

PLANNING COMMISSION MEETING

June 12, 2018

7:00 P.M.

I. CALL MEETING TO ORDER

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

II. ROLL CALL

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

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

III. PLEDGE OF ALLEGIANCE

IV. MINUTES OF THE REGULAR MEETING OF MAY 8, 2018

Chairman Darby: At this time, the chair will accept the motion to adopt the minutes of our previous meeting held on May 8, 2018.

Mrs. Sullivan-Wisecup: I move to adopt.

Mr. Hall: Second.

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

(Voice vote taken and minutes were approved with a vote of 7 aye, 0 opposed and 0 abstentions.)

Chairman Darby: The minutes are adopted.

V. REPORT ON COUNCIL

Chairman Darby: Now we move on to our report on Council. Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. Council met on June 16, 2018. Before us we had a public hearing, Ordinance 30-2018 regarding approving a Major Modification of the Planned Unit Development and Preliminary Development Plan to the Tri-County Mall Planned Unit Development with regard to automobile storage. That passed with a 7 to 0 vote. We had Ordinance 31-2018 authorizing the City of Springdale's participation in the Ohio Association of Public Treasurers 2019 Workers Compensation Group rating program and declaring an emergency. That passed with a 7 to 0 vote. We also had Ordinance 32-2018 authorizing the Mayor and Clerk of Council/Finance Director to enter into a contract to purchase the real estate with Bunnell Hill Development Company Inc. and declaring an emergency. That passed with 6 affirmative votes and 1 abstention. I also would note with regard to the PUD with Tri-County Mall and the automobile storage, Council did have some concerns with regard to the gentleman that was present was talking about the renewability of the agreement between the Mall and the Sweeneys. There was some concern with who had the ability to renew that and who didn't. It sounded like something that was still being negotiated. With regard to Council, Council also met on June 6th of this year. Six members were present. Mrs. Emmerson was absent. We had before us Ordinance 33-2018 amending the Zoning Code and Zoning Map of the City of Springdale, Ohio to provide for the rezoning of property located at 11100 Springfield Pike from Residential Single Household Low Density to Public Facilities. This was the Maple Knoll matter that had come before the Commission before. That was the first reading. We also had Ordinance 34-2018 approving a Major Modification to the Planned Unit Development

and Preliminary Development Plan to the Princeton Plaza Planned Unit Development, Springdale Business Center. This was also a first reading. We had Resolution R7-2018 appointing the members of the Assessment Equalization Board for Beacon Hill Subdivision, Kenn Road rehabilitation project. Appointed members were, our very own Thomas Hall, James Dunigan and Rodney Swope. That was approved with 6 affirmative votes. We also had Resolution R8-2018 which addressed a resolution opposing the Ohio General Assembly with regard to a piece of legislation that would preclude Cities from being able prevent individuals from having small livestock like chickens, goats, what have you. That passed with 5 affirmative votes and 1 vote against it. That concludes my report on Council unless there are any questions or Mrs. Meghan Sullivan-Wisecup has anything to add.

Chairman Darby: Thank you very much for your report. Question.

Mr. Ramirez: Correction.

Mr. Hawkins: June 6, yes, we did not jump into the future. June 6.

VI. CORRESPONDENCE

NONE.

VII. OLD BUSINESS

None

VIII. NEW BUSINESS

- A. Tri-County Mall, LLC, 11700 Princeton Pike, Springdale, Ohio, Final Development Plan (Application 33794).

Chairman Darby: Mr. Taylor.

Mr. Taylor: Thank you Mr. Chairman. I'm sure you all recall that this was before you in April for a preliminary modification and this is the final development plan, which in this case is somewhat of a formality, however; basically what you all approved was an additional use to the PUD. You all added conditions, again I'm sure you will recall that there could be up to 400 cars on each of the two lower level and that they were to be located away from the entrances to the Mall. We received some documents from the Mall folks and in between the time that we received the first response and today, Mr. Reed, who you recall the tall gentleman that presented the case previously, it turns out he was out of the country and so we had a little difficulty getting some back and forth because we were looking for some explanatory material because we did not quite understand the original submittal. So, what you have before you in your packet and which I will share with you here, is the Mall's response, which we have worked with those folks to make sure that this complies with the conditions of the preliminary development plan. So, this is just an aerial. This is off of CAGIS. North is to the left here and the drive aisle where the cars will be entering is to the top of the screen there. This is the first page in your packet and it just depicts where the cars will be entering, again it is on the drive aisle that is the furthest east in the Mall PUD. This is a depiction of the location of the car storage on the first level. The blue spaces represent 400 spaces. There was a fairly significant effort made to make sure that we got the numbers right here. In the lower left-hand corner is the at grade entrance to the Mall that basically goes into Macy's and then that little photo on the bottom of the screen is just a picture of that entrance to Macy's so that you can see that the predominance of the parking is well away from the Macy's entrance. Another thing to note here, and it is a little confusing when you look at these picture and that is because the ramp parking, in order to not count it twice, because it shows on both this sheet and the next sheet which is the second level you will see an area in the center of the screen where it doesn't

