proposal that is before you. As the applicant mentioned they are proposing a playground on the east side of the building that area is to be about 2400 square feet it is a 40 x 60 area it is located 86 feet from the north property line which is adjacent to single family residential. The 50 most northern feet of that 86 feet actually has an average topographic change of about 15 feet up to where those residences are and then there is mature vegetation that is also a part of that to the graphic change so there is quite a bit of distance and buffering from the proposed playground to the adjacent residential uses. They did provide as with a photo of what the 4-foot-tall decorative aluminum fence would be like in that will enclose that play area facility. They are also proposing on the north and east sides of the playground adjacent on the outside of the fence to plant sea green junipers they would be 42 inches at planting and they would be planted 4 feet on center to further screen and absorb any noise. Any kind of changes that they would be making to lighting or to the landscaping or to parking would all have to come back to staff for consistency review with our zoning code.

Chairman Darby: Do we have any other staff comments? Okay and didn't think so. Questions are comments? Mr. Bauer.

Mr. Bauer: Thank you Mr. Chairman. Just a couple questions. Is it the intent, you're rendering shows that your building change to color? It is a lighter color vs. a dark brown to?

Mr. Winkler: That is probably just the electronic printing more than anything.

Mr. Bauer: Okay so that is not your intent to change the brick, you're not going to paint the brick a different color.

Mr. Winkler: No real work on the exterior. We are changing the light fixtures on the exterior along with a canopy signage that is shown on there.

Mr. Bauer: Question about the playground. If you look at all about putting that to the rear of the facility for to the front of the facility it's no or if not why.

Mr. Winkler: Due to the layout right now, the parking lot is existing in the rear and with the adjacency to the existing building we felt the best location with where we have it placed.

Mr. Bauer: Is the playground then the interior portion, I could not tell from the drawing is that a mulch to area are what do you envision the playground to be.

Mr. Winkler: It will be a soft scape most grass not quite sure exactly what is going to come in there right now.

Mr. Bauer: Okay. That is it for now thank you.

Chairman Darby: Mr. Ramirez.

Mr. Ramirez: Thank you Mr. Chairman. I believe at the last meeting we spoke of having an educational center over there for grades K up. Is that not the case any longer?

Mr. Winkler: Not for this facility at this time. The adjacent building there is some possible future to add some educational facility there.

Mr. Ramirez: We also had a slight discussion whether not this to be a school zone but if it is only a daycare I'm going to assume that it will not require a school zone is that correct?

Mr. Winkler: For traffic?

Mr. Ramirez: Yes.

Mr. Winkler: And we are not proposing that at this time no,

Mr. Ramirez: Okay thank you,

Chairman Darby: Mr. Okum.

Mr. Okum: Thank you Mr. Chairman. I guess Mr. Bauer kind of hinted on what I am thinking as well is there any reason why the play area could not have been put closer to the existing old church in that nook so that there would be some reduction instead of keeping it 86 feet from the property line. Shifting it further south?

Mr. Winkler: Again, best layout for the use is where we have it. There is some possible future plans for that area when the school does get developed and we don't want to have to worry about moving that. With the buffer zone that we have the 85 feet, the fence screening, the 15-foot mound that is on the north property we felt that that was more than adequate for that area. I am not sure what the concern is of the playground maybe we can address this.

Mr. Okum: While children playing and screening that over 65 decibels is annoying. Children do play and playgrounds generate a volume of noise.

Mr. Winkler: I have three daughters and I love the sound of those kids playing outside.

Mr. Okum: But those residents did not buy into that when they built their homes.

Mr. Winkler: No but a quarter of a mile away they do have a neighborhood park it is basically in people's backyards for Beacon Hill.

Mr. Okum: Yes, they do.

Mr. Winkler: It is almost the same thing of what they have just ¼ mile away.

Mr. Okum: But did those residents that bought those homes did not buy into that when they bought their homes. The people that bought the homes around Beacon Hill Park bought homes knowing that there was a park in their backyard. There is a difference.

Mr. Winkler: Well again the layout is the best layout the connector piece is in the future and we did not want to have to take that area up possibly in half to move it at a later date.

Mr. Okum: How dense, you showed a hedging perimeter around the fence that is going to be, that the fence is four foot the hedge is four feet.

Mr. Winkler: Right.

Mr. Okum: So is that at planting or full maturity.

Mr. Winkler: At planting, it is 42 inches.

Mr. Okum: What is the height? Have those bushes that will be planted there and what is their growth rate per year and where will they be in five years.

Mr. Winkler: I am not an arborist I cannot tell you for sure.

Mr. Okum: There's other opportunities on the site for play area that is further away from those residences and my position is that yet it's nice there and it is convenient that this is the big site. The parking lot in the back is in deplorable condition and certainly you're going to have to reclamation of asphalt is very expensive. Removal of asphalt and replacing it with grass and sod for would ever playground surfaces basically comes down here amount of blacktop reclamation for the rare area.

Mr. Winkler: I don't know that we're looking at blacktop reclamation. There will be some possible overlay at some future date.

Mr. Okum: That is not cheap. Okay that is all I have for now Mr. Chairman thank you.

Chairman Darby: Does staff have any comments about noise attenuation based on what we have before us.

Mrs. McBride: The only thing that I was going to just add was that the mature height of that plant material is typically 6 to 7 feet in height.

Mr. Okum: Thank you.

Chairman Darby: Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. With regard to the fencing. I've seen the photos with regard to the fences and is there going to be any point of ingress egress?

Mr. Winkler: Not from the north or the east and, there is ingress and egress doors from the building from the west. The east side of the building does enter into the playground area.

Mr. Hawkins: But not the fence itself. The fences are going to have a gate?

Mr. Winkler: I believe there is a gate but let me that that the plans real quick. There is a fence on the south side the southwest corner.

Chairman Darby: You mean a gate?

Mr. Winkler: Sorry, there is a gate on the southwest corner of the fence.

