

PLANNING COMMISSION MEETING
JULY 13, 2015
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, Marge Boice, Don Darby, Robert Diehl, Carolyn Ghantous, Marjorie Harlow, Dave Okum

Others Present: Jonathan Woche, City Planner; Don Shvegza, City Engineer; Gregg Taylor, Building Official

III. MINUTES OF THE REGULAR MEETING OF JUNE 9, 2015

Chairman Darby: At this time the Chair will accept the motion to adopt the Minutes of our previous meeting of June 9, 2015.

Mrs. Boice: So moved. (Mr. Okum seconded the motion. With seven "aye" votes, the June 9, 2015 Minutes were approved as submitted.)

IV. REPORT ON COUNCIL

Mrs. Harlow provided a summary report of the June 17th, 2015 City of Springdale City Council meeting.

V. CORRESPONDENCE

Chairman Darby: In the correspondence, there are two items in your packet. You should have the draft copy of the City of Springdale, Ohio, Zoning Code update. There will be more to follow on that. The second document in the packet is a letter from Patty Grist and one of our members, Mrs. Boice, would like to make comments about that.

Mrs. Boice: Thank you, Mr. Chairman. I read that letter with great interest – in fact, I read it a couple of times. It was very well put together - a beautiful plan laid out, planned very well. Unfortunately, I think you all are aware, and I'm sure that you keep up with the news probably better than a lot of us, that Governor Kasich keeps saying how he has balanced the State of Ohio budget and yes, he has - but he did that on the backs of all the cities in Ohio. We are not getting the funds from the State of Ohio that we used to get. It was just in the paper the other day that in several years, I believe, he plans on cutting back on money that's going to go to the schools so that is going to hurt, of course, because we know that means taxes, levies, because we want a good educational system. So basically, what I'm saying - I would love to see something like this; we all would. We have a beautiful recreation center, which many of you avail yourselves of and I'm very glad that you do, but for us to number one, buy the property; number two, staff it; and most important - keeping it up would just absolutely be like running two recreation centers and that just I don't think there's a city surrounding us of our size that would be able to keep up with that. We are operating on, I just talked to the Mayor briefly, - I'm not going to quote figures, but certainly at less money that we have in years past. You only need to look around Springdale and see many of the empty store fronts which we are working diligently to fill to increase our tax base, but as I said, it's a beautiful idea. I wish I had that kind of thinking process and I thank you for the letter but I did feel that someone here needed to talk about it. Very often we get correspondence and the Chairman will say did you get the correspondence and everybody would say yes, we got the correspondence and that is where it stops. That's why I asked the Chairman earlier, before the meeting, if I could have a few minutes to address this. So again, super idea but just not feasible. There is no way this city could afford to buy it, maintain it, staff it, and still have all of the other services that the city offers such as Fire Department, Health Department, your Recreation Center, which I think is second to none. So thank you for the ideas - wish we could fulfill it, but I don't think that's going to happen. Thank you.

Chairman Darby: Thank you very much Mrs. Boice.

VI. OLD BUSINESS

Major Modification to PUD – Tri-County Commerce Park – 12100 Princeton Pike – GEEAA Park

Chairman Darby: Representatives, please come to the podium. Let me say at this time - as has been our protocol throughout this process, we will allow residents to speak and I have slated you in after we have staff reports, so we haven't forgotten about you.

Mr. Dragon: Good evening. My name again is Steve Dragon. I'm with Vandercar. We are the developer of the proposed Tri-County Commerce Park project at the GEEAA Employee Park and Golf Course property. We also have with us tonight representatives of our engineering consultant, Kleingers Associates, and Rob Smyjunas, President and CEO of Vandercar is with us as well. I'd be happy to answer your questions and address any issues you would like us to address. I would like to once again thank city staff for their efforts in assisting us over the course of the last month since our last meeting. We have spent the last month working very diligently with staff, at your direction, to address all of the comments that we've heard here at the meeting and in their staff report. We've attended a number of meetings with staff to discuss various aspects of the project and we've been including onsite meetings to review buffer yard areas and existing treed areas and all sorts of detailed information related to the site and the potential site development. We have, as was requested, completed detailed planning plans for the landscape buffer yard areas adjacent to the existing residential uses, both along the eastern property line at Heritage Hills and surrounding the existing condos at the Crossings in the Park. We submitted an updated set of plans on July 2nd and our intent with those, and I think we were largely successful, was to address each and every one of the Building staff's, the Engineering staff's and the Planning staff's comments. I hope staff would agree we made a lot of progress towards that end. They did provide us with some comments, here a few days ago on Friday. There's still a number of pages in those comments I would say that I believe most of those comments are explanatory in nature. There are still some outstanding items that are left to, obviously, the discretion of the Planning Commission and that will still need to be addressed but I think, in general, we've addressed all the planning comments to the extent we're able. We are happy to answer any questions you might have with regard to any of those issues.

There are a couple of things I would like to take an opportunity to address specifically this evening before I turn it over to staff to review their comments. These are items that we perceive are the most critical to the feasibility of the project, both from our perspective and from the city's perspective. The first of which - we've heard some comments generally from Commission members and from the public, concerns about the intensity of the development proposed and I just wanted to address that with you this evening. I'll try to keep it brief. The Development Plan, we've had a number of discussions about building setbacks. Just to confirm, we have moved the building setback along Crescentville Road to 75', which is what I believed what was requested of us. When we were developing this plan, we focused much of our intention on what we felt, and what the city was telling us, were the most critical areas of concern; those being the boundaries where we were abutting existing residential uses. Those are highlighted here (indicating on overhead). Of course as I say, on this plan, north being to the right - this is Crescentville Road, this is 747, the railroad here, I-275, so north being to the right side of the plan. These are the areas where the property abuts the existing condo development and this is the eastern property line, where it abuts the existing residential uses of Heritage Hill. In looking at building setbacks, just looking at the underlying code for industrial and office uses in the City of Springdale, the areas highlighted in pink or orange here are what would be required under the underlying code. As you can see, for office uses against residential, it typically would be a 50' setback. For industrial uses against residential, it would be 100' building setback. So in those areas we tried to bolster what's being provided in the office areas here; we're providing nominally 100' against the residential to the east, we're providing 125'. Effectively, because of the constraints of the site, in the Development Plan, there's much more significant setbacks from much of those residences. What's probably more important than the building setbacks though, are the buffer yards. Again,

trying to address those areas specifically, under the underlying zoning for industrial and office buildings in the City of Springdale, where those uses abut residential use, these green-highlighted areas would reflect what would be the minimum requirements of those buffer yards - 50' of buffer yard along the boundary between industrial use and residential use and then 15' between office use and residential use. Not that those are appropriate in this case, but those are the underlying zoning guidelines for buffer yard provision. In an instance such as this, we have significantly exceeded that, with the buffer yard plan here. Again, in particular, along this eastern property line, we're providing not only 125' building setback, but that full 125' is dedicated to buffer yard, so that buffer yard is, in effect, 250% of the minimum requirement for industrial against residential. We're providing a large earthen mound in that area, averaging over 12'. For most of it, it's over eight feet and averaging well over 12' for the length of it. As we reviewed the property with the city's landscape architect, we've also provided extensive buffer yards around the Crossings property - minimum width being 75', so again, 50% greater than what would be minimally required for industrial against residential, but on average, well over 150' around the entire perimeter of the Crossings property. Again, maintaining existing trees where possible, supplemented with extensive planting and mounding wherever possible.

I would also like to address one comment that was made at one point in the discussion. It was stated that the required green space in underlying zonings for office and industrial was a minimum of 30% and I think we had shown an open space calculation of approximately 25% with this plan. Essentially, this is the 25% that we provided as open space; we were trying to be consistent with what we perceived the city's definition of open space, that being "a large contiguous areas of connected open area", so this is the 25%. Green space is a different concept in the Zoning Code. The 30% green space requirement, it refers to any green areas, so any sort of nonpervious area - any nonbuilding or pavement areas. So I wanted to clarify that - when you are looking at green space for this project as proposed, we are really much closer to 45% total green space, so in terms of overall intensity of the project, we're well over 50% less intense than the maximum intensity that would be provided under those straight zoning provisions. In terms of intensity, we believe it's an appropriate project. We've attempted to concentrate those green areas, massing them adjacent to the residential uses to provide visual buffering and noise mitigation and we think it's an effective plan that can accomplish both of those goals.

I wanted to also address the outdoor storage yard. We had been asked to show more information with regard to views from the east into that outdoor storage area. Again, this is looking across the 125' buffer yard. The mounding through that area is on the order of 25, 20' above the elevation of the adjacent residences. So sight lines through that area, particularly given the extensive landscaping that's proposed and that's been submitted, will effectively hide any storage in that yard from those residences. We feel like, with 125' feet of buffer yard, a 20' mound, and extensive plantings, the noise attenuation will be accomplished as well. A mound of this size, given the geometrics of the plan, should safely be able to reduce any noise emanating from the storage yard by anywhere from five to ten decibels. As a guideline, a reduction in five decibels is the equivalent of cutting the sound, the loudness, in half. So it's a significant reduction, that doesn't even account for any of the landscaping - that's only an attenuation based on just the earthen mound itself and that's based uses being right in that adjacent area, where it's obviously the average activity is going to be much more removed the residential properties. We feel confident that the project will be in compliance with the city's noise ordinance and, in an effort to help address some of the additional concerns we've heard from staff and from Council, we would agree to eliminate the use of any audible back-up devices on any equipment that normally operates in that outdoor storage yard, so any loading/unloading equipment, fork trucks, etc. that would be out there would use visual warning devices and not audible warning devices so there wouldn't be that beeping continuously in that area. Again, we have gone through, we've done a survey of the existing vegetation all along the property line of Heritage Hills and also along the common boundary line with the Crossings Condominium Association, to identify the trees that would remain. We did that in concert with the city's landscape architect and provided that information to the city. In addition, we provided detailed Landscaping Plans for the north area along Heritage Hills; this is the southerly area down along Heritage Hills and also for the areas that along the condo association on both the north and the east condo association to buffer between

those uses. There was a question from staff – there's one area that's a pinch point that we had addressed where we're not able to continue a double row of evergreen trees but instead we're going to do a single row of evergreens with about an 80' length of stimulated stone fence. There was a question about what that material would look like so I brought some images with us for that (on overhead screen). This is the fence product that would be installed in that area. Again, it's a composite plastic product, very durable, very low maintenance. Very good in terms of sound attenuation and also very attractive and with the landscaping up on the condo side, it should be a very attractive-looking feature. With that said, we'd be happy to answer any other questions you have regarding our submittal or any other issues you would like us to address at this time.

Chairman Darby: We'll hold off on our questions until after we've had our staff reports. I'm going to go over Mr. Wocher, standing in for Mrs. McBride.

Mr. Wocher: Thank you. My name is Jonathan Wocher; I am sitting in for Anne McBride. I know that she has had extensive discussions and participation in this process. Unfortunately she was not able to attend. I did attend the staff pre-conference with the Planning Commission Chairman. Mr. Wocher commented that he would provide a summary of the City Planner's report but that he would be happy to go into additional detail if desired. Mr. Wocher agreed that progress had been made by the Applicant since the last meeting. Mr. Wocher read the City Planner's report.