show any parking and in fact that portion of the parking was counted on the lower level so it was an effort to ensure that there is actually only 400 spaces on each level and again there is no parking immediately adjacent to the mall and then the area to the south which would enable somebody to enter the mall just the mall entrance that is beside Sears, again there is no parking there. That is basically the end of the story. There is 400 spaces on each level located as you see. I have nothing further.

Chairman Darby: Mrs. McBride.

Mrs. McBride: I actually have nothing more to add.

Chairman Darby: Mr. Shvezda.

Mr. Shvezda: No comments.

Chairman Darby: Wonderful reports, staff. Did the applicant have any comments that they would like to make.

Ms. Reader: Good evening, may it please the commission, my name is Elizabeth Reader, I'm council for the tenant, Jake Sweeney Automotive, who will be the tenant of the applicant, Tri-County Mall. Mike Reed had previously addressed you, he is traveling out of the country, so the parties agreed, because I had been present at the previous commission meeting and council meeting that I would be here to address you as well. As you are aware, the Mall and Jake Sweeney Automotive are asking for final approval tonight of this additional permitted use. As you have heard from Gregg Taylor, the mall has complied with providing the requested materials and has been able to incorporate staff comments and this commission's comments as well, so tonight we are simply asking for your final approval. Thank you.

Chairman Darby: Questions? Comments? Mr. Okum.

Mr. Okum: Thank you Mr. Chairman. Briefly, I drove the mall today, the parking garage today just so I would be aware, it is a little odd that someone driving in as a public customer sees all of the cars parked on the entrance and exit ramps. Was there any thought put to that, that they really didn't need to be on those ramps? Couple things occur, doors hit other doors when they are on a slope that like that and it does give the appearance, a little different and odd to customers of the mall.

Ms. Reader: I think the effort there was to try to keep the parking way from the building, which is why

Mr. Okum: I understand that, it is just the appearance, if I am a customer of the Tri-County Mall, and I am, it is just a little odd, all of those new cars sitting there on those main connector points and I am bringing it to your attention because it is based up on this it looks like you are utilizing the ramps pretty extensively and there's other areas of the field that could potentially, that are not getting cars parked at all. I went through and, this does not identify them as to what the signs are on the mall, but ramp 1H, and it is not on here so I don't know where it's at but I can say that 1H, which is on the first level going up has a ramp coming in that customers use and it is going to have, I believe cars parked on it when you look at it. I can't be sure. Well I don't know where it is at.

Chairman Darby: Here it is right here.

Mr. Okum: Yeah but I don't know what the 1H is, I don't know where the ramps are. I would assume that it is down here right next to the Macy's entrance where both of those ramps are being utilized that has the angled parking on it. Those would both, I would assume by looking at it, those would both be ramps.

Mr. Hall: It's not marked.

Mr. Okum: It's not marked. There is an arrow if you look there is an arrow on it and I think that indicates a ramp.

(talking off mic.)

Mr. Okum: One is an entrance. It's just perception to a retail center that the customer base going in is going to see a bunch of cars parked on those entrances and exits. I really, if you get to 400 on each level, I don't really have a major concern but I think that location, I'm not sure if I want to be that harsh. I want to keep it away from the stores but I'm thinking of the image of our mall and how that is going to impact the public when they do come in. Does anybody else have those same feelings that I do? That they might want to move them to flat areas that aren't being utilized?

Ms. Reader: Well to the extent that they aren't filling up 400 spaces on each floor, I think an effort could certainly be made to avoid those ramps. I would defer to the mall because I am not as familiar with the layout as to whether there's other spaces we could, that they could utilize to avoid that. I think, like I said, there was effort made here to be on the easterly side of the garage as this Commission and Council requested. So, we are just trying to make it fit within those parameters.

