CITY OF FAIRBORN PLANNING BOARD

IN THE MATTER OF:

CASE NUMBER - 2024-09

Meeting before the City of Fairborn Planning Board held on Tuesday, November 12, 2024, at the City of Fairborn, 44 W. Hebble Avenue, Fairborn, Ohio, at 3:10 p.m.

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PLANNING BOARD MEMBERS:

Brian Dodd, Chair
Jerry Guess
Marilyn McCauley
Michael T. Cox
Pam Gayheart
Tim Steiniger
Gary Siembab

CITY PLANNER:

Kathleen Riggs

PLANNING BOARD SECRETARY:

Marie Gay

ON BEHALF OF APPLICANT WAWA, INC.

David Montgomery, Esq.
Alan Schaeffer, Esq.
Patrick Warnement, Engineer
Mitchell Harvey, Site Plan Pro
David Kegley, Owner
Malia Wenning, Real Estate Manager

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MR. DODD: I call to order the City of Fairborn Planning Board formal session for Tuesday, November 12th. Roll call, please.

MS. GAY: Dr. Cox?

(No response.)

Mr. Dodd?

MR. DODD: Here.

MS. GAY: Ms. Gayheart?

MS. GAYHEART: Here.

MS. GAY: Mr. Guess?

MR. GUESS: Here.

MS. GAY: Ms. McCauley?

MS. MCCAULEY: Here.

MS. GAY: Mr. Siembab?

MR. SIEMBAB: Here.

MS. GAY: Mr. Steiniger?

MR. STEINIGER: Here.

MR. DODD: Can I call for a motion to excuse Dr. Cox?

MR. SIEMBAB: So moved.

MR. STEINIGER: Second.

MR. DODD: Roll call, please.

MS. GAY: Mr. Siembab?

MR. SIEMBAB: Aye.

MS. GAY: Mr. Steiniger?
MR. STEINIGER: Yea.
MS. GAY: Ms. McCauley?
MS. MCCAULEY: Yes.
MS. GAY: Mr. Guess?
MR. GUESS: Yes.
MS. GAY: Ms. Gayheart?
MS. GAYHEART: Yes.
MS. GAY: Mr. Dodd?
MR. DODD: Yes. Okay. Can we please rise for the pledge of allegiance.
(All arose and gave the Pledge of Allegiance to the flag.)
MR. DODD: Thank you. Are there any additions or corrections to the agenda?
MS. RIGGS: No.
MR. DODD: Can I get a motion to approve the agenda?
MS. MCCAULEY: So moved.
MS. GAYHEART: Second.
MR. DODD: Roll call, please.
MS. GAY: Ms. McCauley?
MS. MCCAULEY: Yes.
MS. GAY: Ms. Gayheart?
MS. GAYHEART: Yes.

MS. GAY: Mr. Dodd?
MR. DODD: Yes.
MS. GAY: Mr. Guess?
MR. GUESS: Yes.
MS. GAY: Mr. Siembab?
MR. SIEMBAB: Yes.
MS. GAY: Mr. Steiniger?
MR. STEINIGER: Yea.
(Dr. Michael Cox joined the meeting.)
MR. DODD: He made it. The prodigal son. Dr. Cox is now present.
Okay. All right, anyone wishing to speak on any application or item during the public hearing session, please stand.
Would the Planning Board secretary please administer the oath to the individuals wishing to speak this evening.
(WHEREUPON, all wishing to speak were sworn.)
MR. DODD: Thank you. These are the procedures to be followed for the public hearing portion of the agenda.
The staff presentation will be given by the city planner. The applicant

will be given ten minutes to present the application. Any other proponents will be given three minutes to voice their approval of the application.

After the applicant, the proponents have spoken, opponents will be given three minutes each to voice their disapproval of the applicant.

The applicant will then be given three minutes for rebuttal. Such time schedule shall prevail unless extended by the chair without opposition of the board.

At this time I'm requesting from the board, the applicant has asked for 45 minutes because of the length of and the size of this project. Can I get approval for that from the board?

MR. GUESS: No objection. So approve.

MR. DODD: Yeah, okay. No objections? No objections. Okay. So 45 minutes, sir.

Okay, questions from the board may be asked of anyone providing testimony prior to the closing of the public hearing.

Anyone speaking shall come forward and address the board and shall state his name, address, before beginning dialogue.

A simple majority of the board members present shall be required to pass a motion.

Okay. Any old business?

MS. RIGGS: No.

MR. DODD: No. Okay. Okay, the first item of new business is Case No. 2024-09. Request approval for a Zoning Map Amendment from light industrial to Planned Unit Development, a Preliminary Planned Unit Development Plan, and Final Planned Unit Development Plan for the construction of an 8,453-square foot convenience store with vehicle and semi-truck fuel sales and overnight parking to be known as Wawa located on 9.349 acres at 1800 North Broad Street in a Light Industrial Zoning District. Kathleen?

MS. RIGGS: Yes. So the applicant, Wawa, is represented by Patrick Warnement who is here this evening -- this afternoon.

The owners of the property are David Kegley and Kimberly Sue Klohe.

The site plan professional is Mitchell Harvey of Stonefield Engineering.

So let's take a look at the existing site. So the existing parcel for this whole existing parcel is approximately 30 acres. The site that's being proposed is being developed on a little bit more than nine acres, approximately, in this location, which is south, south of North Broad Street and west of Spangler Road.

As stated -- actually, a portion of the existing site is also located in Bath Township and the applicant will move forward with the annexation of that parcel if the development is approved.