Mr. Shvezda provided the City Engineer report, highlighting the Traffic Study, which was acceptable in its' final form.

Mr. Taylor provided his staff report, including the Tree Replacement Ordinance.

Chairman Darby: Since that issue of the noise has come up, let's get that explanation at this time, if we could, from the developer.

Mr. Dragon: Again, these are the sections cut through the area of the east side buffer that would be adjacent to the storage yard as proposed. We analyzed those for mitigation for sound attenuation and again, we believe comfortably, that it would be in excess of five decibels of attenuation with the earthen mound alone, possibly to the point of ten decibels including the landscaping and in several where the mound is higher than was analyzed. And again, as a rule of thumb, OSHA uses a five decibel reduction in sound as effectively cutting the loudness of the sound in half, so it's a significant attenuation. We did attempt to give an idea of some of the noise levels that might be expected. Currently, there are lawn tractors and lawn mowers operating immediately adjacent to the property for the operations of the golf course, often early in the morning, though obviously not overnight. Those range in decibel levels somewhere north of 90 decibels - 95 decibels for a lawnmower at a distance of 100 feet is a typical number and potentially in excess of 100 decibels for a lawn tractor at 100 feet. In reviewing available information, the noise that might be generated by a group of tractor-trailers, moving through that storage yard - 25 at an average distance of 300 feet from the property would amount to decibel level of 55 decibels, so significantly lower than the levels of lawn equipment and again, that's without any attenuation - that's just the sound emanating from those vehicles without any disruption of the sound, so without the berm in place. Obviously, the berm would reduce that to 45 decibels. Then, the diesel fork trucks that would operate in the yard would admit approximately a 60 dB level at a distance of 200 feet, which would be about the minimum distance that those would be from the residences adjacent; again, quite a bit lower than what the mowing equipment would emanate. Just to give you a sense of perspective on decibel levels, we've included a brief list of sort of other familiar sounds that you might hear (overhead): rustling leaves, 40 dB; rainfall, would be 50 dBs at a minimum; a normal conversation varies between 50 & 65 dBs; an automobile passing at 60 feet is 70db and a garbage truck passing would be 80 dB, so that gives you just a point of perspective of where the sound that you could expect to be generated from the outdoor storage yard might fit in with those kind of conditions.

I would offer that the building that's proposed, that's Building #1, is intended for a specific user. That user does operate three shifts but a much reduced operation during the evening hours. I actually have a representative of the potential user here this evening and

in fact I would like to invite Mr. Don Sweeney up to just address specifically how they would intend to operate in that outdoor facility; give you a sense of their operation and experience they've had at other sites across the country for these kind of facilities.

Mr. Swain: Thank you. Good evening. Don Swain of Ferguson Enterprises. I don't know how many people are familiar with Ferguson but we have several locations in and around the Cincinnati area. I've been there since 1980 when we had 23 locations; we did 200 million in sales. Today we have 1400 locations; we do in excess of 11.5. So what we propose to do is to move some of our operations into this new space, approximately 162 jobs we will transfer. Our payroll tax for last year was \$45M for these two operations. We invested approximately \$20M - that's what we're looking at. We operate in a lot of areas. We realize that we're only as strong as the communities we operate in so we reach out - we're good corporate citizens. The last thing we want to do is try to push ourselves into some situation and be offensive. As you see it on the plans for the buildings what we have essentially done is the grades go severely from the Crescentville to the interstate so we're dropping the building down, the grades down and then we're coming up with a berm. We're using the building to screen the storage yard and the loading operations from Crescentville. We're also using landscaping and natural things to the sound barriers. We think our impacts will be significantly reduced by the buffers and the trees that we're placing in there and we will work with community to continue to monitor and try to be good citizens.

Chairman Darby: While you're here, since it's been mentioned, would you describe the flasher system versus the audible system?

Mr. Swain: For OSHA, they want beepers and flashing for when trucks and things, lift trucks are backing up. We can disconnect the beeper sound so it would be a low strobe - that's on the equipment when it's operating and that's just a safety you can't get past. You have got to have something to satisfy OSHA and that will do it. We're doing a distribution center right now in Green County, New York, and that's exactly what we're doing there - we disconnected the beepers and it seems to work for everyone.

Chairman Darby: Does anyone else have question for this gentleman while he's here?

Mr. Okum: Just a quick question, sir. Would you be in violation of OSHA standards by not having the audible device running?

Mr. Swain: No, we will be in compliance.

Mr. Okum: So if you were cited by OSHA for not having an audible device operating, how would you mitigate the issue when you're already in place?

Mr. Swain: We won't be. We currently operate that way and we haven't had any issues and we have OSHA in on a monthly basis, I guess, for most of our operations.

Mr. Okum: Thank you very much.

Mr. Diehl: I have one quick question - do you operate 24 hours a day?

Mr. Swain: Currently, the operations we're going to move, or we propose to move, are running three shifts. The shift from ten to six is a three-man operation. We have this industrial group reaches all the way out to Pittsburgh, Charleston, West Virginia, so we take orders up until 5 p.m. and we have to turn those trucks back around on a daily basis. The material is staged and when the trucks come in, we place them on there and send them back out.

Mr. Diehl: So you really just have a skeleton staff overnight?

Mr. Swain: Yes, it's a very reduced staff.

Mr. Bauer: Just to expound on that - so your third shift operation, there's three people?

Mr. Swain: There's currently three people.

Mr. Bauer: The difference between that and the first shift operation is?

Mr. Swain: Well, there's 162 associates that we have currently, so that's considerable.

Mr. Bauer: Thank you.

Mrs. Harlow: Sir, I had a question about your receiving dock - is that going to be open during the evening and overnight hours?

Mr. Swain: Yes.

Mrs. Harlow: for like big semis?

Mr. Swain: We are a very limited user - our truck fleet is currently 10 big flat beds and twelve box trucks. During a day's time for shipping and receiving, our normal shipping and receiving will only occur during the 07:00 a.m. to 5:00 p.m., mostly in the morning between 07:00 and 10:00. We anticipate 20 trips per day. Our operation is to service our branches and our customers; it's not a trucking terminal. It's not an excessive amount of trucks in and out on a daily basis. It's very low, if you look at most operations. The materials that we sell - we don't manufacture anything - the materials that we sell are there's no dust; there's pipe, there's faucets, air conditioning equipment, hydrants for water works.

Mrs. Harlow: Can you tell me about how you plan on utilizing the outdoor storage areas?

Mr. Swain: Well, we sell materials that are very large and difficult - they take up a lot of space and take a lot of room to turn them. In the outside area will be mainly for pipe storage and will be pipe that's 6" up to 30". The best way to handle that is to lay it down in the yard where you can safely manipulate the materials, whether it be receive it or ship it.

Mrs. Harlow: What is your standard height for storage of materials in your outside yard?

Mr. Swain: Well, you can't stack it but so high before it falls down. It varies.

Mrs. Harlow: Do you have container storage out there?

Mr. Swain: Not normally. That typically means we need to expand the operation. We've had to resort to trailers because we have lack of warehouse spaces but I think the initial building is around 280,000 feet. We anticipate that will take care of our growth for at least five years.

Mrs. Harlow: You don't have a show room attached to this building, do you?

Mr. Swain: No Ma'am. This will have a sales counter.

Mrs. Harlow: A sales counter for your plumbers and guys coming in like that?

Mr. Swain: Right, it's more like a, we call it express is our brand name for it, but it's basically a hardware store that is geared to mechanical and the plumbing trades.

Mrs. Harlow: Okay. Thank you very much.

Mr. Okum: Just a couple more questions. Obviously, longevity and period of time are speculative and not etched in stone, but you obviously have a long-term agreement for this site?

Mr. Swain: We are going to purchase and own this site. This will be a permanent home for the plumbing and industrial operations for Ferguson.

Mr. Okum: So I guess the next question is, is do you currently load and unload semis in the storage yard areas?

Mr. Swain: Yes.

Mr. Okum: I would expect you would because there's pipe coming off the trucks. I guess the next item is, is are there other facilities that you've got that you're using as this type of operation in the U.S. that are all enclosed and not external storage?

Mr. Swain: For outside storage? Once you get into the really large diameter, the answer to that would be no. It's really impractical.

Mr. Okum: And how big of a geographical area will this facility service?

Mr. Swain: It's mainly our locations, but the Industrial Group is mainly Ohio Valley but our main distribution center is in Mercer County for this region but the Industrial Group reaches as far out as Pittsburgh or Charleston, West Virginia.

Mr. Okum: To be potentially serviced out of this facility?

Mr. Swain: Yes.

Mr. Okum: Thank you very much. I really appreciate you coming and speaking to us, sir.

Chairman Darby: Thank you sir. At this time, are there any other questions from the Commission?

Mr. Diehl: Jonathan, I listened to your report - has there been any major issues not addressed by the Applicant?

Mr. Woche: Most of the items have been addressed as far as responses being provided. There are really three categories that I think the staff report focuses on. One is the height of the building, in particular in proximity to the eastern property line, so the 48' height and is that appropriate in that location. Again, the Applicant has provided that information, so it's available to us. The second and third kind of go together and that has to do with the noise and the outdoor storage. The Applicant has provided the information that we've asked for. There are still some concerns about the proximity of the proposed storage yard in relation to the residential. They have provided details about the buffer and the mounding, provided the details we asked for. There's still some concerns about whether that outdoor storage is the right location on the property and the impact that might have so really the noise and the storage kind of go together. I guess to answer your question, there's not outstanding information that we're waiting to obtain but those are the three items that we feel Planning Commission should focus on.

Mr. Diehl: Don, same question to you.

Mr. Shvezda: Basically the Applicant has submitted information noting that he's agreed to the different standards that we've looked at for storm water management; the aspect of the Traffic Study has been satisfactorily addressed so I guess the answer is all the questions and concerns have been responded to.

Mr. Diehl: Thank you.

Chairman Darby: At this time, we're going to allow members of the public to address this commission and I ask if you would come forward, identify yourself, and just share with us.

Mr. Colegrove: My name is Ralph Colegrove. I live at 758 Ledro Street in Heritage Hill. I have lived in Heritage Hill, when I got out of the service in 1965, and I'm still there. About 1987, we went through this whole thing again. Through that period of time, my life was threatened by that group of people that did that; I was offered a bribe; my kids were followed by detectives and intimidated; and I also found bugs in my house and they weren't termites. I hope that this issue doesn't come to that. Unfortunately this year we

don't have any attorneys like we had, the Shopco situation. It's just a small group of here that's asking you people to take a look at what this concrete mess will do. You saw on the screen there where the proposal is. I want you to look at GE Park as it is now. Does the city really want something like that? Is money that important – the revenue that you would receive off of that? When you hear these proposals about decibels, lawnmowers. Lawn mowers don't run seven days a week. When they cut that grass there, it's probably one day a week. They can make all the promises they want. But that doesn't make it so. It's very disappointing to me to look at all of you up there because none of you live there, so consequently how would you like something like that in your back yard? There's absolutely no more green space really left in Springdale. I've been fortunate enough to have done a lot of things in Springdale. I've been involved in a lot of things. The last thing I've been involved in was working for the Springdale Police Academy; it's a volunteer job. I had the privilege of going around to all of the businesses – there's two of us, we visited them once a year to get the night numbers. One of the biggest concerns of the people I'm fortunate enough to talk to the people that run the businesses, own the businesses. As some of you know, I talk a lot, I could probably be up here until midnight but I promise I won't bore you that long. But one of their biggest concerns is always been this traffic. That was one of the big things when Shopco came in – that is one of my big concerns too. Going back there in their semi trucks is going in and out of that facility. Another issue I'd like to bring up, I am not an animal activist. That park is full of animals – where are they going to end up? I'll tell you where they're going to end up. They're going to end up in the property owners of Heritage Hill; some of them will. We have enough squirrels now I could start a squirrel farm. I don't shoot them. My wife constantly hollers at them. I think they know her by name now. But where are they going to go – is that an issue? You take a look at the empty properties in Springdale because, as I say, I visit them. I have to write reports on them when I do that: Container Corporation: GE – all the area there; take a look at Tri-County shopping center, for an example – they're ¼ empty. I know there's been a proposal to make that area big again. It's not going to happen, not when you got Liberty Way opening up. It may be better; I might say that. We have an Economic Director here, newly, I guess she's up here. Is one of you the Economic Director?

