

**NORTH RIDGEVILLE PLANNING COMMISSION
MINUTES OF
REGULAR MEETING DECEMBER 10, 2013**

To Order: Chairman Jim Rothgery called the meeting to order at 7:00 P.M. with the pledge to the flag.

Roll Call: Present were Planning Commission Members Tim Anderson, Larry Mollenkamp, Bob Olesen and Chairman Jim Rothgery.
Absent and excused was Member Jim Hurst.
Also present was Chief Building Official Guy Fursdon, City Engineer Scott Wangler, Assistant Law Director Toni Morgan and Secretary Donna Tjotjos.

Minutes:

Chairman Rothgery asked if everyone had a chance to read the minutes dated November 12, 2013. He stated if there are no corrections to those minutes, then they are approved as presented and will be placed on file.

Old Business:

Chairman Rothgery stated that there is no correspondence or old business. He explained the process in how the Commission runs the meeting. He then asked the Secretary to read the first application under new business.

NEW BUSINESS:

APPLICANT: Chris Teater, Hickory Land Holding, LLC, 37000 Center Ridge Road

OWNER: Same

REQUEST: Preliminary Plan approval for Millridge Subdivision (Revised)

LOCATION: South side of Mills Road; East of Stoney Ridge Road and West of Avon Belden Road in an R-1 District

Permanent Parcel Nos. 07-00-031-000-040 and 07-00-031-000-061

**POSTPONED ACTION UNTIL THE NEXT REGULAR MEETING
SCHEDULED FOR DECEMBER 10.**

Application was read along with comments received from Chief Building Official Fursdon, Police Chief Freeman, City Engineer Wangler and Fire Chief Reese.

Chairman Rothgery asked the representative to state his name and address for the record.

Mr. Chris Teater, representing Hickory Land Holding of 37000 Center Ridge Road, North Ridgeville introduced himself.

Chairman Rothgery asked if he could give an overview of the project once the Secretary brings up the plans.

Chris Teater stated that he feels the Chief Building Official's comments provided summary of the project based on the acreage of the R-1 zoning under the 1282 cluster subdivision. It will allow 130 lots and this plan shows 124. Thirty five percent of those lots are cluster lots which are smaller than the single family lots. Since they submitted plans for the first meetings and based on some discussions they had then, they made some modifications to the drawing. They expanded the common areas which brought that up to 24% now. They added some additional common area in the strip on the west side of the single family lots that butted up to the two large residential properties there off Stoney Ridge, one of which was noted as a small horse farm. They added two cul-de-sacs on the east side. The third cul-de-sac on the previous drawing showed a connection to the east, but after receiving Chief Building Official Fursdon's request, they plotted the two subdivisions that have preliminary approval in the area onto their map which shows what they would be connecting to there from the North Pointe subdivision. The one connecting street that was made into a cul-de-sac was only about a 120 foot wide common area that was not meant to be improved so that didn't make much sense, so it was turned into a cul-de-sac. The connection to the south was a guess because the land there is not currently developed or has any plans, but they did provide one access to the south. Those were the only changes that were made since the last meeting.

Chairman Rothgery asked if would address the City Engineer's comments.

Chris Teater introduced Mike Bramhall who is their Engineer on the project and stated that he could answer those questions.

Mike Bramhall. Bramhall Engineering, 801 Moore Road, Avon, OH stated that they do concur with the Engineer's comments. One of the things that was asked of them during a conversation with the City Engineer, was that they agreed to do whatever the traffic study indicates and they will go ahead and concede to whatever the traffic study indicates. They will concede that they will generate over 100 trips. He stated that it will be approximately 134 trips and whatever the results show prior to engineering approval for phase one, the developer will commit to making those improvements for that. He stated that the worse case he believes will be the acceleration and de-acceleration lane on Mills Road. He stated that would be the worst case that he will see as he can't imagine full mast arms for traffic there, but he will wait to see what the traffic study says they will need to do. The detention that they are showing is somewhat conservative because he would like to have more room. The ten foot will not be a problem and in the final design, they will make sure that they have more than ten feet. He stated that they want to maximize that green space area and make it pretty and also the ponds will be designed to have a safety shelf in it that is only about 18 inches deep and six feet out so if the children are hunting frogs or turtles and slip and fall in, they will only be knee deep in water. He pointed to the drawing shown on the Smart Board

and showed which road that will be used as their primary road. He stated that if they did have to install de-acceleration or acceleration lanes, this would be the primary way. He stated that they broke it up toward the south in order that it didn't become a race track for vehicular traffic. He stated that they will coordinate the water line during the final design. He indicated that they do agree with having one master meter as that makes the most sense and making sure the rates all work. He stated that Dave Conrad is still with the City of Avon and won't be retiring for a few more months and that it will be coordinated with him before he does retire. He explained that they are proposing to do a loop around the cul-de-sacs so that there is no stagnant water and then also the two dead end streets will include a connection in the final drawing to address the Engineer's comment regarding the cul-de-sacs. He stated that he does agree with the comment made regarding the sidewalks. He explained that they will do full storm water management compliance as they will need the clay any way and they will make sure the detention is big enough. They are showing the 50 foot setback from Welter Ditch on the current plan and he showed the area on the drawing where there are other ditches located and concluded that both riparian setbacks will be met. There will be ample space and easement for the City to get in and do any necessary repairs. He believes that pretty much touches on the Engineer's comments.

