

**NORTH RIDGEVILLE PLANNING COMMISSION
MINUTES OF
REGULAR MEETING NOVEMBER 13, 2014**

To Order: Chairman Larry Mollenkamp called the meeting to order at 7:00 P.M. followed by the Pledge of Allegiance.

Roll Call: Present were Planning Commission members Tim Anderson, Jim Hurst, Robert Olesen, Vice- Chairman Jim Rothgery and Chairman Larry Mollenkamp.
Also present was Chief Building Official Guy Fursdon, Assistant Law Director Toni Morgan, Engineer Scott Wangler, Mayor David Gillock and Secretary Donna Tjotjos.

Minutes:

Chairman Mollenkamp asked if everyone had a chance to read the minutes dated October 14, 2014. He asked if there were any corrections or changes to those minutes. He asked if there was a motion to accept the minutes as written.

It was moved by Rothgery and seconded by Anderson to accept the minutes dated October 14, 2014

Yes, 5 No, 0

Minutes were approved by a vote of five to zero.

Correspondence:

Old Business: None.

NEW BUSINESS:

Chairman Mollenkamp asked the Secretary to read the first application under new business.

APPLICANT: DATSO, Ltd., Worcester's Inc., 34200 Lorain Road

OWNER: DATSO, Ltd, 8455 Root Road

REQUEST: Approval to construct a 4,588 square foot addition onto existing structure

LOCATION: 34200 Lorain Road in a B-3 District

Permanent Parcel No. 07-00-014-104-020

Application was read along with Administrative Officer's comments from

Mr. Bob Fortune, Consultant with Worcester's of 25617 Royalton Road, Columbia Station, Ohio. He used to be a resident here in North Ridgeville.

Chairman Mollenkamp asked Mr. Fortune to explain the proposal.

Mr. Fortune stated that it is their intent to enhance the atmosphere of the outside of the building as well as add some additional showroom space in the front, which will be about 60 feet additional for showroom space.

Chairman Mollenkamp opened the floor to the Commission members for comments or questions.

Member Rothgery asked if the applicant has met all the requirements that were stated in the comments from the Chief Building Official and Engineer. He stated that there were several issues that will have to go before the Board of Zoning and Building Appeals.

Mr. Fortune addressed the comment made regarding the buffer zone and the trees and stated that the adjacent properties are all owned by Worcesters. That property is already being used for parking and some of the trailers that are for sale. He didn't know what was being asked as far as a buffer or tree planting and whether that would be required in this situation since the properties on all sides of the business are owned by Worcesters.

Chairman Mollenkamp asked if they were separate plots.

Mr. Fortune stated that they are separate plots at this point, yes. Those lots are being used by the business.

Member Hurst addressed the Chief Building Official and stated that there is a building on the north property line that crosses the lot line and he asked if that impacts any of the discussions that are in front of Planning Commission tonight.

Chief Building Official Fursdon stated that it impacts their lot coverage percentage. He stated that he could only give approximates because the engineer's drawing doesn't scale out the length of the drawing scale says that it should. He gave the closest number he could come up with per the drawings submitted.

Member Hurst addressed the City Engineer and stated he had a question on his comments about the storm drainage and asked if there were any provisions that would be required to accommodate this new addition in terms of storm drainage. He asked, if in the future when they pave the additional parking spaces, will they be required to install additional retention.

City Engineer Wangler stated that it would be something he would have to look at and consider. Without all the data, he couldn't say for sure yes or no whether it would be required.

Mr. Fortune stated that their engineer looked at that and there is a storm sewer plan to install three different catch basins in the parking lot and there is a storm sewer manhole that is on the north side of Lorain Road. The natural drainage is to the north, but that particular spot drains to the south and to the ditch that is down on Root Road.

Member Hurst clarified by stating that in the future when the rest of parking area is paved, whether that will require additional storm water retention basin of some sort and not just a catch basin.

Mr. Fortune stated that he didn't know why there would be reason for a detention there because they are blacktopping it and right now there is no change in how the water runs. They are trying to make that water run better.

Member Hurst added that the gravel parking lot has a much slower rate of water runoff than a paved parking surface would create. The water in the future will be running off faster and will need to go somewhere. He believed that there will need to be a retention basin or some sort of storage basin for the faster water runoff rate that we will have in the future.

Mr. Fortune stated that hasn't been addressed and has not been asked of him before.

Member Olesen asked when the first building was originally built.

Mr. Fortune explained all the additions made to the original building and the original building was built prior to 1942.

Member Olesen stated that the age of the building has a bearing on this application as well because the building was in existence before the City had any codes.

