

CENTERVILLE PLANNING COMMISSION
Regular Meeting
Tuesday, May 28, 2002

Mr. Durham called the meeting to order at 7:30 P.M.

Attendance: Mr. James Durham, Chairman; Mr. Rand Oliver; Mr. Joe Weingarten; Mr. James Briggs; Mr. Patrick Hansford; Mr. Robert St. Pierre; Mr. Paul Clark. Also present: Mr. Steve Feverston, City Planner; Mr. Ryan Shrimplin, Planner; Mr. Norbert Hoffman, City Engineer; Mr. Robert N. Farquhar, City Attorney; Mr. Chris Pozzuto, Economic Development Administrator; Mr. Greg Horn, City Manager (where noted).

Approval of minutes:

MOTION: Mr. Briggs moved to approve the Planning Commission Regular Meeting minutes of May 14, 2002, as written. Mr. Hansford seconded the motion. The motion was approved unanimously 7-0.

OLD BUSINESS

St. Francis of Assisi Church - Planning Commission Special Approval

Mr. Feverston stated that Mr. Gary Spangler of Ruetschle Architects, representing St. Francis of Assisi Church, has requested the Special Approval application be removed from the table and Planning Commission proceed with their review of the project. The applicant is seeking approval of the site plan layout with architecture to remain on the table. The two (2) variances denied by Planning Commission at the last regular meeting concerning building height and roof proportion have been appealed to Council.

Mr. Durham stated he did not feel the application should be removed from the table to review a site plan for a building without knowledge of appearance pending the appeal before Council. He asked Mr. Spangler what he hoped to accomplish by moving forward with the site plan review.

Mr. Spangler stated that should the decision of the Planning Commission not be reversed by Council, the footprint will remain the same as the roof will simply be lowered. He stated they would like to have the Planning Commission's approval of the site plan when they go to Council. At that time, Council could be told everything has been approved with the exception of the building elevations.

Mr. Durham stated he objected to granting approval of the site plan so the applicant can use the Planning Commission's approval on the site to leverage Council.

Mr. Hansford stated he did not object to reviewing the plan as a minor modification could be considered should the footprint of the building change.

MOTION: Mr. Hansford moved to remove the Planning Commission Special Approval application submitted for St. Francis of Assisi Church from the table. The motion died as a result of no second to the motion.

Mr. Durham stated the plan would be reviewed after the Appeal hearing with Council.

Voss Dodge - Planning Commission Special Approval

MOTION: Mr. Briggs moved to remove the Special Approval application submitted for Voss Dodge from the table. Mr. Weingarten seconded the motion. The motion was approved unanimously 7-0.

Mr. Feverston reviewed the issues brought forward by the Planning Commission requesting additional information concerning the Special Approval application for Voss Dodge located at 90 Loop Road. The proposed project is to develop a 48,000 square foot auto body shop facility as well as related parking. The zoning on the 14,353 acre parcel, which is the location of Voss Dodge and Voss Chevrolet, is Business Planned Development, B-PD.

The parking configuration has been modified slightly to allow for better maneuvering within the site. The Fire Department initially had a concern with the two (2) security gates on the site, however, that has been rectified with the placement of the fire connection to the southern portion of facility.

The seven (7) issues needing additional information and/or clarification were as follows:

1. Hours of operation;
2. A cross-sectional view from Voss Dodge to the adjoining properties in Village South to determine whether a screening fence at the top of the retaining wall would be necessary.
3. Noise. City standards are 55 decibels during daytime hours and 50 decibels between 10:00 PM and 7:00 AM.;
4. Construction methods of the keystone retaining wall;
5. Sanitary sewer connections and if it is adequate and will support this development;
6. The north building elevation. There was an error in the original plan as it is the intention of the applicant to have a single garage door on the north elevation to provide access to and from the building.
7. Surface water and runoff.

Mr. Feverston stated the staff recommendation has not changed since the previous meeting.

Concerning the hours of operation, Mr. Feverston stated the most comparable application that was approved with limited hours was the Major Use application for the B-PD zoned land located south of Whipp Road and west of Wilmington Pike. The limitation of ours placed on that approval was deliveries could occur between the hours of 8:00 AM and 7:00 PM only. The Planning Commission could expand this to include waste collection.

Mr. Durham asked if the hours of operation could also be limited on the approval.

Mr. Feverston indicated they could be limited.