Chairman Rothgery asked what about the ditch that is located on the west side up close to Mills Road.

Mike Bramhall stated that there will be a storm sewer that will come back in to drain. He showed the area on the drawing where the main point for drainage will be and what land will be lowered. He stated that they are going to try and pull as much grade as they can through the area he showed on the drawing. He stated by linking the basins together as best as they can, they can keep things lower. They should be able to be lower than the ditch that is already there now. They will know better in the final design, but he feels very confident that they will be about a foot lower than what it is right now.

Chairman Rothgery addressed Chris Teater and asked if he contemplates any future complaints from residents because of building the lots up higher. He made mention to the lots down on Stoney Ridge where they had to build up Meadowlakes development so that it was higher than the property in the front because the property in the front hadn't been developed properly years ago. He asked if he contemplates that occurring again with this design.

Mike Bramhall stated that he will take full responsibility right now and during final design on what they do. He explained how it will work and the reason why it needs to be done this way. He stated that the design will prevent any damning that will occur if it is not done correctly. That will be provided in the final design to show that there will be no impact on any neighbor.

Chairman Rothgery asked if the Engineer could explain where they will be bringing the sanitary sewer in from.

Mike Bramhall stated that in Avalon Subdivision there is a 10 inch in diameter sewer that is at sufficient depth and capacity. It can take the Avon Belden West District and also the Mills District West. He explained that the City had a third party, Dave McCartney review this and their calculations. He stated that there was an excess of about over a half million gallons per day for this district after this new subdivision goes in and then there are other areas that can also tie in as well.

Chairman Rothgery asked where it will be run.

Mike Bramhall stated up Mills with an eight inch line.

Chairman Rothgery asked if there was any discussion with the water issue with the City of Avon yet.

Mike Bramhall stated that they will sit down and work it out with them.

Chairman Rothgery asked if there were any comments or questions from the ~~Administration~~ *Planning Commission Members*.

Member Mollenkamp asked if the detention basins were really detention or will they be retention. In other words will they be wet or dry.

Mike Bramhall stated that they will be wet.

Member Mollenkamp stated then they will be retention basins.

Mike Bramhall stated that they do like the water feature and in reality, the builder will get more money from the lots that are right up against the water.

Member Mollenkamp asked why is there a 20 foot sewer easement shown on the drawing. He stated that he thought during the last meeting that was going to be removed.

Mike Bramhall stated that as far as he is concerned it has been removed and the final drawing will not show it.

Chairman Rothgery asked if there were any other comments from the Commission. Hearing none he asked if anyone from the Administration had any questions or comments.

Assistant Law Director Morgan stated that for Chapter 1282, the applicant needed to submit

and they look fine. She stated the applicant will submit a final form of that with the final approval, but for now, the proposed ones are fine.

City Engineer Wangler stated he had nothing further.

Chairman Rothgery opened the floor to the audience and explained that they would need to approach the microphone and state their name and address for the record.

John Smitek of 3320 Stoney Ridge Road stated his concern has to do with the sanitary sewer that this developer is bringing in from Stoney Ridge. He asked if anyone took into consideration the 100 and some acres of the Wensink property that is located south of this area.

Mike Bramhall stated they did review that property and showed Mr. Smitek the map that was reviewed and explained why the sewer was chosen from Stoney Ridge.

John Smitek asked what the elevation was there.

Mike Bramhall explained the elevation. He stated showed the area on the drawing where it is 21 feet deep. They are showing the Avon Belden West District, Stoney Ridge North and South District that can be picked up by that sewer there. That is the sewer that is being calculated as having 1.33 million gallons for capacity and that is conservative. He stated that they actually looked at 219 acres to go into that sewer and this development is only 56 acres. He stated that Mr. Smitek also asked if a pump would be required and the answer is no that it can all be done on gravity.

Chairman Rothgery addressed Mr. Smitek and asked if he had any other questions he would like to ask.

Mr. Frank Krupka at 36789 Mills Road stated that he was never notified of this meeting and this development will be crossing his property and there are other property owners that the City did not contact concerning this. He believes that all of these proceedings are kind of ridiculous as neighbors weren't notified. They are in direct contact with this property. He continued to state that when the City sends out notices it should be a simple letter saying "resident" would be appropriate because this development will be crossing his property. He explained that aside from that they will be crossing the old Welter property which is now owned by the three sisters Judith, Nancy and Beth and they have not been notified of this either.

Chairman Rothgery asked Mr. Krupka to hold on while the Recording Secretary retrieved the mailing list.

Recording Secretary Tjotjos explained that one notice was sent to the Sheffield Lake address listed on the Lorain County Recorder's website and one was sent to the current Mills Road address. She further explained that she spoke with his wife, Mrs. Krupka and was provided the actual address that they reside.

