



VILLAGE OF OAKWOOD
SPECIAL ZONING BOARD OF APPEALS
MEETING MINUTES

MEETING DATE: MONDAY, NOVEMBER 29, 2021

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

PLACE OF MEETING: OAKWOOD VILLAGE COMMUNITY CENTER

PRESENT: Marschelle Head - Chairperson
Thomas McWillaims (*New Member 11/29/2021*)
Dan Stanton
Joseph Swaton

Kevin Callahan: Developer (Premier Oakwood LLC)
Ross Cirincione: Assistant Legal Counsel
James Climer: Legal Counsel
Edward Hren: Village Engineer
Gary Gottschalk: Mayor
Daniel Marinucci: Chief Building official

ABSENT: NONE

The Meeting was called to order at approximately 6:35 P.M. by Marschelle Head, Chairperson.

NEW BUSINESS: APPLICANT: PROJECT CRUNCH, PREMIER OAKWOOD LLC
CASE # ZBA20-03: PROERTY OWNER - PREMIER OAKWOOD LLC
ALEXANDER & MACEDONIA ROADS PP #795-28-016
Project Crunch and Premier Oakwood LLC is coming before the Zoning Board of Appeals to request approval for an 11-foot Height Variance, Exterior Wall Material Variance and a Wetland Setback Variance. (Codified Ordinance 1173.07, 1173.09 and 1190.09)

Presentation by Mayor Gottschalk entitled “*Transforming the Grocery Retail Experience*”: The project formerly known as Project Crunch, will now be named for what it is and that is “**Kroger**” the largest national, retail grocery chain in the United States.

They have been deciding whether to locate one of its 20 planned, highly automated robotics driven community fulfillment centers nationwide. This will fulfill on-line orders, and they are considering Oakwood Village for one of these locations. This would be an anticipated 60-million dollar 200,000-sq. ft. customer fulfillment center in Oakwood Village. It will feature digital and robotic capabilities that would allow an order for example of 50 items to be assembled four times faster by using robotics instead of an employee working in a grocery store.

Inside the fulfillment center would be more than 1,000 robots preparing consumer orders. When the order delivery time is near, the robots retrieve the stored products and bring them to stations where the items are then sorted for delivery. Algorithms governing the pickup and sorting process will ensure that products are packed intelligently with fragile and more perishable items on the top and the bags evenly weighed.

Each potential order is optimized to use fewer bags. These packed orders are loaded onto a temperature-controlled delivery van. These are modest sized vans and are not large delivery trucks (*as shown in displayed pictures*). Machine learning algorithms weigh factors such as road conditions to dramatically optimize delivery routes. Each fulfillment center covers a delivery radius of about 90 to 120 miles, so that would cover travel to Pittsburg, PA - Columbus, OH to Sandusky, OH.

Introduction of transformative e-commerce fulfillment and logistics technology in the US will bring customers fresher food, faster than ever before. The creation of a fulfillment center in Oakwood Village will have a far-reaching impact including a project investment of 120-million dollars for the building construction, personal property, technology and the capacity to deliver fresh food within a 110-mile radius.

Kroger will have a tremendous impact on the community and they have a very strong track record of community involvement. The annual taxable payroll of 18-million dollars for the 400 employee associates of this Oakwood Village fulfillment center will bring in \$450,000.00 a year. In addition to that, the TIF (money that would go to the property tax to the county) will come back to Oakwood and that would be another \$180,000.00 a year. So, that would be \$630,000.00 a year coming in from this one site within three years. This payroll cannot be reduced; that is the taxable payroll to Oakwood Village.

One of biggest things in this to me will be youth education. This will actually tie into what we have been doing for our young people up to now. Our eight to 14-year-old children have been learning robotics, life science, and medical research in their classes.

Now, because of what's been happening in our public schools, we're going to be gearing this toward our 10th, 11th, and 12th graders. Our particular focus will be on careers that will be in demand within the next three to five years. Kroger will donate close to 1-million dollars over 20 years; \$50,000.00 for our youth in Oakwood to be involved in these programs along with grandchildren whose grandparents live in Oakwood Village. For example, your grandchild might live in Mentor, but they can take advantage of this program. What a great legacy we could leave to our young people with the help of Kroger.

Lastly, there have been some misunderstandings and untruths spread around the Macedonia and Alexander Roads area. I want to address and clear up some of those misunderstandings and fill you in on what's *really happening*.