As I said, the site's located south of North Broad Street and west of Spangler in a light industrial zoning district surrounded by additional light industrial as well as suburban residential and then Bath Township zoning as well.

We do have pictures of the existing site. And then this is looking to

the west along North Broad Street. And then looking northward. Kind of see, looking to the north, this is the intersection of Spangler and North Broad, so you have a point of reference.

Looking to the east. So this is kind of 675 overpass in this direction. And then this is Spangler Road. And then looking south along Spangler Road.

We have been working with the applicant for about a year on this site, providing feedback along the way.

As you know, we intended to review this application last month with Planning Board, but the applicant wanted to update their site plan based on our last month's staff report, and they did that.

So the applicant is proposing a Wawa Travel Center open 24/7 with a convenience store that's approximately 8,453 square feet, with fueling and overnight parking for automobiles and semi-trucks.

We have a site plan. Let me give you a little bit of direction before I start going to all these things that are

circled and, and outlined and arrowed.

So, North Broad Street. And then this is Spangler Road. And so there are two fueling canopies on this site, these are both outlined in blue. This is for vehicular fuel sales. There will be eight double-sided fuel pumps on that canopy. This canopy will range in size from 15 to 20 feet. Their canopies are angled, it's kind of a Wawa trademark for their canopies.

Then there's also a canopy for the diesel fuel sales, so this will be mostly for their semi-trucks on this site.

There's seven fueling dispensers at this location for eight trucks to be positioned within those -- alongside those fueling dispensers.

That canopy will range in height from 17 to 22 feet I guess because of that angle. And I will show some elevations a little bit later in the slide show.

The convenience store is outlined in red, it's oriented toward Broad Street. And the height of the convenience store is 29 feet with the parapet being about

22 feet in height. And, once again, I'll show that with those elevations.

The building is actually set back from all property lines, so this is approximately the property line, you know, Spangler and Broad, but anywhere from 200 to 260 feet from those adjacent properties.

So, just to talk a little bit more detail about this site, there's a 15-foot wide sidewalk that is in front of kind of their front door, if you will. And that narrows as it goes around the southwest and then southeast sides of the site along these parking areas.

There's a 15-foot wide loading zone then along the east side of the site. And this -- and approximately 32 parking spaces on three sides of that building.

And then there's a 30 to 35-foot two-way drive aisle surrounding that with an additional 41 parking spaces, as well as three parking spaces for RVs, these are a little bit larger, around the building.

Then we have their dumpster enclosure on the southwest side of this site.

And then where the vehicle fuel canopy is located, there's a two-way drive aisle that then surrounds that canopy with 11 additional parking spaces in that area.

This vehicle fueling and parking and really this convenience store is surrounded by this kind of a long buffer, if you will, and it will, that will show up a little bit more in the landscaping plan, but it's really just to separate and act as a -- separate the vehicles from truck traffic as best as the site can.

And then, let's see here. On the east side of the site kind of outside that lawn buffer there now, we have ten parking places for semi-trucks.

And a one-way, this is a 25-foot drive aisle leading from this access drive that runs along kind of the southwest side of this site by a truck scale.

And then this one-way drive aisle then leads to your diesel fuel dispensers. And then that drive aisle then will lead back to the either truck parking or exiting the site.

There are two full-movement access points on Spangler Road. So there's full entry, full exit, go left, right, on both of these access drives.

Then there's a right-hand turn exit only onto Broad Street with this eastern most access point. So there will be no entrance there, it will be right turn exit only for that access point.

The last access point will be another full access point, kind of this western most access drive along Broad Street.

And other traffic improvements also include a right-hand turn lane. So on Broad Street there will be a right-hand turn lane for the eastbound traffic, so, I didn't highlight it, but it will be in this location here.

And then there will be a left-hand turn lane for the westbound traffic on North Broad Street.

It's a lot of different directions, so -- but a left-hand turn lane into this site. Really, this is the only site truck traffic will be able to use to --

utilize to get gas. And this will all -- and like I said, it is a full access movement so there will be trucks coming in and vehicles possibly leaving at that access point.

There is also a proposed ten-foot wide sidewalk along Broad Street. I'm not exactly sure what those setbacks are from Broad.

And then there is a five-foot sidewalk leading from this ten-foot wide path actually then to the building.

There are concerns I think with auto and semi-truck conflict with these full movement driveways, so, I mean, semi-trucks entering off of Spangler, if they enter here they're -- they can only park. Otherwise, if they wanted to get fuel, the only really fuel access point for semi-trucks to get fuel is on Broad Street and not on Spangler.

I guess it just runs the risk of semi-trucks then entering off of Spangler and going through the site to drive around the site to get to those diesel fuel dispensers on the south side of the site.

Let's see here. The stormwater

plan. They propose underground detention with a small above-ground basin, and the actual basin is highlighted in green, and to meet all of the city stormwater standards.

I think that takes care of the site.

Okay, going over the sign plan briefly. So the sign plan that was actually submitted actually conflicts with the submitted site plan.

The site plan shows three monument signs, the sign plan shows two, so I'm not really exactly sure just because there's some conflict in that.

But the monument signs are proposed to be 16 feet in height. It appears that the area of the sign is greater than 50 feet, which exceeds our sign standards in the zoning code.

The entry signs are approximately six feet in height and 12 square feet in area, and they're proposed at three of the access points. So these signs are -- have entry signs for auto entrance at this location, truck entrance at this

location. There are signs at this location that talk about exit only. I'm not sure.

So there was a little confusion there when it came to their signs, it didn't seem to really match up with the site plan moving forward.