Mr. Hawkins: And then you guys apart some concerns with regard to what noise may be and what the impact may be in you guys it indicated that the hours of operation the 7:00 AM to 6:00 PM just there Monday through Friday?

Mr. Winkler: That is correct. Yes.

Mr. Hawkins: And I don't know if you guys have this map to out that they've gotten to plans at this point is there any idea during those hours of operation when kids would actually be using the outdoor play area. Is there any part of where in terms of planning you sit there and go, hey look the last hour they're not going to be out there or were thinking they are not going to be out there except for the hours are noon till three or four, just if you have a given information that may be helpful?

Mr. Winkler: I'm not sure if that's been established yet I will bring up to Pastor Tom Ellis to maybe speak on that and maybe say if you know anything more about that?

Mr. Ellis: My name is Tom Ellis I'm the pastor of the Calvary Church and appreciate the opportunity to share our vision to add value to the community. We've been in this community since I believe 1972. We were on Kemper and Route 4 where I think Macedonian Word of Deliverance is now that was our building until 1999 when we moved to Kenn Road. We have had an academy in kindergarten through 12 grade academy since 1979 here in Springdale and we are part of we feel, that this is our community and we want to add value and that is our real intent with this daycare is to be able to just add another value to the community. Certainly not to create issues for our surrounding community and we are trying to make sure we look at all of the angles for that and appreciate the opportunity to share it. As far as the operation of a daycare since 1979 we have had just a kindergarten through 12th grade school in and so typically our academy's operation of a playground is probably I would say four or 5 hours a day it is nice outside. Obviously right now they are not going outside in the squalls and that kind of thing. They do the playground indoors and that is the plan. So, daycare is a different kind of business model in academy it operates all months of the year so that is a little bit of a different model and we acknowledging that even from a traffic stand point. But we do not anticipate it being more than being 4 to 5 hours a day out there and again depending on weather we know Ohio weather it is not going to be an everyday kind of deal. So I think that to Bryan's point about where the location of the daycare playground is we do have a future plans too as was well pointed out that building is deteriorated in the condition of the parking lot is in a difficult condition and our plan if you have been to our building are no our building we tried to maintain it had a very high level and that is our plan with what we're calling the Bishops Center to honor our founding pastors Bishop Norman and Mary Alice Paslay who started the church. Our plan is to upgrade the entire property. Our first phase of the upgrade though is going to be a daycare that smaller building and then the future plan will be potentially to connect those buildings and if the academy moves over there to add additional playground space and so to have that playground attached to that smaller building right now makes the best sense and not to take up additional what is already pretty much a parking lot. We are trying to avoid that and or creating a playground where kids have to walk all the way out into the back two or three acres. Our plan there is to upkeep that to make it a nice recreation space but again it is a long-term plan but our first obviously goal is to just really focus in on the day care and make it a value added to our community. We currently have our school in our current building so there's no immediate need to move the school over there and so again we're just focusing on that smaller building at this time so thank you very much.

Chairman Darby: Mr. For further clarification on this playground, would raise your anticipated maximum number of children?

Mr. Ellis: For the small building?

Chairman Darby: Yes.

Mr. Ellis: With the way it is designed it is 77 I believe is the maximum number of students that includes an infant number so those children would not come out.

Chairman Darby: So, you're talking about basic three and four year olds.

Mr. Ellis: Probably two to four year olds. And I'm sorry go ahead.

Chairman Darby: If the for want of a better word recess on the playground is a staggered between ages and classes how many do you anticipate that any given time would be on the playground?

Mr. Ellis: Right now, we're in the process of building our business model and I don't know the ratios. It would be subject to I believe the state regulations the health to regulations on how they would stagger that out. I don't anticipate all 77 kids being out on there but I don't have those ratios what that's required at this time.

Chairman Darby: Okay thank you. Mr. Hall.

Mr. Hall: Thank you Mr. Chairman. This is a question for Mr. Winkler. Just for clarification. And is this the plan that you are proposing that the commission approve or disapprove this evening because I have heard well you're going to do this are going to add to that is this the plan.

Mr. Winkler: That is as S1.1?

Mr. Hall: That is correct.

Mr. Winkler: Yes, we are requesting a conditional use permit based on that plan.

Mr. Hall: Thank you so much.

Chairman Darby: Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. Question for staff. Do you guys know if there are state regulations for playgrounds with regard to the number of kids based on the space. I know there's going to be probably supervision limits but based on the space I did not know if there was anything where we could be in a position to estimate where that cap might be based on the space that is given to us in the diagram.

Mrs. McBride: I know that there are for the building square footage but I am not sure about the outdoor are. I can try to find out quickly though.

Chairman Darby: I can assure you the state has regulations for everything. So those playground regulations would exist, I don't know what they are especially when you deal with a daycare they're very strict but I don't know exactly what they are.

Mr. Winkler: I do know that the department of education does require a certain amount of square footage that is required but I do not know if they have a maximum occupancy based on that square footage which I think is kind of which are asking.

Mr. Hawkins: Yes, I'm curious if it is per child the square footage per child and if it is we can probably guess based on the plans what that cap would look like.

Chairman Darby: Mr. Ramirez.

Mr. Ramirez: Thank you Mr. Chairman. Just for the record I also do have concerns with the playground being in front of the building. Just a statement thank you.

Chairman Darby: Mr. Okum.

Mr. Okum: Thank you Mr. Chairman. This is a very large site then very happy that Pastor Ellis you and your team have decided to make good use of the property it's just that I'm still having difficulty with that proximity of the playground. You have a playground at the other facility and that's on the expressway side. It is away from the residences. I was involved in the planning and the approval for that site and do you recall how difficult that was for you here. I was. We were very concerned about how that church would impact on those residences where it was placed and how it was placed and the pastor who was head of the church was very sensitive to that if you were very very very hard with the city in regards to that height the of the lights in the placement of the building and all of those things that impacted the residents there. So please understand it is not new news it's just consistent news. I am also involved, I've also been involved in the conditional use approval and consideration on that property that was located on state route four to south and past Walgreens it's the old general whatever, general that a building that have a daycare center and the playground was in the back yard and we had and the chamber here about 50 are 60 residents very very upset about the noise issues that that generated. Mrs. McBride you've even bought that produced a noise meter and now it comes on your phone for free. Children do and I've got a grandbaby coming any day now so I'm going to be just as happy as can be when that child screams and yells the jumps up and down but on the other hand I gotta understand that I'm a resident and I've got a look after that and consider what happens with the residents or there'd be one or would there be 10 it is still a resident that did not buy into that when they bought the house there. So, based upon that I'll be making the motion to approve but I will be voting against the request.