What I am going to say is simply that the owners of the project site on Macedonia Road, meaning Kroger and/or Premier Development will sign a development agreement. This won't be me saying something, and then a year from now I'm no longer here and there is no written proof of what is said. This will be a signed agreement, and there will be a copy of it prior to construction. It will include the following:

1. **Spend at least \$90 to \$100,000.00 to extend the landscape and current mound at the Macedonia Road Project Site, both south where three homes were demolished as well as going north to the Bosecky property. The mounding will take place in the spring. The same type of screening on the existing mound will be provided on these two areas including quantities of spring, summer and fall, flowering shrubs and perennials.**
2. **The project site will never be able to be entered or exited from Macedonia Road.**
3. ***This is where I've been receiving calls from a number of residents who are being bothered by real estate brokers selling the idea that:* Homes purchased on the west side of Macedonia Road, north of the current project site can be demolished to be part of this development project. That is not the intent of Kroger or Premier to ever have that happen.**
4. **There will be construction of a winding, 6-foot wide, concrete all-purpose trail along the Macedonia Road project site extending to Alexander Road in 2022-2023.**
5. **There will be an expenditure of \$65,000.00 (*by Premier Development*) for the replacement cost of the (*unauthorized*) cutting down of the trees on the Alexander Road site, which includes 47 large shade trees; 15 to 20-feet high, and 17 large native shrubs; six to eight feet high.**
6. **There are no plans (*although I presented it a couple of years ago*) for a round-about at the intersection of Alexander and Macedonia Roads without the strict approval of the homeowners at that intersection.**

7. **The first two lots east of I-271 had two homes, which were demolished by Premier to be utilized for the entrance and exit road to the project site. A third house was just recently purchased, and demolished by Premier to be part of a small little upscale development (*in the future*) of one building along with the future purchase of the three adjoining homes at that site on Alexander Road. That will all be screened.**
8. **Oakwood Village will receive a grant of a quarter million dollars, and a 0% loan of a half million dollars over 20 years to rehabilitate with concrete, Fair Oaks Road (*that is the auxiliary street parallel to I-271 that runs from Alexander Road, north back to Broadway Avenue*). That road was in terrible condition.**
9. **Additionally, the owners of the project site, namely Kroger will receive a \$950,000.00 grant to improve the entrance onto Fair Oaks to Alexander Road and signalize that intersection with a traffic signal, which will be synchronized with the light on the western side of I-271. That will alleviate any potential traffic problems.**
10. **With the creation of this project and the beginning of withholding collections, the reintroduction of the Exterior Maintenance Program for Ward 4 homeowners will begin again by the middle of 2023.**

That should clear up any kind of misunderstandings that have been initiated by the real estate brokers or anyone else who parroted my words, and did not have them supported by actual documents. These documents will be signed by the owners of the property. The last thing I want to point out is if in the future, for whatever reason the property would be sold, that owner as well would have to be held to the same agreement. Thank you! We can now have the presentation by Kroger.

Presentation for Kroger: Ms. Jill Tangeman, Attorney with VORYS LLP

Thank you, Mayor Gottschalk for doing such a nice presentation of the overall project. As the Zoning Board and hopefully the rest of the community is aware, we are here on sort of a very narrow issue relative to this project. The applicant, which is the Kroger Company, is asking for three variances to develop the site in accordance with the summary the mayor just gave you. *Specifically, we are asking for three variances to allow us to develop the property:*

1. **The first variance is to allow the height of the building to be 50-feet.** Currently your Industrial District, which this is zoned as, allows for a height of 35-feet. For an industrial building that is pretty small. That height is more typical of a business or residential district. As the mayor mentioned, the reason for the 50-foot height is to allow for specialized equipment inside the building that allows us to store food, process it, and pack it up. I do have engineers here who can answer questions you may have regarding the robotics.

2. The second variance we have asked for is that the entire building will not be made of masonry material. There will be some masonry material, but it is not the primary material; it is an accent material. Out of the abundance for caution, we have just asked for a variance just to make sure it is clear that we are primarily using insulated metal panels. We have some building elevations here if you want to talk through those, and I have engineers and architects here who can give you more specifics on that if there is a question.

3. The third variance has to do with the 50-foot wetlands setback. We are trying to respect that in most areas, but there will be some locations where we encroach into that, and we need a little bit of flexibility for that. As you see from our site plan, we want to keep all of the development as interior to the site as we can, but we will need a little bit of flexibility around the wetlands area. Our engineers can answer any detailed questions you have as it relates to the wetland's setback.