Chairman Darby: She's here.

Mr. Colegrove: Who?

Chairman Darby: She's always here.

Mr. Colegrove: Oh, back there. Hi there, nice to meet you. She hasn't been on staff long enough to really do a job that she probably needs to do but before you consider this proposal, please look at other options available. I'm not naïve enough to believe that property is always going to be a golf course. You can see it from what has happened over the years but please, I ask you - as a property owner, and a citizen, and whatever else you want to call me, take a look at all of this concrete that's going to go in GE Park. Thank you.

Chairman Darby: Thank you. Sir, I don't speak from experience, but there are those who say squirrels are pretty tasty. (laughter)

Mr. Vanover: Tom Vanover, 11982 Tavel Court. Before I get started, pass this out please. While that's circulating, first a couple of comments. Mr. Okum, I'm with you. You deal with codes; I deal with codes and I've had contractors promise a lot of things but the end result is the code is what is my Bible and what I have to abide to. For example, in my world, if smoke detectors have to be a combination carbon monoxide smoke detectors, I've got to do it - regardless of what the cost is, what they buyer may want; that's what I have to because my livelihood is at stake with that. The flashing lights – I can't imagine a flashing light is going to necessarily catch the attention of somebody when he's within ear shout from here to me to you of a diesel just idling. Those decibel levels they were talking about is at a constant speed operation and I don't know many of you have been in a yard and see them jockey trailers or fork lifts around - it's not a constant slow speed – acceleration, stop, move it around. We'll see decibel levels over and above what that is. For the noise mitigation, I don't know. You've got this huge 48' structure, if it goes in, that's going to reflect any sound back out. That's just like our lovely sound walls – we found out that all they did was relocate the sound to other areas because it allowed it to

amplify itself within that chamber. The look, too – come down Crescentville Road, if you go east on Crescentville Road, you get down towards I still call it the Kraft warehouse, it's almost like being in the canyon on I-75 going through Lockland. You just have this huge structure – ugly, and you've got a church across the street, you've got residents across the street, really is this what we want? The 24/7 operation, that's a problem. Traffic – Mr. Shvezgda, I respect you immensely, but I will argue to no end that we will see increased traffic on 747 because I know and you can ask anybody that travels that road, if you're going 75 North, you go back and pick up International and go through Union Centre; you bypass a big chunk of traffic. If you're going I-71, you go Crescentville Road to Mosteller and get on 275 over there. So you bypass this section up here. It's common sense - we are creatures of least resistance. Go back on Mosteller Road and look at the truck traffic, especially in the morning or in the evening and tell me that they don't take that route – they will.

The other thing, and what you have before you, I have gone through the Hamilton County Auditor's page and looked up the market value from every house on Ledro, from 840 Ledro, which is right at the corner of Ledro and Tavel, up to 978 Ledro is up in the Tivoli break up there. I broke it out from the park side, the people that are going to be directly affected and the interior. With the exception of about five homes, every one of the park-side properties have a higher market value. I would throw out that, and it's not because the houses are bigger or anything else - you've got a park behind you. It's worth something to you, the property owner, to a buyer. That anomaly of the higher property on they happened to be on Ledro, the odd side, those were all sold at the peak of the real estate market before it took a hit. Actually, if you go through here, there's one – 11976 Tavel Court, that's a rental property now. He bought that at \$44,000 just a couple of years ago. We have an increased number of rental properties through this section on Ledro as we do throughout Heritage Hill. This is going to have a huge effect, on the residents that have spent their time; I've been there 33 years. Come up and speak; don't leave me up here to speak for you. This is going to be in effect. Mr. Colegrove mentioned it and he kind of stole some of my thunder, because that was one of the questions that I propose to you – how would you feel if this was in your backyard? I'm sure it wouldn't be in their backyard. We still, and some of you are in Oxford/Beacon Hills, we still have 100 acres over here that bridges Springdale Lake Drive in the backside. You could be looking at this up there, if they do PUD. Do we want to put industrial or commercial up there, amongst those? Those people bought with that vacant land up there. We don't know that it's going to sell any time soon, but much like Mr. Colegrove admitted, and I admit, that golf course will not stay there forever. I golf. I see the shape that the industry's in and it's not pretty. You can look at all of the golf courses around – Weatherwax, City of Middletown owns, it's for sale. Pleasant Hill, up in Middletown/Monroe area, it's for sale. So to sit here, pie in the sky; yeah, I'd love to see that park stay there but it's not going to happen - I know that. But then that brings us back, and as Mr. Colegrove brought up, 27 years ago, this same piece of property, and ironically, I was kind of in the same shape that I'm in now; we're talking about that then was determined that that wasn't the best fit for that piece of property. The city hasn't shriveled up or gone away because of that decision. Matter of fact, the residents were happy and I won't get into the horror stories of what transpired when I got involved. I see Mr. Okum smirking up there. This is affecting us. It could be you, Mr. Diehl, you're up on the other side of the hill. Mr. Bauer, you too; Mr. Darby, you're up there too. It could be your back yard next. Developers throw out the highest and best use. Well, as Mr. Darby so accurately put it - that just means 10 pounds of sugar in a 3-pound bag. They all want as dense as they can get but that's not necessarily the best thing for the city and for the residents. This was a residential area – is and was and hopefully will be but the effect. Walk through the park side, there's 29 homes, the average is \$82,901. The anterior side, there's 23 homes; the average is \$71,844. That means the park side has an \$11,215 increased value and I know it's not because construction because I know the house and actually I'm across the street. I've got neighbors up here that are directly affected. This is something I charge you to look at and think about. We talk quality of life – the noise, the beepers are just a part of it and I can say, my wife was there – we were home one afternoon a couple of weeks ago and they were up in the mulch pile and middle of the day, house closed up, air conditioner on, and we heard the back-up beeper. I'm not complaining, that's total normal operation, but when things quiet down on the third shift and early morning those noises sound. Still, and I fought with Mr. Osborne about the semis up on 275 jake-breaking. I can hear those

windows opened, windows closed, air conditioning on, any time of the day, let alone the little rockets winding out. These are issues. 275 was there, so I can't complain too much, because it was there when I bought. This wasn't. The fumes – you know we've talked noise – what about the fumes from diesel operation? They're going to blow around over there. Rainwater runoff? We're putting this mound up but part of that construction means that the water going to run down the backside of that mound and it's going to channel right down along the property line. At Castro and Ledro, those two homes that abut up against the property, there's ten feet topographical elevation difference between that property line and their house and it's all downhill. We all know where water goes. Lights – a 48' structure, Mr. Okum, your light packs – those now become a nuisance and a protrusion into the people that live along that stretch there. I ask, I plead. I've been where you are. I know what it's like. I have faith in you but really ask yourself is this really the development that we want to put on me and Heritage Hill?

Chairman Darby: Thank you, Tom. Just one word of clarification here, folks. This is not a public hearing, so there was no requirement that it be opened up to the public; however, at the beginning of this process, we sensed that it's a major process and we wanted to make sure that the residents in and around it had an opportunity to hear and be heard. As you noticed, I didn't slam the gavel on Tom. If there is anyone else who wants to speak, please come forward.

Mr. Brockman: My name is Art Brockman; I live at 840 Ledro. I was born and raised in this town, for 71 years. I've seen a lot of changes, a lot, and I would say the majority is good but this is not good. What Mr. Vanover just said was absolute truth. I've been around heavy equipment – trucks, trains, all my life. It's what I did for a living. I know that this decibel thing that came up here is not right and he hit it right on the head – you give it gas, it's louder. When those trucks come into these terminals or to these warehouses, are they going to have the beeper codes off of them when they come in? No. These beacon lights on the back of these tow motors and stuff; I don't know what the gentleman - that's not going to work because it's a safety. If my back is here and that thing is coming towards me and my back is to it, that thing's going around – I'm not going to see that. That's why that beeper's on there. I've been around it. Only I can finish up with this – please don't do this - it's not good.

Chairman Darby: Thank you, sir.

Mr. Sheffield: My name is Sam Sheffield. I live at 222 Edinburgh Lane. I was going to address some of those similar issues that have been addressed from the Heritage Hill people. I moved into my condo in 2007. I paid \$180,000 at the time. Obviously, as a result of Glen Shepherd and the bankruptcy, those units are selling very cheap. My next-door neighbor's house, which is empty, is selling right now for \$124,900. There are two other units on my street selling for \$119,900. There's a unit that was bought and sold just a few months ago sold for \$113,000. I know we did have a housing downturn but I would say the majority of the problems is a result of the decisions that were made here when it came to Glen Shepherd's plan. That was to help GE out because they had falling baseball teams and basically the condo owners were the band-aid, were the fix and it didn't work. The 13 units that were left were sold to 6LLC – they got 13 units plus property. Back in 2007, 2008, you probably could have bought four units for that. None of us moved onto a golf course to eventually have warehouses. What is the City of Springdale going to do to maintain the values of our properties and stop the bleeding? Because there are houses around town that are going in a day or two. Obviously there's some problem. I have neighbors that have been there for a while. When you pull in GE Park now, you see four For Sale signs, not counting the empty units. Obviously, same thing that was addressed already but obviously, the ones that profit from this is obviously the City of Springdale, GEEAA from the profits, and also the developer. Who takes the financial haircut? Your homeowners.

If this process goes through, what will it look like in five or ten years? Even if it goes to the completion? Will there still be residents in those condos or will it just be a blighted area? If you're going to develop that, buy everybody out. Also, when he was talking about the noise - I work for a chemical company and my occupation is a fork lift driver. Every three years, required by OSHA, we watch a film, take a test of work rules related to fork lifts.