Mr. Greg Stout, Voss Auto Network, stated their hours of operation are 7:00 AM to 7:00 PM, Monday through Thursday; 7:00 AM to 6:00 PM on Friday; and 8:00 AM to 2:00 PM on Saturday. The technicians work from 8:00 AM to 5:00 PM, Monday through Friday; and 8:00 AM to 2:00 PM on Saturday. The difference in the hours Monday through Friday allows time for estimates and vehicle delivery. Voss has had their body shop for over thirty (30) years with these hours and they see no need to change those hours. He stated he knew of no problems with the hours of operation of any business on Loop Road and did not feel it was appropriate for governmental regulation and interference of hours for any business in the community. If any business hours are being regulated in the City, the Voss Auto Network would like the opportunity to review them. He stated they are willing to limit their hours for deliveries in the rear lot to 8:00 AM to 7:00 PM.

Mr. Everett Collins, 6430 Colechester Court, and Mr. Pete Flaherty, 170 South Village Drive, addressed the issue of hours of operation. Mr. Flaherty stated the issue of noise has always been a concern to the residents of Village South.

Mr. Collins stated he contacted nine (9) different body shops and asked their hours of operation. He stated the average hours of operation were 8:00 AM to 5:30 PM, Monday through Friday. Two (2) operated on Saturday--one (1) from 6:00 AM to 6:00 PM, and the other from 8:00 AM to 12:00 noon. Mr. Collins stated the representative from Voss Dodge indicated their Saturday hours were from 8:00 AM to 12:00 noon which is a two (2) hour difference in what Mr. Stout stated.

Mr. Flaherty stated the Voss Auto Network wants to retain the hours of operation as they currently exist, however, the new facility will be closer to the neighborhood as well as be a larger business. He felt the hours of 8:00 AM to 5:30 PM would be more compatible to the Village South neighborhood.

Mr. Weingarten asked about wreckers coming in the middle of the night to make a delivery.

Mr. Stout stated they would have no access to the rear lot and would have to make the delivery in the front portion of the lot as it currently takes place.

Mr. Hansford felt the hours of deliveries and waste collection should be regulated to occur Monday through Friday, 8:00 AM to 7:00 PM. The hours of operation should not be regulated.

Mr. Oliver asked about the number of car carriers unloading vehicles on Loop Road.

Mr. Stout stated that Voss Auto Network has all deliveries of new vehicles at their location on SR 725.

Mr. St. Pierre asked if deliveries were made on Saturday.

Mr. Stout stated deliveries are made on Saturdays occasionally.

Mr. Hansford stated deliveries could be made on Saturday from 8:00 AM to 12:00 noon.

Mr. Feverston stated the applicant submitted new cross-sectional views from the area of the proposed building down through the parking lot to the retaining wall, through the buffer area and through the residential properties into the middle of Colechester Court. Without a six (6) foot fence on top of the retaining wall, looking over the top of the wall would allow approximately the top forty (40) percent of the building and the first row of parking to be visible. With a fence, as recommended by staff, that view would be obstructed.

The members of Planning Commission agreed the six (6) foot fence should be required to be installed at the top of the retaining wall.

Mr. Feverston stated the City hired CBC Engineers to do a noise study in and around the proposed development. The study's sole purpose was to establish an ambient sound level in the area as well as to note any peaks in the ambient sound level and what those peaks were attributed to.

Mr. Mark Carlson, CBC Engineers, stated they performed a noise study at various locations through the subject area on Friday, May 24, 2002. The first place monitored for sound level was at 6430 Colechester Court. A noise level intensity monitoring device was used to monitor sound levels for various sounds typical during a given weekday at a particular site. The first sound monitored was the back yard of 6430 Colechester Court for an ambient sound level which measured about 45 decibels. A power wrench and grinder were measured coming from Voss Chevrolet at about 54 decibels. A single-engine propeller-driven plane flying over the site at approximately 1,000 feet measured 57 decibels. From the 6420 Shirecliff Court site, the ambient sound level was 40 decibels. Some hammering from the Voss site measured 44 decibels. A jet plane flew over the site at 55 decibels. A chain saw from within the neighborhood approximately 100 feet away measured at 58 decibels.

Moving to a site at SR 48 and North Village Drive, the ambient sound level was about 60 decibels. A RTA bus registered at 69 decibels from brake and engine noise. A Harley Davidson motorcycle rode by at approximately 100 feet away and measured 73 decibels.

In moving to the Kindergarten Village area, the ambient sound level was 62 decibels. A semi-truck was noted to be traveling on I-675 at 68 decibels. Multiple trucks were traveling on I-675 at approximately 200 feet away and measured 70 decibels. The children playing at recess at the school measured 63 decibels.