4. We have already received the zoning certificate for the project, so the project is allowed to be here. These three variances will allow us to develop the property appropriately, and make sure it is the best possible site design. If this were a General Business District, zoned under your Code, we wouldn't require these variances. We would be allowed to go up to 60-feet. Given the type of project we are talking about, the Industrial District is really the appropriate location for it. As I'm sure you are aware, there are not a lot of spots in Oakwood Village that will allow for this project.

We appreciate everyone's time this evening. We have Eric Morgan and Chris Piper from our team and they can answer more specific questions about the variances. Thank you!

Mayor Gottschalk: I would like to interject that both Kroger and myself have a site plan for the elevation, so that we can assure our residents that you will not be able to see this building from Macedonia Road.

Presentation by: Ms. Morgan Hawker, Luckett & Farley

"Everyone is welcome at your leisure to examine the site drawings displayed in the front of the room."

1. The drawing on my far right is the building elevation, so you can see what the building looks like from different sides of the building.
2. This exhibit shows some of the elevations for some of the smaller out buildings that are on the site where our transportation fleet can wash and fuel up the vehicles before they leave the site. This is also screened by the berm along Macedonia Road which would extend the length of the site.
3. The next drawing is the general site plan. It displays Macedonia and Alexander Roads and the interstate. There is a proposed entrance drive coming off the Fair Oaks intersection. That is the only entrance to the site. The traffic would come onto the site and into the building.

4. This exhibit is our side line study which shows the view from Macedonia Road as well as the view from the house across the street (for those of you who may live across the street) and shares with you the berm at its original height. If we need to increase the height in order to make sure that it is properly screened, we have shown that here. We also show a privacy fence that can be placed on top of that for additional screening so that during the winter months when the trees and bushes might be sparser, there will still be appropriate screening between Macedonia Road and the building. The rooftop mechanical units are the only thing that is visible based on this study.

This is preliminary, but this represents the intent of the design and the adjustments we would make to insure this is properly screened from Macedonia Road.

Mayor Gottschalk: I will expound on Ms. Hawker's exhibit of the site drawings. (*Referring to the presentation screen*) here is the mound with what would be eventually a 20-foot tree. Here is the center line on Macedonia Road, and their building. The building is actually the same grade as the road itself. For example, if you're standing on Macedonia Road with no tree and just the height of the mound, and you follow it through, you would see the building; but only 10-feet which is what those trees are right now. Noticing the site line: at 10-feet from the site line you're already above the building. Clearly, from your front porch or your front window you won't be able to see this building at all.

Picture of proposed building: This is what one half of the section of Alexander Road would look like with the rest being docks. On the I-271 interstate side, a third of the building would look like this with windows on the second floor. What would be happening on that second floor would be 1,000 robots packing products from 10:00 PM until about 4:00 A.M. and then the products would be loaded onto delivery vans (*Picture displayed of delivery vans*). These are not very big delivery van vehicles, and they will not make a beeping noise when they are backing up.

Marschelle Head, Chairperson: Are there any abutting property owners?

ABUTTING PROPERTY OWNERS:

Mayor Gottschalk asked the first abutting property owner **Mr. Brian Longo** the following question: "Regarding the three homes that were demolished in front of your house, is your house located next to these demolished homes?"

Mr. Brian Longo - 7710 Macedonia Road - Oakwood Village, OH 44146

Yes, my house is located next to the demolished homes.

Mayor Gottschalk: That is why I thought it was important to underscore that the mound will continue on, right to your property line. In addition, they will make a little "L" so you won't even see it from your back yard.

Mr. Brian Longo: I have had surveyors come on my back property where I have a pond, which was there when I bought the house. When the water runs off, they were going to do some research and studies for wetlands. Part of that property was supposed to be approved for a property to go commercial. Will that affect my property in the future?

Mr. Chris Piper, Kroger: Unfortunately, Mr. Longo this particular question regarding your property is new to us, so I cannot say that I am specifically aware of any understandings regarding wetlands associated with your parcel.

I can tell you that we are very sensitive to your wetland concern regarding the property overall. We intend to be 100% compliant with the Federal Corps of Engineers and State requirements, but I'm not in the position to speak regarding any specific understandings on your parcel, due to the fact that I am not an [employee] (*inaudible*).

Mayor Gottschalk: Ed Hren, I would like to have Mr. Longo's question answered. Is there a way between yourself and Kroger you could satisfy Mr. Longo's concern?