Now I do not have, there's like three or four, five manufacturers of fork lifts. The one I have here is Toyota. In a minute I'll read you a paragraph about what they say about noise and back-up. But the type of equipment they use, or talking about using, are the diesel. That is your very heaviest poundage and noisiest piece of equipment – the diesel. I work in Norwood for a chemical company and we use propane and electric for equipment but it won't pick up probably the poundage they want. Where I work, it was about 3,000 pounds but there's a big difference in the noise. The paragraph I wanted to read here: "OSHA states passengers have the right-of-way; therefore operators must constantly be alert – fork lift drivers are required to slow down, sound the horns at doorways, intersections, blind spots, entering or exiting buildings. Approaching pedestrians, you are to sound the horn. If they don't hear the horn, then you are to shut off your piece of equipment. That is a questions that is on the test I take every three years for my employer. I would think that the only way that you could get that would be to get an exemption from OSHA. I don't know if that was checked into or not. A lot of the homeowners may not agree completely with me, but I would say 95% of them that are endorsing this is basically for one reason and for one reason only and that's to get a city-owned roadway. My very last question is when I moved into my condo - at the time, I was married and had a spouse who had health issues. She passed away in 2009. GEEAA would have a monthly flier that went around. I don't know whether they're still doing it lately or not; I don't know the time frame, but GEEAA was selling memorial trees and plaques – have those trees and plaques been accounted for? Have the owners of those trees or their families been contacted? I know that those trees go all through the golf course and also some of them are on front part of the property also. They were very identifiable – you could identify them with the plaques and who they were left in memory of.

Chairman Darby: I cannot answer that; I would have to check with staff on that.

Mr. Sheffield: Thank you. That's all I have.

Chairman Darby: Thank you, sir.

Mrs. Owens: My name is Mary Owens and live at 808 Ledro. I've attended several of these meetings and the first one I came to there was talk about office buildings along with this trucking – I haven't heard any talk about that lately at all. All I've been hearing about is this truck/warehouse, things like that. I can kind of see office buildings going along with homeowners, houses. You know, maybe we should look at that a little more. Talk to us about that. What are you going to do about that? Can we do more medical facilities - I heard somebody say something about a long-term care facility or a nursing home or something? I haven't heard any more about that. It seems like we've all gone industrial here; I was just wondering if the other things are still on the table. Could we do more of the other and less of the industrial?

Chairman Darby: Those things are not a part of the currently submitted plan; that's the best answer I can give you. Now there's office space inside some of these buildings. As far as the care facility you mentioned, that's not active at this time.

Mrs. Owens: So all we're talking is just warehouse - industrial warehouse, that's it then?

Chairman Darby: What has been described.

Mr. Wocher: Just to help clarify, there are nine buildings proposed. Four of the buildings – Buildings 4, 6, 7, and 9 would be office buildings. It's not that we haven't addressed it but those haven't high-lighted in the discussions.

Mrs. Owens: No, they haven't.

Mr. Wocher: And then the senior housing, the Assisted Living that was referred to, that was a planned component of the condominium development, I believe, part of the frontage portion.

Mrs. Owens: So we're not talking the overall plan here now, we're just talking the industrial?

Mr. Wocher: The industrial has four office buildings proposed with it, so there would be four office buildings and five industrial/warehouse buildings.

Mrs. Owens: Alrighty, thanks.

Mr. Elder: Jeffrey K. Elder; I live at 915 Ledro Street; I've been there since June of 2006. I do work in Public Service in government over in West Chester – I understand 100% with industry and the make-up of how cities and government has to work and that the great way to make money is to have 60-70% industrial; the rest of the tax base being on the residents and that puts money in the coffers, keep it less on the residents that are here. So I just have a couple of questions that are just simple. You may be able to answer them, maybe some of the staff, but anyone around from mid-1950's when GE came in and Heritage Hill was developed, pretty much from that standpoint? It's my understanding that houses went up as quick as possible.

Mr. Okum: That's before I was even born.

Mr. Elder: I was not trying to date anybody, at all. In the fact that both two streets – Castro and Albano are stubbed streets, meaning that there is no turnaround, there is no saying this is going to be the end of the subdivision. The golf course and GE was all there. I assume at some point, that General Electric would get to this point, of not being able to operate and get rid of the green space but it looks like the intent was the development of Heritage Hill even more to the west, out toward 747. They're just straight, right now, streets that just stop. So my question is there any history in your guy's minutes one way or the other that say that that was what GE really wanted, eventually, once this park went it's entire life, couldn't keep up a golf course - the employees weren't utilizing it and were ready to go ahead and get rid of it and maybe that's something that if the person that was here last time that's the broker that's trying to sell it for General Electric. Do they have any history?

Chairman Darby: Sir, I'm not aware if there's anyone in this chamber who could answer that question and I might add that

Mr. Neff (from audience): I might be able to answer that question (indistinguishable).

Mr. Elder: If that's okay with you. I'm just asking.

Chairman Darby: Full disclosure. Please come forward. I don't want anyone leaving here with unanswered questions.

Mr. Neff: My name is Gene Neff and I've been associated with GEAA since, well for 53 years. I've had different areas of different responsibility. I've worked for the company; I worked for GEEAA.

Chairman Darby: You were the golf instructor, is that right?

Mr. Neff: I was at one time.

Chairman Darby: You didn't fix me, sir.

Mr. Neff: Sorry about that. But in 1964 is when we opened the golf course. The park side was opened in 1958 and then we put the golf course in 1964. GEEAA was organized in 1949 and when it was purchased, it was purchased from the park side from one person and then it was later on bought from Mr. Carpenter, who owned the golf course side and it was a situation with the intent, at that time, the funds to purchase the park came from cafeteria and vending sales at the Evendale plant. We are no longer - we were subsidized till about three years ago; we are no longer subsidized. GE doesn't want much to do with the sales. We tried to work things out with the company. I was the liaison for 25 years between GE aircraft engines and GEEAA but that's all gone by the wayside now and as for as who was there first, people on Ledro especially because we always got complaints of golf balls going into their yards. Mrs. Frederick, lived over there and she always called -

somebody knocked out my windows again, could you come and take care of it and all that sort of thing. As far as that early history, the park was first opened in 1958 so it was a situation before the park was open, we had all of our recreational activities outside the park but as far as the Ledro Street and all that with that original design, that was independent of GE - whatever they did, they wanted to do. For my recollection, there wasn't any plan for GE, I'm sure, but it might have been a plan for whoever put in Heritage Hill because when the course first opened in '64, I remember that because I played in the first round in 1964 and I remember that the houses were pretty new along Ledro at that time. I'm sure in '58, I'm not sure when those were all built, and Mr. Vanover probably knows when those were built.

Mr. Okum: I think in '57.

Mr. Neff: '57? Okay, about the same time then as the park side opened up but that was all independent. There wasn't any plan for GE to do anything with Heritage Hill at that time. If I can answer anything else, I would be glad to.

Chairman Darby: We appreciate that bit of history. Thank you. At this time we're going to take a five minute break and we will come back. There was an intermission at 8:45 P.M.

Chairman Darby: Please let the record indicate we reconvened at 8:50PM. And you had another question, I believe?

Mr. Elder: I have just a couple of questions. Number one, I was only here last month and today, obviously. Can a staffer or maybe you guys even know - when did this property go from whatever land zone classification at the golf course is in the land code that you have, to being changed to the G1 (sic), the General Industrial? Did that happen years ago, did that only happen when it was brought?

Mr. Okum: That's the application before.

Mr. Elder: So if the application (indistinguishable, three people talking) is that you'd be changing that whole thing, so okay. Good. Question, maybe for someone - is there an approximate percent in the city of land industrial commercial land that is currently either vacant or undeveloped that maybe this developer would go and use versus it being here? I mean with the economy and coming out of a recession, there's so much stuff that's there is there - I know that because this is a blank piece of property, it's very easy because there's no demolition like the shopping center's that just on the west side of 747 and Crescentville; it just went to the ground because of ¾ of it being unoccupiable, not rentable, the developer or whoever owned it tore it completely down. I mean are there other spaces where this might work somewhere in the city, that it wouldn't affect the residents? And, in that light, when selling it, the broker, was there any knowledge for the city or whoever the broker was - did the?

Chairman Darby: Sir, with the hypothetical you asked, in order to answer that question for you, we would have to go through a similar process that we're going through right now and we haven't even answered this question yet. So I appreciate the question but that's really not germane to the discussion we're having this evening.

Mr. Elder: Okay. All right. Could I ask a question - what is, if the gentleman from Ferguson is still around at all? You mentioned that you had a \$1.5M payroll tax that - is that on those 162 that will be here or is that your total employment that is being paid at other places or anything else like that? I mean is there any estimates that the city has got on what this is going to affect their coffers, to say, if they come, how much?

Chairman Darby: I'm going to (someone from audience, talking off microphone). Again, that's not what we're doing right now.

Mr. Diehl: Sir, I am on City Council; I'm also the Chairman of the Finance Committee, and money is always important to us but money had nothing to be said about what we're

doing here today. It hasn't been one factor ever discussed about x number of dollars coming into the city. This is not going to be decided on money. Thank you.

Chairman Darby: Thank you, sir.

Mr. Wahl: My name is Tom Wahl and I live at 401 Lisbon. Recently I took out some information from the 2003 PUD White Paper that Anne had put together, and I think, Don, you were also a part of that white paper. Basically what it describes was how the city viewed the GEEAA Park in terms of how, if it were to be developed, how they would like to see that done. So it listed about eight or nine things that were important like the berms and like just a number of things. I actually think that this project, I didn't at first, but now I believe this project kind of fits in there. I know there's concern from our side, meaning the Crossings at the Park people who live there and talked about property values decreasing. One way that we could change that to some level is that, with the 2003 PUD, the developer, I think one of the things he did or was going to do, that would have made a big difference in terms of the value of the condos, was the retail and the assisted living nursing care facility was going to match the appearance of condos - make it all kind of look make it look in a European style and compliment the buildings. What I'd like to do up here is just put this seed out there that maybe Vandercar could accomplish the same thing, especially with the buildings that are on the west end, or on the west side, where, as you come in, you're going to go right into the condominium development. Thank you.

Chairman Darby: Thank you, Mr. Wahl. Is there anyone else before we close this session?

Mrs. Bachmann: I'm sorry, I have a question.

Chairman Darby: Please come to the podium.

Mrs. Baughman: I'm a little bit handicapped.

Chairman Darby: Oh okay. I can hear you. Your name please.

Mrs. Bachmann: My name is Joann Bachmann. I live at 405 Lisbon Lane. I've lived here about a year and a half and I came from West Chester, which, as you know, is a thriving community, bounded also by Mason, which is a thriving community. In the time that I've lived in this area I'm not really seeing anything that has anything that's come to match that. I know you've said several times we don't speak about these things at this session - if not, when do we? When are we allowed to speak about things other than this warehouse?

Chairman Darby: I'm not understanding your question. I put no restraints on what could be talked about.

Mrs. Bachmann: You said several (unclear) who have come up we don't talk about that now; that's not what we're talking about now.

Chairman Darby: No, that was a specific reference to the person who was here two speakers ago.

Mrs. Bachmann: Yes.

Chairman: But our charge, is, at this session, these sessions, is to deal with what is before us. We are not developers. We deal with the plans brought forth to us by developers.

Mrs. Bachmann: I appreciate that. My question is when do we come to you and address our concerns about the City of Springdale and what happens here and what doesn't seem to happen here. When do we come and say why can't we have office buildings there and why can't we have an assisted living project there rather than this warehouse, which seems to be the thing that's being talked about tonight.

Chairman Darby: I'm going to let a Council person responds to that.