Mr. Okum: I understand. What makes it a little more complex is that level one is dropped off on the lower level. There is actually a level three that still has a roof over top of it if we go by grade and it is labeled with a three that still has a roof over top of it. It is not on the upper deck it just depends on where you are in the building. I see the mall people back there shaking their heads. My feeling, and I'm not saying that you have to do it, I'm just thinking the main entrances shouldn't be set up with cars that are being sold and warehoused. But, if they are in void areas that are not going to be used, that was the intent and obviously that it didn't impact the customers of the mall from accessing their parking areas. I did find cars parked in a couple of these areas that are highlighted on the paperwork that we got today, a couple but it wasn't many. I'm opening that up to comment.

Chairman Darby: Mrs. Sullivan-Wisecup.

Mrs. Sullivan-Wisecup: Thank you Mr. Chairman. I hear what you are saying Mr. Okum, but I think that at any given day that there might be a car parked in any of these before we get these cars warehoused here. That is the hard part of it is that right now it is a parking lot that people do utilize for the mall. If there are cars there, I have a feeling that they will probably park someplace else. I do see what you are saying about up the ramps because that could be a potential problem but I didn't know how much that use that has on a regular basis if there is only like one or two cars parked there. I don't know how often any of those cars are ever effected like you said with going around corners or opening doors or anything like that. I don't know how often there are cars that are effected in that way on a normal basis or if this is not going to be a problem at all, I'm not sure but I do hear what you are saying on that. But, I appreciate that they tried to get all of these parking spaces in the area that we did specify so that it did leave room closer to the mall for preferred parking for the customers. That's all that I has to say for that.

Chairman Darby: Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. Did the mall get any or seek any input from any of the store owners or representatives or what have you in the mall?

Ms. Reader: I could not speak to that. We have representative from the mall here and I defer to them.

(talking off mic.)

Ms. Reader: No.

(talking off mic.)

Ms. Reader: No, they did not.

Mr. Hawkins: Okay. Just out of curiosity from when this matter came before Council, what ended up being the final agreement with regard to the renewability or the time frame for when this is going to take place.

Ms. Reader: Nothing has been finalized with respect to that. I was actually traveling after that meeting and since I have returned now Mr. Reed is in Europe. So, nothing has progressed on that. We will take Council's comments into consideration. Prior to this meeting, I reviewed the minutes from the commission meeting in April. There is discussion there that this would be a short-term lease. That is still the intention here. It calls for a two-year term. I assume that we will still be negotiating renewability but this is a short-term solution for both parties. Obviously, the mall wants to put this property to better use and obviously, my clients don't want to have to run over to the mall for their inventory. They are actively pursuing other properties where they can store vehicles so this is intended to be short-term for both parties.

Mr. Hawkins: Okay. You know we are pretty far down river on this thing, so to speak, and obviously the mall does not have the obligation to check with their tenants as far as input but it doesn't hurt to do those types of things as you are trying to increase the viability and increase the traffic and have contact with the folks that are there with the shops to make sure that they may have some view point that may help or hurt their business. So, I understand that you don't have to but the input is not bad to get. It is just a side comment. Thank you, Mr. Chairman.

Chairman Darby: Mr. Bauer.

Mr. Bauer: Thank you Mr. Chairman. Just a comment to Mr. Okum's comment about parking on the ramps. I really have no issue with the parking on the ramps.

Chairman Darby: Thank you. Mr. Hall.

Mr. Hall: Thank you Mr. Chairman. Is my understanding correct ma'am that your client is ready to exercise a two-year lease with an option or you'd indicated that it wasn't to that point yet? What are you prepared to go forward with if this is approved this evening?

Ms. Reader: We would move forward, again I could not speak for what terms the mall is agreed to because no drafts have been exchanged since our last discussion before Council, we are prepared to move forward with a two year term with renewability options are still to be negotiated between the parties.

Mr. Hall: But there is nothing that has been, maybe I am just not understanding it correctly. You are telling us that there is a two-year lease in place but you haven't discussed it.

Ms. Reader: There's not a lease in place there's

Mr. Hall: So, there's nothing in place?

Ms. Reader: There has been a draft circulating.

Mr. Hall: There is nothing correct.

Ms. Reader: There is nothing that has been signed as of tonight.

Mr. Hall: Thank you.

Chairman Darby: Seeing no other lights I think we are ready for a motion.

Mr. Okum: Just one question real quick Mr. Chairman. So, if we are referencing exhibits, we've got the exhibit that was given to us.

(Mr. Taylor talking off mic.)

Chairman Darby: This one.

Mr. Okum: The new one that we just got.

Chairman Darby: Yeah.

Mr. Okum: Okay. The three pages that we received evening. Okay.