Mr. Ed Hren, Oakwood Village Engineer: Part of the approval process deals with the wetlands specifically as part of the Storm Water Management plan that Kroger will submit. Even though they are requesting a buffer variance for the wetlands, that is strictly a local ordinance. In our Storm Water Management Program, we have a requirement for erosion sediment control. This is not only a local requirement, there are also state and federal ruled regulations for that. In our particular case, we added a 50-foot buffer (a vegetative strip) between the wetlands and any disturbed areas.

In this particular case Mr. Longo, it almost works against you because Kroger and Premier can actually purchase wetland credits as they develop properties in filling in any of the other wetlands. Without the variance, it almost forces them to fill in wetlands so they can create the buffer against the area that remains undisturbed. By granting this variance, it gives them greater flexibility in working with this. With the erosion sediment control, the wetlands serve and filter any impurities out of the water. Even though the request for the variance should be granted, they are still subject to all state and federal regulations. They will still need the Army Corps of Engineers permit, the OEPA permit and they still have to have the Storm Water Management Plan reviewed and approved by my office.

Even though in my letter I am recommending that this variance be granted, we will work with Kroger and Premier to give the best possible Storm Water Management Plan they can come up with. As they indicated earlier, we want the flexibility of having 25 or 30-foot so, as we're working with them, we don't have to come back to the Board every time a variance is required. To reiterate, my office (The Village Engineer's Office) still has to approve the final Storm Water Management and Erosion Sediment Control Plan, which is all subject to the state, federal and NEORSD regulations. All they are asking for is a variance from a zone that was implemented when the erosion settlement control ordinance was enacted probably 10 years ago.

Mayor Gottschalk: Is it possible that we satisfy Mr. Longo by having an answer to his concern by Christmas time?

Ms. Morgan Hawker, Luckett & Farley: I would be happy to speak to Mr. Longo after the meeting to better understand what his concern is.

Mayor Gottschalk: Mr. Longo is also concerned about storm water management, which is also a concern on his property.

Mr. Brian Longo: I have had a problem ever since they built that mound. I never had that problem before. I tried to complain about the water runoff, which comes through my yard and goes up to my pond, and it never did that before.

Mr. Eric Taylor, Kroger: Not to speak ill of the work that has been done today, moving forward we will be held to those standards of managing the onsite water in a responsible way that manages it on our property and funnels it off in acceptable ways in accordance with all the state and federal requirements.

Mayor Gottschalk: Brian and Eric, [we can exchange cell numbers]. I would like you to keep in touch with me, and I would like to keep up with the progress on this too!

Mr. Brian Longo: My rear property was re-surveyed and zoned from residential to commercial. Once they start building in the [open] land, will that include me since [they] own my property?

Ms. Morgan Hawker, Luckett & Farley: This will not include any infringement on your property at all.

Mr. Brian Longo: I just wanted to make sure. Thank you everyone!

Ms. Amy Mattox - 23675 Alexander Road - Oakwood, Village, OH 44146

I have heard a lot about the view from Macedonia Road. What I would like to know is what the view will look like from my backyard? Are we going to see the building or not be able to see the building from my backyard?

Ms. Morgan Hawker, Luckett & Farley: (*Referring to Map*) Ms. Mattox property is “here”. We are not touching any of “this”. All of the trees that are on the adjacent property owners, and in the rear of these properties will not be touched. The view should be the same as what she sees today from her property. The building will be far below the tree line by the time you get to the actual building itself.

Ms. Amy Mattox: My second question is regarding the house that was torn down: What is that property specifically going to be used for because I received multiple different answers?

Ms. Morgan Hawker, Lockett & Farley: Great question! At one point there was a thought that we would do a “ring” road with two entrances to the site off Alexander Road.

Mr. Chris Piper, Kroger: We are no longer pursuing that, and there will only be one entrance and exit to this site.

Mayor Gottschalk: That is where we are spending the \$65,000.00 for the replacement cost of the (*unauthorized*) cutting down of the trees on the Alexander Road site with the native shrubs and the grass going in the middle.

Mr. Chris Piper, Kroger: The alternative to that is Premier cleared that land with the intent to build a road under a different development agreement; *that is not part of our current intent*. We intend not to build on that, but let it return to a natural vegetative state. Potential plantings might be involved as well. That would be part of the final site plan.

Ms. Amy Mattox: So, you cannot say: “that’s the plan.” It could potentially change?

Mr. Chris Piper, Kroger: Without a doubt I cannot say 100% what will or will not happen, but that is the current plan and the plan we are pursuing.