So, as I said, those entry signs, they also exceed our maximum sign height for entry signs, which is actually three feet in a total sign area of two square feet for entry signs in our zoning code.

All of the building signs conformed.

And now taking a look at their landscaping plan. So there have been some changes to this landscaping plan, so it includes a grass lawn, seeded and sodded.

And so this is kind of this grass lawn area that surrounds Broad Street and also then surrounds Spangler. And then, as I said earlier, kind of serves as that buffer around the convenience store.

And there are planting beds in front of the vehicle fueling dispensers and parking along Broad Street as well as larger

plantings along Broad in this intersection of Broad and Spangler.

And then also additional plantings along Spangler and then acting along those property lines to the southwest and west.

So, in total, I guess just to provide some numbers, let's see here, additional landscaping shall be added along the south and western property lines.

The plantings for the total site include 32 deciduous trees, 155 evergreen trees, 70 shrubs, 139 evergreen shrubs, and 122 low level grasses for this site.

And so looking at the elevations, this project does have four-sided architecture. Materials that include brick, stucco and tile, with a metal roof, and canopies covering the windows and the doors.

Let's see here. The view. This is from Broad Street. And then kind of the rear side of the building facing those diesel pumps on the southwest side. And this is facing Spangler Road. And then this is facing kind of the west side towards Waste

Management.

Canopy elevations. So as you can kind of see with these elevations, this is for the diesel canopy dispensers. You can kind of see this angle that I was referencing.

And then they'll have brick pillars that match the building partially covering those pillars.

And then the canopy dispensers for the vehicle fuel center. And once again, they'll have brick partially covering their pillars for the, for this canopy as well.

So after reviewing this submittal, there are several factors that the staff evaluation concluded and there were several concerns, and I'll try to go through some of these.

The fire department needs additional information regarding hydrant location and access for fire apparatus.

There was an auto turn submitted for our fire apparatus, it just didn't show movement throughout the entire site. And the applicant has not provided enough information

regarding hydrant location that meets the Ohio Fire Code.

The police department does have concerns regarding traffic accidents and hazard on this portion of North Broad Street.

Since this proposed site is located on the edge of the city limits, the city would also assist Greene County who is actually ultimately responsible for the Spangler Road and North Broad Street intersection, and so there is concern that providing this aid to Greene County, that there will be an increased call volume and this could impact the response time to calls in other parts of the city.

Also, taking a look at our Comprehensive Land Use Plan. So in our Comprehensive Land Use Plan we propose that all parking is located behind the front building line.

And this is a little bit different site because it is on a corner, so you really have two front yards. So what we recommend is at least, you know, to have that parking in a side yard, not be located in the

front yard.

Unfortunately, the site plans that we keep receiving show this semi-truck parking along Broad, which does not conform to our Comprehensive Land Use Plan.

And the plan also discourages that a building be surrounded by parking as a part of another one of its important values that we try to take away from that plan.

The Land Use Plan then also really tries to propose that the pedestrian and bike access should be encouraged to provide seamless pedestrian connection between public and private realms.

We do have a knew multi-modal path along North Broad Street. And while they are proposing a sidewalk along North Broad, we, we're not really seeing that connection to that multi-modal path.

So if there's going to be four lanes of traffic I guess that the person moving from multi-modal path maybe to a sidewalk to this site, I just -- that connection hasn't been provided at this point.

The building specifications also include a convenience store with a height of 29 feet, which exceeds the maximum height of 15 feet for buildings associated with facilities related to vehicle fuel sales.

And fueling canopies are also noted at a height from approximately 20 to 22 feet, exceeding the maximum height of 18 feet which is required in our zoning code for all facilities related to vehicle fuel sales.

The parking. The intent of our parking and loading regulations is really to prevent traffic congestion and hazard due to the movement of vehicles and pedestrians on private property.

Parking for a commercial business is not intended to be used necessarily as a location just for resting, so seeing overnight parking is not something that we would like to encourage.

And this site does have, I mean, it's open 24 hours a day, so you are going to have overnight parking.

Another premise in our zoning

code is to prevent I guess more parking than is necessary. So this site proposes a total of 97 parking spaces, which we do have a section in our code that tries to prohibit this excessive parking. This far exceeds the maximum permitted which is approximately 26 spaces for about an 8500-square foot building, convenience store.

Like I said, it exceeds parking limits. Exceeding parking limits could lead to issues such as increased lot coverage, heat island effect, and excessive runoff.

I know stormwater runoff is a concern that I hear often or questions I hear often when making these presentations so this seemed like something very important to point out.

Also, with semi-truck parking overflow there's a concern that the overflow truck parking could spill onto North Broad Street and Spangler Road where parking is not permitted, creating and adding to traffic hazards.

There's also a known issue along Spangler Road with semi-truck parking and

problems with that occurring.

We also wanted to point out I guess all -- I mean for at least three of the access points on this site plan included interactions with -- or could include interactions where there's semi-trucks and vehicles.

We think that there needs to be -- this -- we should do more to prevent that conflict between automobiles and semi-trucks. It seems like, it appears that there should be greater separation between vehicular and semi-truck traffic movement.

Once again, I pointed out the size on all of their proposed signs are in accordance with our Fairborn Codified Ordinances and so that would be something that would be required.

Additional comments. We did receive some public input. We did receive a letter from the Deers who live across the street from the site who oppose this proposal.

Their letter really, I just, to briefly outline that, they oppose it really

kind of in four different areas.

First of all, they talk about the infrastructure. The area's already congested with truck traffic from nearby facilities. Adding a truckstop would worsen traffic conditions, especially busy intersections near I-675. Residents note that existing traffic studies do not reflect full impact of current conditions.