Chairman Darby: Mr. Bauer.

Mr. Bauer: Thank you Mr. Chairman. Pastor I welcome your thoughts and your explanation that gave me a lot more thought into this whole process. I guess the thing that I've been struggling with is knowing that this is one piece of the puzzle and I hear comments about what you have planned coming downstream and I don't want to impact that in my vote but I also I keep thinking about those residents and we do have a pretty good berm that goes up to those households and the like. So that is where I am struggling with my vote. I think the playground would look better somewhere else but I'm thinking again the residents. What would be better for noise and the like. At this point we are only looking at a small piece of this so I have a hard time with that so I would also have a hard time supporting it at this point in time. Thank you.

Chairman Darby: Mrs. McBride.

Mrs. McBride: According to what I could find my trusty phone, the state of Ohio and again I do not know of that is the most current, but to give you some sort of feel it is 60 square feet per child of outdoor space so that would be approximately 40 children that can be out there in the 2400 square feet. The other thing that I was just thinking about is, and I hate to suggest that this gets tabled again but obviously the city notified the adjacent property owners of the request that is before you all this evening but if it might be appropriate for the applicant to invite the residence to a meeting to explain to them what they are thinking of and see if they have any problems with that. Just a thought.

Chairman Darby: I'd like to raise one other, I'm sorry Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. I was just going to piggyback on what Mrs. McBride said as far as the applicant goes. I don't know how receptive or open you guys are to the idea of maybe tabling and maybe talking the staff and talking with residents and see if there is any other means of exploring other options. And again, not something that you have to do. You can ask this commission to deliver a vote. You have heard some feedback and some concerns but that may be another way that you can go about this process. Again, you guys got to sit through the applicant before you, not saying and needs to take two years or anything like that situation, but you did see

an example of a lot of involvement and interaction with residents being receptive to feedback and trying to work through some of the concerns that are out there. So, as Mrs. McBride put out there that maybe something that you guys consider in terms of trying to resolve some of those potential issues.

Pastor Ellis: Thank you for those comments and Pastor Paslay, he is our senior pastor and he is unfortunately in a hospital in Indianapolis or he would be here. He I know, and I as well definitely don't want to create a hardship on the community and so I would be very open to talking to any residents. Whatever addresses you feel like would be most impacted. We will schedule a meeting with them. We had one of them contact us today who, I tried to connect with him, it was not even about this, they wanted to use the parking lot for an event that they were having at their house on Saturday and so obviously we were willing to allow that but we were going to talk to them. So, I don't have a problem with meeting with any residents that you feel like would be negatively impacted potentially by the noise or just the creation of a daycare near them. So, whatever you all feel is best there we would certainly.

Chairman Darby: Mr. Taylor, so procedurally so we are on the same page how would we accommodate that because we do, we generate a mailing ourselves correct.

Mr. Taylor: That is correct.

Chairman Darby: Would we be in a position to give him the information that he is requesting?

Mr. Taylor: We can certainly provide all of the adjacent property owners, and that maybe potentially a little more extensive than is necessary. Obviously, we have it and we are more than willing to share it.

Chairman Darby: Thank you. Mr. Ramirez.

Mr. Ramirez: Thank you Mr. Chairman. I appreciate you working with the residents and I think that this is the main reason that we have questions and concerns. One other thing to think about is not only the current residence but this board is also taking into consideration future residents, of people that may move in after the current residents and we are making that decision for them now so just a thought. I appreciate you working with the residents. Thank you.

Chairman Darby: Yes sir.

Mr. Winkler: Just for clarification, question. You notify adjacent residents of the information that we have submitted and at the meeting is taking place tonight prior to this meeting?

Mr. Taylor: We don't share the plans of course but we tell them what the request is and when the meeting will be.

Mr. Winkler: Okay. Some communities don't and some communities do.

Chairman Darby: They don't follow the law like we do. OK so are you in agreement that we are, are you requesting that we table?

Mr. Ellis: Yes sir.

Chairman Darby: Motion.

Mr. Okum: Based upon the request of the applicant, I'll move to continue the conditional use hearing in progress.

Mr. Hawkins: Second.

Chairman Darby: It has been moved and seconded for continuing the conditional use permit request be tabled until our next meeting, secretary please call roll.

(secretary called the roll and the vote was in favor with a vote of 6 to 0 to continue)

Chairman Darby: Thank you for your cooperation we look forward to seeing you at the next meeting.

VIII. NEW BUSINESS

- A. TH-Springdale, OH1-1UT, LLC, 11530 Princeton Pike, (Former Longhorn Steakhouse/Cassinelli Square) Springdale, Ohio, Final PUD/Transitional District Development Plan (Application 33329)

Chairman Darby: Developers please come forward.

Mr. Kirkpatrick: Good evening once again, Steven Kirkpatrick with Embry asset group. We of course have submitted our final development plan with our proposed building elevations and materials as well our site plan. I do have the materials here, material samples for your consideration. Building materials are primarily brick, high performance glass system as well as stucco or EFIS for the majority of the building. Low sloped TPO roof and really, we wanted to add a lot of natural light into the building through the glass in the front lobby as well as through a couple of third story pop ups that add natural light to the circulation areas and some of the patient care areas within the facility. I would be happy to answer any questions that the commission has.

