

1 **VILLAGE OF EVENDALE**  
2 **PLANNING COMMISSION**

3 Minutes from the May 5, 2022 Special Meeting  
4 Evendale Municipal Building, 10500 Reading Road  
5

6 The special meeting of the Evendale Planning Commission (EPC) was called to order by  
7 Chairperson Chris Patterson at 6:00pm. In attendance were EPC members Kevin  
8 Gorsuch, Arnie Schaewe, Jannelle Moore, and Councilperson Beth McDaniel.  
9 Supporting the EPC were Timothy Burke (Law Director), James Jeffers (Service Director),  
10 Mark Elma (Building, Planning, & Zoning Manager), and David Elmer (Director of  
11 Administrative Services).  
12

13 Those present recited The Pledge of Allegiance to the United States of America.  
14

15 **OLD BUSINESS:**  
16

17 There was no old business to discuss.  
18

19 **NEW BUSINESS:**  
20

- 21 1. Case EDB22-3: Conditional Use Application in a Planned Business Development  
22 Industrial District for a transient yard where loaded and empty containers are stored  
23 outside in conjunction with a truck terminal as a permitted use at 2521 Glendale Milford  
24 Rd. (Parcel #611-020-000-01) Applicant: Robert Faircloth Company DBA Contractors  
25 Materials Co.  
26

27 Mr. Burke swore in all those who wished to speak and explained the quasi-  
28 judication process and decision options for the Board.  
29

30 Mr. Blankenship (attorney for the applicant) introduced herself and the clients she  
31 was representing. With Mrs. Blankenship was Mr. Robert Faircloth with  
32 Contractors Materials Co., and Mr. Barry Bernard with Ohio International Services  
33 (OIS). Mrs. Blankenship presented her opening statement discussing the  
34 proposed use and leasing arrangement.  
35

36 Mr. Elmer presented staff's PowerPoint discussing the history of the site and the  
37 nature of the OIS' business and the condition of their locations in other  
38 communities.  
39

40 Mr. Patterson asked if the whole site would be leased in whole or part. Mr.  
41 Faircloth stated approximately 6 acres of the 8.4 acre site would be leased to OIS  
42 and Contractors Materials would use the remaining 2 acres.  
43

44 Mr. Gorsuch asked Mr. Elmer about the economic development implications. Mr.  
45 Elmer stated there were no project incentives in place at this time, and deferred  
46 the question to Mr. Faircloth.

47  
48 Mr. Elmer completed staff's presentation. Discussing the conversations staff had  
49 with the applicant regarding the use on the site.  
50

51 Mr. Patterson asked Mr. Elmer to summarize the case and staff's recommendation.  
52 Mr. Elmer reviewed the PBD rules and stated staff's reason for asking for the  
53 conditional use application. Mr. Elmer continued reviewing staff's concerns which  
54 include stacking, volume and density of use on the site in regards to traffic, sensory  
55 nuisance, and the parking lot condition and spill over.  
56

57 Mr. Patterson asked for clarification regarding staff's recommendation. Mr.  
58 Patterson stated it is his understanding staff's recommendation is for denial. Mr.  
59 Elmer confirmed.  
60

61 Mr. Gorsuch asked follow up questions about staff's presentation. A sort  
62 discussion followed reviewing what was presented.  
63

64 Mrs. Blankenship began her cross examination of Mr. Elmer. Mr. Blankenship  
65 asked why the Village did not purchase the site. Mr. Elmer stated the price was  
66 higher than agreed upon. Mrs. Blankenship asked if Mr. Elmer if he felt the  
67 purchase price of the property would go down is the zoning request was not  
68 approved. Mr. Elmer stated he did not have the answer to that questions. Mrs.  
69 Blankenship stepped down.  
70

71 Mr. Fairchild discussed the history and operation of Contractors Material Co.  
72 stating he employed 67 team members. Mr. Fairchild explained he produced steal  
73 and wire (aka rebar) to reinforce concrete. Mr. Fairchild discussed his other  
74 facilities. Mr. Fairchild explained that he is interested in buying the Boyd site to  
75 expand their wire business. Mr. Fairchild continued stating they will need to lease  
76 the property to produce some income before they are ready to build their new  
77 building. Mr. Fairchild discussed the existing traffic conditions around his site.  
78

79 Mr. Patterson asked Mr. Fairchild to discussion to the use of this site relative to a  
80 container port. Mr. Fairchild responded it was his understanding OIS would have  
81 approximately 70 trucks coming and going. Mr. Bernard discussed his company's  
82 operation and how he felt it fit into the existing zoning.  
83

84 Mr. Schaewe asked if the Containers would be removed from the truck chase to  
85 be stored on the ground. Mr. Bernard stated the containers would not be stored on  
86 the ground.  
87

88 A short discussion followed regarding the difference between storing a container  
89 on the ground and storing a container on a chassis.