Ambient sound levels at the back of Voss Chevrolet measured 45 decibels. The doors at the facility opening and closing from about 100 feet away were 52 decibels. The compressor running at a distance of about 100 feet measured 51 decibels. Air tools being used from about 200 feet away were 53 decibels. Measurements from the area of SR 725 and SR 741 for ambient sound levels were 60 decibels. A pickup truck with a custom exhaust system measured 68 decibels.

Mr. Carlson shared information of a text on human hearing which stated that 45 decibels is enough to wake a sleeping person; 50 decibels is normal office noise or a quiet, quiet stream; 60 decibels is a normal conversation with a person close up; 70 decibels is an average radio or normal street noise. Further, the sound levels documented were in line with the normal sound intensity stated in the human hearing study. He stated when a human ear perceives these decibel readings, a change of 3 decibels is not evident to that person; a 5 decibel increase is clearly heard; and a 10 decibel increase will be perceived as twice as loud to that individual.

Mr. Carlson indicated a formal written report with his findings will be submitted to the City at the end of this week.

Mr. Stout stated the outdoor speakers will not be expanded. There are no speakers on the north side of the buildings. Voss Dodge has one (1) speaker on the front of the building as does Voss Chevrolet Used Cars on the south side of Loop Road. He stated Voss Auto Network has not had noise complaints in the past as well as the City has had none.

Mr. Collins stated the readings do not seem accurate as a reading 200 feet from the Voss site was 53 decibels for power tools and a reading of 54 decibels was in his back yard. He stated that is quite a difference in distance and that just did not seem right.

Mr. Carlson stated one (1) decibel is within the accuracy of the gauge. He stated the magnitude of the sound intensities at a given location is a function expended by the source plus it incorporates the amount of energy that is absorbed by other structures such as the wooded area of that noise being reflected off other structures. Also, there was no way of knowing if those readings were from the exact same tools.

Mr. Collins asked the amount of time that was devoted to the study.

Mr. Carlson stated they were at each site between twenty (20) and thirty (30) minutes to get a survey of given sounds at the sites.

Mr. Collins stated that a twenty (20) minute interval works out to be about three (3) percent of the operational hours of the Voss facility. Would that mean that ninety-seven (97) percent of the time the sound is above or below the sound standards.

Mr. Carlson stated the numbers were typical and there is no reason to anticipate there would be any significant changes later in the day.

Mr. Flaherty asked what made Mr. Carlson believe that last Friday (the day the survey was done) was a typical day and representative of the sound levels at those locations. He asked further if Mr. Carlson knew how many cars were being serviced at that time.

Mr. Carlson stated he did not have that information, but felt it represented a typical day at the Voss facility.

Mr. Flaherty asked what kind of sound level meter was being used and how is it used to get readings.

Mr. Carlson stated it was a Quest, Model 2700 which is a gauge utilized to measure sound intensities and decibels. The gauge measures sound continuously and bounces back and forth depending on the sound intensity.

Mr. Flaherty asked if it was an analog or digital gauge and when it was last re-calibrated.

Mr. Carlson stated it was an analog gauge that is quite accurate and was last re-calibrated approximately two (2) weeks ago. Re-calibration occurs every six (6) months on these devices.

Mr. Flaherty stated that since the gauge can have a one (1) decibel error band, it is possible the 54 decibel levels from Voss could have, in fact, been 55 decibels or higher.

Mr. Carlson stated there were readings that were higher, however, they did not emanate from Voss.

Mr. Flaherty asked when the readings were taken on the garage doors at Voss, if that was from the doors only.

Mr. Carlson indicated those readings were from the operation of the door only.

Mr. Flaherty asked if it was true that the further you get from the sound source, the lesser they will get.

Mr. Carlson stated that is basically true if there is unobstructed space.

Mr. Flaherty stated that since noise is a big problem, they would request a condition that restricts all doors be kept closed except when accessing vehicles to and from the building.

Mr. Hansford asked if the building would be fully conditioned in order to keep the door shut during the entire year.

Mr. Stout stated the building will not be air conditioned, but will be cooled with ventilation fans. The door proposed on the north elevation will be used for ingress and egress only.

Mr. Oliver asked if the weed eaters and chain saws emanating from the neighborhood as documented in the noise study could be heard in the body shop since those sound levels are higher than those of Voss.

Mr. Stout indicated they do not hear noise from the neighborhood.

Mr. St. Pierre asked if the facility operates with their doors open and are the power tools ever used outside the building.

Mr. Stout stated the power tools are used only inside the buildings. The company policy is that the doors are to remain closed, however, it is possible an employee might leave them open.