Chairman Darby: I have one question before we go to staff reports. Looking through the materials I realize that you folks are reticent at this time to name that hospital but I just want to as an interesting, an innocent question. Does the TH prior to Springdale mean anything?

Mr. Kirkpatrick: It really doesn't it is a code for our projects so I don't think it would mean anything to you necessarily.

Chairman Darby: Thank you. Mrs. McBride.

Mrs. McBride: Thank you. As you heard with the preliminary development plan the building remains at 18,223 square feet. A little over 6,000 of that would actually be an emergency department and additional medical services. The access to the development is off of internal drives. There is no access off of Princeton Pike. Parking they are proposing and we talked about this a little bit with the preliminary development plan they are proposing a total of 39 parking spaces and they are actually only required to have six. Because that exceeds by over 30% the number of spaces that they are required to have they did submit information statement indicating the parking requirements for typical hospitals don't really apply to smaller hospitals because of the number of staff and turnover and so forth and that is why they are requesting additional parking. I also want to point out to the commission that they are meeting the additional landscape requirements that are required by our code. If you do exceed by over 30% the number of spaces that are required so they are in conformance with all of that. A 40%, I'm sorry the PUD requires 40% open space and they are actually, they have 25% and that was approved as a part of the preliminary development plan and the major modification to the PUD plan. In terms of landscaping they meet all of our landscape requirements with one exception and that is they can't provide the 10-foot buffer yard along Princeton Pike. The existing conditions don't have that 10-foot buffer yard. What they are proposing to do is to provide all of that plant material that is required however the majority of that would be located in the public right of way. Our public works director has reviewed that and has made some suggestions. We've made some modifications on the plant material to make sure that he is happy with that with regards to the overhead utility wires and so forth. So, based on that the landscaping plan would be appropriate as long as the commission is acceptable of some of that plant material. The major of it being located within a public right of way. They meet all of our light

level requirements for the photometric plan however; this is considered a medium activity land use which would have a maximum mounting height of the light fixtures at 24 feet. They are showing 27 ½ feet so those need to be lowered to be compliant to 24 feet. The applicant has talked about the different building materials and they do have samples here today. We did not receive any details for the wall signage in terms of a box out and how many square feet, channel cut letters or whatever so at the commission's pleasure that may or may not have to come back to the commission or if you are comfortable with staff reviewing and approving that as long as it is consistent with the provisions of the zoning code. They are proposing to modify the existing ground mount sign on Princeton Pike. They have taken staff's suggestion, they are going to be bricking that in on a brick base and brick surround and it is also going to be located in a landscape bed which it is not today. It would remain at eight feet in height as it is today. We would like to know what the area of that sign is just for the records. They're proposing both a waste enclosure and a generator screening that meet all of the requirements of the zoning code in terms of the screen wall itself and then the landscape material that is required in addition to the screen wall. They have provided covenants, revised covenants for lot number seven and we just had some very minor comments on those. So, those were all of my comments Mr. Chairman.

Chairman Darby: Mr. Shvegza.

Mr. Shvegza: Thank you Mr. Chairman. Regarding the access point, there is no access point to 747. The main north/south access point, access drive which runs to the east of Steak and Shake is the point that accesses the road that leads out to the signal at 747. It has been noted that that particular north/south driveway is in poor condition as far as the pavement is concerned. There is now a note that states that the north/south access drive would be repaired and resurfaced and to coordinate with geotechnical consultants. Regarding the intersection of that north/south access drive with an east/west access drive and that corner portion of the parking lot, the paved is being removed and established as a landscape area. In regard to the parking that is to the east there is 14 parking spaces that basically abut the main east/west drive in that location. They do, at this point 90-degree parking that would have to back out into the main drive. There was some discussion of means to rectify this or deal with it, however; those parking spaces are located on property that is not a part of this particular development so the applicant indicated that they were unable to implement any of those particular resolutions to that. Regarding the comment earlier that had been made as far as trying to provide some pedestrian access ways, the plans now show access drive, excuse me, access or parking the pedestrian access way that goes through the landscape area to the south of the site. There is also a sidewalk that would lead to basically to the north property line which would be the property to the north of this site is the Ponderosa. This is the first step, additional development on the PUD would have to accomplish additional links in that pedestrian way to get it out to 747. Same thing to the north so that would be something that would have to be in conjunction with this at a later date. Regarding the, there is a proposed driveway at the northeast corner of the site, it was about 10% grade and connects in with the existing driveway that exists to the east. Additional information was submitted, notes that the, basically the break in grade is adequate it is sufficient to allow that to function satisfactorily. As far as traffic basically there is less trips generated from this particular site than the previous restaurant site that existed prior to this. One other thing that came up in the overall review of the PUD, when the signal was constructed at Kemper Road there in front of, I guess it would be Havertys in that area there, the provision was made as it is in Tri-County Mall and other developments that incoming traffic is continuous that there not be a stop in the internal intersection so that we can get that traffic off of the road. Subsequently at some point in time a stop sign was erected at that point where that incoming traffic comes in there at the intersection by Havertys. That does need to be removed. That concludes my comments.

Chairman Darby: Thank you.

Mr. Shvegza: Excuse me. Two other items real quick. The applicant is providing detention that was kind of agreed to as part of the original PUD development and they have submitted information that verifies that it will function in regard to the restrictor

system on it. Storm sewer calculations, inlet capacity calculations have been submitted and are acceptable. The site is meeting the provision of the post construction best water management practices by essentially, they are reducing the impervious area by 20% over what had existed there prior to so that is their means of satisfying that particular criteria. That concludes my comments.

Chairman Darby: Thank you. Questions/comments. Mr. Ramirez.

Mr. Ramirez: Thank you Mr. Chairman. I guess the question is to Mrs. McBride, this being a hospital is there a mandate as far as those hospital signs go those blue signs that you see. My thought process is if this is a major trauma center and we may direct people to that and they may not be able to handle that situation whether or not signs are appropriate on the road to direct people that there is a hospital there?