Member Hurst stated that is true, but when there are additions, the City has the right to request that all codes be met, such as retention and as the Engineer said, it is something that will have to be looked at. Another item that fits into this is that we require hard surfaced parking and we are not requiring that right now so that would factor in to the grandfather clause that Mr. Olesen is talking about. The Engineer is going to have to decide how much to enforce now and how much to enforce when the gravel parking becomes paved.

Chairman Mollenkamp addressed Chief Building Official and stated that the comment mentioned regarding the buffer that is required, he asked even though the plots are separate, won't the City still require the 10 foot buffer because any one of those sides could be sold at any point in time and asked if that would be required.

Chief Building Official Fursdon stated that he believed Chairman Mollenkamp was talking about two different things. The 10 foot buffer that they are talking about in that section is they don't want any parking in the first 10 feet of the property so that nothing goes out to the right of way. If you have residential structures, you are talking a buffer strip of trees and shrubs to lessen the impact on the residential use. That is entirely different than the parking buffer. That is just an open area you don't park in. You could put bumper blocks so that the cars can't go beyond a certain distance forward.

Chairman Mollenkamp stated that because the existing homes are still there, would they be required to put a buffer in there.

Chief Building Official Fursdon stated that they are putting the addition on so it would lead you to the conclusion that it didn't have a buffer strip before because it was built prior to that ordinance but now that you are putting the addition on, but they say they own that property, it then becomes a judgment call.

Member Rothgery addressed the Administration and asked what the game plan is for sidewalks on Lorain Road. He asked if there was one currently and could it be a year or so before anyone else has to put one in.

Mayor Gillock stated that there are no current plans to add sidewalks on Lorain Road.

Chairman Mollenkamp asked if there were any other questions from the Commission. Hearing none, he opened the floor to the Administration for questions or comments.

Mayor Gillock stated that he would just like to express his support for this business. This is one of two of the oldest businesses in this City. He is glad to see them growing and expanding and making the property look nicer. Several of these issues that have come up are existing conditions that are coming up just because of the expansion and most of them can be dealt with fairly simply. The Engineer is going to have to work with them to address the new paving to determine if detention is going to be required. It is really not an issue here tonight, but it is something that they need to look at. He asked that the Commission support this application. He stated that the City does want sidewalks and is required in all of our new businesses but there are no plans for adding on Lorain Road, so if one was put in by them, the sidewalk would lead nowhere. He asked for the Commission's consideration and support of this business growing and expanding in the City.

Chairman Mollenkamp asked if any other member of the Administration had any comments. Hearing none, he opened the floor to the audience and asked if they could step forward and state their name and address for the record.

Mr. Terry Keenan of 6863 Savannah Drive stated that he was excited about the applicant's expansion. He would support this project and in having listened to the presentation he would like to make a couple of comments. One item, he stated, is that an onsite storm basin could be pretty difficult, however, he wouldn't support waiving that requirement, but he would look for other good solutions such as hard surface that is pervious. They could do paving surfaces that are pervious and yet hard so, there can be a solution in there for the applicant that doesn't require storm water control or additional basins. The other item he wanted to bring up was during the presentation, in the fact that it is the same family ownership of the

land and thinking that may be a reason to waive a requirement, frankly, he didn't think that it is because the applicant can consolidate those plats and so, with just a little bit of legal work on the plats, they can work their way through that as well. He stated that he believes that there are opportunities to work through the issues. He does support this and would love to see them get this done.

Chairman Mollenkamp asked if there were any other comments. Hearing none, he brought the discussion back to the Commission.

It was moved by Rothgery and seconded by Hurst to approve the construction of a 4,588 square foot addition onto existing structure.

Yes, 5 No, 0

Motion was approved by a vote of five yes and zero no.

APPLICANT: Chris Taylor, Pikeview Materials, LLC, 7719 Race Road

OWNER: Race Road, LLC, 37000 Center Ridge Road

REQUEST: Approval to operate existing temporary structure as a permanent facility and to install additional asphalt pavement in an I-2 District.

LOCATION: 7719 Race Road in an I-2 District.

Permanent Parcel No. 07-00-034-000-134

It was moved by Rothgery and seconded by Olesen to suspend the by-laws to read comments received after cloture.

Yes, 5 No, 0

Application was read along with Administrative Officer's comments from Chief Building Official Fursdon, Fire Chief Reese, Safety-Service Director Armbruster, City Engineer Wangler and Police Chief Freeman. A letter received by the Ohio Turnpike was also read.

