



VILLAGE OF OAKWOOD
PLANNING COMMISSION
SPECIAL MEETING MINUTES

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MEETING DATE: NOVEMBER 8, 2021

TIME OF MEETING: 6:30 P.M. MEETING

PLACE OF MEETING: OAKWOOD VILLAGE – COUNCIL CHAMBERS

PRESENT: Rand Broadstreet - Chairperson
Mary Davis
Peter Duffy
Malinda Harp
Tracy Moore

Jim Climer - Law Director
Ross Cirincione - Assistant Law Director
Mayor Gottschalk

ABSENT: NONE

The Meeting was called to order at approximately 6:33 P.M. by Rand Broadstreet, Chairperson.

NEW BUSINESS: **APPLICANT: PREMIER OAKWOOD LLC**
CASE # PC21-125: **OWNER: PREMIER OAKWOOD LLC, KEVIN CALLAHAN**
ALEXANDER & MACEDONIA ROADS, OAKWOOD
VILLAGE, OH 44146 PP #795-28-015, 795-18-057
Mr. Callahan is coming before the Planning Commission to request approval for a Zoning Certificate.

Mr. Climer stated: Mr. Chairman, this is an application for a Zoning Certificate by Premier Oakwood LLC Under the Oakwood Code. The application for a zoning certificate in the case of a business or industrial use goes to the Planning Commission to review and prove prior to its issuance by the Building Commissioner.

“Given that this is a special meeting, the one and only issue on the agenda, and the only thing that can be legally addressed at this meeting is the appropriateness of the zoning for the proposed project. You have in front of you a memo from me (Jim Climer). It goes through the zoning code and the various provisions that apply.

This site is proposed to be a retail grocery operation albeit a little different than a brick-and-mortar store. This is a facility in which bulk goods are brought in and then fulfilled via electronic orders by delivery to the customer’s residence or to wherever they want it to be delivered. This site is in the Light Industrial district. The Light Industrial District provides that among the permit uses are those permitted uses contained in the General Business District which in turn incorporates the uses in the local business district.

The Local Business District specifically lists retail sales of baked goods, confectionary, groceries, meats, fruits, vegetables, dairy products and packaged beverages, in other words groceries as a permitted use. Therefore, it is my advice that this facility does fit the zoning classification. In addition, there is a refueling facility purposed as well as a maintenance and wash facility. Those appear to be accessory uses that are permitted in either the Local Business District or the Light Industrial District. With that being said, let the meeting proceed.”

Mayor Gottschalk: Mr. Chairman, in addition to Jim Climer’s opening words, Project Crunch is deciding on where to locate one of it’s 20 planned, highly automated robotics driven community fulfillment centers nationwide in order to fill online grocery orders to Oakwood Village.

An anticipated 60-million dollar, 200,000-sq. ft. customer fulfillment center is being proposed in Oakwood Village. This project features digital robotic capabilities and will allow the pick up of orders much, much faster. It will also help Project Crunch to achieve a higher degree of filling orders compared to an in-store experience which ultimately finding groceries short or out of an item altogether.

Inside the fulfillment center there will be 1,000 robots that will take customer orders. Whenever the delivery times are near, the robots will receive the products from their area. The products will then be sorted for delivery. Algorithms governing the pick and sort process ensures the products are packed intelligently. Next, packed orders are loaded onto a temperature-controlled delivery van. Machine learning algorithms weigh the factors such as road conditions to dynamically optimize delivery routes. The delivery radius will be up to as much as 90 miles.

The Oakwood site would be expected to generate 400 new jobs in roles ranging from operations, customer service, engineering, inventory, quality management, and van transportation. What a great opportunity for our high school students to be introduced to cutting edge robotics, artificial intelligence, automation and the introduction of this transforming e-commerce fulfillment and logistics technology in the US which will bring customers much fresher food faster than ever before. Thank you, Mr. Chairman.