Mr. David Rose - 7631 Macedonia Road - Oakwood Village, OH 44146

(*Referring to Drawings*) My house is in the picture; second from the right. My question is to the mayor: The slide that you did with the projection of our never being able to see this [building], was it done before they asked for this variance of a 15-foot higher building structure? I would like to see that hopefully before the [Board] (*inaudible*) approves a 15-foot building height.

Ms. Morgan Hawker, Lockett & Farley: Our plan does show it.

Mayor Gottschalk: I know my plan is good because our Engineer, Ed Hren did it!

Mr. Chris Piper, Kroger: Mr. Rose, this plan is still in the preliminary stage because we have not done our final site design. However, it is what we would call conservative, given that the building is at its highest elevation that we think it might need. That is why we show that we probably need to add some height to the mound, and some taller screening to it to ensure that you never see the building.

As we work through our site development plan to address Mr. Longo’s concerns regarding drainage, the height we put the building and site at may change to balance out all these important priorities. If it changes at all from what we see here, it will get lower.

Mr. David Rose: My second question is that you said there would be a “rock road” somewhere coming off Macedonia Road for construction?

Mayor Gottschalk: No, there will be an “all-purpose trail” right by the berm that’s existing right now. It will be winding, 6-feet wide and concrete. It’s not going to look like a side walk; it will look like a trail. We will obviously have to get an easement from you in terms of how you want to have it placed when we get to your property. That’s your call. There will be screening put in place prior to the buildings going up.

Mr. David Rose: When will the berm be installed for the three houses that were torn down across from me?

Mayor Gottschalk: They will be installed in the spring time. I want it to be done before the end of spring. The mounding and the landscape will be in place.

Mr. David Rose: Mayor, you said Kroger will supply the landscaping on that or will that be the responsibility of Oakwood Village?

Mayor Gottschalk: That will be done by the people from Kroger, but it’s under the auspices of our landscape architect.

Mr. David Rose: Mayor, I believe *someone* said to try to disregard us from meeting for variances, etc. As a resident I would like to continue being notified when a variance is being brought up, and allow me to come here and speak on it as well.

Mr. Ed Hren, Oakwood Village Engineer: That was specifically for that variance. Any variance requires a public hearing. My intent was that this would allow the work to happen without coming back every time for an additional variance. Any other variance for any other matter still has to come before this Board.

Mr. David Rose: What are the hours of operation for this facility?

Mr. Eric Taylor, Kroger: The hours of operation are going to be your standard 7:00 A.M. to 9:00 P.M. which means delivery to the residents or any of our home delivery customers, and replenishment of product just like a traditional grocery store would. Our associates would be in the building preparing the orders overnight, starting at 3:00 A.M. when our first shift of associates arrive. It is essentially a 24-hour operation *inside the facility*. Outside the facility, it’s really 7:00 A.M. to 9:00 P.M.

Mr. Chris Piper, Kroger: In our minds, this is not dissimilar to how our stores operate. Inside the building, you have associates working through the night to restock shelves and product.

Ms. Emma Jordan-Wren - 7505 Macedonia Road - Oakwood Village, OH 44146:
Since this will be a 24-hour operation, what will the noise and light factor be for the Alexander Road area?

Mr. Eric Taylor, Kroger: There won't be any outside activity overnight, but there will be associates coming into the facility, so there will be increased traffic between the hours of 2:30 A.M. and 3:00 A.M. We expect about 25 associates coming to work during those two time periods, so about 50 associates' total.

Specifically, regarding overnight hours, the majority of the outside noise will be generated during out-bound deliveries, which will not occur until 7 or 8:00 A.M.

Ms. Emma Jordan-Wren: Am I to assume that the map that was sent out is incorrect because it looks like there is one way in and another way out?

Ms. Morgan Hawker, Luckett & Farley: What you are seeing there is the outline of the property. The property was delineated or set aside for the old idea of being able to go in one way and out the other, but we're no longer doing that. However, the property boundaries are still the same.

Mayor Gottschalk: I thought about Emma's property when we were talking about the round-about at the intersection. They have a beautiful home and lovely landscaping. It was clearly a concern on their part having a round-about there. If a round-about could ever be there, it wouldn't touch there property anyway however, if the homeowners on that intersection don't want it, it's not going to happen!

Also, regarding the noise factor, there are not going to be any trucks from this project going down Alexander Road. Everything will be going north and south off Oak Leaf and Fair Oaks Roads, and probably 95% of the employees as well.