Chairman Mollenkamp asked for a representative from Pikeview Materials to step forward and give their name and address for the record.

Mr. Clarence Watkins from Bramhall Engineering and Chris Teater, Race Road, LLC introduced themselves. Mr. Watkins continued on to explain that they have been in front of Planning before with an approval of three to two but as the Commission was aware, when it went in front of Council the last time, it was denied based on the lack of information. Further plans needed to be prepared. Subsequent to that Council meeting, there was some activity assigned to them in which they have prepared some signed documents and revisions to those documents were turned into Planning Commission. He explained Council wanted to see a development plan to show what Race Road, LLC was proposing to do in the future. They did a current topographical survey of the entire site and prepared a contour map. They provided a SWIP plan that was provided to the EPA and permitted and revised it so that it would reflect current revisions of the topography. That is the plan that was modified and

then subsequent to that, they made a development plan. They took the original drawings and prepared in 2006 a cul-de-sac roadway that was going to be indicative of an industrial park and they revised those plans to reflect the current topography. Drawings were provided to the Commission that showed a general plan and profile of the proposed roadway and lot lines were shown diagrammatically for general intent only. As they said before, they have no buyers so there is no selling of lots as that is in the future. What they wanted to show was what was envisioned in 2006 is still a plan for the future of that property and that is to take it from being a fly ash dump and make something useful out of it and make something that can be used by this owner and perhaps even other people as they sell lots. You will see a general arrangement of what that might look like in the future. There were some questions about what is actually going on out there and he is not there tonight to speak for everyone involved on that property, but they are trying to fill the site so that they can later have better use of the land. It was a fly ash dump. There were pits there filled with polluted water that has been drained from the site. That in itself caused some issues. That was dealt with years ago. The original SWIP plan was prepared and submitted to the engineering department in 2006 or 2007. The former Engineer, Larry Griffith was part of that and did approve it. At that time, they proposed a long significant retention basin along the northern property line that bordered the turnpike. They actually submitted the plans to the turnpike at that time. Never received any comment from the turnpike after that submission. Later as the land began to be filled a partial retention basin was built; not the full basin, because the full basin was sized with the future in mind with all the industrial lots and that is not what is there so only a portion of that was built and that is what is out there today. Calculations for sedimentation for quantities draw down time; all the things are actually on the SWIP plan as required by EPA. Mr. Wangler, he said, had comments requesting more documentation and they have agreed to provide that documentation to him. He stated that they do have documentation for the size of the sedimentation basin; documentation for the ditch and size of the ditch and perhaps some clarification could be made to it, but he stated by and large, it is already part of the plan and they will make sure that Scott Wangler and his staff has that and that it is modified to their satisfaction if required. The long range plan is to develop that site as an industrial site and be a home for this owner and perhaps other owners, but there is a temporary activity going on there. It is the crushing of concrete. Concrete is crushed on that site and even next door to that site and has been going on when the concrete plant operated. As soon as concrete was invented, concrete suppliers are using it as recycled materials. That is where we are at in this century in trying to reuse those materials. That has been going on and it is now going on through an association between Race Road LLC and Fabrizio paving. There is an operation within the operation. When site concerns were first brought up over a year and a half ago, which were discussed here during the last meeting, the EPA went in they asked the operators for two SWIP plans. They wanted an industrial SWIP because there is industrial activity going on. They wanted that defined and measures put in place that would control the water that leaves that site and outside of that, they wanted a construction SWIP because there is also construction activity going on. Both SWIP plans were made and submitted to the EPA; both were permitted and all of it was submitted in some form to the

City. They can refresh those documents and they would be glad to do so, but he wanted to make it clear that they have been methodical in dealing with the comments that have come in. They shot a new topo, they made a new development plan, and they believe that they have addressed the concerns that were brought by City Council. Now, the applicant is back before the Commission with a new set of plans and added that their plan, two months ago showed what they wanted to do in relation to some of the paving and issues related to that building. He explained that the building has been there too long to be considered temporary and needs to be permanent in light of the building code and that is agreed. He stated that it actually is temporary as someday it is not going to be there. Someday there is not going to be a crushing operation there, but today there is and they wanted to take steps that met the comments made by the Administration for the operation at that facility. There were questions about the electric power that was there as it was temporary and needed to be converted to permanent. He believes that some of those things have been done. There have been complaints about the mud and silt and the other things that are there due to the construction activity. He stated that 1100 feet of pavement has been installed. He stated that they were in front of Planning Commission two months ago talking about it being installed. It has been installed. There were comments made from this Commission saying that they believed there should be a restroom in that permanent facility and what type of restroom would meet the Ohio Standard Building Code. He explained that they found a way to install a dry restroom facility and put it in the building. There are photographs that were provided. There are a couple of things related to the building that do still need to be done. They know that their work with Mr. Fursdon is not complete. They wanted to deal with the Planning Commission issues and they surely want to deal with the issues that were raised by City Council and get them complete to everyone's satisfaction, get an approval that can stand up through City Council and then they believe they will have a couple of minor building issues to address with Mr. Fursdon. Race Road, LLC and their colleague, Pikeview Materials have every intention of meeting all the requirements that Planning Commission and City Council has and they are here to answer any questions.