Mrs. McBride: Based on what I have heard the applicant represent it is not going to be a major trauma center. So, I don't know how those identification, those roadway identifications are labeled. You know you don't see those for urgent cares and those kinds of things so I am really not sure how those are done.

Mr. Ramirez: Thank you.

Chairman Darby: Mr. Bauer.

Mr. Bauer: Thank you Mr. Chairman. I guess a question, Mr. Shvezda about the, and maybe it's the applicant to, I guess I'm a little confused about the parking that is going to remain in the drive. Right now, that's not a big deal because it is car lot parking but if this secondary lot got transformed into a restaurant and they left parking there for the restaurant in that space as it's shown that becomes a problem I would think. You've got cars backing up into where your ambulance is going to be driving into your facility. How do we handle the future is my concern.

Mr. Kirkpatrick: I guess I'll go first but you have anything to add please do so. In our opinion it is not an uncommon situation and as we have discussed the trips generated both by ambulance and by people visiting the facility is generally very low. In our opinion it is not really any different than the drive aisle next to it which is a 25-foot width. People will be driving, backing in and out but we anticipate that to be very low and don't see it as a major concern. Obviously, we don't want anything to obstruct people coming in or the ambulances but we anticipate that situation to be very unlikely.

Mr. Bauer: I guess, can you, I'm struggling with that, with unlikely what is the likelihood of a vehicle backing into, what is the trips, do we know what the trips are for an ambulance or another vehicle coming in to that direction?

Mr. Kirkpatrick: We discussed this before at the Council meeting for the preliminary plan and generally, we would anticipate less than 35 trips per day for normal cars and normal traffic and that is over the course of a 24-hour period. Much of that may be coming after urgent cares are closed or situations arise over night and the other businesses in the center are closed for the evening. So once again it is just, obviously we would not want that to be a concern but even we don't see it as a huge issue there.

Mr. Bauer: Okay, thank you.

Mr. Haglage: My name is Dick Haglage, I'm with CF Partners and we are the group that owned the shopping center and just one other comment that I have as it relates to that is that as you pointed out it is currently just parked by the Sweeney cars which certainly is not going to be a permanent condition and at some point in time when that owner of that property which is no longer us, develops that site I think it stands to reason isn't it that they would be bringing a final development plan before this group for whatever it was that they were intending to do so at that point in time you would have discretion on seeing what happened with this parking space that is currently off of our site. So, I think it is something that you would be addressing later.

Chairman Darby: Mr. Shvegza.

Mr. Shvegza: That certainly that would be something that would be looked at, at that time depending on how that would be developed. We know that this type of condition has been problematic in the past in different parking areas within the city. I don't know if there is anything that we could add to this approval that would reinforce that occurring at some subsequent redevelopment of the PUD in that vicinity.

Mr. Haglage: I think on, if I could comment on that while you are all considering it is that the applicant would be willing to stipulate an understanding that those parking spaces may go away as that adjacent property is developed in the future. Is that the type of thing that you are thinking about?

Mr. Shvegza: How would you have that authority to do that if this is on somebody else's property?

Mr. Haglage: That is just an acknowledgement that it may go away by the adjacent property owner such that we wouldn't contest that if that adjacent property owner was to take those spaces away. So, you would already have that stipulation by us going forward with that other property owner.

Mr. Shvegza: I just don't know what value that really provides.

Mr. Haglage: Maybe none.

Mr. Okum: But isn't, don't the covenants

Chairman Darby: Mr. Okum.

Mr. Okum: Don't the covenants address cross use of parking fields within the space.

Mr. Haglage: They do.

Mr. Okum: So, the original covenants that part of the recorded record currently call for that, those parking spaces to be available to this property as well as to the center. So as the covenants were written there's a legal document that says that they have access to those parking spaces as part of the development, part of the PUD am I right or am I wrong?

Mr. Haglage: Actually, that is correct.

Mr. Okum: So, if, the only thing is the delineation of what is who's in my opinion. If they are going to dig out all of the asphalt of everything that belongs to them you are going to see a clear separation whose is what. If they want to paint a white line down it, I don't particularly want to see a curb along there. I don't think that would be appropriate but I certainly think that there would be some way that you could certainly stripe it but on the other hand those spots, no that goes against the covenants the opposite way because those spots are also available to the shopping center and that is part of their spots. Oh, this is all great.

Chairman Darby: Mr. Taylor.

Mr. Taylor: Mrs. Russell reached out to the current property owner to seek some sort of resolution to this dilemma and maybe she could speak to that conversation.

Mrs. Russell: Good evening. In light of this comment and knowing that it would be an issue of discussion to night I did reach out to the owner of those parking spots just to get their take on it. There's obviously detail to be worked out but if they felt very strongly one way or the other I thought that would be valuable for the commission to know. My discussion with them today it was very high level but they are in support of the hospital. They see that as a benefit to their center. They are willing to have a conversation with the developer to see what they can work out. Again, they

acknowledge that there are some legal requirements that they have, they need to look at those. But they are willing to work with the developer to see if they can come to a resolution.

Chairman Darby: Thank you. We assume that the developer is willing to participate in that discussion.

Mr. Kirkpatrick: That is correct as Mr. Haglage said we are not, those spots are not counted in our parking counts and we do not necessarily need them it is just not on our property so we did not want to commit to making changes on somebody else's property.

Chairman Darby: Mr. Okum.

Mr. Okum: Like I said, you are repaving all of your property?

Mr. Kirkpatrick: Yes.

Mr. Okum: So basically there will be, those stripes will go away where you are repaving and it will just look very strange.

Mr. Kirkpatrick: Well with the way the current layout is the edge of the or the end of the second row of parking is the beginning of the drive aisle and that is also our property line. So, there would be a new drive aisle essentially but there would be a clear delineation between the old and new.

Mr. Okum: So long as there is a delineation. The covenants have to be revised and they have to be recorded so that is going to be a requirement so there is going to have to be collaboration between the mall and all parties to those covenants. Is that not correct? Staff, yes? So, and that is part of the conditions that Mrs. McBride has in part of her considerations so it is going to get worked out. It has to.