Mr. Chris Piper, Kroger: Generally speaking, there is clearly noise coming in off the interstate however, the building will actually block that. Any additional sound you may get from the on-site operation (would be minimal) because the vast majority of our work is inside of the building.

Ms. Patricia Rogers, Council Person - 25160 Stephen Road - Oakwood Village, OH 44146: You talked about the trucks going out for deliveries, so certainly they must be coming in earlier to get loaded? What about the semi-tractor trailers that bring in the supplies; when is that going to occur?

Mr. Eric Taylor, Kroger: That would occur at all hours of the day. Those trucks will come in on shifts. There will be anywhere from eight trucks a day however, they won't all come in at one given time. There will be a couple of trucks that will come in at early overnight hours and as daytime operations occur, there will be 53-foot traffic trailers that will replenish the groceries that are going out.

Mr. Chris Piper, Kroger: Those trucks will be staggered throughout the day; they will not come in a big swell overnight. The trucks will come in at different times during the day.

The delivery vans will go out early in the morning and come back to reload then go back out for the afternoon delivery. They will then come back to the dock late afternoon and stay there until the morning deliveries are made.

Ms. Patricia Rogers, Councilperson: Your first Planning Commission meeting minutes stated that you would start at 5 or 6:00 A.M.

Mr. Eric Taylor, Kroger: That's right, but our associates would start at 3:00 A.M.

Ms. Patricia Rogers, Councilperson: How many associates would start the shift?

Mr. Eric Taylor, Kroger: There would be 65 associates during that shift. Over that hour span there would be somewhere between 25 to 30 per half hour between 3 and 4:00 P.M.

Ms. Patricia Rogers, Councilperson: How many total employees will there be?

Mr. Eric Taylor, Kroger: Overall, there will be a total of 400 associates, which would include delivery vehicles and drivers.

You also asked about outbound, and Chris did a good job of hitting on it, but we anticipate those first vehicles going out of the building between 6:30 A.M. and 7:30 A.M. (we'll call it 7 A.M. on the average). They will be coming back for the P.M. shift sometime between 1 and 3:00 P.M. At that that same 1 to 3 P.M. hour, we're also going to have the P.M. shift heading out as the morning shift is coming in. Does that answer your question, Pat?

Mr. Eric Taylor, Kroger: Yes, it does. Thank you!

Mr. Claude Griffin - 23090 Alexander Road - Oakwood Village, OH 44146:

My house is right across the street from all the activity that was going on as far as tearing down the houses, and I am confused about the "mound"; the facility from my standpoint on Alexander Road. Will the mound cover part of the view of the facility or will I be looking at a large parking lot with a large building in back of it?

Ms. Morgan Hawker, Luckett & Farley: So, if I understand your question, you live on the north side of Alexander Road, is that correct?

Mr. Claude Griffin: That's correct.

Ms. Morgan Hawker: (*Referring to drawings*) This is the entrance road to the site. It comes all the way down before there is a parking lot. All of these other houses that are remaining are between you and this property.

Mr. Chris Piper, Kroger: I think Mr. Griffin's question might be about the properties that Premier has purchased and demolished along Alexander Road. Is that correct?

Mr. Claude Griffin: Yes, that is correct.

Mr. Chris Piper, Kroger: It sits inside of “Ring Road” which Premier previously proposed and owns but is not part of our project. So ultimately, that is a question for Premier and the Village of Oakwood.

Mr. Kevin Callahan, Premier Development: I think we are just landscaping. There may not be a mound, but there will be landscape coverage.

Mayor Gottschalk: What he is saying is that he doesn’t want to see any parked cars around this building, and to have it as esthetically pleasing as possible.

Mr. Chris Piper, Kroger: Regarding our building, I would not expect you to have much if any visibility of our facility. We can’t control what happens off our property. As Morgan pointed out, we are quite a distance away. If we reference the site line drawing for Mr. Rose’s property, we don’t expect for him to be able to see much because he is pretty far away, you may not have the mound but you’re probably seven times further away.

Mayor Gottschalk: Based on the rules of Zoning meetings, you only have to inform those that are adjoining the property, but I felt in the best interest of being transparent, we inform those on the other side of both Macedonia and Alexander Roads of this. We can work together on this so that you can be just as satisfied as the homeowners on Macedonia Road are in terms of screening a future development.

Ms. Amy Mattox: I have another question regarding the lots that got torn down. Potentially, having landscaping put back up in that area, when will we be made aware of when that will be?