Chairman Mollenkamp opened the floor for comments and questions from the Commission.

Member Rothgery stated that the applicants keep putting the cart before the horse and they mentioned that they were here twice before. He asked when the first time was.

It was noted that they came in July and it was postponed until August meeting of this year.

Member Rothgery stated that the facility has been in operations since 2006 without coming before the Planning Commission with the temporary facility.

Mr. Watkins stated that is true, but since 2006 they have had numerous meetings with the Administration. The North Ridgeville Administration has been on site, dealt with issues and had meetings. They did not know that Planning Commission itself had to approve it. It

wasn't deliberate. It was operating and the City was well aware of it. At some point, as a result of an application turned in by the client, actually found that they were operating without any permits at all. They have said that they want to correct that, but it is not a surprise to anyone in North Ridgeville. The concrete has been crushed there since 2006. It is not a surprise and it is a known fact. To the extent that some improvements in that operation are required to meet the requirements of the City and to address comments made by residents, these people are here to do that. He stated that the question as to why they operated without a permit is a question that keeps meeting a dead horse. He stated that they are meeting with the Administration on different levels on different occasions trying to address every issue that has been raised and if they haven't done this sufficient to everyone's satisfaction, then tell them what that is and they will attempt to rectify.

Member Rothgery stated that he believes this Commission did tell the applicant the last time they were here that they wanted to see some EPA documentation and none has been provided to the Commission.

Mr. Watkins stated that the EPA information has been provided.

Member Rothgery stated it has not come to the Planning Commission.

Mr. Watkins stated that they can solve that and he added that at the last Planning Commission meeting, this application was approved. He continued to state that they are not here in front of Planning Commission because more information was requested from Planning, but to provide more clarification as a result of City Council's statement saying that they wanted to see more. He stated that they can make copies of the permits as there would be no resistance on their part.

Chairman Mollenkamp addressed City Engineer Wangler and asked if he received any of the EPA permits.

Engineer Wangler stated that they weren't part of the submittal for this month. However, he believes that they may have crossed his desk in the past and he was hoping that those documents would be available today.

Chairman Mollenkamp addressed the applicant and asked if they were available today.

Mr. Chris Teater stated yes and provided copies for the Commission to review.

Chairman Mollenkamp asked if there were any other questions from the Commission Members.

Member Olesen addressed the applicant and stated that it is his belief that fly ash is an unstable base and asked how they could build a structures on those remaining lots on that

type of base.

Mr. Watkins stated he is not an expert at that, but he does know that the question was raised by the owners to a soil consultant. North Central Engineering prepared a soil report and gave them recommendations of what would be required. He stated that as an Engineer he stated that there would have to be some deep foundations or some very light spread out structures. It may be conventional construction with footings probably would not be appropriate there. He wouldn't rule it out that it couldn't be done. He added that it would have to be looked at carefully before they could put a heavy building on a fly ash dump. All of those recommendations were made to Race Road, LLC years ago. The soil report that he referenced should also be provided to the Commission and to the Engineer's office. It was produced in 2006 and it is at the start of this whole affair in trying to turn that land into something useable. The owners did have the soil report prepared and those recommendations would have to be followed.

Member Olesen asked how deep the fly ash base is.

Mr. Watkins stated he didn't know for certain how deep they were there at that location. One of the reasons for the fill was to sort of bridge over that and that is a decision that Race Road has done in that as construction materials are available, they are using it to build up the site and to kind of bridge over. The water was drained out of the pits and allowed to settle. The fill material is consolidating that fly ash, but to what it measures that they will have to go to in order to buildings on top of that, he couldn't say.

Mayor Gillock stated that the new drawings that were provided shows an original topo and then a finished drawing. He stated that his concern was the average depth of the fill once completed and asked if they could tell him what that would be when finished.