Mrs. Harlow: Thank you, Mr. Chairman. Council typically meets the first and third Wednesday of every month. We are on summer schedule, so our next meeting is the 15th of July and then we will have a meeting on the 19th of August – those are our summer schedule meetings. We meet here in these chambers at 7:00 p.m. and any resident or business in Springdale is welcome to come in and address us and we will address any issues that we can at our Council meeting. For tonight, what we are doing is addressing the developer's plan that they brought forward. So our charge is to either approve it or to deny it and it's not really our charge to ask them what other plans they might have for this space if we deny it or what other avenues they looked at. Our charge here is - they submit plans and we decide if those plans are in the best interest of our residents and our city.

Mrs. Baughman: Thank you. You have answered my question which was when can we present our issues.

Mrs. Harlow: Yes ma'am, any time, this coming Wednesday at 7:00 p.m.

Mr. Weartz: I won't take too much of your time. My name is Ken Weartz. I live at 228 Edinburgh, also on the Board of Trustees for the Condominium Association. I was very happy to hear what Tom said because he was not for this development. He's a long-time supporter of GE Park but after he's had the opportunity to work with the board and to work with the developers, he's seen the positive things that can happen to us. I won't say I was devastated when the golf course decided that they needed to sell out but it was very disappointing. I've also heard of the history of people trying to develop things in the City of Springdale. I know that GE tried to sell their land for the longest time without any luck. So when we found out that we had this developer, Vandercar, our board touched base with them. We also touched base with the Mayor and the City Administrator and some of the Department heads. We put forth what we felt that we needed for this development to be acceptable to us. After seven meetings, and really getting them out and looking over things, we feel that we have it. The noise levels, at least from the east side, will be very low for our community. From the south side, it will not change because they do not really own the land that borders our condominiums on the south. What I'm really concerned about is if this development does not go through. We have a lot of undeveloped land in our community because there were supposed to be condos that were going to be put there and they haven't, so it's going back to nature. It looks horrible. If this happens, this same thing could happen to the park. Do you want to live in a jungle? The roads that we have, they're all alligator cracks. Someone said that we're doing this because we need a city road. We're doing it because we need a good community. An alligator road, left alone, you can see it's already cracking and we've got potholes; we keep filling them up. Also the grass will come in and it will just deteriorate the road. If the other areas of the park continue the way they are surrounding us, the critters that are in that area will become a real nuisance. This past year, I shouldn't say this but we have – we captured and probably killed over 10 skunks. Raccoons have caused one or two units where all of the insulation had to be removed, because the smell up there kept attracting more and more of these animals. Now we're seeing snakes. The ducks, the geese - it's a mess; it's a health hazard. Something needs to be done with this property. If it isn't developed by Vandercar, I don't see that there's other opportunities. I don't see that the city will take it over and help us maintain this property either. Property values – yes, I paid the same amount for my unit as the fellow talked about. Right after the recession, I lost \$50,000. Well, I think I've lost \$30,000 more. I can see that if the things work the way that we saw on this screen, the green space is going to make our property look much better and more valuable because now you're living in an area that's not very intrusive. We have good roads coming in; they're going to be maintained by the city and people are going to have space to get out. I don't know if you all remember that pond that was where the ball park is, close to the golf administration building. When they put that pond in there and that green space around it, it's going to really border on our property and we're going to be able to cut down some of the rough brush and we're going to be able increase that space and you're going to see it almost all of the way around the community - that's what I see. Now, how are we going to achieve that? Because we spent time as a board working with the developer and working with the city to see that it gets done. That's the only way that I know - just be persistent and work to get it done. The land we have that somebody else owns that we really need to put a berm in, Vandercar will help us find people to come in and stack that up so that we'll have a berm about ten foot high,

hopefully, but I keep preaching to them, and they speak right away. Okay, you've got all these berms, but you're going to have evergreen trees all the way across the berms. Evergreens stay green all year and they will hold the sound. I just feel like the way that I've been thinking is the right way for us. I may be totally wrong but I just want people to think about that this proposition, or this project, is a plus. If they can solve the problems of the noise for Heritage Hill, more to it. And I think if they haven't solved it, they will do whatever they can to solve it. That's all I have to say.

Chairman D: Thank you, sir. We're going to take three more and then we'll get to the next phase of our meeting.

Mrs. Stephan: Thank you for allowing me to speak. My name is Mary Kathleen Stephan. I live at 202 Edinburgh Lane. I spoke in the very beginning and I said I came because I had an ill husband who has passed. The niceties were the park and it's totaled, restaurant. I went on for other things and when I first saw it, my stomach went upside down. The person next to me said, "Are you alright?" and I'm a nurse; I still have my license, and I said, "No, but" and I spoke. And the many things that I said was, and you can check, the essence of what it is, is I'm not against progress. I am not against selling the property, having someone come in, but look at the overall. Nursing park – look at the short-term and the long-term. Office buildings, nursing homes, a small strip mall, whatever, but what's going on tonight is industrial - beeping, stink, dust, people, and it gets more. I live on Edinburgh - I face the train tracks. The people up on the high are facing the mess. The poor people in Heritage Hill have a hell of a thing. They have to look at that. They have to smell it. They have to hear it. Long-term effect – what about the medical ramifications of that so close? What about the children? What about the elderly? What about pollution? I am trying to be succinct. I'm trying to say I am not against progress. I am not against them doing whatever to encourage green space, to have berms, to have a walking path, to have a place where somebody else over in Heritage Hill could come and walk around. I am upset, distraught, and I hope I have kept my language within limits.

Chairman Darby: You're doing fine.

Mrs. Stephan: Please consider what is allowed to be put in there. Thank you.

Mr. Brockman: Hello, my name is Brian Brockman. I'm the broker for the GEEAA. I came up tonight to answer some of the questions on feasibility about what can actually go into the park. There have been a lot of questions about it. So we can go through some of the potential uses – as a recreational property, the golf course does not make enough money to make a profit or even to break even, so there's no user willing to purchase the facility to use as a golf course. I've approached pretty much all of the major Cincinnati regional home developers about the land and there's no interest to build single family housing in the area because the prices couldn't exceed the construction cost. The retail, it's been tried even before I listed the property; it's just not feasible - there's too much retail space vacant currently in the City of Springdale; the mall is being redeveloped - that's going to probably cannibalize more of the strip mall space that's now so a lot of those tenants that are maybe in strip malls are going to be moved to out lots. Hospitality - there's really not a hotel use for that area, given the mix. I have approached Walgreens and CVS for the corner piece; the demographics don't allow for it or there are other facilities in the area. I did get approached by a multi-family residential developers for apartment complexes but they were all subsidized. Office space again, there's a glut of office space in the City of Springdale that's vacant. I will tell you the highest and best use of this property is the mixed use industrial project that Vandercar is proposing. I have talked to every big developer in Cincinnati - Vandercar is the only one that had the vision to do something with the property. Most of the developers looked at the site and there's many issues – we've gone through it, to where it was not really not feasible for them to develop it to anything other than an industrial park and even at that point, they didn't want to do it. It was too risky of a project. So luckily, I'm glad that Vandercar is the one who stepped forward – I've worked with them now for probably over a year on this project. They've been very open; they're trying to fix the sins of the past, of the previous developments, whether it's putting a road in for the condos, providing green space. They're doing everything they possibly can. I think they will, if there are issues in the future, I think the tenants going in there and Vandercar will address them and alleviate those concerns. I

think most of the property value decreases from the local residents are more an effect of the mortgage crises and the foreclosures in the area, especially with the HOA. When you have 20 some units and 13 of them get foreclosed on, it's going to make a dramatic impact to your property value. Personally, I believe the Heritage Hill area, I think with the berming and the trees and what not, I do not think it's going to affect the property values greatly; it's being insinuated. I think it's going to make it more available. More jobs in the area may increase actual marketability of the homes and I think with the roads being fixed. I don't know if any of you've driven through the HOA, through the condos, there really is no road – it's like a series of driveways and it's hard to tell how to even get in. Now they're going to have a real road, a real street with sidewalks and I think, in the end, I think the prices have bottomed out to where they're going to eventually see an increase, or at least stabilized from this point forward.

Chairman Darby: Thank you, sir. One more speaker.

Mr. Noahr: Leo Noahr, 407 Lisbon Lane: Does that mean I'm the last of the Indians?

Chairman Darby: Yes, sir.

Mr. Noahr: The board has met with Steve Dragon and Vandercar for several times, presenting some of the questions that residents had concerning green space, etc. In each case, when we presented a potential problem, they came back with a way that they could take care of that problem. Our latest conversation with them, I asked them about upstream concerns with the creek that comes down into our pond. They had answers for me and they said it concerns a large pond that they're going to put in there, a retention pond. I didn't want their retention pond taking all of our water and they had an answer for me and are willing to work to make sure that that was not happening. There have been several other items brought up along the same lane, so we appreciated; the board has appreciated, their time and diligence. I would note that the approval of the plan will get us some decent roads to 747 and Crescentville. The grade coming in, right now, is kind of steep and in the winter, and I'm not saying this for my benefit, because I go to Florida in the winter; anyway, it's steep, and if the roads are a little slick, there's a problem. These new roads, the incline will be more gradual; it will be wider. The city will be plowing them, so we don't have to worry about doing it. This approval of this, and we're, our budget is going to be impacted, because we'll be responsible for snow removal as well as repairs but, in all fairness, I want to thank you guys, because I know that you have a duty to do, as far as following the legal requirements, our concerns and money, even though Mr. Diehl doesn't think it's a huge thing. Thank you very much.

Chairman Darby: Thank you very much. Okay, members?

Audience member not on mic (indistinguishable)

Chairman Darby: Just one.

Audience member (not on mic): I just want to know, I want to understand where the process goes from here. What's the next step on your part? (Indistinguishable) ... is there anything ... Crossings at the Park or ... is there anything else that can be done? What's our next step, your next step?

Chairman Darby: We are at a point now where we're about to deliberate and, if things go as planned, we will render a decision as to whether this proposal is approved or not approved. Then of course, after us, it goes to City Council, because they make the big bucks (laughter). I'm waiting for lights, folks.

Mr. Bauer: Yes, I have question - in regard to the packet of information on tree replacement and the dollars associated with that – that was from the Applicant, I'm assuming? Have they agreed to that, that that's what they would do?

Mr. Taylor: Yes, sir. With the exception of the replacement with the Crossings at the Park.

Mr. Bauer: Okay, thank you.