Ms. Barb Brand, 301 South Village Drive, referred to a copy of an article from the Healthy Home Handbook, relating to noise. She stated the sound levels on her reference sheet were similar to those as reported by Mr. Carlson. She stated her information listed a noisy factory as 85 decibels. She stated this level would be 25 decibels higher than interstate traffic noise in the area. With the size and closeness of the proposed building to the neighborhood, she asked if this facility would be equivalent to a noisy factory and attenuate the 25 decibels that will 4.5 times louder than I-675 traffic.

Mr. Carlson stated when the readings were taken, the doors on the facility were open so those sound levels are the peaks. When the doors were up, the air tools ranged between 54 and 58 decibels.

Ms. Brand stated it seems those power tools would be one of the loudest tools you would find in a factory, so how does this differ from a noisy factory.

Mr. Carlson stated the noise levels could be 85 decibels within the building, but the building attenuates some of the noise and being outside with just a garage door up would measure only in the high 50's. The materials used in the construction of the building will emulate much of the noise.

Ms. Brand asked if the noise levels demonstrated in the noise study were at a certain point in the neighborhood.

Mr. Feverston stated the levels are measured at the property line.

Ms. Brand stated she did not feel the readings taken represented a full scale body shop as proposed and it will be more like a noisy factory.

Mr. St. Pierre asked what was the loudest tool used in the body shop.

Mr. Jack Leet, Voss Chevrolet, stated the loudest tool they use is the air hammer. He stated these tools are not used continuously.

Mr. St. Pierre asked if several air tools are used at the same time, would the levels be higher.

Mr. Carlson stated the levels would be a few decibels higher.

Mr. Collins asked how many cars are serviced in the facility on a daily basis as the number would increase the times the doors go up and down, and the new facility will have more doors than what currently exists.

Mr. Durham stated the new facility will have fewer doors.

Mr. Stout stated the two (2) properties on Loop Road will be consolidated into the new facility. The new facility will devote 33% of the space to a parts department, storage, and office space. About 32,000 square feet of the building will be used for the body shop operation and is, therefore, approximately 2.25 times the size of their existing facilities. He stated he would guess they could service as many as 500 cars per month. He stated the largest percentage of their business comes from insurance companies and they plan to get a larger share of that market.

Mr. Weingarten stated the requirements of the fence being placed at the top of the retaining wall will help the noise level as well.

Mr. Durham asked what the impact on the Village South neighborhood would be if the door on the north elevation was eliminated.

Mr. Carlson stated there would be a least some reduction of noise into the neighborhood. If the fence is required and the door on the north elevation is eliminated, it should markedly help the situation to the neighborhood.

Ms. Brand asked how much the noise levels will increase in the winter when the foliage is not present.

Mr. Carlson stated it will probably increase three (3) to four (4) decibels.

Mr. Horn arrived at this time.

The structural integrity of the Keystone wall was the next item of discussion.

Mr. Mike Mecum, Wilson Concrete Products, stated a preliminary design was done for the Voss project by Keystone Engineers located in Minneapolis, Minnesota. Keystone is the first segmental retaining wall made. The system is a mortarless running bond using fiberglass pins to hold the block together and also hold the grid which interconnects the system of the eight (8) inch by eighteen (18) inch by twenty and one-half (20.5) inch deep blocks. It works on a running bond so the block has a connection. The pins go through to complete that connection. The grid fits over a pin and sets back into the earth acting as a dead man. This gives connection strength for the wall system. It also gives friction strength to the grid and the gravels that go together. It has shear strength so the blocks will not shear the pins. The wall can be constructed from the back side by laying the ground course and working from behind the wall. The system can be constructed with a concrete footer or a compacted base.

Mr. Brad Judge, Judge Engineering, stated the soil borings will determine how the footer will be designed. This will also determine the width of the footer and if it must go deeper to stay out of the buffer area.

Mr. Kevin Coombe, Wilson Concrete Products, stated the footer is typically six (6) inches of crushed stone, depending on the soils, two (2) feet wide. The block is twenty and one-half (20.5) inches deep which allows one (1) to two (2) inches of crushed stone to the front and rear. The design will not allow encroachment into the buffer area.

Mr. St. Pierre asked how the drainage is handled.

Mr. Coombe stated there are numerous ways to handle the water. The water will seep out until it hits the gravel which will be behind the wall. At that point, the water will percolate from the dirt into the gravel to the base of the wall. From there the water will be released into the storm sewer system.

Mr. Judge stated there could be a perforated line at the base of the wall so the water could leach into that line and be carried to whatever point it would need to be discharged. The area at the top of the wall will be impervious so that water will drain to the underground detention area. The water going through the wall will be ground water.

Mr. Mecum stated that any hydrostatic pressure is collected by the crushed rock backfill. He stated in his experience, he has never seen enough water leak through this kind of wall to produce puddling.