Frank Krupka stated that one was sent to a property that he owns in Sheffield Lake and not the resident that abuts this property. He explained that was a rental property.

Recording Secretary Tjotjos tried to explain that the address that the City and developer uses to notify adjacent property owners is found on the Lorain County Recorders' website.

Frank Krupka interrupted and stated that the mailing was sent to a rental property. By chance, his renter wasn't there and he was able to pick up that mail.

Recording Secretary Tjotjos reiterated that the Lorain County Auditor's website has his mailing address listed in Sheffield Lake.

Frank Krupka asked why wasn't Judith Gill, Beth Matta and Nancy Welter notified. He stated that they own the property on the corner of Stoney Ridge and Mills.

Chief Building Official Fursdon stated that they are not adjacent residents to this parcel.

Recording Secretary Tjotjos explained that their land is not adjacent to this property.

Frank Krupka stated the fact that they will be cutting through their property or through the easement, the City doesn't extend the courtesy of notifying those people.

Chief Building Official Fursdon asked what easement he was referring to.

Frank Krupka asked how they were getting the sewer to this subdivision.

Chief Building Official Fursdon stated along Mills Road; through the right of way, which is under the City's control.

Frank Krupka stated that he thought as a courtesy, the City should have notified them as well. He stated that the developer will be driving equipment through her property. He explained that they will go around Avalon's corner, down Stoney Ridge and down Mills Road. That is the property he was referring to and they are the two largest land owners that abut what is going to be happening.

Chairman Rothgery tried to explain how Planning Commission notifies the adjacent property owners.

Frank Krupka interrupted and stated that is how government works. He stated that he realizes they aren't going to stop this. When he bought the property eight years ago, he knew that would get developed one day. He stated that he has other concerns but thought he would point out the general courtesy that he be notified. He didn't feel it was right that a resident from Avon had to tell him that something was going on in his own City that butted up against his property. He stated that he received the first notification about the meeting that was cancelled and he never received the notice about this meeting.

Recording Secretary Tjotjos explained that he was notified of the first meeting which was mailed to the Sheffield lake address. After which, she spoke with his wife and his wife provided the mailing address for the next meeting. The notification for this meeting was sent to his current address that was provided by his wife.

Frank Krupka stated that as we move forward he hopes that he is notified of the meetings. He continued to state that he was glad that the City Engineer made mention of the traffic study because that is a major concern of several of the residents that have got together about meetings outside of this to raise their concerns. One of the biggest concerns is traffic flow. He questioned why both entrances to this subdivision are located on Mills Road rather than having an entrance off of Stoney Ridge, which he believes there is property that is owned by the developer on Stoney Ridge. He stated that this puts everyone in this subdivision and the one behind it being dumped onto Mills Road. He addressed the Chairman and stated that Mills Road in his lifetime was a gravel road as was his and that road is not designed to hold that amount of traffic, in his opinion. It's a two lane road; 35 miles per hour. He stated that he believes there is other access to other roads for exits in order to deter some of the traffic from coming onto Mills Road. There are times already when he tries to pull out of his driveway where the traffic is backed up from Stoney Ridge passed his driveway. There is a traffic problem already happening and he just felt the Commission needed to be aware of that. He stated that he is interested in seeing what that traffic report does show for them. He continued on to state the reason he moved to North Ridgeville was because of the countryside. He did realize that area was going to develop and as you look at the map of North Ridgeville, this is prime development location to be able to put in a nice subdivision. It is fairly open ground and the developer has already gone through and cut the Welter Ditch several years ago in order to make it an easier access for the developer to go through. Another concern he mentioned is light pollution, which he doesn't believe the City has addressed. Light pollution can be a major problem as subdivisions are going in and he would like some consideration for street lights to be controlling our light pollution and when they put in the Avalon development, the main sign going into the development has very bright lights and he would like consideration given in terms of light pollution with signage associated with the subdivision and street lighting. He stated another concern he has is will he be responsible for any of the cost of the sewers going in.

Chairman Rothgery addressed the applicant and asked his response.

Chris Teater responded and stated no.

Frank Krupka asked if he would be charged for the linear frontage that runs in front of him.

Chairman Rothgery stated no. He stated that he may be charged for a tap in at some point.

Frank Krupka asked if there would be an opportunity for residents that are already there to tap into that sewer line.

Chairman Rothgery addressed City Engineer and asked him to respond.

City Engineer Wangler stated he would expect that the residents would have that opportunity.

Frank Krupka asked if he would be forced to do that or could he keep his existing septic system.

City Engineer Wangler explained when new sewers go in, the Board of Health is notified of the addresses that were formerly inaccessible to sewers that are now accessible and the Board of Health makes decisions on that on a case by case basis.

Chief Building Official Fursdon added that is the Lorain County Board of Health.

Frank Krupka stated he was speaking on behalf of the women who own the property on the corner and said there is actually two houses there that may be forced to tie into the sewer. He explained his house was plumbed to go out to the back of the house to the septic system and this will require him, if he is forced to tie in, to re-plumb his entire house to get the sewer to run out of the front of the house. He stated this has some financial constraints for him and development constraints as far as his housing.