Chairman Darby: In hearing this discussion I think that we need the pulse of the commission as to whether or not we would be okay with whatever results from the discussions that are going to be generated, would be reviewed and approved by staff.

Mrs. McBride: Let me make just one clarification though I want to make sure that Mr. Okum and I are on the same page here. It has been in prior PUD covenant modification it has been the opinion of the Law Director that not all of the parties have to sign the revisions to the covenants.

Mr. Okum: Okay but where they share parking allocations how does the Law Director interpret that?

Mrs. McBride: The Law Director isn't here unfortunately so

Mr. Okum: Because in this particular case we are talking shared parking.

Mrs. McBride: Right.

Mr. Okum: Which is part of the covenants. Somehow somehow this is going to have to get worked out otherwise they can't get this thing built. I'm happy, I'm pleased with the project. I think it will be good for the city and I'm ready to move forward with a recommendation but it's going to have to get recorded into the covenants and whatever way that works out my motion typically as it states that it shall include staff and Law Directors approval of the covenants, that's not this commissions review. It's up to the staff and the Law Director to get it worked out with those parties.

Chairman Darby: We've got an agreement?

Mr. Okum: Mrs. McBride your comment about the signage, if it's compliant.

Mrs. McBride: My comment on the building wall sign was that if it meets the zoning code requirements and the commission is comfortable staff can certainly approve that.

Mr. Okum: I just have one question for the applicant. I saw this thing on the glass. I'm interested because it has a west exposure and that afternoon sun gets really hot going in that the west, coming in from the west. Is that glass going to be able, are you going to have shades in those? I see you built one in Dublin so has that been built yet.

Mr. Kirkpatrick: No, we have not. We have not moved forward with that project.

Mr. Okum: Okay so has that been tested because this is true this is dead west.

Mr. Kirkpatrick: We do have others in other markets that have west exposures to that front lobby and yes, the glass is high performance glass. It is not reflective but it is very highly efficient and of course that is taken into consideration with the mechanical calculations for building controls. Absolutely that has been a condition that we have had before and been able to work around.

Chairman Darby: Mr. Okum.

Mr. Okum: Thank you Mr. Chairman. This is more pages than the other one. I'm just kidding. I move to approve the TH-Springdale, OH1-1UT, LLC, 11530 Princeton Pike case number 33329. Did I get the number right? To include specifications and designs contained in the exhibits as submitted and reviewed by staff prior to this meeting. Did I get the number wrong again? 33329. I asked if I had it right.

(Someone talking off mic.)

Mr. Okum: 33329, 33329 yes, I had it right. Okay good. It includes all staff, City Engineer and City Planner's recommendations and considerations. The PUD shall include staff and the Law Director's approval of the adjusted covenants. The project shall also be approved with the building elevation as submitted and the building color pallet as submitted and that the signage conditions shall be based upon, signage conditions shall allow for staff to review the signage package and if it is allowed by code, to approve.

Chairman Darby: Second? Somebody

Mr. Okum: Somebody second?

Mr. Hall: Second.

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

(Secretary called the roll and the motion was passed with a vote of 6-0)

Mr. Kirkpatrick: Thank you very much.

B. Zoning Text Amendments

Chairman Darby: Staff

Mr. Taylor: Thank you Mr. Chairman. This was a request from Council in order to create some language that would enable the City to make some announcements and so forth for city functions. These would have been otherwise not permitted under our sign code. So, basically what this enables the city to be able to do is to have a portable sign that could be moved from location to location in the city to announce civic events or events that the city would be involved in. The language has been drafted by the Law Director, reviewed by both staff and the Administration and it is before you for your consideration.

Chairman Darby: Is this an option that would be available to the City only?

Mr. Taylor: Yes.

Chairman Darby: What is the rationale behind that?

Mr. Taylor: I think that the idea is that the signs were previously prohibited and I think clearly, we want to have an opportunity to make some city announcements.

Chairman Darby: Mr. Mayor.

Mayor Webster: Thank you Mr. President. Back two years ago I formed a group to take a look at why we could not generate more enthusiasm for events and more youth to sign up in our programs and so on and so on. It is called a CAP committee. Don't ask me what the CAP stands for but anyway that is what they call themselves. There were several recommendations that came out of that and one of them was that we had signs throughout the community that would advertise youth sign ups, things that were going on at the Community Center, the Springdale Bash, whatever the situation. The Casino night or the races at the rec center for the Youth Boosters, any event that was going on throughout the city. So, you know we looked at that and we talked about that and it just doesn't make a whole lot of sense for us to go around and select maybe a half dozen sites throughout the city and go in there and most cases we are going to have to run electric to those sites. We are going to have to acquire the right of way if it is not, if we don't own it and how many people are going to want to see a sign, a permanent sign right next door to them and so forth and so on. We saw lots and lots of problems with that. Now having said that someday we may want to do that but I think to test the water sort to speak why don't we have one of these portable signs and maybe a couple of them and so we just put them out there when there is something, some event taking place taking place at the Community Center or here, anywhere in the city that we want to advertise and so we put them out there maybe for two weeks, three weeks then we move them maybe put them on one side of town for a week and then move them to the other side for a week and then the other side. It is not a permanent thing in somebody's front yard where it is going to be bothersome to the neighborhoods. So, the outset we want to try one and if that works out we will probably order another one of these signs. They are about \$15,000 and we probably could not put one permanent sign up without acquiring the site and the electric and everything else for that kind of price. So anyway, we were already to order it and so forth and so on until Mr. Taylor said you can't do that it is against the zoning code.

Mr. Okum: Good job.

Mayor Webster: So that is why we are here.

Chairman Darby: Mr. Mayor, I have just one other question

Mayor Webster: That's why we are here tonight. Mr. Chairman, I hate to ask for special favors for the City vs. the public, we have already done that with our signs that we put in the apron for youth sign up sports so the city is allowed to do that and the general public is not.