Chairman Darby: Your mic is on.

Mr. Okum: I know but I am going to make a motion. Mr. Chairman, I'd like to move to approve the Tri-County Mall LLC Final Development Plan Amendments, case number 33794, with the inclusion of the pages, exhibits a, b and c that was presented to us and provided by staff. The motion also includes staff and City Planner's recommendations and considerations contained in their report.

Mrs. Sullivan-Wisecup: I second it.

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

(Motion was approved with a vote of 7 to 0)

Chairman Darby: Congratulations

Ms. Reader: Thank you for your consideration.

IX. DISCUSSION

Chairman Darby: Are there any items for discussion? I know there's... Mr. Taylor.

Mr. Taylor: Mrs. Zimmerlin mentioned this earlier, you all may recall that we sent a letter to Hamilton County requesting one of the Mini-Grants to fund some work for our data collection for our Comprehensive Plan. She would like to address that situation.

Mrs. Zimmerlin: Thank you for the wonderful introduction Gregg. I have the unfortunate job of telling you that we did not receive the Mini-Grant this year. The jurisdictions that did had matching funds. It is certainly something that we will look at for next year and hopefully have the matching funds in the budget to help with that.

Mr. Okum: Great.

Mrs. Zimmerlin: Okay.

Mr. Hall: Thanks for trying again.

Mr. Okum: You tried.

Mr. Hall: You don't know till you know.

Chairman Darby: Mr. Okum, you want to make any comments since you first brought this to us?

Mr. Okum: I can only say that we are moving forward. Everybody is aware of how important it is and the emphasis on getting that into budget for being expedited as early as possible I would so endorse and recommend to the City. As you know I serve on that Commission and had to separate myself from the deliberation so I had no discussion or input on that. As a matter of fact, I did not even know that we did not or did receive it

because nobody told me. I guess they would have said congratulations when I walked back in but nobody said anything so I kept my mouth shut, I figured it was bad news.

Mrs. Zimmerlin: Who did get them?

Mr. Okum: I don't know. I do not know, there was three I believe. There was a bunch of applications though. This year more applications than ever came in for the Mini-Grants which means that communities are, actually more communities became part of the Planning Partnership as a result of the opportunity for the Mini-Grants. Hopefully, they will contribute.

Chairman Darby: Thank you. Any other items? Mr. Bauer.

Mr. Bauer: Thank you. Just, Mr. Taylor the old Tire Discounters, I have noticed parking in that lot. Has that been leased by somebody?

Chairman Darby: They are working there.

Mr. Taylor: Yes, the short answer is yes. Meda-Care which is a, I'm not sure honestly exactly what all they do but at a minimum they have a fleet of vehicles and they leased the space to maintain their fleet of vehicles. Unfortunately, they did not received a Certificate of Occupancy and the, this is the "Readers Digest" version and possibly Mrs. McBride could give you the better version, but, because Tire Discounters, well first of all the automotive repair is defined as something for the general public and we have the ability through the code to make a determination of similar use which we would be inclined to agree that this is a similar use even though it is for their own vehicles. Having said that, because Tire Discounters was gone for so long, even the automotive repair is a conditional use and because they were gone they lost their conditional use. So, we advised Meda-Care and the property owner that they would have to come before this commission to get a Conditional Use Permit. We have had contact with those folks, actually today via e-mail crying about not having enough time to get on July's agenda so we may have to, originally my letter said that they had to do something by June 11th which was the deadline. They did not. So, we may have to, if they are actually working on it, we may have to extend it and get them on the agenda for August if they can't, I relented and told them that they could have till noon tomorrow, but I don't think that is going to happen so it's probably going to be coming before you guys in August instead of July. That is the best I can give you.

Mrs. McBride: The only thing that I would add to that is that I don't think we are even sure that Tire Discounters had a Conditional Use because when they went in it was a really long time ago and when they originally went in, Tire Discounters did tire sales and they installed them but they did not do breaks and mufflers and you know all the other things that they now do. So, we said to the applicant that if you can produce that Conditional Use Certificate, but they have not been able to do that. We do not have, we the City do not have that on record. So, I don't believe that there was ever a Conditional Use Certificate issued for that so it would be the initial one for that type of use. The other thing that we have reminded the applicant is that they are in Subarea A of our Corridor Review District so any modifications that they might be planning to make to that building would need to come this Commission.

Chairman Darby: Mr. Okum.