Member Olesen addressed the Chairman and stated he believes there is a 200 foot restriction that you don't have to tie in if you are that far away.

Chief Building Official Fursdon corrected him and stated the County Health Department has that requirement.

Frank Krupka stated he was 154 feet.

Member Olesen stated then he may be in trouble.

Frank Krupka stated if he would have known that he would have bounced back another 50

feet because he does have the acreage there. He continued on and asked how the homes would be heated for this property as when he built his house, he was told that he couldn't tie into that gas line that runs on the north side of Mills Road. Several other residents were told that they couldn't tie into that. He asked if this will be an all electric development since they weren't allowed to tie into that gas line.

Mike Bramhall stated that he couldn't speak for the gas company, but they may run a gas line for this and they may have run a gas line since then. That is part of the due diligence that they have to do as developers. It may end up being where they have to pay for a gas line. There is enough houses to spread that cost over the number of homes that are being built for this subdivision.

Frank Krupka stated he was told that a transmission line cannot be tapped by Columbia Gas.

Mike Bramhall stated that they may go back as far as their master plan to see that there is a need for that in that subdivision and south of that.

Frank Krupka stated it can be done because the Welter property has tapped into that gas line. Although they told him it can't be done, it can be done as it has been done. He stated he was glad the storm retention ponds were mentioned and thanked Engineer Mike Bramhall for explaining the difference between retention ponds and basins. He stated he liked what he saw in Meadowlakes with the fountain in the pond to aerate the pond so that there isn't standing water. He asked if that same type of pond will be included in this subdivision. He stated that they are well maintained. He stated it was his hope that the developer will put in appropriate retention ponds and not just depressions that will fill with water. He stated as a father with children, he was glad to hear about the six foot out; 18 inches deep. That is a safety feature because these ponds are going to be a whole lot deeper. He said good luck in digging those as when he was digging for his house, he ran into solid sandstone four feet down.

Member Mollenkamp addressed Mr. Krupka and stated as he mentioned those fountains for the retention ponds, he stated those fountains are not required and do not have to be installed.

Frank Krupka stated they aren't required agreed, but we would rather have stagnant water and worries about West Nile concerns.

Member Mollenkamp stated that the Board of Health also takes care of that and he noted he lives in a subdivision that is southeast of Mr. Krupka that is relatively new and they were running into the same thing. No aeration system is required but the Board of Health does go in and check periodically for those types of concerns. Stagnant water, according to the engineers, you won't have.

Frank Krupka asked if these were public waterways that people will have access to make use of or will they be fenced in. He asked if children will be able to fish in them or will people be able to float a boat in them.

Chairman Rothgery stated that the residents will be allowed to go back in to the water sources.

Frank Krupka asked if they would be private owned.

Chairman Rothgery stated they would be private as a Home Owner's Association will be maintaining them.

Frank Krupka stated his concern about the sidewalks isn't so much that they will be in front of the houses as it is if they are required to be placed on the back side as well on Mills Road. He explained that sidewalks typically go on the front of the house, but on the map that he sees here, the house will be facing south. His question is, is will there be sidewalks to the north of those homes going down Mills Road.

Mike Bramhall stated he believes it is required by code that there be sidewalks on that road. He continued to state that they will do some landscaping there as well.

Frank Krupka noted a ditch on the plan and stated that ditch is actually owned by him. He showed where the property pin is located and where his property runs to. He asked that the ditch remain open as he is not looking for that to be filled in. He stated that it is a natural barrier for him against the subdivision. He has mowed his side of the ditch this year and water runs fine. The biggest concern is if they screw this ditch up, VFW will flood if that water isn't running through there. He stated he wanted to maintain that as an open ditch. He state he believes since he owns that ditch he has a right to keep it that way. He continued on to state there are a small stand of trees up against Gary Sharpe's property and he showed that area on the map. He stated he tried to buy that from the developer and they told him that they needed that for their green space. He stated he would like to know what the intention is as far as green space. He asked what the intention is for the green space.

Mike Bramhall stated that he might have to put a ditch there.

Frank Krupka stated there is a ditch already there and showed the area on the drawing. He explained the easement and its primary use was for his corn field. He stated that the intention for that was to keep the front area accessible.

Mike Bramhall stated that with the same care as Mr. Krupka took care of his golden retrievers over the years, he will take care of him as well. He stated that this will definitely improve the drainage. He explained that there will be some buffering that is just the way he

works. He explained that the land is zoned for this and it can't be stopped, but he stated he was willing to work with the residents. He explained that with the drainage, the key for them is to try to lower everything because this property is so flat and because of that, it will improve the drainage.

Frank Krupka stated he sees 124 homes draining their sewage into his front yard to the ditch.

Mike Bramhall stated that they aren't running it east. He stated that they weren't going out up there.

Frank Krupka asked where the sanitary sewer will be.

Mike Bramhall stated that they will be running in the area he showed on the map and it will be eighteen feet in the ground.

Frank Krupka stated it shouldn't be an issue then. He stated that the runoff is running northeast.