Mr. Carlson stated he has designed three hundred (300) to four hundred (400) wall systems. The Keystone system is the best system available primarily because it uses the fiberglass pins to interlock the blocks and allow for a very high shear resistance. These blocks will be anchored back into the granular field that is behind the wall using a geo-grid. A geo-grid is similar to a snow fence used along the roadway except this it black and much stronger.

Mr. Durham asked how much water can be expected at the base of the wall and where would it go.

Mr. Carlson stated the source in this area will not allow much water from this area and it should be minimal.

Mr. St. Pierre asked if the water problems might improve as a result of the retaining wall.

Mr. Carlson stated that by controlling the surface water runoff with these improvements proposed, the water situation for the neighborhood should be improved.

Mr. Hoffman stated the storm sewer runs along the back yards of the properties abutting the buffer area and then turns and comes through the buffer area to the catch basin that exists on the Voss site.

Mr. Oliver stated there may be weeping shortly after the wall installation, however, that might eventually bleed out.

Mr. Carlson indicated that was correct and should that bleed out, it would not return.

Mr. Briggs asked if there would be a cap at the top of the wall.

Mr. Mecum indicated there would be a cap so all openings would be covered. The fence could be installed through the wall if so designed.

Mr. Rodney Miller, 320 South Village Drive, was concerned with the preliminary studies that have been done. He stated that in reviewing the information they obtained concerning the construction of the Keystone wall, they felt to make a footer that close to the buffer area, some kind of damage will occur due to the encroachment. The installation requires clearing vegetation and, the closer the system comes to the roots of the trees in the buffer area, will result in their future loss. Mr. Miller suggested bonding for any damage to the buffer area be posted by the developer. He stated that a condition was placed on a proposed Tom Harrigan development in 1997, that required an additional ten (10) feet of setback from the buffer area.

Mr. Durham stated that particular application proposed no construction in terms of parking or buildings that came up to the buffer area. That designation was made because the retaining walls were going to be setback from the buffer area itself.

Mr. Farquhar stated the applicant in this case has the opportunity to build up to the buffer area.

Mr. Feverston stated a bond can be required for any damage done to the buffer area. A bond for the existing landscaping can be required to provide protection to those trees through the construction period only.

Mr. Oliver asked if improvements to the buffer area can be required as it was for the SteinMart project.

Mr. Feverston stated the SteinMart project was required to have improvements to the buffer area because only grassland existed and provided no screening. When a buffer area is completely forested, the ordinance requires no encroachment be made as in the case of the project in question.

Mr. Oliver stated Voss owns the buffer area and should be permitted to do surveying work, etc., from that area as long as there is no damage to the existing vegetation.

Mr. Farquhar stated the owner does have the right to use the buffer area as long as it is not damaged or altered.

Mr. Hoffman stated a construction fence will be required to mark the buffer area in order to keep construction traffic out of it.

Mr. Flaherty stated their concern is the depth of the footer that will destroy the root systems of the trees located up against the wall.

Mr. Durham stated the buffer area is one hundred (100) feet and the City cannot require it to be greater than what is required by ordinance.

Mr. Flaherty stated the buffer area is the only thing that will protect the residents of Village South and those trees are going to be destroyed as a result of construction.

After a brief recess, the meeting reconvened to next discuss the issue of the sanitary sewer.

Mr. Feverston stated a letter from Montgomery County Sanitary Department to Judge Engineering of which copies were forwarded to the City, indicated the proposed development would have no impact on the existing sanitary sewer system.

Ms. Cara Burkhardt, Judge Engineering, stated there is available capacity to support the development proposed. Their calculations were estimated at a higher level than what is currently used according to the Montgomery County billing statements for the Voss property, to be certain the numbers were more than accurate.

Mr. Flaherty stated they have not had the opportunity to see the letter from Montgomery County. He stated one could determine waste water flows for industrial type facilities which this is going to be. He stated he wanted to clarify that the sanitary sewer does go through the Village South neighborhood according to a map he had obtained and, in fact, goes through his back yard. The manhole cover in his back yard has overflowed into the creek in his back yard. The disconnect program offered by the County has no bearing or impact on such an overflow. The flow Montgomery County is most probably talking about is during dry weather flows. The residents' experience has been wet weather sewer surcharges and overcapacities which can go into his neighbors' basements, etc.

Mr. Durham asked if the Planning Commission can use concern of the sanitary sewer as a basis for denying this application.

Mr. Farquhar stated no, it cannot be denied on that basis. The body shop is a permitted use and the Planning Commission must rely on the information it has been given for making a determination.