Mr. Watkins stated he would have to look at the old drawings in order to answer that but he stated that they are trying to fill to a certain elevation and that elevation is called for on the plan. He showed the area on the drawing and explained the contour lines are at four to one and there are a lot of them there. Maybe from the original grade, it may be something on the order of twenty to thirty feet.

City Engineer reviewed the plan and stated that it goes from 725 to 764.

Mr. Watkins stated that one thing on that grading plan, so everyone was aware; they are calling for a four to one slope so the edge of that mound will be four to one horizontally. That four to one slope would be mow able. If you go along the road, ODOT has two to one and you can't do a two to one slope with the lawn mower. He stated that the four to one is low enough to be mow able and so the intent is that when that thing is filled to its highest level, it will be surrounded by a four to one slope, seeded and planted with buildings on top.

The challenge to build buildings will be present.

Chairman Mollenkamp clarified that if this application were approved, the City may have an industrial complex that we might not be able to build on. Unless, they jump through a whole lot of hoops to make that work.

Mr. Watkins stated that some people have looked at it and Race Road, LLC has made decisions on how they want to go forward.

Chairman Mollenkamp stated that the last time the applicant was here, there were residents who lived on Maddock Road who attended the meeting. This new topo shows that the ditch has been complete straightened out as far as the separate between LLC and the residents. It looks like there is a 25 foot ditch between the property lines and where the elevation is being shown to go up at a 20 percent grade.

Mr. Watkins stated that residents were in attendance before and they questioned the ditch. He explained that the ditch receives the water from the mound, but the ditch also must be opened to the Maddock Road properties as they drain to that ditch as well. He explained that the ditch needs to remain by the property line. It is rather shallow. Whether or not it has been straightened or not, he could say. He stated that they are trying to maintain drainage there and there were comments about the need for screening. The applicants are prepared to add the screening at the residential properties as been requested. The ditch has to work for both of them.

Chairman Mollenkamp referred to Section DD on the drawing that shows the cross section.

Mr. Watkins stated that the ditch runs along the property line and the drainage must be maintained for the residential properties so that their rear yards do drain. It will do that.

Chairman Mollenkamp stated that there is a slope coming off the property owners and asked if that is showing a 20 percent grade.

Mr. Watkins didn't see a 20 percent grade.

Chairman Mollenkamp thought he saw that marked on the drawing itself.

Member Hurst stated that it shows 2/0.

Mr. Watkins stated that the residents asked them to respect their needs to make sure that the water wasn't running off the mound at such a velocity that it would flood their property. They wanted to make sure that their property was not flooded as a result of that mound. Subsequent to that, they added the waddles. Silt fencing would not be affective over an area this big. These would be rolls of biodegradable material that would slow the water down and

actually cause it to sink into the earth and not go full blast into the neighbor's property. We checked the grade of that ditch to ensure that it could handle that drainage area with that capacity and make its way around to the detention basin. They believe that they have done that and could verify that with calculations that will be provided to the Engineering office.

Chairman Mollenkamp stated that was one of the sticking points for him to see what they had done in order to satisfy the property owners on Maddock Road.

Member Olesen stated that when he asked about the building structures on that land, he added that is a future consideration that Planning Commission will have to look at in the future. That is not for now. Right now we have to consider whether these folks have done enough to continue their operation on this site and if they go along with the recommendations that our City has made.

Chairman Mollenkamp agreed with Member Olesen, but he is also looking at the future land use of the City too. If Planning Commission decides that this can continue on based on the end result being an industrial complex and the next thing you know, it can be used as an industrial complex.

Member Anderson asked what type of materials are being used for fill.

Mike Oradini, Race Road, LLC stated that they are using specifically very clean materials such as clean concrete and clean asphalt which comes off of various construction sites in the area and clean dirt; such as clay, topsoil, etc. There is a sign on the trailer that is in front of the Planning Commission for approval that says only clean fill, only clean concrete and only clean asphalt.

Member Anderson asked if they were operating 24 hours.

Mike Oradini stated no.

Member Anderson asked if anyone could come in there at night and dump whatever they want.

Mike Oradini stated no. The operating hours are normally 7:00a.m. to 5:00p.m. at night, Monday through Friday and occasionally they are open on Saturdays from 7:00a.m. until 12:00 and sometimes 7:00a.m. to 1:00p.m.

Member Anderson asked if it was fences or could anyone just come in.

Mike Oradini stated that it is not accessible for anyone only through the main entrance off of Race Road and it is barricaded with various large boulders and concrete blocks and there is a

locked gate. It is locked at the end of each day.