Mike Bramhall stated yes.

Frank Krupka asked if the homes will have access to direct burial of pipe to get in that sewer. He explained when he put his house in, he was not allowed to put any type of runoff into any type of ditch. His had to be splash pads to keep the runoff onto his property.

Mike Bramhall explained the requirement is per EPA and North Ridgeville's code. He explained the swale design.

Member Mollenkamp asked about sump pumps.

Mike Bramhall explained, however it was inaudible.

Frank Krupka clarified that the water will be taken to the ponds.

Mike Bramhall stated yes.

Frank Krupka restated that he hoped he received future mailings about this so that he can attend meetings. He reiterated that traffic study is a big concern as well as the light pollution. He stated that this will definitely impact the neighborhood significantly and expressed his disappointment that the City allows cluster homes to come into Subdivisions as he believes that it lowers the value of other homes in the area. He feels that North Ridgeville is cramming as many homes as they can into square acreage. He spoke of the late Betty Welter and her concerns of the use of that property.

Chairman Rothgery asked if there was anyone else that would like to comment.

Caroline Stanczyk of 36760 Mills Road on the Avon side. She stated her driveway is going to be directly across the streets from one of the entrance/exits. Mr. Krupka and her got together and pulled their questions in order that there wasn't a bunch of people attending the meeting. She stated her concerns are about the sewer as she believes this will involve her property and she also owns 17 acres of her mom's property right next to her. She stated the sewers are coming from Avalon and asked how far down Mills Road will they go. She asked if they will go all the way to Route 83.

Mike Bramhall stated they will go to the power lines and showed that location on the drawing.

Caroline Stanczyk stated that she is 700 feet away from that so she wouldn't have to tap in. She stated that the 17 acres that belonged to her mother right next to her also concerns her for the future.

Mike Bramhall stated that the master plan for Avon shows a ten inch line going north to Highland Park.

Caroline Stanczyk asked if the residents will get a notice when the final plan comes in.

Chairman Rothgery explained again that anytime a developer comes in front of the Planning Commission, they notify everyone that is on the list that we get from the County Auditor.

Chief Building Official Fursdon added only the adjacent property owners.

Caroline Stanczyk stated the traffic study was also her concern.

Mike Bramhall stated that there is a little bit of latitude on that access drive so, depending upon where the driveway is at if, these cars are coming directly in.....

Caroline Stanczyk interrupted and stated she has a gate at the end of the driveway and so it will be closed at all times and shouldn't be a problem.

Chairman Rothgery asked if there were any other comments.

Craig Shumaker of 5079 Stoney Ridge Road asked if the drawing could show where his property line is located. He stated that the ditch was cleaned out about a decade ago and it currently runs in the area he showed on the map. He asked how the developer will handle the development in that area.

Mike Bramhall explained that there is an open space area there and one of the thoughts was to have an enclosed channel and he showed how it will work using the drawing.

Craig Shumaker stated the developer mentioned raising the property and asked how much will it be raised in the area he showed on the drawing. He explained water likes to stand in the area he showed. He is worried about having a standing pond as he has a few Christmas trees that aren't doing very well anyway and will probably die off. He has been using that area for hay mostly because they have a couple of goats still.

Mike Bramhall stated that if they don't do what he showed on the drawing it could very well cause a mess and a dam there. He explained where he wanted to put a storm sewer in and make it a foot to a foot and a half lower than any of the deepest ditch that cuts through there now. He stated this will be several feet higher. He explained that the Army Corp does not like any ditches to be filled in so what they will use is the storm sewers.

Craig Shumaker asked if it will be filled in.

Mike Bramhall stated they can't fill it without getting a permit. Part of the final design will be to locate exactly where that is and anyone that is abutting to that area he will be talking with.

Craig Shumaker stated that he believes there is somewhat of a fence row along the area he showed on the drawing that included large maple trees and asked if that will be left. He stated if they are left it will block some of that light pollution for him, especially during the summer.

Mike Bramhall stated that the way he looks at trees along the perimeter is that they almost have to be right on the edge of the property in order for them to be kept in order that the roots aren't touched during development and then that will lead to dead trees. He stated to get rid of all those trees there, that is a cost of approximately \$500.00 per tree and so that is what will be looked at. If there are some nice trees along the perimeter, they will try and keep those trees there.

Craig Shumaker asked what the open space there will consist of as that will be along their property line.

Mike Bramhall stated it will be grassy area and whatever the home owner's association wants there. They try to make it landscaped because it is inviting.

Chairman Rothgery addressed the applicant and asked if they had any idea of what section will be developed first and how long it might take to get back to where the Shumaker's house

is located.

Chris Teater stated that area will definitely be phase two or three and showed the area on the drawing that will be included in the first phase which may consist of about 50 houses.

Craig Shumaker asked when he plans on starting the project.

Chris Teater stated Spring.

Chairman Rothgery explained that the final will need to go through three readings of Council first and that will take a couple of months.

Craig Shumaker stated he does have chickens on his property and there will be nothing to stop them from free roaming. He again asked about the drainage of the ditch because that is where his chickens tend to go to.