Mr. Durham asked if the Planning Commission can require the building to be smaller.

Mr. Farquhar stated as long as the facility meets the standards in the Zoning Ordinance and the building code, it is permitted. There is nothing in the Zoning Ordinance that can dictate the size of this facility.

Mr. Flaherty asked that the relevant sections of the Zoning Ordinance be thrown up on the overhead so it could be viewed by the audience. He reviewed the section of the Zoning Ordinance that states specifically that a project's scale, manner of operation, construction, design, etc., does give the Planning Commission the ability to determine the project is too big and, therefore, can be denied.

Mr. Farquhar stated it must be understood that a Zoning Ordinance allows the City to exercise its police power. In exercising its police power, case law says that any interpretation of the Zoning Ordinance has to be strictly in favor of the property owner. When you are talking about "scale", you are talking about the scale of the building as it relates to the entire operation. In interpreting the scale of this building relative to the entire operation, it is not significant.

At this time, Mr. Briggs stated he was a resident of the Village South neighborhood and felt he had not placed himself in a place where a conflict of interest existed. For the sake of appearance, he stated he felt it would be prudent to remove himself from the meeting and left the meeting at this time.

Mr. Feverston stated a twelve (12) foot wide garage door is to be placed on the north elevation to allow ingress and egress to the building.

Mr. Stout stated the purpose of the rear door is to make the building as functional as possible. There are two (2) doors on the east side of the building as well.

Mr. St. Pierre asked if the door was simply for access to the building.

Mr. Durham stated he felt the door on the north elevation would have an impact on the adjoining neighborhood and unless the applicant could provide information as to why the door was absolutely necessary to the facility, he could not support it. He stated it has been stated by Voss representatives that the employees do not always follow policy and they leave those doors open.

Mr. Stout stated they have addressed all the noise issues. The addition of the fence to the retaining wall and the reduction in the number of doors will reduce the noise levels.

Mr. Hansford stated the door on the rear elevation would amount to 4.9% of the wall surface which is such a small area he did not object to it.

Mr. Oliver agreed the reduction from six (6) to one (1) door, the addition of the six (6) foot fence, and the construction materials to be used will absorb the sound at a higher rate.

Mr. Judge stated that even though the building will not be air conditioned, it will be heated as the building has to remain at a certain temperature to do the work they do inside. This means there will be a certain amount of sound proofing inside of the building as a result of the insulation that will be required for temperature control.

Mr. Weingarten stated if the layout of the interior of the building has not yet been done as indicated by Mr. Stout, a door could be placed on another elevation of the building if it is necessary. He felt the door on the north elevation would be left open during the hot weather.

Mr. Jim Lawson, 331 North Village Drive, was concerned with the exhaust fans necessary for the operation as well as the doors which will most likely be open for ventilation. He stated you will have an industrial use overlooking a neighborhood that will create noise of what a 48,000 square foot building can produce. The contamination entering the air space is a concern for their area positioned in the valley below the site.

Ms. Brand stated a scientific noise survey should be made. She suggested levels be read from the entire perimeter of the property after requesting the loudest equipment be turned on for a period of thirty (30) minutes.

Mr. Carlson stated there were many readings he did not review due to the time factor, however, were on the survey given to the Planning Commission. As a result of the questioning by Ms. Brand, he read the other levels documented.

Ms. Brand stated she did not agree that the noise would be less coming from one (1) door.

Mr. Hoffman stated revised surface water calculations meet the stormwater regulations. Two (2) stormwater retention basins are proposed on the site. The capacity of these storage facilities total about 30,000 cubic feet. All the water on the site will pass through the two (2) basins with the exception of the paving setback limits on the west side. The water from the Voss Chevrolet site will pass through the Voss Dodge site with the stormwater detention being designed to pass through the system and controlled to the pre-development runoff rate of less. With the paving of the site and the detention being proposed, the stormwater runoff being generated by this site will be contained. The impact will be reduced from what currently exists because their requirements are to detain the development runoff rate to the fifty (50) year storm and will be a significant reduction in the runoff from the site for all the storms above the one (1) year storm. Mr. Hoffman stated with the majority of the site being paved or under roof, the runoff from this area will be directed to the detention basins. There may be a reduction in what appears to be ground water in the Village South neighborhood.

Mr. St. Pierre asked if the church would be receiving more water as a result of this project.

Mr. Hoffman stated the church will receive more surface water because of the impervious area, however, the rate of discharge will be detained and controlled to the pre-development conditions. With the proposed detention basin that is being discharged towards the church, there will probably be a reduction in the water that is appearing on that site.