Chairman Mollenkamp stated that he asked during the last meeting how will the applicant police the clean fill being brought in. He asked how the driver knows that he has contaminated concrete coming in with him. He asked if it was up to his company to notify them that it is clean.

Mike Oradini stated yes and primarily most of the fill coming in there is from Fabrizzi and it is off of their jobs and those jobs are all regulated. They are basically regulated by their jobs and also they have people at the gate in the building that are policing and looking at each truck.

Mayor Gillock addressed the Commission in regards to the future use, which whatever is planned for the future will have to come back to Planning Commission, obviously at a later date. From the Administration's stand point, he believes that this is a great use of the property done properly. They are trying to fill in a fly ash pit that is sitting there doing nothing for nobody and he believes that this will help. Even if it proved in the future that with this fill, it would not be sufficient for heavy industrial, he believes with what they are putting in there it would still certainly be suitable for light industrial or at least commercial. It would still be developable property and maybe they couldn't put heavy industrial but it would be useful for something. He believes that it is a good use of that property.

Mike Oradini stated that he would like to make a comment about the fly ash. From what he understands, the fly ash is only on the eastern portion. The fly ash is not on the entire site from what he understands and he showed the area he believed the fly ash to be. It is actually towards the northeast and southeast. It is not on the entire site. There are also some photographs on the plans that the Commission has from 2006 and 2007. Those photographs basically show when there was a very large lake in there toward the center of the site and they went through extensive construction, extensive pumping. They pumped the entire pond out per EPA requirements and they filled it in with clean fill. So, back in 2006 and 2007, there was quite a bit of water that had very high PH in it and that was draining into the surrounding areas. They have since cleaned that up and did a lot of work and a lot of fill to actually accomplish that.

Member Hurst asked if he could speak a little bit about the existing conditions plan and provided a summarization of what this application is asking for in order to clarify some things the audience may have questions on. He spoke in reference to the most recent survey stating that there are a lot of piles of different fill. These piles are defined on the plan as wood materials, which can be assumed that it is carried off site. He asked if it isn't, is it buried.

Mike Oradini stated that their intentions for the wood materials are to turn it into mulch and

sell it as processed mulch.

Member Hurst continued to explain the different fill piles. He stated that is what the conditions are on this site. He stated that we hope and pray that the fill that has been done prior to this has been adequate. He asked if the applicant was taking this fill and selling it back what they can and the rest of it will be buried. In the future, there will be a mound that will be 30 to 40 feet higher than the present and surrounding grade. There will be a plateau that will be used as industrial land. Whether it can be built on it or not, he knows that there are structures built on sand and are not safe. He stated that a light industrial building could be built on a reinforced floor that can sit on top. He is reasonably certain that something could be built there in the future; if nothing more than a large park or playground type thing. He addressed the future development site plan and showed the contour lines and showed the swale that is located all the way around the perimeter and going back to a retention basin with a controlled outlet. He stated that this land drains back to the area he showed on the drawing. He asked if the swale includes the land adjacent to the applicant's property.

Mr. Watkins stated that property was owned by Medina Supply and is now owned by Shelly. It is the concrete plant. There is a pile of concrete that has been used by both of these operations. Maybe, someday they will have to decide who gets what out of that pile. Some of it is located on the land owned by Race Road LLC and will be ground up and sold. Some of it will be claimed by the new owners of the concrete plant and will either be ground up or sold or shipped off. They can't speak of what the new owners will do. He does know that they had issues years ago with water leaving their site flooding the ponds with high PH. Those ponds were discolored and they tried to drain it, which got the attention of a lot of people and that is when some of the issues that the City brought forward as well as the EPA. Those ponds were actually pumped out and disposed of properly and filled. The beginning of the filling operation was to fill those ponds. That company had to install some sedimentation basins of their own so that no water could leave their site without it at least being filtered in some way. There was talk about buying some of Race Road's land in order that the new company builds a settling basin. An agreement was never reached and ultimately they sold out to another concrete firm. He stated that presently the drainage flows through the long swale and makes its way to the retention. They are trying to capture the water and not let it leave the site. He spoke of areas where the water is not being drained to. The retention basin is their proposed BMP and that is why it was put there. It includes a skimmer, which is required by EPA. They address all the water that is on their site that is tributary. He didn't know what might come off there.

Member Hurst continued and stated that the adjacent properties drainage has no place to go except to the swale or across the property to get to drainage. He asked where the outlet of the drainage goes to.

Mr. Watkins stated that it goes to the turnpike ditch.

Member Hurst stated that there is a pretty deep ditch right along Race Road.