Mike Bramhall explained again how the water will flow. He stated that it will not shed onto his property.

Chairman Rothgery asked if there were any other questions.

Frank Krupka asked if there were going to be model homes set up in this subdivision.

Chris Teater stated most certainly.

Frank Krupka asked if they would be located up against his property line, which will be in his first phase.

Chris Teater stated that they will not be the builder and it will be up to the builder where they will put the model homes. It will be likely though that they are located near his property.

Chairman Rothgery asked if there were any other questions from the audience. Hearing none, he opened the floor one last time to the Planning Commission.

Member Mollenkamp addressed Mr. Bramhall and stated that the area to which phase one will be has been identified. He has looked at the z-heights in this area and right where that westerly street is located. He asked how the developer will shed the water off during construction phase. In other words this will take a couple of years to put in and so what will happen if the street is installed west of the development, how will they shed the water off so that it does go east.

Mike Bramhall explained the EPA's requirements and the codified ordinances require an

interim grading plan to address what he is asking. That has to be identified first and sent in.

Member Mollenkamp asked Mike Bramhall to explain to the residents why the retention ponds will be as deep as they are when being built.

Mike Bramhall stated first of all they need the clay and so that is why they will dig so deep. Also, they have to have a sediment basin on the bottom that will allow all that sediment to trap. He stated he didn't know how deep they have to go, but generally, they have to dig that deep to get the clay out and also to allow the sediment to go into the bottom of it.

Member Mollenkamp realized that, but some of the residents are going to be looking at those ponds as they are going in and note that this isn't what you said during the Planning Commission meeting. He believes a couple of these residents will be looking at that and asking why they are so deep in the beginning.

Mike Bramhall stated that the biggest thing is the safety shelves. He spoke further but it was inaudible.

Chairman Rothgery stated that the company Mr. Teater works for has done an excellent job on their ponds in Meadowlakes as well. Hearing no other comment, he asked for a motion.

It was moved by Anderson and seconded by Mollenkamp to approve Preliminary Plan approval for Millridge Subdivision (Revised)

Yes, 4 No, 0

Motion was approved by a vote of four to zero.

APPLICANT: William Nestor, C&S Industrial; dba Impact Industries, Inc., 5120 Mills Industrial Parkway

OWNER: Same

REQUEST: Approval to construct an addition onto existing business in an I-2 District.

LOCATION: 5120 Mills Industrial Parkway in an I-2 District
Permanent Parcel No. 07-00-018-101-281

Application was read along with comments received from Chief Building Official Fursdon, Police Chief Freeman, City Engineer Wangler and Fire Chief Reese.

Chairman Rothgery asked for a representative.

William Nester, 5120 Mills Industrial Parkway explained that they are planning on adding a 12,000 square foot building to the south side of their building. They will have a 75 foot setback in the back and a 25 foot setback from the side. He showed where the addition is on the drawing and the current building facility. He showed where the property lines are on the drawing. Right now they are leasing property and they will be losing that area within the

next year. It hasn't really been practical for them to be moving their product back and forth. They need the additional space.

Chairman Rothgery opened the floor to the Planning Commission for comments and questions.

Member Olesen asked if his company is still growing and would they still need to expand if they still leased.

William Nester stated yes.

Member Olesen stated as far as the City is concerned, they always welcome industries to expand.

William Nester stated that they are in manufacturing and they backed away from automotive and they are now very heavy on the medical side. The project that they are currently working on is probably the largest project they have had with that company. They brought in two big hydraulic presses for these projects.

Chairman Rothgery asked if this facility will be used primarily as a warehouse.

William Nester stated it will be used primarily as a warehouse.

Chairman Rothgery asked if they currently had adequate parking.

William Nester stated that they are adding parking near the rear because part of the addition will be taking the parking spaces.

Member Olesen asked if they would be hiring more employees for this addition.

William Nester stated eventually, yes.

Chairman Rothgery opened the floor to the Administration.

Engineer Wangler responded nothing further.

Chairman Rothgery addressed Chief Building Official Fursdon and asked if everything was checked out and if they will have plenty of room.

Chief Building Official Fursdon stated lot coverage and setbacks all meet the zoning code.

Chairman Rothgery stated one of his concerns is that they provided a 1994 drawing and

stated that he assumed that was ok with him.

Chief Building Official Fursdon stated when they come in with their building permit, they are going to have to come in with a topographical survey that satisfies the City Engineer's requirements. That survey will show what is seen there. If not, they will either have the choice to modify or seek a variance.

Chairman Rothgery opened the floor to the audience for questions or comments.

Gregory Jackson of 34667 Highland Drive stated he didn't receive a notice of this meeting either.

Chief Building Official Fursdon stated that he was not an adjacent property owner that abuts this property.

Gregory Jackson explained that this industry has a punch press that operates at 6:00 in the morning and it keeps you awake. He explained the noise it makes. The noise transmits through the ground, through the house and into the bedrooms. That is all you hear all day. He asked the Commission how they would like to wake up to that noise every morning. It is constant. He stated that there has to be a way to dampen that sound. He stated that if he kept that door closed, it may help, but they don't keep that door closed during the spring, summer and fall months.