So, obviously, there is just a concern about the traffic and what the traffic impact will cause.

There was also just a concern regarding cost versus profit. Said while the city may gain income tax regarding this proposal, the increase in demand on police, fire and emergency services along with road maintenance cost could outweigh financial benefits.

Residents argue that more suitable businesses should be considered for this location, not to -- that would cost the infrastructure less.

Crime and safety. The presence of a truckstop could lead to increased crime

including drug trafficking, prostitution, impact on -- impacting the broader community. Past experiences of similar facilities in nearby areas support these concerns.

There are environmental concerns. The truckstop would contribute to air and noise pollution as well as litter and debris in the area which residents already struggle to manage.

The city image. Residents believe a truckstop by the main entrance to Fairborn would negatively impact the city's image and discourage new businesses and families moving to the area.

That was based on the letter that I received that was in your packet.

And so I guess to kind of as a conclusion, Planned Unit Development could accommodate a variety of uses which are permitted within the light industrial zoning district and suburban residential zoning district.

I think the goal of a Planned Unit Development is to provide flexibility for site design but not to permit the use of

the site to be in conflict with the zoning code or the Land Use Plan.

The City of Fairborn approved a Land Use Plan to be the guiding document for land usage and lays out the future for the area that hosts the last interchange access on I-675. It is also a gateway to the city.

These approved documents promote development that is complimentary to the city by blending commercial and industrial uses with our existing pedestrian infrastructure and this site does not show that integration.

When there is a concern from the police department that this proposed development may put a strain on resources, then that does not follow the intent of the Fairborn Codified Ordinances which is to ensure that we as a city organization provide for the health, safety, and welfare of the public.

The proposed Wawa Travel Center does not fully comply with the city's Comprehensive Land Use Plan particularly regarding pedestrian infrastructure, building design, and traffic flow.

The concerns raised by staff, particularly those related to safety, zoning, and traffic conflicts indicate that the proposed development does not support the city's goals for development. Given these issues, staff does recommend denial for this proposed development.

Also, I guess I just also want to point out, when it comes to your questions, there are city staff here from our police department, city engineering, and our fire department that can also answer your questions as well. So, are there any questions?

MR. DODD: Okay. Any questions for Kathleen?

MS. MCCAULEY: Not at this time.

MR. GUESS: Nope.

MR. STEINIGER: Not now.

MR. DODD: Yeah, go ahead, Mike.

DR. COX: Yes. You mentioned that there was a known issue about the truck parking. What issue are you referring to when you said there was a known issue about the truck parking?

MS. RIGGS: So we've had complaints regarding trucks parking on Spangler Road in the 1200 block of Spangler.

DR. COX: Currently?

MS. RIGGS: Currently. And so we are addressing that. There are signs that say no truck parking. We've talked to the business owners in that area to encourage their employees not to park on Spangler. So we are addressing that.

DR. COX: How does that relate to this issue currently then?

MS. RIGGS: Just that we've already had issues on Spangler. This site is on Spangler Road. We do know that there are trucks in the area and we've had trucks -- parking issues on Spangler.

DR. COX: Okay. Also, you mentioned there would be a possibility of straining the resources of the police department and fire department, could you elaborate on that in particular?

MS. RIGGS: I think what it boils down to is, when our police department or fire department are called to issues at

this location, so they're taken away from their other sections in the community that they would be patrolling. For a site like this it will -- they'll naturally have more stops just to, as they do with any other fueling station where they make business stops. And so this could deplete from just other areas in the city that they will be covering. And I can have our --

DR. COX: Growth in the city, how is that in particular different from other growth issues?

MS. RIGGS: And I may actually ask our police chief to help me address this question.

DR. COX: Yes, please.

MS. RIGGS: This is Ben Roman, our chief of police.

MR. ROMAN: Good evening. I'll be happy to answer any questions you may have. That site location at Spangler and Broad is at the most very north tip of district two in the city. It -- that and the Pepsi plant itself will be the most northern businesses in that district.

So if officers are out there, and no matter if we get called out there, we're going to be proactive on our patrols. We're going to be out there anyways. We're going to do business checks, extra patrols to ensure that customers are safe, that employees are safe while working there.

So our officers are going to be out in that area in the most northern part of that district more than usual.

Right now it's a vacant lot, we're not there that often checking on the vacant lot. But obviously being a gas station, we'd be out there between calls of service but also additional patrols out there to ensure the safety of staff working at the Wawa and also customers.

So is one business going to make or break the City of Fairborn Police Department? Absolutely not. We're built to absorb that. But it is a concern. The bigger concern for me is actually the safety as far as the traffic flow of Broad Street and vehicles entering and exiting the Wawa is a bigger concern for me.

DR. COX: And what was the issue with respect to prostitution? I don't understand that related to a truckstop. Is that something that comes along with truckstops necessarily?

MR. ROMAN: We don't have any truckstops here in Fairborn so I can't say for sure. However, there's --

DR. COX: Then why was it mentioned in particular?

MS. RIGGS: That was mentioned as a citizen comment.

DR. COX: Okay. Then --

MS. RIGGS: Yes.

DR. COX: Okay. Thank you. Yep. Thank you.

MR. DODD: Thank you, Kathleen. We now enter the public hearing portion of the agenda. Can I get a motion to open the public hearing?

MS. GAYHEART: So moved.

MS. MCCAULEY: Second.

MR. DODD: Roll call, please.

MS. GAY: Ms. Gayheart?