Mr. Okum: Just a couple of things on housekeeping. Having an opportunity to drive Tri-County Mall today, an item for our engineer, on their parking flows in front of the mall. They have restriped and painted over arrows and directions and it is extremely, the old markings are showing through so you literally don't know what lane you are allowed to drive in in front of the mall. It is extremely dangerous. They still have not made the adjustments to the signs that exit sign that we mentioned that takes you only to 275 or to 747 North. That sign is still not been addressed. The taco place, the Mexican place is looking every bit more abandoned. Trucks are there, I know, there's trucks there, I guess we ought to ask a timeline from them. I was going to nail them when I talked to them when they are doing it but it was about another thing. These are

things that are all housekeeping things in the mall that I don't know if their legal council will deal with it but I see someone coming up. The final item is the old Michel Tire, the paint is peeling off of the roof and I know that is not compliant with our corridor review or our approval on the site because we had problems with that roof a number of years ago and it looks trashed. All of those combined it is a mess. Thank you.

Mrs. Russell: I can address one of those. I have an update on Dos Amigos that I actually got earlier today. They are working on the interior. They have been held up with their hood installer so all work has ceased while they wait for that contractor to make him or herself available to do that work and once that is done they will be cranking on it again.

Mr. Okum: Well that takes care of the taco place.

Mrs. Russell: Yep, that is the only one I can address. I'm sorry.

Mr. Okum: I mean I think the old Michel's garage, Macy's owns that building. I don't know why in the world Macy's, and I was speaking to someone the other day and they said that Macy's real estate is a totally different operation than Macy's retail and they operate totally isolated of each other so the real estate has the building and the retail has the store and no parts connect so if we could just maybe, I mean, do we have that in our code that they have to maintain their structures?

Mr. Taylor: Sure, I mean it is in the property maintenance code.

Mr. Okum: Then they need to address that. The safety issue with the parking lanes or the driving lanes in front of the mall is ridiculous and they definitely need to fix that. Thank you.

Mrs. McBride: I will say that I have heard through my little development grape vine that we may be seeing something coming into that building that would bring that building down. So, I'm not saying that they should not be maintaining it but that may take care of itself over the due course of some period of time.

Mr. Okum: Liquidation would be good. Thank you.

Chairman Darby: Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. When we have Conditional Use Permits granted, and we have conditions on them for things that the applicant has to do, are we able to put a time frame on those? Are we able to say you have to have this done by a certain period of time?

Mrs. McBride: Yes.

Mr. Hawkins: And, if somebody is continuously working on something, is there any kind of, and we haven't put a time frame on them but they continue to work on whatever that condition is, is there some period of time between when they are "working on it" to the next time that they are "working on it" where it can be considered not done or no longer "working on it" or can I say yeah I am going to erect this wall and I start in January and the next time I touch it, it is going to be March and the next time I touch it, it is going to be June? Is there any kind of lapse where we can sit there and say you guys are not in compliance?

Mr. Taylor: Let me answer on the basis on the building code, because I'm going to defer to Mrs. McBride regarding the zoning issues. Regarding the building code, as long as there is progress within a six-month period they basically can continue as long as it takes. If nothing goes on, if there is a halt in the work for six-months they can actually request an extension of up to a year because the building permit is good for a year and then as long as they are continuing to work it does not expire. If they have ceased work but the building permit has not yet expired they have the right to, I think it is two extensions under the building code. We don't have a vehicle, let's say, to keep people

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on task as long as they are moving forward. It is unfortunate, again that is sort of what we have and that is in the Ohio Building Code that is not our local code.

Mr. Hawkins: Okay.

Mrs. McBride: Relative to the zoning in the conditional use they have to make application for their building permits within six months of the approval of the conditional use. Planning Commission may extend that approval period up to a period of two years but there is no trigger mechanism unless you choose to put it in as a part of any conditional use approval that all of the buffering has to be in or installed within a specific period of time or work completed or whatever. So commission might want to think about that the next time they have a conditional use that comes before them.

Mr. Hawkins: Definitely. Thank you.

Chairman Darby: Final call, anything else?

X. CHAIRMAN'S REPORT - None.

XI. ADJOURNMENT

Chairman Darby: Our next meeting is scheduled for July 10th. Now we will accept the motion to adjourn.

Mr. Hawkins: I move to adjourn.

Mr. Hall: Second.

Chairman Darby: Moved and seconded that we adjourn.

(voice vote to adjourn 7 aye and 0 no)

Respectfully submitted,

_____, 2018 _____
Don Darby, Chairman

_____, 2018 _____
Richard Bauer, Secretary