Chairman Darby: I just have one question. Could you define an agent of the City? It says here the message has to be generated by the City of Springdale and/or and Agent of the City of Springdale. What would be an agent of the City of Springdale?

Mayor Webster: Probably youth boosters maybe. If we wanted to put up something about the horse races we would put that up there. That sort of thing.

Mr. Okum: So, we are going to run a generator Mr. Mayor to power this thing.

Mayor Webster: Well I'm assuming, is that the one the police put out there that's got some sort of generator?

Mr. Hall: It's probably battery.

Mayor Webster: Battery?

Mr. Hall: Solar or battery.

Mayor Webster: I really don't know, I'm not a technician.

Chairman Darby: He's just the Mayor.

Mayor Webster: I just come up with the ideas I don't come up with the solutions.

Chairman Darby: Mr. Okum.

Mr. Okum: I totally understand Mr. Mayor where the city is coming from on it. There's some, when you do, and I guess we are talking a digital sign of some nature.

Mayor Webster: Yes.

Mr. Okum: There is some review of the safety issues on distance from the edge of the property and closeness to an intersection and how is that process going to be done by the city? I mean we have staff that reviews where a business puts a sign on the corner so just to help the process so I understand, I mean would you run it by Don Shvezgda's office and say hey look we are going to put a sign on the corner here, is that too close or is Mr. Taylor's office going to review it and say okay it is less than 30 feet from the corner of the intersection, that type of thing?

Mayor Webster: Well we hadn't thought about that but if that is one of the stipulations that it has to be 30 feet from an intersection.

Mr. Okum: Well I don't know where it should be usually you have professions.

Chairman Darby: I would assume that somewhere along the line this is the code language there would be procedures in place. Mr. Taylor you would have to do them.

Mr. Taylor: Correct. I mean the language is meant to address the permissibility of it. I think functionally probably our Public Works department is really the likely person that is going to end up being responsible for this because they are responsible for maintaining our right of way. I would think if there is any questions in terms of safety of anything like that they would run that by either the City Engineer's office or the Building Department or both.

Chairman Darby: Mr. Ramirez.

Mr. Ramirez: Thank you Mr. Chairman. I like the idea having signage throughout different parts of the community. I was just wondering if maybe some restrictions should be put on the City such as, are these going to be operated by diesel and create noise in a residential area, are they going to be flashing on and off active messages.

Mayor Webster: No, they would not be flashing on and off.

Mr. Ramirez: Streaming messages maybe.

Mayor Webster: I can't imagine that. I guess we could have streaming messages but I see it more of a static type thing. Sign-ups Rec. Center.

Mr. Okum: We have standards in our digital sign code. Change of message. That section of the code should probably be inserted into the requirement so that the city complies to the same standards that we hold our businesses to. You agree with that I know.

Mr. Ramirez: That was my thought. So, we have some standards for the city. Can we put up a 50' x 50' sign. There nothing, there is no restriction there either. Just comments.

Mayor Webster: Amanda is Derrick's assistant, Assistant City Administrator and she's like me, she thinks it is strictly going to be static, there would not be streaming going on. Right now, I don't think there are restrictions on the police where they put that and this would be the same type sign that you see the police have out at various locations.

Mr. Okum: You mean where they tell us we are going 30 miles per hour in a 25 zone.

Mayor Webster: Right.

Chairman Darby: I never drive that fast in the city.

Mr. Okum: Mr. Chairman, I think it is a great idea. I just, you know the city should live by the same standards that we put on any business as in regards to the content, not content, but the changing and I understand what you're trying to do Mr. Mayor but something should be in our code that says that we live by the same standard that we put our businesses to. Besides that, I think it is a great idea.

Mayor Webster: I don't have a problem with that. I think that's fine.

Chairman Darby: Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. I just want to make sure with regard to the last comment in terms of the City's going to go by the same standards as the businesses. We are talking about the type of sign because the thing that there is not an interest in are businesses putting out temporary signs outside and so from that stand point we don't want to go down that road but the comment I guess is saying hey we want to make sure that with regard to the electronic signs you want the city to go by the same standards as the electronic signs that anybody else would in the code?

Mr. Okum: That is correct.

Mayor Webster: I think we would want the ability to put these in residential areas. Ok so.

Mr. Okum: I think the city owns the property from one foot from the sidewalk in so it is the City's property anyway and I think permitting, obviously, you want them in the residential areas where it is not ordinary. But our sign regulations call for diming under, automatic diming at night and it calls for, it does call for a size and I think Mr. Ramirez, there should be a size not to exceed so many square feet. Those kinds of things just standard stuff. But we should try to get that into there so that if a business were to say, well the City of Springdale is doing this and you can say well we are living by the same standards. Well as far as the residential district is concerned that's challenging but its important to get the message there.

Mrs. Zimmerlin: Yes, sir and I totally agree but if I could refocus the conversation. What we are asking tonight is just to have permission to do it, everything else is ancillary and we can deal with that.

Chairman Darby: It will be developed.

Mr. Okum: Not necessarily. This is the section of the code so this section of the code should reflect and be referenced to, and it's going to be in our sign code it because its 153.461 under our temporary signs so it should, there should on the chart under temporary signs it should tie, there should be size, there should be changing, it should reference in this section and staff can take care of this. It should reference in that section how this ties to our digital sign regulations. I don't have any problem at all as a recommending body to the Council that is going to vote on this that we do this and we do it with those considerations. I think everyone shaking their head, we need to be, but

we do understand as a city that there may be some challenges from a business that is located next to a residence, okay, that is going to be seeing a sign that we put up and they are going to go and challenge, not challenge but question, well if the City is doing it why can't I. So, we always have to be concerned about how we address that and public information is very important.

Mayor Webster: Mrs. McBride reminds me that our legal department and all of you have that? Is there something in here you disagree with?

Mr. Okum: Not a thing except adding those additional conditions.