MS. GAYHEART: Yes.

MS. GAY: Ms. McCauley?
MS. MCCAULEY: Yes.
MS. GAY: Dr. Cox?
DR. COX: Yes.
MS. GAY: Mr. Dodd?
MR. DODD: Yes.
MS. GAY: Mr. Guess?
MR. GUESS: Yes.
MS. GAY: Mr. Siembab?
MR. SIEMBAB: Yes.
MS. GAY: Mr. Steiniger?
MR. STEINIGER: Yea.
MS. GAY: Thank you.
MR. DODD: Okay. The applicant presentations shall come forward and state name and address for the record. And, like I said, sir, we've given you up to 45 minutes if that's appropriate.
MR. MONTGOMERY: Good evening. Well, good evening. My name's David Montgomery with Pickrel, Schaeffer & Ebeling, 2700 Stratacache Tower, Dayton, Ohio 45423. I am here as counsel for Wawa, Inc., the applicant in regards to the end use here.
With me this evening I also have

Alan Schaeffer from my office. I have Patrick Warnement with Wawa, he's the real estate project manager. I also have Malia Wenning who's the Wawa real estate manager. And then I have Mitch Harvey with Stonefield who's the civil engineer.

So throughout our appli -- or throughout our presentation you're going to hear from most of us. We're going to try to do a tag team to make it as efficient as possible, to have the right person obviously speaking about the right portion of the, of that application itself.

First and foremost, I do want to thank Kathleen and her team for working with us. This has been a long project to be before you today. It's actually been 15 months since my involvement with the city, and there may have even been some contact prior to that.

So this isn't anything that has been put together haphazardly, it has been a long, drawn out effort.

And, you know, Kathleen and her team have been helpful and obviously

accommodating to some extent during that process.

Just to talk a little bit about the process that we went through, it has been involved in the sense that the 1.4-acre parcel that Kathleen mentioned during her presentation, which is that strip along Broad Street, that was ultimately rezoned through Bath Township. So Wawa has proceeded with that process, Mr. Kegley as the property owner, to get that property rezoned to a business use.

There was some question as to the timing of the annexation, as to whether that needed to be done prior to this application coming before you. That took a fair amount of time to work through. And with this application you do have a letter from Wawa, as staff indicated, that that annexation would be subsequent to any approvals tonight. So just for the record, so you hear it again, Wawa is committed to proceed with that annexation as necessary.

With the process here we also -- and this is more of a housekeeping issue but

just so it's on the record, we do have a pending appeal with a prior application that is before the city, so we are not waiving that. That doesn't really pertain to anything that you guys are saying, I just wanted to get that on the record for what it was.

With that, you know, the application itself, Kathleen has done a nice job presenting the site. We will be responding, as you can see up here to some of the comments from staff. That will be part of the tag team approach because it touches upon both operational, site design, elevation, and to some extent some legal aspects as well.

The property, as you have seen, is a non-rectangular or square parcel. So it has some angles and it has some challenges to it, if you will, that do impact site design. That is one of the reasons why you see some of the issues on this site as it relates to design standpoints, but that would impact anything that went onto the site because it's not a perfect square box where everything

fits exactly normal.

One thing I do want to make clear because this has been sort of a misnomer I think that has plagued this project, and that is this is not a truckstop. I have heard the truckstop repeated multiple times. It was repeated during staff's presentation. This is not a truckstop. And we will be spending some time talking to you about the difference between what a travel center is and what a truckstop is, and they are glaring contradictions.

The other thing that I also want to talk about is this concept of overnight parking. And while, yes, it is a 24-hour operation, the site itself and the operation of the site is not designed for overnight parking.

It is a convenience store with fuel sales or fuel sales with convenience store, however you want to phrase that. And while certainly cars will park, trucks would park, motor vehicles which is the term that your code uses within the definition of convenience store motor sales -- or, I'm

sorry, convenience store and fuel sales, there would be parking but it's not designed for overnight parking. That's one of the differences between a truckstop and a travel center.

This site is designed to get people in, get their conveniences, get some food, get some coffee, and in essence get back on the road.

So I do want to make that point, and I do want -- and that will be -- you'll probably hear that a fair amount as we move through this process.

The one thing, too, that I want to mention because there was some discussion on the Land Use Plan, and, again, these items are going to go into greater detail. The Land Use Plan has this entire quadrant, the east -- which is identified as the east section within the Land Use Plan, and certainly the area that this property is in, as light industrial.

Mr. Deer's property is actually future land use for light industrial. So some of the comments that city staff has

provided as it relates to the intensity or the overall development or the impact of development in this area, your Land Use Plan has contemplated the property is currently zoned, all the surrounding property is currently zoned light industrial, and to some extent the service impact is what the service impact is.

This property has a Waste Management to the west. And you will see some aerial photographs that show that the Waste Management site is a building that far exceeds the 15-foot limitation within the light industrial district. You will also see that that site has front parking within it.

To the east is the Pepsi distributor. Again, a fairly intensive industrial use; much more intensive than what we likely are. And, again, parking all along, all along Spangler. Again, the front yard.

So part of what we're asking for and part of what we're requesting is just to be treated similarly as other properties in the immediate vicinity. Some of those,

again, will be gone in greater detail in what we're talking about today.

So with that, what I'd like to do is, I'd like to introduce Mitch Harvey. Mitch Harvey is going to take the first comment there in relation to the staff report as to fire safety, and then from there it will be a little bit of a tag team as we work through some of those comments.

And, Mitch, I'll turn it over to you. Thank you.