Mr. Okum: I still have, there's parts of this project that are definitely very positive asset the PUD as presented and then there's other areas of this development that are very difficult to deal with. The issue of the impact on Heritage Hill, is significant. The Applicant has done, to the best of their ability, I believe, presented everything they can to deal with the issues of noise, pollution, buffering, separation. The Applicant has presented an indication of exceeding the buffer yard and open space requirements that are set by our code. That's true, but the reason for that is this is a PUD. This is an area that has a different zoning on it currently and in order for them to fit into this pot where it's at, there's certain requirements that are under our code, under the PUD standards, that are set that we have to follow and the Applicant has to present. It gives latitude both ways. PUDs are benefitting the Applicant to put something there that wouldn't typically go there, in a particular space, and, on other hand, it gives the city an opportunity to accept those things and put other responsibilities on the Applicant. It's sort of ironic that we've got our Zoning Code that's being presented to us for review and there are sections in that that fall under residential PUD development standards and then we have commercial, or nonresidential development standards. This is sort of quasi-blended, so it's sort of strange. We also have legislation that was passed by Council in 2003, I believe, or 2002, that, in Mrs. McBride's packet, she indicates that, under the Comprehensive Plan, dated 2002, Future Land Use map designates the site of the park land recreational for GEEAA Park. I went through this the first time they made the presentation to us and my statement was I thought we were heavy industrial, heavy commercial warehouse, and light on the office end - the balance, I thought was out of proportion. Since then, we've had the plan presented back to us with the same amounts of percentage of property as presented before. Under the city's plan, there are A through N requirements, and the Applicant has complied with a lot of those requirements. There's absolutely no doubt about it. On the other hand, they haven't complied to all of the requirements that were set by City Council. Those are things that we have to make a decision on this evening. The items that are most influential are obviously "for strict design control on any future development of the property to ensure strong access control, site planning, building design, and integration between the uses." Well it hits that, but it doesn't hit it when you put it right next to a residential neighborhood. "Encourage a combination of future land uses that include destination commercial and retail uses, a mixture of residential densities to integrate recreational areas. Well, there are no recreational areas, but at least we've got mounds and separation. The areas that I find in question is number A.C, which is very specific - "protect the existing residential neighborhoods to the east of the property to limit the impact of future development" - very fixed statement. It doesn't give you a lot of latitude. You can build a mound, you can build hills, you can put walls up, but you can't do it and totally protect that residential neighborhood.

Mr. Vanover presented this evening some values that shows a 15% higher value on the properties that are against the park than the houses that are away from the park. Basically, we should tell those 29 homes, that they should expect a reduction in value of 15% by approval of this plan, if it's not accommodating their protection. The Applicant has indicated that they will, to the best of their ability, silence beepers/devices that create noise. They've shown decibel ratings for an average noise that a truck, a fork lift, makes. They've indicated that OSHA does not require that beepers be functional on lift trucks backing up; they've made statements to that fact - frankly, I've never found OSHA to be that flexible. I don't think many people have. I honestly believe that the Applicant wants to do that, but I don't think the Applicant can guarantee us that. I mentioned at the last meeting, by this zoning, there are a number of uses that could go into the future development of the space of the spec space that we haven't really talked a lot about tonight. We talked about the corner lot, which was Ferguson; we didn't speak a lot about the situation with the open space, or the future potential spec space. And I asked our Planner at the meeting, I said, "In this zoning, could you have a GE aircraft test engine facility there? And that seems like the sky out of the way, weird idea but, it could happen. Could you have other commercial uses, industrial uses in that space that we have not addressed in our review? Pretty much you could. All in all, besides those two buildings, I think we probably have a pretty good development here. The problem is those two buildings are the hinge pin that holds this whole project together, probably, for the developer.

There's good planning principles. I serve on the Hamilton County Regional Planning Commission; I serve on the OKI Board of Regional Councils; I deal in land use planning on a regional basis for this area. I have not found, in all the years of being involved in the City of Springdale and in serving in those capacities, that good planning principles put industrial uses next to residential. It just doesn't work. I'm sorry, for those that want it to work. Financially, I have to understand the heartache that the residents are going through. I'm a resident of Springdale too, but I have not suffered the burden that the residents of the condos and the residents of Heritage Hill have suffered. If this would be approved based upon what we've seen so far, I think we'd have a big problem and I couldn't support it.

I'm going to read something that somebody spoke on October 7th, 1987 and it's about Shopco: "Shopco's proposal would be a detriment to the surrounding area in the city as a whole because it increases the density, the intensity, and the impact of the use of the property. The adjoining property, Heritage Hill, is not going to be protected from the loss of light, air, and view because of the size of this development. You cannot adequately screen that. I think it will be a negative impact on the surrounding property, including property values will decrease. I have listened to a lot of consultants and tell it will all be wonderful. I heard that about the Markets International and the Mid-Way hotel, etc. etc." That was spoken by Mrs. Boice, on October 7th, 1987, as a City Council representative to the City of Springdale. She and I both served on City Council. I voted no to the Shopco development at City Council level. We all gave findings and the findings were basically about the same – the findings were that it was a high-density use and that it was too much an impact on the residents of the community. At the same time, we were looking at a shopping center mall, with a parking lot surrounding it. That was parking lot next to those homes. It wasn't a 48' high building. Tonight I drove up to Monroe. This was the first chance I had to get there and I looked at the Home Depot development that's there, right off the exit. The buildings there, I believe, I found out from staff today, are about those buildings are 44' tall. Monroe protected it with mounding, I believe it had to be Monroe; I'm not quite sure, but all the way down the main road. I mean there were mounds 12 foot high, both sides of the road, all the way down into the development, just to separate the commercial impact. One of the things that the Applicant has presented by the outdoor storage application for the Ferguson development is to put a chain link fence with slats, across the front, across Street "A", all the way across where they will have storage that you'd basically be able to see from Drive A. I don't know if I'd be a commercial developer wanting to develop back into those other parcels with chain link fence across the separation between the properties. But, on the other hand, that's what the Applicant has presented. I saw Monroe did mounds, so I think that the Applicant would probably be certainly agreeable to separate that and I will give you, and I'm sure the chair will give you an opportunity to speak but based upon what I've seen, based upon the impact on the residents, based upon that, I do not have clear assurance that the light, that the sound, and that the quality of life, will be protected to the residents. I won't be supporting the motion tonight. I'll probably make it, but I won't support it.

Mr. Bauer: Thank you, Mr. Chairman. I guess be glad we're in a place called America because we all have different opinions. I reviewed the same stuff and I guess, I'm a resident, as I sit and look at things that we review monthly, I always think of how I would feel if I was in the residents' shoes that are in the case of Heritage Hill or the condominiums. When this was first proposed to us, I thought no way that this could be changed and revised and brought to a better place. I think they have done; I've noticed over the last three months that the changes that have been made for buffering between Heritage Hill, between the condos; it's come a long way. It's obvious there's been a lot of work put into it by all involved. I was looking at the same information that Mr. Okum was using as far as the Comprehensive Plan. I brought that up in the first meeting, that those guidelines are what was done back in 2002 and that we should be using them as we go through this process to ensure that the plans, and again, it's a plan, somebody had an idea what that area should be, try to focus towards and try to keep that development going forward towards. I too, there are somethings in here that I still have issues with, but they have come a long way as far as meeting a majority of those items. I still have concerns about the noise. I too, with them, have come to the point where the back-up alarms – OSHA's not going to allow you to do that. I don't think that you can get away with that. I do believe that the buffing and the plants and the trees and that has abated, or will abate

a lot of that noise. I do question where a lot of those decibels numbers come from – it's easy to put numbers on a piece of paper without any back up or resource, but I think the buffering has, for me, has allowed me to look favorable upon that. I will stop there for now.

Mrs. Harlow: I agree that the plan has come a long way. I think that the developer has done a lot for the people at the Crossings to ensure that they have the green space and the buffering and the roads that they need and all of that. I only have two issues and my issues are Building 1 and Building 2. I do not believe that we're going to be able to buffer enough that we're not going to be able to mitigate the impact on the people in Heritage Hill. If there was any way that those buildings could be repositioned, relocated, put them more towards the front of the project and move some of the smaller buildings to the back. I'm fortunate enough that I have a lot of green space behind my home and I went back about 250 feet to see exactly where that building would be and I would not want a 48' tall building that close to my piece of property. I just can't support it because of the impact that it's going to have on our residents in Heritage Hill. I think that the developer's done a great job on protecting and providing green space for condominiums, but I just cannot support it for the Heritage Hill people. It's going to hurt their quality of life. I would like to see something different brought forward. Thank you.

Mr. Diehl: My first choice is for a contractor to come in here and put a quarter million dollar housing units in - that's what I would like to see. That's not going to happen. My second choice would be for a developer to come in and put an office complex all over there - that's not going to happen. Of course, I'm sorry I didn't catch your last name, but he made a great remark when he told you what's in the market place today and the market place today dictates industrial warehouse use. I'm going to support this tonight because I think this is the best shot that the people at the Crossings have to recoup some of the investment they have and improve their quality of life over what they have now. Now for my friends over at Heritage Hills - will it have an impact? Yes, but I don't think that it's going to be as large as what people may think. So I will be voting yes on this. Thank you.

Mrs. Boice: Well, first off, it's not often you get quoted from something you said in 1987. It seems this piece of property continues to haunt my very soul. I can tell you, I stepped down and took a two-year rest after the last battle over this before I ran for Council again. It just seems to follow me around. I was pleased to hear the board members speak. I thought the things that you have said about the company working with you, and I appreciate that, because this is what we always have to have, is the give and the take. From day one, the thing that has bothered me the most about this are those two buildings. I don't know if you could sprinkle something on them and make them shrink but they – Buildings 1 and 2, are just too big. Then I thought it was interesting when the gentleman came forward to give us very valuable information and Mrs. Harlow asked about the height level of storage and he said well, that can vary. Vary - that's an interesting word, troublesome to me. That property needs to be developed yes - we don't want it be a jungle but by the same token, we have homeowners here and home owning was, I'm not sure it still is, the American dream among the millennials, and I hate that term, but we've all seen all of our property values drop for one reason or another. We're in an area of time in our country where things are not as we would like them to be and I'm wandering again because I have to really come to a point here and it's always, always very, very difficult. If there is any way, any way at all, that Building 1 and Building 2 could be reduced in some manner, I would be able to support this because I don't know what might be coming next and well, I don't expect I'll be here, if something else is coming next, but, as of right now, I just can't. I just can't. I want the best for Springdale; I want the best for the residents – and I think this company has gone above and beyond; they really have. You know the joke about me and the trees and I looked at the landscaping that they have come up with – spectacular, I think, really. But those two buildings are just my Waterloo and so if a vote is going to take place tonight - I can't; I just could not support it. Thank you.

Mr. Okum: Typically, when I make a motion, and I'm tasked with this most often, there's a reference that I reference staff's recommendations and considerations. I don't have any difficulty with Mr. Shvegzda's because he's got it - he was able to get almost everything

answered and he's placed it in our hands very profoundly, very accurately. Mrs. McBride, on the other hand, has a lot of considerations for us here. #1 says, and I'm going to state this: "determination that the proposed modifications to the PUD and proposed Preliminary Development Plan are reflective of the recommendations and guidelines contained in the 2002 Springdale Comprehensive Plan. My answer is partially - so how do I reference that in a motion? #6 - Planning Commission determine if the proposed 30' maximum height for Buildings 4 and 9 and the 48' maximum building height for all the other structures is appropriate - so there are two buildings that are 30' and the rest are 48'. The other item is Planning Commission determine if appropriate steps have been taken to mitigate the impact of the hours of use for the loading docks and storage yards and appropriate hours of outdoor operations adjacent to residential uses be established. #14 - Planning Commission determine if the standards proposed for outdoor storage yards are sufficient to adequately protect adjacent residences. Those are her considerations. Those are questions that we have to answer before I can bring a motion to the floor because they're all individual, on their own. Any comments?

Chairman Darby: It's been our practice in the past, that when we had considerations like that, either we specify that the developer was to comply or we would ask that they work with staff to come to a meaningful solution, as I recall.