William Nester asked if the resident was located at the very end.

Gregory Jackson stated that he is on the end.

William Nester stated several years ago, they had a complaint. They put a mound of dirt back there and he has signs on the doors in the summer that they are not to be open until 7:30 in the morning.

Gregory Jackson stated that employees don't listen to that. He stated when it is warm in there in the summer, they open them.

William Nester stated that they don't.

Gregory Jackson asked Mr. Nester not to say they don't because he has been by there several times and the door was open.

William Nester stated that they try to be neighborly and he has not heard any complaints since the one that was sent to the City.

Gregory Jackson stated that is because they have never heard any response from those complaints to date. All they ask is if the applicant would sound proof their building or put some type of dampening pads underneath or maybe quit trying to do too much with those presses or use a lighter material. Every time you go to a heavier material the noise gets terribly loud. It actually does shake the houses.

William Nester asked the resident if he could meet with him to identify which presses they are and see what they can do. The pressers they brought in can't be heard because they run at such a slow speed. Some of the smaller ones that are way over in the other building have a harder hit.

Gregory Jackson stated the noise is a clang and bang, clang and bang. After a while it is comparable to someone scratching their nails against a chalk board. No matter what you do it gets to you. He asked if they were bringing in new presses.

William Nester stated they are already in. He explained they know they are right up against a residential area and that is one of the reasons why they are using this addition mainly for a warehouse.

Gregory Jackson addressed the applicant and stated that he is sure he doesn't live in the area and is sure that he wouldn't like to hear that noise all day long.

William Nester stated that they will get together and identify which presses they are and see what they can do about it. He explained that this new addition may dampen some of the noise as well.

Gregory Jackson stated that he still didn't know why he wasn't notified of this.

Chairman Rothgery explained that he is not an adjacent property owner.

Gregory Jackson stated that he is right across the street from someone who did receive a notice.

Member Mollenkamp asked if his property abuts the industrial property.

Gregory Jackson stated that his property is one house away from the industrial property.

Chairman Rothgery stated again, the Commission can only go by what the County Auditor states as properties that are listed as adjacent properties. He asked the resident to show where he is located. He stated that property is not adjacent to the property that is in front of the Commission tonight.

He asked if there was anyone else that would like to make a comment.

Patti Friedel of 34670 Highland Drive, directly across from Gregory Jackson. She was unsure of where this addition was going and would like to see on the drawing where it will be and she continued to state that they have been residents at that location since 1979. She stated that they did complain about the noise level and they did come out and meter the noise and it was found that it was within the noise level. She stated that as Greg said it is constant. She stated that there was a buffer there but the ditch was cleaned and it removed that buffer. They did pull some of the pine trees that are there. She asked if they had any kind of authority to say no to new punch presses or any additional loud noises. She stated that their house values go down based on this noise issue. Now there is an additional building going up with additional punch presses.

Chief Building Official Fursdon stated the only thing we can enforce is our ordinances and if they are not in violation of the ordinances, then we are powerless. There is no standard for their operation or decibel levels. It would have to get to the threshold of pain. There are noise ordinances that reflect certain hour's one can begin work, but that is mainly geared toward construction and power tools. It is not geared toward manufacturing.

Patti Friedel explained that at ten o'clock at night cars were peeling out of that location.

Chief Building Official Fursdon showed both Patti Friedel and Gregory Jackson where the addition will be located.

Patti Friedel asked what is there now.

William Nester stated that there are trailers there now that will be removed.

Patti Friedel asked where the punch presses are going to be.

William Nester stated that the presses are already in the building. They will not be relocated to the addition as it will only be used as a warehouse.

Member Mollenkamp asked if the presses are running right now.

William Nester stated they are. He explained that the new presses are hydraulic presses and are very slow. You will only hear the hydraulic motor.

Patti Friedel stated that you can hear that and asked where Mr. Nester lives.

William Nester stated that he doesn't live here.

Patti Friedel stated that he should.

William Nester stated that Ms. Friedel is talking about a completely different machine than what he was talking about.

Patti Friedel stated that the existing punch presses do pound all day long.

William Nester stated the ones she is hearing are not the hydraulic presses.

Patti Friedel asked if there will be any pine trees planted.

William Nester spoke but it was inaudible.

Patti Friedel asked if they will be putting up any additional buffer along side this.

Chairman Rothgery stated that they will be up against the other industrial building on the side of it and asked if she meant along the back side.

Member Mollenkamp stated she was talking about the west side.

Chief Building Official Fursdon stated that in the comments it was required that a buffer strip against the residential district be put in. He stated usually it is just trees and shrubs by our ordinance.

Gregory Jackson stated that all that is there are vine and blackberry bushes. There isn't anything called a buffer over there.

Chief Building Official Fursdon explained that when this parcel was developed he did not know whether or not the ordinances required a buffer strip.

Gregory Jackson stated he was a resident long before that business opened.

William Nester explained that he did plan to put a dirt mound in the back there and the Chief Building Official asked for him to draw up some plan for that. He stated he is willing to do that buffer. He stated that they will do their best to create that buffer.