Mr. Watkins stated that it does not go to the Race Road ditch it goes to the turnpike ditch. He stated that they submitted those plans to the turnpike and they never received a response from them. They didn't pursue it any further because there was no further action and haven't heard a reference of the turnpike until tonight's correspondence from them regarding the sign. He believed that pertained to the trailer that had the advertising on it which he believes has been removed. That is really a moot point.

Member Hurst stated he would like to address the elevations being 30 to 40 feet high above the perimeter of the site. Their intent is to have buildings on this property up here on a big hill with a road way going through there. He stated this is the future intent, but they are getting to the future because it has to be built on the fill that they are putting in there now. The City is asking these guys to control the fill and they have already done the controlling of the dirty water that was on the site and that has all passed EPA standards. He explained that now, the next question is what can be built there. One of his misconceptions is that it appears that the applicant was using the site to grind up concrete fill basically and they were building a mountain out of chopped up concrete. He explained that Mr. Watkins clarified that it was fill contained of asphalt, concrete and dirt, which is all clean fill. He explained that they will compact the fill so that it can be built on and the surface will grow grass. They do not impact the railroad ditch, nor the turnpike ditch in any way, except for all the discharge goes into the turnpike ditch after it has been stored and treated. He stated that they aren't treating it on site, but they have controllers on it that will show that they don't need the treatment. He asked if he was correct so far on his summarization.

Mr. Watkins stated that for water quality purposes with the State EPA, there is a couple of different ways you can do that and one acceptable way is a wet basin and then you have to skim the water that leaves the site off the top and that is why you have a floating skimmer. You are trying to encourage the settling out of particles out of the water and you are skimming off clean water from the top so that skimmer was installed. That is how water leaves the site, from the top of the pond and goes through the outlet structure into the turnpike ditch. The structure does two things and usually when you have any kind of basin like this, you have two interests; controlling the rate of flow and then controlling what goes out. Cities are mostly interested in the rate of flow because of all the downstream properties are impacted and so they want you to build a bathtub with a straw so that you hold it and slowly release it and so, that is one function that goes on in that basin. EPA is interested in water quality. They give you several different ways that you could do that, but one acceptable way is a wet basin and so that is why that is in there and that is why the skimmer was installed. He believes it is done to their satisfaction or they would have said something to them by now as well.

Member Hurst stated that the skimmer details are included in the drawing and noted that the skimmer does have a four inch PVC outlet and so the whole site is being drained with the skimmer part of it. That is there to control the water quality. He addressed the audience and asked if his summary has made sense. He concluded by stating that the property drainage ditch he was concerned about has been cleared up and the fact that there is no impact to the railroad ditch nor the turnpike ditch other to dump the controlled discharge into.

Chairman Mollenkamp asked if there were any other comments from the Administration. Hearing none he opened the floor to the audience for question and comments.

Robert Franks of 37372 Sugar Ridge Road spoke of his concerns related to this location and asked if the site goes all the way to Maddock Road.

Chairman Mollenkamp stated that it is on Race Road and the right hand side of that drawing shows the adjacent property owners who sit on that line to Maddock Road.

Robert Frank stated his concern about the Cities' flooding issues everywhere and this applicant was allowed to fill in a lake. He stated that the concern continues with them being allowed to add a lot of asphalt on top of that. He believed the asphalt road that was installed was not adequate enough for an industrial complex as he believes it should be concrete.

Chairman Mollenkamp clarified that the asphalt was installed for their operations at the present time. He is sure that would be a concrete street at some point in time when they get ready to finish the project. He explained that the asphalt is being put down now so that it can keep the mud and everything else from coming out of there onto Race Road.

Robert Frank asked if this applicant was adding onto an existing structure.

Chairman Mollenkamp explained that his question related to the earlier application and this application has a temporary trailer that they are asking to make permanent.

Member Hurst explained that there is a trailer that is used as an office where the scale is located.

Robert Frank reminded the Planning Commission of an Asphalt plant application that came to the Commission in 2011 which was fought. The residents are concerned about this application trying to bring an asphalt plant in there.

Chairman Mollenkamp stated what the application is for and the intent is for this applicant to only crush concrete and eventually be able to turn that into an industrial complex. He asked if there were any other questions from the audience.