Mayor Gottschalk: I have a diagram from Andy Sparks of what that would look like. It will be done in the spring, and I would be glad to show you that.

Ms. Amy Mattox: So, it is for sure going to be landscaped then? Because a few minutes ago Kroger stated: “they can’t 100% say that in the future, that plan won’t change.”

Mr. Eric Taylor, Kroger: Right now, for the project we’re going to develop and launch in the next couple of years, there will not be an access road where we’re discussing. I think what Chris mentioned was that we can’t promise that 10 or 15 years down the road there wouldn’t be a change to that. That is my understanding.

Mr. Kevin Callahan, Premier Development: I think she is talking about the road.

Mayor Gottschalk: Specifically in the springtime there will be \$65,000.00 earmarked for that landscaping. There will be 47 large shade trees; 15 to 20-foot high, and 17 large native shrubs; six to eight feet high.

Ms. Amy Mattox: So, was the noise from the train tracks considered for the type of landscape that’s going in?

Previously, we could not hear any noise from whatever landscape was there, but now we're kept up at all hours of the night hearing train noise constantly. Has suppressing the noise from that direction been considered?

Mayor Gottschalk: You are located right to the west of that lot, correct?

Ms. Amy Mattox: I'm closer to the freeway. If you're facing the wooded lot that got torn down, I'm on the left-hand side.

Mr. Eric Taylor, Kroger: Are you talking about the railroad tracks on the other side of the freeway? Would you please show us on the map?

Ms. Amy Mattox: (*Referring to the map*) My house is here; the train tracks that are making all the noise are [toward the Walton Hills side] (*inaudible*). This (*Referring to map*) use to block all that noise, but now we wake up at 2, 3 or 4 A.M. in the morning from all the trains going through. My dogs get very upset. Is the cancellation of noise considered with the plan that you currently have in place?

Mayor Gottschalk: These are pretty big trees, but you can probably agree that many of those trees are dead anyway.

Ms. Amy Mattox: So, are they going to suppress the noise or has anyone considered that yet?

Mr. Chris Piper, Kroger: I have the ownness that we were not considering any noise from the railroad tracks up to this point, so no, it has not been considered specifically. We have to finish our site design and building plans. I can tell you that we have no intention of building a road down that strip. It is not to our advantage because we cannot run truck traffic down that road.

Ms. Amy Mattox: Okay.

Ms. Jill Tangeman, Attorney with VORYS LLP: We have not seen the mayor's plan for what's going back there yet. We will certainly let you know when that information is forthcoming.

Mayor Gottschalk: I didn't know if Premier was going to pay for that or Kroger, but I can tell you \$65,000.00 will be going toward the landscaping, and you will be very impressed with the look of that when it's done. It will satisfy any of those that were unhappy; including me in terms of the number of trees that were taken down, even though many of them were dead. There were still some good specimen trees in there.

Ms. Riane Makuch - 7526 Macedonia Road - Oakwood Village, OH 44146

With the increase of traffic that is coming in and out, will there be a more definite sign for the intersection in front of our house? There are constantly accidents every day, all day long. Will there be better signage there instead of just a red light?

Mr. Eric Taylor, Kroger: Are you talking about Macedonia and Alexander Roads?

Mayor Gottschalk: That's not Kroger's problem; that's my problem! One of your neighbors, Cagwin brought that up. If you noticed, we had a speed meter out there. The biggest problem is at that intersection; people blowing through that stop sign. The traffic from the Kroger site won't be using that intersection hardly at all. It's still going to be a problem though with Walton Hills developing in the future. We will have to deal with it, and our Police Chief is looking at that.

I'd hate to have a third light there, but we have to do something to improve the situation there if only to have a Police Officer there half a day. I hear what you're saying loud and clear, and there will be an improvement.

Ms. Marschelle Head, ZBA Chairperson: ZBA Board members, do you have any questions, comments or concerns?

Thomas McWilliams, Temporary ZBA Member: On your third story board, there are only two-house structures. The other six pictures are just different angles of the same thing, correct?

Ms. Morgan Hawker, Farley & Lockett: *(Referring to drawings)* Yes, that is correct.

Mr. Thomas McWilliams, Temporary ZBA Member: The mounding and the trees I understand, but it went over my head about the privacy fence. Where is the privacy fence going to be?