Mr. Climer: I believe here tonight is Kevin Callahan who is here on behalf of the applicant if the Planning Commission has any questions.

Questions from the Planning Commission Regarding Case # PC21-125:

Mrs. Davis: I read in the description that this operation would have 500 employees, a 24-hour operation, 365 days a week with 35+ semi-trucks, 250+ delivery vans and this abuts residential properties. Why would we want that type of operation there?

Mr. Climer: If I understand correctly, your mother's house is adjacent to this property?

Mrs. Davis: Yes, it is.

Mr. Climer: You have concerns about the effect of this development on her property?

Mrs. Davis: I was also just voted the Councilperson of Ward 4, and I will also be representing the constituents in Ward 4.

Mr. Climer: I understand. For the benefit of all concerned and yourself included, I would caution you that having an interest in property adjoining these premises, there are opinions from the Ohio Ethics Commission that this render would give you an interest in this property.

Mrs. Davis: I don't have that property; it's my mom's. So, I'm not allowed to say anything?

Mr. Climer: I should caution you that you should not take part in the debate or voting.

Mrs. Davis: I should have been told that ahead of time.

Ms. Harp: Mary is a member of the Planning Commission and has been [for a number of years]. She has spoken on this issue before. This is not the first-time you guys have been here, correct?

Mr. Callahan: That's correct.

Ms. Harp: Mary was here then, and she had an opinion. She does not have an equitable interest in that property. I think that based upon her years of experience, and how she is able to decipher all these documents, situations and cases, we should give her the benefit of the doubt. She has enough common sense to hear this issue, have an opinion on this issue; not as the property owner's daughter but as a Planning Commission member and a future Councilperson. She should not be shut out.

Mr. Cirincione: I think that what Jim is saying is that **this isn't a decision that we are making. Jim is saying that this is a decision from the Ethics Board for the State of Ohio.** Whether or not we think this is a good idea or a bad idea for Mary to take part, our obligation is to advise you whether or not there is a possible ethical violation and that is what Jim is voicing.

Mr. Climer: Exactly! I don't mean for one second to question your integrity Mrs. Davis. There is the Ohio Ethics Commission Advisory Pending 98002 and it was a very similar situation. A councilperson had a brother who owned a piece of property that was adjacent to an area where a street was going to be put in. The Ethics Commission advised her that she should not take part in the debate nor vote on that issue. The brother/sister relationship was close enough that it raised an ethical problem for her. I'm very happy to hand you that. I'm saying this not only for the Commission's benefit but for your own.

Mrs. Davis: Well, I'm not allowed to say anything so it is up to the Planning Commission.

Mayor Gottschalk: There might be some other responses from some of the members of Project Crunch.

First of all, referring to the 24/7 - 365, the robots are packaging the bags all night long. What is the problem?

Mrs. Davis: It's not the inside of the operation that's the problem; it's the deliveries, and the snow trucks going by.

Mayor Gottschalk: Mary, you had three days with the opportunity to talk to me and it never happened.

Mrs. Davis: I told you I was taking care of my mom; she just got out of the hospital.

Mayor Gottschalk: We're talking about 400 jobs being created in about three to four years (not one year) and 250 vans by about the fifth of sixth year as well. That is why we submitted for a light on the eastern side of the bridge on I-271. With the study our engineers made along with the traffic control team, they said it will actually be less impact with the traffic light there than otherwise.

This meeting was supposed to be very informal in answering only the question of whether the zoning is appropriate for being a grocery or a retail facility, which it is. There will not be any noise problems with the 24/7 operation. That is why we have the mound and landscaping as a buffer. The people on Macedonia Road are thrilled with the idea that they no longer have to deal with traffic noise, wind problems and snow. There will be notification to the residents regarding the building in time, which will be about 10-feet higher than normal.

Questions & Comments from Planning Commission & Project Crunch:

Ms. Harp: I'm reading from the original packet. The peak hours are 5 to 6:00 A.M. and 3 to 4:15 P.M.?