Terry Keenan of 6863 Savannah Drive announced that he is speaking as the Council Ward 1 representative. He addressed the applicant and stated the last time they presented, they came to Council and he argued against approval of this application. He expressed his concerns. He noted positively that like the Mayor, he believes that this is a good use for a concrete crushing plant and he believes that turning the property from what it was to what it may become is also a positive. He supports those things. At the same time, he explained that he looks at these plans with a great deal of skepticism in that he believes that it will make a wonderful park someday but only for parks and recreation and not industrial use. He explained that this land is an I-2 use, which allows a 60 foot building height on top of what may become a 30 to 40 foot raised platform of earth and so combining that would mean one heck of an elevation, which we are not to clear in the I-2 code if the intent of 60 feet above a raised ground at 30 feet would be acceptable per code. He also has a concern for the neighbors that back up to this or see this from Race Road that we are really raising these elevations extremely high and it is a long road to get back to it and it will eventually become expensive to maintain as 1800 feet for five parcels or six parcels is a pretty expensive proposition. He stated that he would go back to some of the very basics in which the applicant talked about having a geotechnical report which is a starting point to any kind of development like this and he doesn't see them or heard that they are even using that geotechnical report in the Planning of this. He asked if they were in fact following the geotechnical engineer's report for compaction on the fills. He asked if they had a compaction testing program. He doesn't know and he hasn't heard that. He stated that if the applicant is going to put 30 to 40 feet of fill, they can't start testing it when they are 30 feet up. They want to do this as they are bringing it in and he hasn't heard anyone say that they actually have a plan that they are implementing. He stated that it is only important for the future if they actually wanted to build something on it. He stated that if they build a park, then it doesn't really matter. He stated that you could go back to several different things that would tie to this geotechnical report and a conformance to that report and he hasn't seen or heard whether or not the City has received such a report, but without that report, you really don't know if they are doing the right things with the materials that are coming in. From his standpoint, he will be viewing this as somewhat of a mythological site plan and it is a future. It could someday be a nice park, from a Planning Commission standpoint, he asked the members to consider the height of this. They are going up 30 to 40 feet above basically existing grades and that is pretty substantial; even for a park. He explained he wanted to express his concerns because he didn't want to be second guessing the members afterwards. This will be coming to Council and he wanted to get his comments out there so they could consider them before the members take any action.

Mayor Gillock stated he would like to respond to Mr. Keenan's comments in that he does agree. These are items to be concerned with in the future. That is not what Planning Commission's decision is being based on here with the application that is in front of them tonight. What they are asking for tonight is approval to operate an existing temporary structure which was discussed with the Building Department a long time ago when they were

allowed to operate a temporary facility. It has turned into be a more permanent facility, so they have been required to come here for approval to make it permanent and to install bathrooms, electrical, etc. They are asking for a permit to turn this temporary structure into permanent operation crushing concrete and to put in an asphalt street. That is all the Planning Commission is considering tonight. When they get down the road and they want to build something on it, then they need to worry about whether or not it was filled right and will it be 60 feet high, does it fit in the neighborhood and does it meet our zoning code; those types of things. All they are asking about now is to turn this temporary facility into something permanent with an asphalt road.

Assistant Law Director addressed the Chairman and reiterated what the Mayor had said and stated from a legal perspective, the kind of restrictions or factors that they look at can't be so far removed and so farfetched that they don't reasonably relate to the application that is in front of them. She asked the members to keep that in mind.

Chairman Mollenkamp stated that there are no other comments from the audience he addressed the Commission one more time and asked if they had any questions. Hearing none, he asked for a motion.

It was moved by Hurst and seconded by Anderson to approve the operation of an existing temporary structure to make it a permanent facility and to install additional asphalt pavement in an I-2 District.

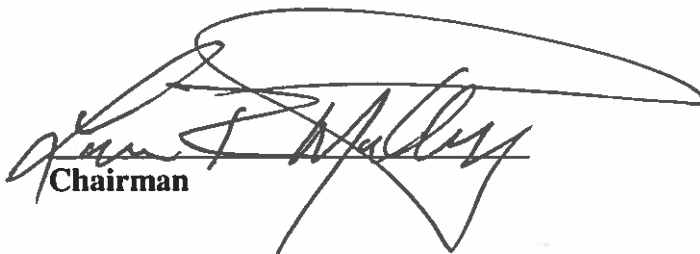
Yes, 4 No, 1 (Rothgery)

The motion was approved by a vote of four yes and one no.

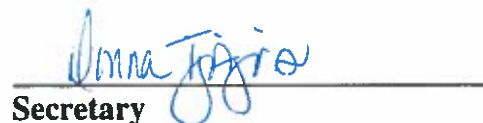
Adjournment:

Chairman Mollenkamp stated with no other business to bring before the Planning Commission, the meeting was adjourned.

The meeting adjourned at 8:26 P.M.



Chairman



Secretary

December 09, 2014

Date Approved