90 Mrs. Blankenship spoke regarding conditional use stating the conditional use is for  
91 outdoor storage not a container port. Mrs. Blankenship discussed how she felt her  
92 application meets the standards for outdoor storage. Mrs. Blankenship continued

93 challenging staff's interpretation of the conditional use. Mrs. Blankenship  
94 continued by stating a conditional use simply means adding conditions. Mrs.  
95 Blankenship stated her client is more than willing to have conditions added to the  
96 use. Stating trucks would never be grounded or stacked on this site.

97  
98 Mr. Faircloth discussed his reasons for wanting to buy the property and his future  
99 plans to expand the property that including cleaning up the lot up and eventually  
100 he will want to build a big warehouse on the site that will provide jobs.

101  
102 Mr. Patterson asked Mr. Faircloth to provide some details regarding how the lot  
103 will be split up. Mr. Faircloth stated he will most likely reserve the 2 acres closest  
104 to his building for CMC's use. Mr. Patterson followed up by asking what Mr.  
105 Faircloth was anticipating writing in to the lease regarding termination and OIS's  
106 desire to expand on the site. Mr. Faircloth's response that he intended on writing  
107 in a 6 month termination clause.

108  
109 Mr. Burke reminded the applicants to speak into the microphones so the discussion  
110 could be adequately recorded.

111  
112 Mr. Bill Lukan introduced himself as the third-generation owner of the business.  
113 Mr. Lukan provided a brief history of the business and stated CMC's desire to  
114 expand the business. Mr. Lukan stated they have construction drawings for a  
115 30,000 SF addition they wanted to build onto their facility in Walton Kentucky. Mr.  
116 Lukan continued by stating they would much rather have the expansion occur on  
117 this site.

118  
119 Mr. Gorsuch asked if the truck traffic will go directly to I-75. Mr. Lukan stated they  
120 would and that the truck traffic would not drag dirt onto the main road.

121  
122 Mrs. McDaniel asked about the hours of operation. The applicant's responded  
123 7:00am to 6:00pm.

124  
125 Mr. Elmer provided a brief summary of the desired uses on the Boyd Brothers BPD,  
126 the permitted uses and the Villages desire to encourage business growth.

127  
128 Mr. Schaewe asked the applicant if we would be discussing outdoor storage if  
129 CMC didn't have to lease their land to OIS. Mr. Faircloth stated they might because  
130 they will require storage in relation to their manufacturing facility.

131  
132 Mr. Patterson asked if they were planning on using the two acres for outdoor  
133 storage. Mr. Faircloth stated he plans on using the two acres to also park trailers  
134 and provide additional employee parking. Mr. Faircloth desired to create a path to  
135 allow his employees to walk to the existing building.

136  
137 Mr. Patterson asked Mr. Burke if he had any questions for the applicant. Mr. Burke  
138 stated he does.

139  
140 Mr. Burke asked the applicant if the conditional use is not approved will they buy  
141 the property. Mr. Faircloth stated that if the use is not approved they would have  
142 to renegotiate their deal with Mr. Boyd  
143

144 Mr. Burke asked if they would be willing to accept conditions that containers cannot  
145 be stored on the ground, containers may not be stacked and chases may not be  
146 stored on the site. Mr. Faircloth stated that except for stacking chasses they are  
147 willing to accept the conditions.  
148

149 Mr. Burke asked if the conditions will be written into the lease. Mr. Faircloth stated  
150 any conditions would be written into the lease.  
151

152 Mr. Burke stated that the village is struggling to understand the volume of use on  
153 the site. Mr. Burke stated staff recommended providing a site plan prior to the  
154 meeting and that it was not provided. Mr. Faircloth stated it was relatively easy to  
155 provide.  
156

157 Mr. Burke also asked if the applicant recalled being asked for a list of OIS sites  
158 that would be consolidated onto this site. Mr. Faircloth stated he discussed the  
159 number of sites that would be consolidated onto this site. Mr. Faircloth restated he  
160 could provide the drawings.  
161

162 Mr. Burke asked about stacking of containers on other OIS sites. Mr. Faircloth  
163 restated no containers would be stacked on the site. Mr. Burke asked if CMC sees  
164 stacking on the site would they notify the Village of the violation. Mr. Faircloth  
165 stated yes.  
166

167 Mr. Burke referenced page 8 of the meeting packet and asked if that was his  
168 signature and if he reviewed the language of the document. Mr. Faircloth stated  
169 he did review it but did not fully understand the language. A short discussion  
170 followed regarding the proposed operation of OIS and loading and unloading  
171 freight.  
172

173 Mr. Burke asked Mr. Bernard about the operation of his business and if he offered  
174 outside storage on other sites. Mr. Bernard stated that was the nature of his  
175 business. A brief discussion followed regarding the difference between hauling and  
176 storing containers.  
177

178 Mr. Burke asked Mr. Bernard about the length of time the containers would be  
179 stored on the site. Mr. Bernard stated 3-5 days, sometimes longer. A brief  
180 discussion followed regarding the factors that may cause a delay in movement of  
181 the containers.  
182

183 Mr. Burke asked which sites would be relocated on this site and if they were  
184 identified to staff. Mr. Bernard stated they did not give exact locations. Mr. Bernard

185 followed up by stating they were combining 3 sites. A brief discussion followed  
186 regarding what is currently stored on those sites and the zoning of the other sites.  
187 Mr. Bernard stated without additional equipment it would be impossible to take the  
188 containers off the truck chassis. Mr. Faircloth stated they did have a fork lift large  
189 enough to move the containers but would only use it if OIS needed help shifting a  
190 load.