Josh from Project Crunch: *(None disclosure of last name until final decision is made)*
One of the gentlemen who will be speaking is from Louisville, Kentucky.

There are two different shifts that will operate. They are busiest between 5 & 6:00 A.M. The delivery trucks will flow out during that 5 to 6 A.M. period. It will not be one big flurry of trucks flowing out at one time. They will come back in over a period of a couple of hours and in the middle of the day, and then back out over several hours. So, when you hear the total hours, it is very much a flowing in and out and not coming out all at once. That will be the same with the employees. The employees are not spread out over the entire day. For instance, "it's not at 8:00 A.M. 500 people are there". Between 5:00 A.M and 9:00 A.M. there are employees arriving and leaving, so there is a flow several times per day.

Mayor Gottschalk: (*Referring to drawings*) This is the size of the van. You can see it's a very modest size.

Mrs. Davis: It says in our packet that there will be 35+ semi-trucks?

Mayor Gottschalk: The semis would be there during the day when they deliver the food.

Mr. Duffy: I believe this information has been given to us without a lot of time to understand and reflect on it. I have not had the opportunity to speak with other Planning Commission members about this. I wonder if we can go into Executive Session and discuss this with just the Commission members to see if they have the same understanding and impression that I have?

Mr. Climer: I don't believe this is one of the subjects for which Executive Session can be held.

Mr. Broadstreet: Okay.

Mr. Duffy: Other than that, I have no comment because I don't think there is anything I can comment on.

Mayor Gottschalk: I would like to ask the Commissioners to read what our Law Department and your own Board Council has said. This hearing is supposed to be a very preliminary meeting anyway just to decide if the zoning is appropriate. All the other things will be discussed at the formal meeting when the formal plans will be submitted.

The only purpose for this meeting is to say yes for what the land is zoned for. That is the purpose for the Certificate of Zoning. When we have a formal Planning Commission meeting for this, the first item would be the variance for height elevation and there will be notification going out for that.

Ms. Harp: The Law Director already said that it is appropriate zoning under our Code.

Mayor Gottschalk: Once we get to the formal meeting, and you've had the opportunity to read the traffic study from the Engineering Company, that would be necessary for the final meeting.

Mr. Broadstreet: Irregardless of the zoning, whether it's applicable or not, I feel the promises we made to the residents of Oakwood when we started down this road, and what you are proposing now is about 180 degrees opposite of what was promised. That proposal was for two or three office buildings operating five days a week, 9 to 5 P.M.

Mayor Gottschalk: The most important items that were before the Ward is that the mounding would completely buffer and screen this site. We would also get 35-million dollars of payroll out of this project.

These are not small buildings. These are 3-story office buildings with a footage of 120,000-sq. ft. There would be about 300 people in each of these buildings. Covid-19 changed things. The problem is with people not necessarily having to come back to work in the areas of accounting and law, now you're restricted to areas of software development, artificial intelligence on the software side and medical research, and life science. That's about it for office buildings otherwise you're going to have far less people in office buildings.

If you had 300 people in each office building, in and out that would be 2,000 trips a day even that would be more than this. The key thing is having the intersection and that's why we got the grant for Fair Oaks which was absolutely needed, plus having the light which we're not paying for at the intersection on the eastern side of Fair Oaks & Alexander Road. The Covid thing changed that, and Covid is not changing for at least another year.

What we are having is a facility with no problems with noise. It's indoors other than the trucks and there is less traffic even with this movement than even if you had the three office buildings there or as it was anyway with the 18-wheelers. There's enough 18-wheelers going up and down there anyway.

Mrs. Davis: They're not supposed to be going down Alexander Road anyway.

Mayor Gottschalk: It's a county road. They can go all the way to Broadway Avenue and we can't do anything about it.

Mrs. Davis: There's a sign there that says "no trucks allowed" and they've been giving out tickets.