MR. HARVEY: Good afternoon. Mitchell Harvey with Stonefield Engineering, 555 South Old Woodward, Birmingham, Michigan.

So the first comment that we'll tackle is the fire safety comment. We're just kind of going to work through these comments and kind of address them in order that they are shown here.

So I'm going to pull up the site plan. So basically, per discussions with the fire marshal, we did include a truck circulation exhibit to the back of our plans showing a WB-40 circulating the building, but we'll work with the fire marshal and provide

additional truck turning templates to show that it's going to circulate the site.

But, you know, this site was designed to take on semitrailers, so we do believe that there will be no issues with truck circulation, so we did show it circulating around the building here and exiting out here.

The other fire-related comment was hydrant coverage. So we're required to have 400 feet of coverage, and we submitted a plan showing red circles where that 400 feet would be.

But just to summarize right now, there's going to be a hydrant right here, it's going to be, you know, kind of servicing this area. And then there are two more hydrants, one up here and one up here, that will kind of encompass the rest of the site and building to provide that 400 feet of coverage.

So with that, I'm going to turn it over to Alan to discuss comment number two on public safety and traffic.

MR. SCHAEFFER: Ladies and

gentlemen, my name is Alan Schaeffer, I'm a lawyer with Pickrel, Schaeffer & Ebeling, 2700 Kettering Tower, and I'm here representing our client, Wawa. Thank you.

Just as a preliminary, the staff has presented these issues as a basis for its, for its objection that their -- or their non-recommendation, if you will, to approve this project which you've heard --

MS. MCCAULEY: Sir, could you speak into the microphone.

MR. SCHAEFFER: I'm sorry. I'm sorry. Is that better? Can you hear back there okay? I'm sorry. I apologize.

These items are the basis for which the staff has made its recommendation to you, which is a negative recommendation not for approval.

So each one of these items we're going to be speaking about are intended to represent our positions, and I think in many cases it's not objectionable, black and white, it's really more issues of how do we, how are we concerned with these issues and how do they relate to what should or

shouldn't happen here.

So, fire safety, there's plenty of detail that's been provided to the city. That's really not an objectionable point. Additional information is readily available to go to the city. We have to comply with that. That's not optional. There's no discretion there. It's really a non-issue.

For us, on public safety and traffic, any development in the city, any development in the city is going to generate additional traffic.

And I'm not sure exactly what the hazards are, but the traffic hazards I suppose go along with additional traffic, and that's going to generate additional calls from the police department. Any development.

So what do we do with this development? Is the city saying to us, as an objection to you, telling you while they're objecting, are they saying at this location the hazards are so great and the traffic accidents concerns are so great that this development shouldn't occur here?

And then I guess that begs the

question, what kind of development in the light industrial zone, which is all industrial, could go in there?

I think the police chief really answered the question when he said, yes, there are concerns.

And I've indicated of course there's going to be additional -- pressures is not the right word, stress isn't the right word -- additional calls for police work, if you will, because of the additional development. Yes, that's all very true.

But the police chief says that based upon the current assets he has, he's perfectly capable of being able to service those additional calls. And I think that's the answer. Which pretty much seems to me that that's a non-issue for objection.

The emergency service impact response times. We're at the way north end of the city. We're up in the, we're up in the north third of the city. Hebble is 1.7 miles from, from our site. It's about a five-minute drive according to Google maps. If you put a police car with a siren on it,

it's probably three or four minutes. So the response time from here to there is really not much of an issue.

From here down to the Sheetz on the far south end of the city is about 4.4 miles. That's about eight or ten minutes from here. No objections there to, to -- no problems that the police had there with, with regard to basing your decision calling for a no on us or on Sheetz simply because of these, of these kinds of time issues.

We think it's a non-issue. Not that it's not an issue for the police department, don't get me wrong, but it's a non-issue from the standpoint of how all this development's going to work in the city generally. And if the police department says that they've got the resources, then you have the resources, and I think that's the answer.

Zoning use and land compatibility. So can we get a map up? How do I do that?

(WHEREUPON, discussion was held regarding working the slide projector.)

MR. SCHAEFFER: So just

orientating you to the project. Here's the, here's the property. This would be Waste Management. This is the -- oops.

MS. RIGGS: Yeah.

MR. SCHAEFFER: The site in question is here. This is Waste Management. This is the Pepsi distribution plant. 675. North, south, east, west back down into the city.

So Comprehensive Land Use Plan discourages location of parking in front of the building. And although -- I'm going to pull up another one here. We have parking, we have parking in the front of the building, the setback line is from this point, which is the property line, down to here.

The concern really has been expressed because the right-of-way line has been used as the setback line which is an inaccurate application because your zoning code says that setbacks are measured from the property line to the first building or structure. So we are well within the bounds of what's going on here.

Take a good look at the Waste

Management; much much more intense development. And its parking, it's a little tough to see, but their parking is right here and is every bit as close to, in fact it's almost exactly the same distance from North Broad Street as, as our development will be. And yet, at the same time, from a distance setback, we're in pretty close compliance with what's going on here.

The -- let me make sure I got this. The semi parked in front of the yard facing Spangler. So here's us, here's Broad Street, here's Spangler. And, again -- I'm sorry. Again, your zoning code says that if you have a parcel that has two front yards, the front yard that has its address is your front yard. Meaning that this is a side yard. And so you don't apply the same standards of setback to front yards as you do the side yards.

I'm going to flip over here. Here's the side yard that the city has designated as a front yard. It's a side yard. All of this parking is significantly buffered. There is no parking down here.

This is significantly buffered all along here.