Mr. Okum: Let's do a straw vote and find out - and see how we go?

Chairman Darby: Ok, would you read it again?

Mr. Okum: The determination that the proposed modifications to the PUD and the proposed Preliminary Development Plan are reflective of the recommendations and guidelines contained in the 2002 Springdale Comprehensive Plan.

Chairman Darby: Personally I don't see any wiggle room there.

Mr. Okum: Is that a yes or a no?

Chairman Darby: Yes.

Mr. Okum: You're saying it does - it is reflective?

Chairman Darby: I said it must reflect.

Mr. Okum: It must reflect.

Chairman Darby: Yes.

Mr. Okum: Well, that's sort of not the question. The question is, is it reflective? Because we've got a plan before us to find out and the question is, is it reflective of the Comprehensive Plan that was approved by Council?

Mr. Wocher: I think the intent of the consideration is does the Commission feel that the A through N standards have been met? And so we believe that's a primary objective of the considerations - that you consider the Comprehensive Plan. I don't think that it says that every one has to be met, but that's a decision that you have to make - that you have to weigh those standards and determine if you feel comfortable with the plan as presented, complying with the intent of the Comprehensive Plan.

Chairman Darby: Dave, we've identified how many of them?

Mr. Okum: I've got 4. Well, I had four that were questionable, that I had

(someone talking off microphone - indistinguishable)

Mr. Okum: Encouraged. Absolutely. I think the purpose is the spirit of what the City Council, in 2002, had as the intent. It wasn't etched in stone; it's a plan. Comprehensive Plans are guidelines. They're there to help you navigate through something like this.

Mrs. Boice: I agree.

Mr. Bauer: I would too.

Mr. Okum: In my opinion, since it's partially, that I would give it a positive because it partially complies. That's mine. I would give them the benefit of the doubt because I think it does partially meet those standards. Does it all? No, but Council's going to have a second shot at it, so they can work through that too, because they're going to have to look at, just like we are. Planning Commission determine if the proposed 30' maximum height for Buildings 4 and 9 and the 48' maximum building height for all of the other structures is appropriate.

Chairman Darby: I think two people have addressed that and we've determined that they're not.

Mrs. Boice: Mrs. Harlow and I have already cited our feelings on Buildings 1 and 2, so of course, that doesn't concur with what that says there but we're only two members of the Commission.

Mr. Okum: I agree; it does not.

Chairman Darby: I concur with you.

Mrs. Ghantous: I do too.

Chairman Darby: Too tall, one and two.

Mr. Okum: Okay, one no issue.

Chairman Darby: That's a no there; that's two no's.

Mr. Bauer: I feel it's too high; the majority of them are too high.

Chairman Darby: That's five.

Mr. Okum: Five say no; they don't concur with it.

Mrs. Boice: That's a pretty heavy majority.

Chairman Darby: What's the next one you have?

Mr. Okum: Next one is Planning Commission determine if appropriate steps are taken to mitigate the impact of the hours of use for the loading docks and storage yards if applicable hours of outdoor operations adjacent to residential uses are established. Now this could be answered two ways. One, you don't think it is important and we can disregard that recommendation, or two, you feel that it's important and it needs to be part of the considerations. You think it's important?

Mrs. Harlow: I think it's important but I think that the developer has already indicated that they will not put a limit on the hours of operation; that it's going to be a 24-hour operation. They've already decided that with their previous statements.

Chairman Darby: I think it's important.

Mrs. Boice: This is a silly comparison, but when you're talking about the noise and the loading docks and that type of thing, I'm just going to say this to you - on garbage day, when the recycle truck comes through at six in the morning and slams that thing on my driveway, that's just a little sample of what? - Four in the morning, two in the morning, midnight, can be, and now you're going to have the beeping of these, God love the truckers - I mean, we wouldn't be able to function without them, but to live next door to that 24 hours a day, that's tough to accept. I just give the little recycle thing as an example - when you wanted to sleep in that morning, so yes, it's a problem.

Chairman Darby: Do you have one more?

Mr. Okum: Where was I?

Mr. Bauer: Just a question - I'm confused what we're trying to do here. I do, too, have issues with noise and you're trying to put this in a motion, correct?

Mr. Okum: Yes, I am.

Mr. Bauer: So you're going to include it?

Mr. Okum: I would include all of her conditions, excluding. Well, since we agree that the hours of operations are important, on the other hand, the Applicant has not presented that and said no except that he said no - we have no other alternative but to exclude that from the motion and take the motion for what it's worth. Is that right, Jonathan?

Mr. Woche: If I surmise the direction you're going, there's likely to be a motion to include the conditions.

Mr. Okum: Right.

Mr. Woche: The cleanest way, it seems to me, in total, and if you feel included to vote that all of the conditions have been met, then you'll likely say yes; if you feel that not important conditions have been met, you'll likely vote no. Now, another option would be to remove a specific condition because you don't feel it's important or it's not been addressed, not relevant.

Mr. Okum: Or can't be controlled.

Mr. Woche: Either way, that's fine as well. But the intent of the considerations was to present what we believed to be the planning issues and, again, it seemed that you could vote on them in total, and then, based on how you feel individually about how the project has met that, vote accordingly. But there are multiple options and I can sure talk about those as well.

Chairman Darby: I want to make a statement, but before I do so, and I'm going to punt this over to staff, something very important was said here this evening about the memorial trees that are planted there. I don't have any idea what needs to happen, but I would ask that you take that into due consideration, regardless of what happens here tonight, regardless what happens at Council, and work with the association folks because those trees are important. I don't know how many there are, where they are, what they look like.

Mr. Neff (from audience): There are some there that are 30 or 40 years old (indistinguishable) ... will be notified ... taken their plaques.

Chairman Darby: Well maybe that's the protocol that needs to be followed.

Mr. Neff (from audience): some of the trees go back in the '60's ... really big trees ... I don't think we can ...

Chairman: No, you can't.

Mr. Neff (from audience, not on microphone, partially indistinguishable): ... trees out ... but certainly ... plaques ... We tried to notify those people but a number of the people, their families ... people that paid a couple of hundred dollars to put a tree in or whatever, we can't even make contact with some of them. So we will try to do what we can.

Chairman Darby: That would be appreciated.

(off microphone conversation, indistinguishable)

Mr. Okum: We had a fence that was presented to us this evening and I don't think staff had anything on that fence, did they?

Mr. Taylor: I think the intention, and Steve, correct me if I'm wrong, the intention was that along the right-of-way, Street "A", the buffer would be with landscaping, solid fence or wall, or a mound. The chain link fence is internal to the development, in other words, it would primarily be between Buildings 1 and 2.

Mr. Okum: So where that chain link fence is, that's where that fence was going, or mounding?

Mr. Dragon: Yes, the design guidelines that we submitted specify for any of those storage yards that would face a public street, which Street "A" is proposed to be, or a property that is outside the development, so for instance, if it were to face the residents or Crescentville or an external property, it would be of the fence material or similar that we showed you tonight, which was, the product name was in the guidelines. We didn't produce specifications; we included the trade name of it or similar, or earthen mounding or a combination thereof, I think is the way it was worded. The chain link fence was, it has to be vinyl-coated chain link, with privacy slats, and that was only for views from the interior of the project, so as Gregg said, maybe the property line between Buildings 1 and 2 would be that fence material supplemented with landscaping to mitigate the view against the fence. So yes, along Street "A", it would be the Eco-Stone or similar product, fencing, not a mesh fence.

Mr. Okum: So Steve, if I were to have in the motion, for Buildings 1 and 2, I could say, along Street "A", the street-side frontage of the properties, the storage areas shall be screened by an earthen mound and landscaping and fence review and approved by staff.

Mr. Dragon: Yes, you could say that, or, if staff is willing to confirm, or you could just refer to the design guidelines as submitted, because that's consistent with what your wording was, I think.

Mr. Wocher: I think there's two issues. One, you did clarify the material of the wall that was not specified, I believe. That's what the stone-tech material that you were showing.

Mr. Dragon: That's in the design guideline.

Mr. Wocher: Okay. Otherwise there was the vinyl fence with the slats, which we were questioning the durability of in general. I guess I'm confused now – if that will be in front of it, the stone option, or that stone option is only the higher buffer area?

Mr. Dragon: It's only required facing the public frontages or adjacent properties, outside the development. It could be used other places. Maybe I misunderstood your motion? Were you rejecting the idea of vinyl-coated chain link?

Mr. Okum: If it's behind it, I don't care what you do with it if I don't see it, but I don't think your vinyl chain link-covered material is going to be - if it's being hid by another element.

Mr. Dragon: The vinyl-coated chain link might go along this property line, where it would be visible from the adjacent properties but not along the street frontages or facing an adjacent property, where it would be visible from an adjacent property. So it's sort of in an area here where it's only visible on the interior of the development.

Mr. Okum: Parcel to parcel.

Mr. Dragon: Parcel to parcel, yes, internally.

Mr. Wocher: I think that does help clarify. The overall concern was for the durability of that and with the proposed use – will it be long-lasting?

Mr. Okum: Steve, while you're up there. I guess we have two items. We have Mrs. McBride, who has made a consideration for hours of operation to mitigate noise and impact on the residential area. Then we've had discussions whether, and you've given evidence based upon noise attenuation created by mounding, but you've also given indication that you would enforce a no electronic device or equipment that gives off noise, beepers, whistles, speakers, sirens, or horns, basically, on those adjacent properties to the residences.

Mr. Dragon: Yes.

Mr. Okum: Even though we don't know that OSHA would permit it or not.

Mr. Dragon: Well, I think you've heard testimony from a business operator who currently has facilities and operations that utilize that restriction, which has periodic OSHA inspections, so that's what we would present as evidence.

Mr. Okum: So my motion would basically say no mechanical or electronic devices or equipment shall be permitted, including but not limited to the use of beepers, whistles, speakers, sirens, horns, in the areas that are adjacent to the residential properties.

Mr. Dragon: That sounds.

Mr. Okum: That is specific.

Mr. Dragon: I don't want to talk out of turn. Could I clarify a couple of other items?

Chairman Darby: Sure, while you're here, do that.