191  
192 Mr. Burke asked how many containers on chassis would be stored on the site. Mr.  
193 Bernard stated 50-125. Mr. Bernard continued by stating have 30 trucks they use  
194 to move the containers and each truck would make 3-4 trips a day.

195  
196 Mr. Burke asked if they thought they would be able to store 125 containers on the  
197 site. The applicant stated they believe they could and will provide a diagram. Mr.  
198 Burke restated the importance of having a site plan not only for zoning but for fire  
199 safety.

200  
201 Mr. Burke asked how long they would lease the property. Mr. Faircloth stated the  
202 lease would be 5 years to start.

203  
204 Mr. Patterson asked about the Villages resources if the applicant should violate  
205 the conditions of an approval. Mr. Burke outlined the violation enforcement.

206  
207 Mr. Elmer reviewed the conversation staff had with the applicant regarding  
208 redevelopment economic development on the site. Mr. Elmer discussed the  
209 differences between the zoning on the CMC site and the Boyd Brothers site with  
210 regards to outdoor storage, and the implication of a split zoned property should  
211 CMC consider expanding their operation. Mr. Elmer reviewed the existing BPD  
212 requirements, and staff's concerns.

213  
214 Mrs. Blankenship provided a summary of their application and how they felt the  
215 use would meet the requirements of the PBD.

216  
217 Mrs. McDaniel asked if CMC will make a separate entrance for the employee  
218 parking proposed on the south side of the site. Mr. Faircloth stated they would not  
219 the CMC employees would share the existing entrance to the north. Mr. Faircloth  
220 continued by stating they discussed installing and sharing an electronic gate.

221  
222 Mrs. McDaniel also asked how many workers would be in the existing building.  
223 The applicant's response was not able to be transcribed.

224  
225 Mr. Burke reviewed the executive session process and stated any vote should only  
226 take place in the public forum. Mr. Burke also stated any conditions stated in that  
227 decision should be drafted by legal counsel for review and approval at the next  
228 Planning Commission Meeting.

230 A motion was mad by Mr. Gorsuch and seconded by Mrs.McDaniel to enter into  
231 Executive Session

232  
233 The board entered Executive Session about 7:50 pm.

234  
235 A motion was made by Mr. Patterson, and seconded by Mrs. McDaniel to retrun  
236 from Executive Session.

237  
238 The board returned from executive session around 8:17 pm.  
239

240 Mr. Patterson reviewed the proceeding of the evening and stated the board  
241 decided to approval the conditional use application with the following conditions;

- 242 1. The conditional use permit will be limited to the outside storage of transit  
243 containers
- 244 2. There will be no stacking of tractors trailers or containers
- 245 3. No grounding of containers.
- 246 4. OIS will not be permitted to bring equipment needed to remove containers  
247 from their chassis / all containers will be on chassis
- 248 5. The conditional use is limited to the 6 acres OIS will be leasing and does  
249 not extend to the 2 acres closest to the CMC building.
- 250 6. The site shall be limited to 125 containers
- 251 7. Applicant should provide a site plan that addresses parking, circulation and  
252 landscaping around the site.
- 253 8. The conditional use will not allow the storage of broken equipment, tractors,  
254 and containers on chassis.

255 Mr. Burke reminded the board this approval was conditional on the review and  
256 approval of a site plan provided by the applicant.

257 The approval also grants authority the Planning Commission Chair and legal  
258 counsel to provide a draft decision.  
259

260 Motion by Mrs. McDaniel was seconded by Mrs. Moore to approve the conditional  
261 use application with condition and subject to review and approval of a submitted  
262 site plan. There was no further discussion. The motion passed by a 5-0 voice vote.  
263  
264

**INTERNAL BUSINESS:**

A Motion was made by Mr. Patterson, seconded by Mrs. Moore, to adjourn the meeting.  
There was no discussion. The motion passed unanimously

The meeting adjourned at 8:35 PM.

Minutes reviewed and approved by:

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Chris Patterson  
Chairman, Evendale Planning Commission

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Jannelle Moore  
Secretary, Evendale Planning Commission

Minutes as prepared by Mark Elma, Building, Planning, & Zoning Manager.