I'm now looking at Pepsi. Here is Pepsi. Light industrial use. This is their front yard. This is their front yard. And as you can see, their parking not only is in their front yard, there's virtually no screening.

Now, when you get down here there is screening kind of because there's no development in there, but all of this is exposed, whereas, we have completely covered it up.

Again, my point being that from the standpoint of asking you to turn down our application based upon this objection just doesn't seem to be right. Just doesn't make any sense.

We're, we're, we're doing everything we can do, given the site and the conditions, to make this work, and we're doing a pretty darn good job we think. And we're asking you to take this stuff into account.

I'm going to turn this over now

to my colleague.

MR. WARNEMENT: Good evening, everybody. I'm Patrick Warnement with Wawa, 260 West Baltimore Pike, Wawa, Pennsylvania 19063.

On the building height and canopy height issue, I wanted to point out that the two recent stores of the same use and the exact same PUD type zoning in Fairborn, Sheetz and Casey's, are way beyond 15 feet. Sheetz' standard is about 25, Casey's is similar. So, I mean, at 15 feet you can't build a single-family home.

So this seems to me to be basically a flaw in the code because this is a light industrial district and if you get an industrial building here it will be 40 feet tall.

So we would ask for relief on that just because, I mean, frankly it doesn't make a lot of sense, so.

Let's see here. I think one thing that we need to say crystal clear, in the light industrial zone in Fairborn our use is allowed. The reason we are here is

because we're over five acres. If we were under five acres, we wouldn't even have to be here tonight. The PUD is, you know, mandatory for over five acres. So the land use really is already baked into the code.

And I want to talk a little bit, Mitch is going to come up and talk about the total amount of parking, but I want to cover what our attorneys alluded to about the differences between a travel center and a truckstop.

And we've got some slides on this further into the presentation, but our site's about nine acres. Love's, Pilot, any of the other like real actual truckstops are 20 to 25 acres. They have a hundred truck parking spaces as kind of a standard, we've got ten. They have FedEx boxes inside their building so truckers can ship things through FedEx. They have showers in their building so truck drivers can take showers. They have tire shops. They have towing services. We don't have any of that. It is a completely different business model.

So the concept of overnight

parking, the folks who are pursuing or need overnight parking because they've hit their maximum hours for the day, this isn't where they're coming because we don't have the amenities to accommodate them.

So we are an absolutely different business than what a truckstop would be. That's convenience parking, you know, while they go to the bathroom, whatever it is, while they're getting fuel and food.

So we'll drive that point home a little bit more further in here, but it's just an absolutely different business.

And I'll have Mitch come up and talk about the total amount of parking, but I will say that we've got over a thousand stores in eight or nine states, whatever it is now, we know how much parking we need.

And, you know, there was talk about, well, there could be people parking on the street. Well, we've got them parking on our site instead, so.

And you can see, as far as the offsite truck parking, we've got this big long loop before you get to the diesel canopy

for trucks to stack there onsite, so they have no reason to park on the side road because we've got this gigantic long loop for them to be able to stack and wait for a fueling position. So I don't think that that's really much of an issue here.

And I'll let Mitch talk a little bit more about our auto parking.

MR. HARVEY: Yeah, Patrick really stole my thunder on the number of parking spaces. I mean, they, they operate hundreds of Wawas that are open and operating and they really know how much parking they're going to generate and how much they need to make sure there's no spillover.

They have a large customer base that utilizes a lot of their, their menu items, their small grocery items, their other goods, and so we really wanted to make sure there was adequate parking for this demand.

To kind of touch on some of the concerns with the, the access parking, the first that was brought up was the heat island effect. I kind of want to touch on the significant amount of green that we have

across the site and the significant amount of trees to provide shade across the site.

So really what that's doing is breaking up basically a sea of parking lot. So this isn't a Wal-Mart where you have 300 spaces without a breakup of those spaces. It's fairly broken up. And you don't have major seas of asphalt or parking spaces without some significant green space and trees.

From a stormwater standpoint, we've designed the underground detention system to accommodate all this parking. So it's a fairly substantial system that, we'll touch on the numbers a little bit later, but has been designed to decrease flow off this site compared to the existing conditions.

So even with all this pavement, the inclusion of this underground detention system is actually going to reduce the amount of runoff leaving the site.

One other item is the pedestrian connectivity. So, speaking with staff, we wanted to provide a sidewalk across Broad Street up here. What we did is, we

essentially matched this sidewalk up here in relationship to the roadway. What the, the idea is, is to kind of continue this, this sidewalk up the roadway as development occurs in that direction.

Really, we're doing as much as we can across our frontage to provide this wider sidewalk and it's really not feasible for any cross-connection, you know, across here being that it's a busy street and kind of in the middle of, of the road there.

We have extended a sidewalk from this proposed pathway into our site into the front, so, you know, we'll have full pedestrian walkability across the site.

The final item I want to touch on before we're starting to wrap up the comments is the traffic.

So we have prepared an extensive traffic study and were going back and forth with ODOT for quite a while.

Essentially, the report that was submitted that has been accepted by MDOT -- or ODOT is that the surrounding intersections and driveways will result in an acceptable

level of service. Generally F is a failure, anything above that is an acceptable level of service.

This site has been designed so incoming truck traffic will be routed through this driveway up here.

And part of the comments that we received from ODOT was the inclusion of a right turn-in lane here and a left turn-in lane here. So there's going to be substantial roadway improvements that are going to help accommodate this traffic.

And we'll also provide wayfinding signage across the site to make sure the truck traffic is utilizing this ingress point here.