Patti Friedel stated when that creek is cleaned out, they hit the roots of those trees and they die. It is almost like they need to relook at that location and reinstall that buffer because right now, there is nothing.

William Nester stated that they can get together and see what type of evergreens they can put in or whatever it is.

Member Olesen stated that he and the Chief Building Official were just looking at the code and there is nothing in there that covers this. The only thing that is in there refers to very high decimal noises and this is not part of that. He stated that the applicant is agreeing to look at this problem and so he believes that is good because the City really can't do anything with it.

Bob Collins of 34654 Highland Drive showed where his property is located adjacent to the industrial property. He asked if this building was going to be 75 feet from the property line.

William Nester responded yes.

Bob Collins asked if they were going to do anything on the other side of the ditch as far as buffering.

William Nester stated he was going to leave that alone.

Chairman Rothgery asked for a motion after hearing no other comments.

It was moved by Anderson and seconded by Mollenkamp to approve.
Chairman Rothgery asked the Secretary to call the roll.

Audience member asked when the applicant will begin building this addition.

William Nester stated in the Spring.

Yes, 4 No, 0

Motion was approved by a vote of four to zero.

Chairman Rothgery addressed the Commission members and explained that he had asked the Secretary to run off copies of the Planning Commission bylaws to hand out to the members for their review. He explained that the bylaws will need to be amended due to Charter changes that were made during the last election and he asked that the members review the bylaws to see if there are any other changes they would like to make. He noted that the bylaws have not been reviewed for some time and it makes sense to review them in their entirety since changes have to be made. He asked if the members would have a problem meeting at 6:00 P.M. to hold a Special Meeting before the regular meeting on January 14 in order to review the bylaws. He also asked that Mr. Wangler and Mr. Fursdon also provide their input as to possible changes within the code. This review has not been done for a very long time and it really needs to be done at some point.

Chief Building Official Fursdon asked if the Chairman was referring to changes in their bylaws or the ordinances.

Chairman Rothgery stated that the Commission will have to start with the bylaws, but if there are changes that need to be made to the ordinances, those will have to go to Council.

Chief Building Official Fursdon stated that years ago we did that through Planning and Zoning and made recommendations to Council. The review was on behalf of both Planning and Zoning during workshops they held. He stated it will take some time and it would be helpful if Planning Commission had some concerns that need to be looked at. He explained that there are some zoning districts that aren't clear as they are laid out and there are some zoning districts that can be eliminated based on the lack of use.

Chairman Rothgery provided an example of the discussion that was just had regarding the Industrial Parkways. The intent of the Industrial Parkway is not the same today as it was when Mills Industrial Parkway was put in.

Member Olesen stated yes, it was back in the 60's.

Chief Building Official Fursdon provided another example in terms of the buffer ordinance and what is required.

Chairman Rothgery handed out the copy of the bylaws and asked Secretary Tjotjos to provide any additional comments.

Secretary Tjotjos stated the main reason to review the bylaws is due to the Charter change that reflects the posting of the notices. The bylaws will need to change to reflect the Charter amendments made during the last election. She also stated that there are suggested changes based on administrative or typographical issues that can also be reviewed.

Chief Building Official Fursdon stated that the 20 day cloture period was added to the bylaws, he believed over ten years ago.

Chairman Rothgery stated that another item to review is when documents are technically due such as traffic studies for newer developments, etc. To require the developer do a traffic study after the fact kind of negates the requirement.

Chief Building Official Fursdon disagreed with that and provided example, that the

subdivision that came in tonight, the developer agreed to do it and they agreed to follow what the study said to do. He stated that the City may not agree with everything that the traffic study shows. When a subdivision is only putting in 30 houses, he asked what would be the impact on Mills Road compared to 100 plus homes at the final. That is when you need to make sure that everything from that traffic study is in place when you start getting the larger volume of homes. He gave an example of whether or not acceleration or de-acceleration lanes are provided.

Member Mollenkamp asked how the traffic study would be impacted on Mills Road even though the Smitek development that is located south of this subdivision hasn't built his yet. He asked if that was taken into consideration when this is done.

Chief Building Official Fursdon stated he didn't think that Smitek's property is going to impact Mills as much as it will impact Stoney and Avon Belden. He explained the problems that are already occurring in terms of not having turn lanes etc, onto Mills Road. He suggested that the Commission may want to ask Larry Griffith to come in and talk about traffic studies because he has a lot of background in traffic studies.

Member Mollenkamp asked if everything in red is suggestions to amend.

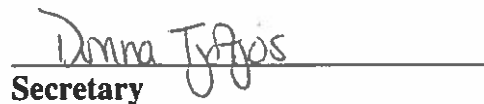
Secretary Tjotjos responded yes. However, most are suggested based on minor issues.

ADJOURNMENT:

Chairman Rothgery stated since there is no other business, this meeting is adjourned.

Meeting adjourned at 8:40 P.M.


Chairman


Secretary

January 14, 2014
~~December 10, 2013~~
Date Approved