Mayor Gottschalk: From this project, 18-wheelers are not going down Alexander Road to Macedonia Road.

Mr. Climer: There have been changes in market conditions. This property has been rezoned and the office market has gone away. This is a different proposal. **The one and only question here is whether or not this proposal meets the zoning.**

Ms. Harp: So, the zoning is Light Industrial?

Mr. Climer: That is correct.

Mr. Climer: This entire parcel is Light Industrial.

Ms. Harp: So, what they have proposed with the trailers and vans and all of the things they have (and I only had time to read the original proposal) falls within Light Industrial?

Mr. Climer: Correct, because it sort of “daisy chains” back through the Zoning Code. The Light Industrial incorporates General Business Uses. General Business Uses in turn incorporates local business. Local business specifically permits the sell of groceries. So, this is a permitted use in the Light Industrial District.

Mr. Cirincione: It’s not uncommon in these municipal zoning codes for one zoning district to incorporate as a permitted use those uses that are in another business district. If you look at Jim’s November 8, 2021 letter, the fourth paragraph, that is where it lays out the daisy chain affect of the zoning requirements. Light Industrial incorporates the permitted uses that are permitted in General Business District and which are also permitted in Local Business District. That is how you get to what is permissible in the Light Industrial District.

Mr. Climer: Ross is absolutely correct. It’s not unusual for a zoning code in a lower zoning classification “so to speak” Light Industrial to incorporate uses in a higher classification.

Ms. Harp: So, it sort of bumps it up. So, with the retail sale of groceries, are you doing retail sales to companies? The trucks are going to bring in the groceries.

Mr. Chris Knezevic, Attorney on behalf of Project Crunch: I’m happy to address some of the questions that were asked earlier. Would you please restate your question?

Ms. Harp: Your company is going to deliver between those peak hours deliver groceries to this building, correct?

Mr. Knezevic: The groceries will be delivered to a 90-mile radius.

Mr. Climer: I believe she is talking about the incoming product.

Ms. Harp: So, during the day after you receive the groceries you will distribute them to retail customers like Giant Eagle?

Mr. Knezevic: No, the groceries will be delivered to actual individuals. So, for example instead of you going to the grocery store and taking things off the shelves and putting them in your cart, here it’s the e-commerce new model. The orders are placed electronically by each individual customer. The groceries that have been brought into the center are then parceled together and then distributed to each customer at their homes.

Ms. Harp: So, this is something like Instacart?

Mr. Knezevic: Yes, similar concept. It's not necessarily the same as Instacart where you go to the grocery store and pick your order up. The order is electronically placed and delivered to your home.

Ms. Harp: Okay.

Mayor Gottschalk: Project Crunch is planning to put 20 of these facilities in nationwide. The facilities themselves are anywhere from 200,000 to 300,000-sq. ft. In Oakwood Village, the facility would be 200,000-sq. ft. They are looking at 60-million dollars of investment in the building alone. I think our most expensive building to date is about 7 or 8-million dollars. They will additionally invest another 60-million dollars in Oakwood Village in personal property and in technology.

With a 120-million-dollar investment, you can understand why they brought an attorney here and personnel from Louisville, Kentucky.

Ms. Harp: So, is the purpose of this meeting to tell us this because it is apparently on the books that is zoned correctly?

Mayor Gottschalk: **The legislation calls for having a Certification of Zoning by the Planning Commission.** There was never a need for one in the past because there was never a project this large before in the Village.

Ms. Harp: Okay, I got it!

Mr. Duffy: Are there currently any operation working sites up and functioning or all of these that you're talking about just on the drawing board?

Mr. Knezevic: I know there are several under construction. I do not know off the top of my head whether or not the first of these facilities is currently delivering to customers.

Mayor Gottschalk: I think they might have at least one, two or three. We can't name where they are. They do plan on having 20 of these facilities nationwide, and Oakwood Village is one of the sites they are looking at selecting.