Mr. Dragon: I know that really it's a question of is the east side buffer mitigating to the extent that the board feels necessary, but a point of clarification – I'd like to hit a couple of things quickly. With regard to the concern about storm water run-off, we're not permitted to increase the run-off to other properties. We won't do that; we've taken care to make sure we won't do that so I don't believe that needs to be a concern. I'm sure your City Engineer would never permit that in the plan reviews. With regard to, there was a comment made at some point about the lights on a 48' tall building being a nuisance - just to clarify, we are limiting light fixture heights, even on buildings, to no more than 24'. Someone mentioned the term wall packs, which is sort of a trade name, but it's typically the old style wall-mounted fixtures that throw light out in almost all directions. What we've limited to, in our design and in our guidelines, are down-directed cut-off fixtures, so they're not wall packs – they're down-directed cut-off fixtures that won't throw light out laterally. They have controlled lenses that illuminate the surface that's intended; it's not the old technology. I wanted to be clear on that point, that we're not going to have glowing lights 48' up on the building. They're going to be limited to no more than 24' and they're not going to be throwing light laterally based on the design guidelines we've submitted. Just terminology, I know you all are aware of this – we're not asking for a rezoning to the GI district; we're asking for a Modification of the PUD. It will remain a PUD, subject to all of those whatever is approved, if it is approved, all of those guidelines. So it is a PUD, as I believe you pointed out; someone made reference to when did this get changed to a GI - it's not being changed to a GI; it's a PUD, just with these permitted uses – that's what we're requesting, so it is an amendment to the PUD. We do include limitations on uses in our design guidelines and in our covenants that limits not just uses; if there are additions to those uses that you'd like to see to further protect the city, we can certainly consider those. We tried to hit all of the major ones that we would include that we would want to keep out of the park because it would be a nuisance to park tenants as well as to neighbors. The example of could a GE aircraft engine facility be built there. I assume the issue there would be noise; we've agreed that we would comply with the city's noise ordinance so I don't think that would be a limitation; we can further specify that on the use limitations, if that's pertinent. With regard to the mounding that was referenced in Monroe, I would like to point out that those mounds were installed because, in particular to that intensity, because the loading docks are directly facing those roads. We've agreed, as part of this project, to limit ourselves from that – we will not face the loading docks to the streets or the residential uses, so that's the reason why they're located on the north and the south sides of Buildings 1 and 2. Because of that, we don't have that intensity of mounding along the street. We want to be able to see the facade of the building and then otherwise just

vehicular parking areas in those areas, so it's a little bit of different circumstance in that regard. And again, the design guidelines include that limitation.

Mr. Okum: How tall are those buildings?

Mr. Dragon: I believe they max out at 44'. Those are 32' clear buildings, as I think I've discussed before at these meetings. The market for a building, for those Class A buildings is vacillating in our market between 32 and 36 feet. A 36' building, by the time you get to the slope, to the drain, to the roofs and create parapets to protect it, usually you get into a 40' parapet height and then you like to usually raise up the corners a little bit to make a nice looking entry feature, and so that's where the extra four feet come from – that's a 32' clear height buildings, so those are about 44' total maximum height and that's just on those end features. So what we're proposing here is to accommodate, if the market does make a hard move towards 36' clears, there's an additional four feet to accommodate that additional four foot clear height – that's where the 48' comes from. Again, that would probably be limited to just those kind of corner features where you're looking at trying to create a presence for the entrance and for the office space of those users, not for the majority of the building.

Mr. Smyjunas: If I can add to that, the reason why we did that, and said the 46 feet, 48 feet, is because if you're looking at a 32' clear height building – there are some in the Mosteller area, developed by a very big developer, you can see the roof pitch and what they didn't do was they didn't hide the roof pitch. We can do that and bring the building down, and bring the parapet wall down quite a bit number of feet but the reason why we're doing that is to hide the roof pitch so you don't see the roof pitch. We think that it's architecturally pleasing to the eye.

Mr. Dragon: And to hide the mechanicals as well of course that are located on the roof.

Mr. Smyjunas: But that's the reason why we're doing that.

Mr. Dragon: Thank you - that's true. One last item – there was a concern expressed about the height of the storage in the outdoor storage yard might vary. I would say that we have submitted a PUD plan that puts limitations on the height of storage. It's written in there and it's 8' within a certain distance from streets for residences; it's 16' otherwise, so that is in there – you can't go beyond that if the PUD is approved this way so I just wanted to give you that assurance that there is a limitation that's included on the plan that's in front of you, if you choose to approve it. The height can't vary to whatever anyone wants it to.

Chairman Darby: Thank you. While Mr. Okum finishes the questions for the motion, a couple of comments. I want to say Springdale has a good system. It takes lay people like us and puts us in a strong decision-making situation. We get to listen to professionals, we get to listen to residents, folks with whom we live – maybe not on the next street, but we're in the same city. This has been a very involved process, folks, very involved, and at times, a very emotional process. I want to compliment the folks from Vandercar – they have done a really good job in responding to the concerns that we have raised, and sometimes we raised those concerns with a little bit of bass in our voices, but they have really responded and come back with something that's good. My concern; however, is that it's very difficult for them to accomplish what we want them, at least what I want them to and that is to put folks who live in houses next to big buildings - it's a very difficult task. I don't know if anybody could have done any better than they did. When we look at this, we're talking about property values. Tom, I did a little bit of this myself; it wasn't as detailed as yours, but this could have a tremendous impact on some folks who, probably in the not too distant future, will be selling their homes, and I'm looking forward to that time when I can sell mine and have a little bit of a nest egg to help keep me going. Then we look at another group of residents who see some favorable aspects of this development. We certainly don't want to pit residents against residents, folks. We have to look at it - I, I can't speak for these folks, what they plan to do to make your situation better, hadn't been done so far but it can be done in the future. Once these buildings, as designed, are put in, for these folks, they're not coming down so what we're dealing with here, we're talking about not only the financial piece but we're talking about some quality of life issues. That's what we're here for – we're here to do what's best for the City of Springdale and my main focus is on the residents of Springdale. I agree with Mr. Diehl, who is the Finance guy on the Council - how much earnings tax we get off this thing has not been a consideration for us at all. I heard a number tonight about the number of employees – first time I ever heard it. So I assure you – that has

not been a consideration for us. With that said, and you notice the professionals and some others have given you all of the technical jargon and it's been said, and I'm not going to repeat it, but because of the few issues that I just addressed, I am not in a position to support the motion.

Mr. Okum: I've got two items I still have to finalize. Most of the members of Planning Commission indicated that 13, regarding times and hours, was important. Is the wording that I used regarding mechanical devices or equipment shall not be permitted in the uses next to the residential a fair substitute for that in the motion?

Mrs. Boice: Are you talking about Item #13?

Mr. Okum: Item 13 of Mrs. McBride's. I'm getting yes heads. The gentleman, Steve, from Vandercar, - there was one item that staff indicated that you've asked for relief regarding the burden on the tree replacement. Sorry, Mrs. Boice, I have to do trees for just a second - give me a moment, it will be very quick. You've been classified as a new development and not a redevelopment, so the burden was significantly lower on your replacement requirement. Your replacement requirement, for your development, was 455 tree inches, caliper inches, with a discounted rate, it comes out to \$34,127 and we're going to talk dollars for just a second. We're talking a pretty significant project here. On the other hand, there's a shortfall that is still owed and the shortfall that is still owed from GEEAA, and I don't care where, and I made this statement at staff meeting, I don't care where it comes from, but that burden, in my opinion, was a promise to the city and a promise to these citizens and that burden has to be taken care of, whether GEEAA pays for it or Vandercar pays for it - I feel that those trees that are being removed, we have a tree replacement legislation in the City of Springdale and I'm going to live up to the promises that were given. Those promises, when we approved that plan, whether it went under or not, those promises went to GEEAA and it was their responsibility. So if you want a sidebar with GEEAA representatives and find out who's going to pay that 398.5 inches, I'm ready to make a motion, whether it gets approved or not, and I don't know how that's going to go because there's been a lot of discussion, but I'm going to make a motion to include the 398.5 and the 455 required inches under your development.

Mr. Dragon: I'd encourage you to make your motion.

Mr. Diehl: Exactly how tall are those buildings that they were concerned about, from floor to ceiling? I got confused when you talked about the pitch.

Mr. Dragon: I'm not sure of your question. We're proposing a 48' maximum height, which would be 48' from the ground elevation at the exterior to the maximum height of the building, whatever point that might be, including about four feet of parapet in that range. It varies, frankly, on the pitch side because it goes down, maybe goes from four feet to a foot and a half on the pitch, where the pitch comes up.

Mr. Diehl: How tall is that at the low point of the pitch?

Mr. Dragon: The low point of that pitch is in the 40' elevation range.

Mr. Diehl: Forty foot, not 48?

Mr. Dragon: I'm sorry; I'm confusing my buildings - 44'. It's about a four foot parapet.

Mr. Diehl: Forty-four instead of 48. Okay, thank you.

Mr. Okum: Mr. Chairman and Planning Commission members, I'd like to move for approval of the Major Modification to the PUD Tri-County Commerce Park at 12100 Princeton Pike on this 13th day of July. I move to include, in the specifications and designs contained in the most recent exhibits that have been reviewed by the City of Springdale, Commission staff, and presented to the Commission prior to this meeting. Those include C100, 110, 120, 130, 140, L100, L101, 102, 103, 104, 105, 106, and 107. This motion shall include the city staff's, City Engineer and City Planner's recommendations for PUD and shall also include the Law Director's approval of the final agreed covenants with the following exception: Item #13 of Mrs. McBride's list of considerations. Along with those motions, the motion shall include that all of the

mechanical units on such buildings shall be screened from view of adjoining properties and/or the public right-of-way; that the tree preservation replacement conditions shall include full burden for the shortfall of the 445 inches and the previous 398.5 inches be applied to this development. Adjacent to the residential uses, there shall be no mechanical or electronic devices or equipment that shall be permitted, including, but not limited to the use of beepers, whistles, speakers, sirens, horns. This includes any equipment that is owned or not owned by the occupants. This motion also includes parcel and Buildings 1 and 2 along Street "A" at the street-side frontage of the storage area shall be screened by an earthen mound, landscaping, and fence to be reviewed and approved by staff; that the memorial trees designations on the site be preserved and that changes to these conditions referenced shall constitute a change of the approval plan. Such changes shall require approval of the Planning Commission and the City of Springdale, Ohio.

Mrs. Ghantous seconded the motion.

Chairman Darby: Moved and seconded that the motion be approved as read.

Mr. Okum: Discussion, one second. I just want to make sure that everyone knows that this does go to Council, so whatever way we go, it goes to Council, so Council will be seeing it. Thank you.

Mr. Bauer polled Planning Commission members for their vote.

Chairman Darby: With a vote of 5 no, motion is defeated. Gentlemen, your next step is to City Council.

VII. NEW BUSINESS

None.

VIII. DISCUSSION

Chairman Darby: You did receive copies of the new Zoning Code. Gregg, we did receive an email from you regarding, it just came today.

Mr. Taylor: Everybody but Mrs. Boice.

Chairman Darby: She's fighting technology.

Mr. Okum: She's got a cell phone.

Chairman Darby: Do you want to tell us about the email that came today?

Mr. Taylor: It's a summary of the changes. I've got a copy over next door for you.

Chairman Darby: One other item, not for discussion, but thank you folks for clearing your schedules to be here tonight. I am the culprit who required that. I have an 8:25 flight tomorrow evening and when I made it, I didn't look at my calendar. I worked for 29 years as Administrator, and I had a secretary who took care of it. Thank you very much.

Mrs. Harlow: We are having a Planning workshop that will include Council members, BZA members, and Planning Commission members on Saturday, the 18th.

(Discussion confirming date and time of Planning Workshop.)

Chairman Darby: That same flight I talked about won't get me back in time.

Mr. Okum: I will be here because I have a number of questions, of course.

(Additional discussion discussing Planning Workshop, off microphones)

IX. CHAIRMAN'S REPORT

None.

X. ADJOURNMENT

Mr. Okum moved to adjourn, Mrs. Ghantous seconded and the City of Springdale Planning Commission meeting concluded at 10:22 p.m.

Respectfully submitted,

_____, 2015 _____
Don Darby, Chairman

_____, 2015 _____
Richard Bauer, Secretary