Mr. Flaherty asked if the calculations presented are just to provide the minimum requirements.

Mr. Hoffman stated they are providing more than the minimum.

Mr. Flaherty stated as a result of a previous project at Voss, a resident of Village South had more runoff in his back yard when Voss was to provide more than the minimum requirements for that project. It was suggested by Mr. Flaherty that perhaps it should be required that up to fifty (50) percent more improvements should be made to the water runoff situation.

Mr. Doug Lay, 207 Whittington Drive, asked if any consideration had been given to the materials that will be draining from the vehicles in the parking lot that would be washing down into the retention system. Will a filtering system be considered for these types of materials.

Mr. Judge stated there are no provisions made to the outside of the building, only to the inside.

Mr. Feverston stated this would be controlled by the EPA.

Mr. Stout stated they have met all the issues addressed and requested by staff as well as the residents. Voss needs this facility to remain compatible in a rapidly changing market place. He stated Voss Chevrolet is the #1 Chevrolet dealership in the state and they need additional

space to maintain their customer base. Mr. Stout stated it has been brought up many times this facility is industrial. He stated they do not agree as the work "industrial" means the commercial production of goods. He stated the many commercial buildings purchased by various other dealerships have had no affect on the property values in Village South. In conclusion, this facility is a permitted use, all issues have been addressed, and now they are requesting approval to use this site as their right as a property owner.

Mr. Phil Whitaker, 360 Whittington Drive, stated they have not had an opportunity to review a revised landscaping plan since the variance was denied at the last meeting.

Mr. Durham stated if an approval is given by the Planning Commission, a condition will be placed on the approval that a revised landscaping plan be submitted to staff for their approval. He stated further that it was his understanding that decision is going to be appealed to Council by the applicant.

Mr. Ed Donovan, 360 South Village Drive, stated they will be closely monitoring what occurs on the site as they have many concerns about this facility. He stated he was aware the Planning Commission had to do what they have to do, and the residents will have to do what they have to do.

Mr. Regis Lekan, 321 South Village Drive, offered some suggestions if the application was approved. In order to reduce the visual impact, they would request that ivy be planted at the base of the wall as previously suggested by Voss. He asked if trees could be planted in front of the fence at the top of the wall.

Mr. Durham stated that stepping back the fence for a planting area would undermine the purpose of the wall.

Mr. Flaherty stated there is a lack of information concerning the overall project. He wanted to know exactly how the interior of the building will be laid out and what will go on inside the building. Further, why are there so many parking spaces. He asked what was the purpose of the separate fenced area at the rear of the facility and if it would be an impound lot.

Mr. Stout stated the rear lot is for vehicles waiting to be serviced and those that have been serviced and are waiting for pickup. The lot will not be an impound lot.

Mr. Durham stated they are meeting the parking requirement for the size of the proposed facility. He stated the City cannot dictate where the cars are coming from to be serviced--whether this is a regional body shop or not is irrelevant.

Mr. Flaherty stated the applicant does not like to be deemed as an industrial use, however, the building code will classify this facility as an F-1 occupancy according to the Ohio Building Code. That is a factory occupancy. He requested the Planning Commission consider the input and concerns submitted by the residents of Village South and find a way to say no to this application.

Mr. Ken Hahn, 311 South Village Drive, submitted an addendum to the petition submitted at the previous meeting stating opposition to the Voss project. This concluded the survey with ninety-five (95) percent of the residents of Village South signing the petition. He stated the approach the Planning Commission took in reviewing the issues separately did not give the residents an opportunity to give an overview of the entire project. Four (4) points of concern included:

1. The total overall affect of many issues;
2. It was not the intent of the zoning authors to allow a monstrosity as is this facility in a residential neighborhood;
3. The three (3) dimensional nature of the Loop Road property does not allow the Zoning Ordinance to have the same impact on a normal piece of property; and,
4. Enough reference has not been made to the Tom Harrigan project that was denied by Council.

Mr. Hahn stated some comparison should be made to the Tom Harrigan project as to why it was denied. These four (4) broad issues should be considered as well as the issues within each of those categories.

Mr. Hahn stated Mr. Farquhar's opinion that the project is within the guidelines of the Zoning Ordinance is a legal opinion. His opinion is just that--at legal opinion that is open to other legal opinions and, in this case, arbitrary. Mr. Hahn stated the proposal is not relevant to their current business as it was described by the Voss people. Cars coming from all areas is much too intensive as it was in the decision made for the Tom Harrigan development. There is no question about it, this development will affect the Village South neighborhood. He stated one (1) Council member stated his sole reason for not approving the Tom Harrigan development was he did not approve of anything on Loop Road until the stormwater and sanitary sewer problems in Village South were mitigated. They have not been and are at least as bad today. The buffer strip will be damaged. There are so many water issues, it is not work going into them. He asked the Planning Commission to take an overall view of the four (4) issues, and see the number of issues, precedents, etc., that apply to this property.