Mr. Duffy: I don't think my question was answered, but I do want to state to the Planning Commission that we have no choice. This is deemed legal and proper and we need to accept that and certify it.

Ms. Harp: So, this meeting is simply a formality.

Mayor Gottschalk: There will be an actual formal Planning Commission meeting in the future with permanent drawings and specifics. Initially, if there are any variances required, I believe there will be one. There has to be notification for any affected homeowners in the area. There is eight days of notification, so that will be coming up at the Zoning Board meeting which will be in about a week or two.

Mr. Duffy: I made a general statement, Rand do you have any response to that?

Mr. Broadstreet: No!

Mrs. Davis: The surrounding residents will be notified of this zoning thing by mail rather than newspaper?

Mayor Gottschalk: Absolutely! Rather than counting on the mail, I think these notifications will be hand delivered to the residents by the Police.

MOTION TO APPROVE CASE # PC21-125: BASED ON CERTIFICATION AND ACCEPTANCE OF ZONING CERTIFICATE FOR PREMIER OAKWOOD LLC BY THE VILLAGE OF OAKWOOD ENGINEERING DEPARTMENT, BUILDING DEPARTMENT, LABOR DEPARTMENT AND OTHER FACTIONS INVOLVED was made by **Peter Duffy**, seconded by **Tracy Moore**.

VOTE:

Yes - 3 Duffy, Harp, Tracy Moore

No - 1 Rand Broadstreet

Abstain - 1 Mary Davis

MOTION PASSED

OTHER MATTERS FOR DISCUSSION:

What is the Current Requirement for Wearing Face Masks in the Village of Oakwood?

Mr. Duffy: What happened to the face mask requirement? As a public service, I was told we were all required to wear them as part of Ohio Law until we were told that we no longer had to wear them.

Mayor Gottschalk: It's not mandatory in Ohio any more.

Mr. Climer: I don't believe the mask mandate is mandatory any more. I would be happy to wear one if that would make others feel more comfortable. I have been fully vaccinated.

Mr. Duffy: It would make it more comfortable if I was aware of the status of things. I'm surprised to see that there are only two of us on the Planning Commission that are wearing masks. I'm wondering if those requirements we were told by Ross are still in affect or if they have been withdrawn.

Mr. Climer: If I'm not mistaken, I believe the Governor's order expired.

Mr. Cirincione: Yes, I think that's true. There has been an expiration of the Governor's order, although he gave the judgement to local municipalities as to whether or not to require masks at local businesses.

Mr. Duffy: What is Oakwood's position on this?

Mayor Gottschalk: Personally, I can't wear a mask. The reason being is that I had radiation when I had cancer.

Mr. Duffy: *I'm not asking your personal position I'm asking what is the position on mask wearing for the Village of Oakwood. I withdraw the question.*

Mr. Climer: Mr. Duffy, I would be happy to answer your question but because this is a special meeting, the only thing that can be discussed is what is on the agenda. I would be happy to stick around and discuss this with you later but we should have a motion to adjourn.

Discussion Re: Unauthorized Cutting Down of Trees on Alexander & Macedonia Roads:

Mr. Broadstreet: Mr. Callahan, I cannot tell you how unhappy we are with your company for what you did to that grove of trees. I hope you take that to heart because a lot of people were absolutely furious with what you did. Not only that, but our landscape architect has taken careful measurements of the trees that were cut down, and the caliper inches involved. You are going to have to replant every bit of that in caliper inches. This is going to be a very expensive project! I also want you to understand that if you sell this property to someone else, that goes along with it. I just want this to be on record.

Mr. Callahan: Okay.

Mr. Broadstreet: Do I hear a motion to adjourn?

MOTION TO ADJOURN MEETING was made by **Malinda Harp**, seconded by **Rand Broadstreet** and upon roll call the **MOTION PASSED** unanimously.

Meeting Adjourned at approximately 7:12 P.M.

Rand Broadstreet
Chairperson

Cynthia Hines
Recording Secretary