Ms. Morgan Hawker, Farley & Lockett: I will bring the exhibit over to you so you can see it a little better. This is showing the mound and an expected additional four or five feet depending on where our building elevation ends up with the final design. We show on top of that a privacy fence behind the planned landscaping on the Macedonia Road side. That would be approximately 8-foot tall, and would act to screen the view of the building from Macedonia Road, especially (in the fall when the trees shed their leaves). There will be some Evergreen trees, but there are some deciduous trees that are in the mix for variety and beauty.

Mayor Gottschalk: There are 200 Evergreen trees already there, but again it shows the concern of Kroger and their willingness to work along with the community.

Ms. Morgan Hawker, Farley & Lockett: This is an option depending on what the Village says as far as our final site plan that we are willing to add a privacy fence there to help with the screening.

Mr. Thomas McWilliams, Temporary ZBA Member: Got it. Thank you!

Ms. Marschelle Head, ZBA Chairperson: We have three variances. The first is a height variance of 15-feet.

Mr. Dan Marinucci, Chief Building Official: On behalf of the Oakwood Village Building Department, I want to go on record to say that we are in favor and support of the granting of all three variances tonight.

Ms. Marschelle Head, ZBA Chairperson: Have all the site plans been approved?

Mr. James Climer, Legal Counsel for Oakwood Village: Yes, that is correct.

Ms. Jill Tangeman, Attorney with VORYS LLP: We can't submit it for *final* permits until these variances are granted so that we know how we can layout the site. Obviously, one of these is a set-back variance, and one is a height variance. These variances needed to be reviewed and approved before we can finalize the site plan. Obviously, what we have here is conceptual and pretty close, but if these variances are approved, we can have more flexibility and finalize the plans then go through all your normal approval processes.

Ms. Marschelle Head, ZBA Chairperson: So, what would the building height be?

Ms. Jill Tangeman, Attorney with VORYS LLP: At maximum the building height would be 50-feet. It is probably unlikely that it would actually be 50-feet, but we would like the flexibility for the mechanicals that would be at the top of the building.

Mr. Thomas McWilliams, Temporary ZBA Member: The mechanicals at the top of the building would be a part of the 50-foot variance?

Ms. Jill Tangeman, Attorney with VORYS LLP: Yes. We are measuring height based on your Code definition, which is to the roof.

Mr. Chris Piper, Kroger: Rooftop units are not continuous; they are scattered along the building, so they are punctuations rather than a continuous [flow] (*inaudible*).

Ms. Marschelle Head, ZBA Chairperson: Our agenda for tonight shows you are coming before us "for an 11-foot Height Variance".

Ms. Jill Tangeman, Attorney with VORYS LLP: Our application said it was likely to be around 47-feet, but we are asking for a variance of 50-feet to allow for some flexibility in design.

Mr. James Climer, Legal Counsel for Oakwood Village: The actual intent is to be 40-something feet high. They are asking for some leeway to get up to 50-feet. Under our Code, the height of the building is measured from the ground level on the front facet of the building to the top of the parapet of the building. So, they need some room in there. I will say that in the other industrial zones, such as the General Business Zone, you can get up to 65-feet or 55-feet in the I2 Industrial Zone. The Village is obviously able to serve a building of that height. There is nothing preventing this Board of granting a variance of up to 15-feet.

MOTION TO APPROVE CASE # ZBA21-01: TO GRANT A HEIGHT VARIANCE FOR UP TO 15-FEET: CODIFIED ORDINANCE 1173.07 was made by **Marschelle Head**, seconded by **Dan Stanton** and upon roll call the **MOTION PASSED** unanimously.

MOTION TO APPROVE CASE # ZBA21-01: TO GRANT A VARIANCE FOR THE INSULATED EXTERIOR WALL MATERIAL INSTEAD OF MASONRY: CODIFIED ORDINANCE 1173.09 was made by **Marschelle Head**, seconded by **Joseph Swaton** and upon roll call the **MOTION PASSED** unanimously.

MOTION TO APPROVE CASE # ZBA21-01: TO GRANT A 50-FOOT WETLAND SETBACK VARIANCE CONTINGENT UPON THE VILLAGE ENGINEER'S SUPERVISION & APPROVAL OF THE STORM WATER MANAGEMENT PLAN: CODE 1190.09 was made by **Marschelle Head**, seconded by **Thomas McWilliams** and upon roll call the **MOTION PASSED** unanimously.

MOTION TO ADJOURN MEETING was made by **Thomas McWilliams**, seconded by **Marschelle Head** and upon roll call the **MOTION PASSED** unanimously.

Meeting Adjourned at approximately 7:54 P.M.

Marschelle Head
Chairperson

Cynthia Hines
Recording Secretary