Chairman Darby: There is one thing in here that is problematic. Based on what Mr. Okum just said. If you look at item three. Lighting shall be prohibited for temporary signs unless they are the City's signs. That is not what he is saying. Am I correct?

Mr. Okum: It's referencing temporary signs. Or code currently does not allow lighting of temporary signs.

Chairman Darby: Unless it's the City.

Mr. Okum: Right. Separating ourselves out.

Chairman Darby: Mrs. McBride.

Mrs. McBride: Thank you. Couple of things. I am looking at the temporary signs. I'm sorry I was looking for the one for. Yeah. Forget that comment. When you are talking about implementing the standards that are in 153.460(B) which are our electronic sign standards, the problem that I see with that is number seven of this exempts the city from getting a permit, so there is no review of this sign. So, you can put the standard in but there's no way to implement those. See what I'm saying?

Mr. Okum: That's weird.

Mayor Webster: I think if you want to write something that is going to put the Cities signage on the same level as a business then we really don't need it if we have to apply to the present business code, which is totally inadequate for what we have in mind here. So, we are asking for something special, something different.

Chairman Darby: Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. I think that the point is, we went through these discussions in Council meetings some time ago and some of that was brought by the Mayor and Administration to say let's put something in the code so that we are not just out doing whatever that is contrary to what we actually have in the code. So, there was some argument, I think I'd said it, it's Cities property they can do whatever the heck they want to do with it in theory. Because it is only going to answer to the City. Now, I think the thought was let's try to tailor our behavior so that we don't have someone coming up saying well the City's doing something else that we can't do. That's the idea of putting this into the code. The other part of that and there was some discussion and I don't recall if that was during a meeting or not in terms of the legal side of we're going to allow the City to do something else per code different than a business or other resident. Legally I think you can get into, and Mr. Forbes would have gone through and reviewed this stuff if there is a rational basis or a compelling interest or an important interest to limit or separate or differentiate the rights of one entity or another, you can do that. So, there's definitely, at a minimum a rational basis for the City to need to get information out to residents. I think you could argue there's a compelling interest to be able to get information out to residents and that as a government entity they would set separate and apart than the other residents or the business community and therefore; would have different restrictions or fewer restrictions than them. That's part of the thought process with regard to this. It's not really to say the City is going to act in the same way that a business or resident is going to act because the City has more compelling interest in terms of notifying residents of information than the person who

has a business who's trying to sell, who's trying to market. That's not, the City's interest can be greater than that and more important than that, as such either if you want to look at limiting resident's right or limiting businesses rights or opening a door more to the City's rights there is a compelling reason to do that or an important interest in doing that. So, that is part of the legal side of it and I am assuming that Mr. Forbes went through that based on some of the discussions we have had. So, it's not, I don't think anybody is going to jump up and down if we say there got to be or there is a recommendation there should be a size to it or what have you but it really is, it's one of those things, the City could probably go and do it. I don't know who is going to say something but I guess if someone wants to go to Federal court and try to bring an action but I think even without this there probably can be an argument drafted that there is a compelling interest or at least an important interest for the City to act differently than others with regard to their rights of free speech and it's probably defensible. So, what we are trying to do is say hey let's codify this and try to be open about it opposed to just, the City just going and doing whatever it wants to do. Just trying to make sure the commission gets a little bit additional input from what was sort of discussed I think at one of the Council meetings when we were going over talking about this idea.

Mayor Webster: I think the biggest difference is that the business community wants to make a profit and all we want to do is tell people what is available to them.

Mr. Okum: I mean you could use it for Kenn Road's resurfacing program information. Or a creek, the bridge is out.

Chairman Darby: I think we are ready.

Mr. Okum: I guess. I just had a question. Then we are not going to reference any other sections of the code that the City's agreeing to comply to. We are not going to do that?

Chairman Darby: I think we are referencing this document.

Mr. Okum: That's it.

Chairman Darby: Right.

Mr. Okum: Mr. Hall's got his light.

Chairman Darby: Mr. Hall.

Mr. Hall: Mr. Okum, he thinks that the other section of the Codified Ordinances should be in here but it is pretty clear that in sections three, four, five and seven that the City would be exempt from the other section that referenced that and it isn't that, I thinking we are totally being transparent here. That the City has the prerogative to do that as governmental agency and I concur wholeheartedly with Mr. Hawkins on his comments but I don't see where this document has to reference the other sign statute anywhere because it is, the City is only exempt from these three, four sections here, which that is just my feeling on it.

Chairman Darby: I think we are ready for a motion.

Mr. Okum: Mr. Chairman I would like to refer to City Council the Section 153.461 Temporary Sign modification standards for the City of Springdale.

Mr. Ramirez: 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 the roll and the motion was approved with a vote of 6-0)

Mayor Webster: Thank you very much. Appreciate it.

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Chairman Darby: Can I get my anniversary on the sign when you get it.

Mr. Okum: That is public interest.

IX. DISCUSSION

Chairman Darby: Mr. Taylor.

Mr. Taylor: Thank you Mr. Chairman. There was a request a while back for some training for Planning Commission and BZA. We have sort of settled on a date which will be April 3rd. Time I am guessing 5:30 or 6:00pm in the evening. The idea is that it would be sort of a joint training and then separate into two separate groups if you will where BZA would get some training more specific to them and Planning Commission would be more specific to what you all do but the idea was that we would get together as a group so that everybody can sort of understand how all of the parts and pieces fit together. Mr. Dale from Mrs. McBride's office and Mr. Forbes are going to be conducting the training.

Chairman Darby: You'll send the information? You will send something out?

Mr. Taylor: Yes sir.

Chairman Darby: Thank you.

X. CHAIRMAN'S REPORT - None.

XI. ADJOURNMENT

Mr. Ramirez: Move to adjourn.

Mr. Hall: Second.

Chairman Darby: It has been and seconded that we adjourn. We are out of here.

Respectfully submitted,

_____, 2018 _____
Don Darby, Chairman

_____, 2018 _____
Richard Bauer, Secretary