Mr. Hahn stated if a legal reason is needed to deny this project, they would like the Planning Commission to refer to the Zoning Ordinance that gives them such powers.

Mr. Hansford stated that a F-1 designation, as stated in the Ohio Building Code, is about life and safety issues, exiting, size of the building, etc. There are certain banquet kitchens that would be considered a F-1 designation. The gas station on South Main Street is considered a F-1, and he did not believe anyone would drive by it and call it an industrial use.

Mr. St. Pierre stated he understood the concern from the residents, but from a legal standpoint it is a permitted use. He felt the project would help the drainage situation in Village South.

Mr. Weingarten stated there are actions the Planning Commission can take to reduce the impact of the facility on the neighborhood. It is a permitted use and cannot be denied.

Mr. Oliver stated the applicant has met the requirements and has the right to develop his property.

Mr. Hansford stated the request for development by Voss has met the requirements in the Zoning Ordinance. The conditions placed on the approval will help mitigate the issues to reduce the impact of the project.

Mr. Clark stated the Planning Commission has done what they can to mitigate the issues and provide a solution for everyone.

Mr. Durham stated he felt Mr. Farquhar's opinion was correct. Mr. Durham stated it is the Planning Commission's job to apply the Zoning Ordinance regulations to each application and he felt the Planning Commission would do their job.

MOTION: Mr. Hansford moved to approve the Planning Commission Special Approval application submitted by Judge Engineering for Voss Dodge, 90 Loop Road, subject to the following conditions:

1. The required eight (8) percent interior landscaping in the proposed parking lot must be provided. The final design shall be approved by the City Planner.
2. Prior to the issuance of any permits by the City, the subject lot and the lot directly abutting this property to the east must be combined into a single lot or otherwise legally joined as a single development, subject to approval by the City Attorney.
3. A final grading and stormwater drainage plan shall be subject to approval by the City Engineering Department showing drainage calculations and incorporating retention and/or detention and erosion control during construction in accordance with the City Stormwater Drainage Control Ordinance.
4. The final construction phasing schedule shall be subject to approval by the City Engineering Department.

5. The north and west retaining walls shall be constructed either prior to or in conjunction with any backfilling of the site, the installation of stormwater detention facilities, and any stripping and stockpiling of soil on the property subject to approval by the City Engineering Department.
6. The final design of the parking layout shall be subject to approval by the City Engineering Department to allow adequate access and circulation by emergency vehicles.
7. A solid board fence, six (6) feet in height, shall be installed at the top of the retaining wall for screening purposes based on the sound absorption qualities of wood versus masonry.
8. A final landscape and screening plan shall be subject to approval by the Planning Department. In particular, a climbing ground cover or ivy material shall be provided at the retaining wall.
9. A performance bond or other construction guarantee shall be posted by the developer for all landscaping and screening improvements required by the Zoning Ordinance including vegetation in the existing buffer zone subject to approval by the City Engineer. This bond or guarantee shall be in accordance to the Guarantee of Construction and Installation of Improvements; Inspections Section of Part Twelve, Title Four of the Code of Ordinances.
10. A final exterior lighting plan shall be subject to approval by the City Planner. Lighting in the proposed parking lot including vehicle storage area shall be limited to the minimal output necessary for security purposes, subject to approval by the Planning Department.
11. A hard surface roadway capable of providing emergency vehicle access and support at all times for emergency purposes shall be provided during construction.
12. The use of an outdoor speaker system shall be prohibited.
13. Hours of deliveries and waste collection shall be limited to the hours of 8:00 AM to 7:00 PM, Monday through Friday, and 8:00 AM to 12:00 noon on Saturday.
14. The overhead door on the north elevation shall be eliminated.
15. All overhead doors on the building shall be kept closed during the hours of operation except for ingress and egress of materials, vehicles, etc.

Planning Commission approved the architectural design of the proposed building assuring the materials, shape, massing and architectural features create a unified design on the premises and are visually compatible with the surrounding buildings. Specifically, the Planning Commission approved the flat roof and the use of E.I.F.S., metal panels, and textured and smooth-face concrete block as siding materials.

Mr. Weingarten seconded the motion. The motion was approved unanimously 6-0.

There being no further business, the meeting was adjourned.

A handwritten signature in black ink, appearing to read "J. B. Baker", is written in a cursive style.