With that, I think I'll hand it back over to you, Patrick, or, Alan, you're up.

MR. WARNEMENT: I just wanted to say out loud in front of everybody, the road improvements, the bike path, and this site's not covered by sewer currently, so we have to extend sewer here, that that is our cost, we're not asking the city for any assistance

whatsoever. So I just wanted to put that on the record here and invite Alan back up.

MR. SCHAEFFER: I'd like to address what I think -- oops. Do we have -- just if -- all right, well, let's use this one here.

One of the issues that has been presented to you as an objection to approval of this project is that the staff has received, the city has received an objection from a surrounding property owner. And the property owner lives --

DR. COX: I couldn't hear you.

MR. SCHAEFFER: I'm sorry. I'm sorry. One of the pieces of information that's been presented to you today by staff that is their basis for asking you to agree with them to not approve this project is that you've received a -- the city has received an objection from a, from a surrounding property owner to this, to this use. And that surrounding property owner is right across the street, no question about it.

When I look at your zoning code, all of this is light industrial except for

this little cutout here which is residential.

Now, Mr. Deer has a business here in Fairborn, he's a longtime resident of Fairborn, lived here for many many years, who lives in this location for many many years. It's a beautiful house and setup he has in there, he maintains it beautifully.

The heck of it is, is that all of this, all of this is zoned light industrial. It doesn't matter what goes here, it doesn't matter whether Wawa gets approved, you're going to have to deal with this issue on every single project that comes in on this lot.

And you're saying -- is the city saying that because of this piece here that's an aberration, not caused by anybody in particular but simply an aberration that has occurred over time, is going to stop development on this parcel forever? And I don't think so.

Incidentally, the problem actually is greater than just light industrial because in the back here, that's the township, and that's zoned for gravel

extraction. So Mr. Deer is in a heck of a bad spot here and it's unfortunate.

What we have done, what Wawa has done is made every effort to deal with this with this buffering and landscaping that faces onto North Broad Street to attempt to minimize the impact of this project.

The truck fueling is way back here, hundreds of feet away from that residence. There is some fueling here, there's no question about it, for individual vehicles. When I say individual vehicles, I'm talking about automobiles and light trucks and so on. But, again, lots of landscaping, and then, and then a good setback.

There is little more that Wawa can do, maybe nothing more that Wawa can do to deal with, with this aberration of a residential R4 zone directly across the street.

Finally, in the Master Land Use Plan, the Comprehensive Master Land Use Plan for the city, which is not a zoning code, it's a precursor to the zoning code that is

used to implement a zoning code, and it has land uses identified within that document as to what they expect certain areas of the city to how it -- expect it to develop. And in that plan, this parcel is light industrial. The city fully expects that to be a light industrial site.

And in all likelihood, eventually it will be a light industrial site. But in the meantime, it's there, we're dealing with it. It's unfortunate, but I don't know that it's a basis for turning down an application for the use that is permitted and allowed and intended. Thank you. David? Oh, I'm sorry.

MR. WARNEMENT: All right, now I'm going to tell you about Wawa and all the great things about us and why we hope you can support us tonight.

Wawa started in the early 1800s in the Philadelphia area by the Wood family as an iron foundry. Over time they got into the dairy business, cotton, and other things, and eventually it just kind of became a dairy, so early 1900s we're delivering milk

to people's houses.

Come the 1960s, home delivery of milk kind of disappeared. We created a way to keep our business going and they created the first Wawa Food Mart.

So from the early 1960s until the 1990s, they were basically small grocery stores. We started selling fuel in 1996. So the food part of our business is very important and that's part of the reason why you see more parking than normal is because we have a ton of people who come, get a sandwich, get a coffee, move on about their day. So the history there matters.

In the early part of the 1800s, Abraham Lincoln worked for the company as a debt collector for a period of time before moving on to bigger and better things, and we still have a handwritten letter from him at our headquarters and everything, so that's kind of neat.

But, I mean, Wawa's an ESOP, so we have an employee stock program, so the folks that work at our stores own it. And if you go in there, you can tell it because they

treat it like their own. We have a lot less turnover than the industry standard because of that, and folks tend to stick with us for a long time.

Build to order food. You know, obviously competitive fuel pricing and such. And this goes back to our history a little bit. You see some neat little pictures there of different things they did. The old milk delivery trucks, a fire hydrant that was made by the iron foundry and such. So the company's got a really neat history.

Here's where we are today. A thousand-plus stores. You can see the states we operate in, largely on the east coast.

Part of our major expansion is Ohio, Indiana, Kentucky, Tennessee, so that's kind of midwest and things to come here. So we'll start opening our first stores in Ohio about March or April of next year that are under construction now.

You see privately held, you know, probably 50,000 people today. So, great company.

Daily brighteners. So this is

neat stuff. If you ever look at anything on the Internet about Wawa, you see a lot of people who are really almost fanatical about it. There's people that come there two or three times a day sometimes. And really, you know, New Jersey, Pennsylvania, it's really integrated into people's daily lives.

Core values. This is stuff you hear a lot about, but when -- so I'll tell a quick story. They have us corporate people go work in the store for a day as kind of a training type thing.

And, you know, I work at home in Ohio, you know, I don't have coworkers that I see every day, but when you go to a store and work there you see this firsthand and it's really neat.

This, again, some of, you know, more fanatical type folks. There are folks that have been married at Wawa before, had their weddings catered by Wawa food. That's -- I personally wouldn't do that, but some people are that gung-ho about it, so.

You see people with Wawa tattoos and such. I mean, it's, it's something. So

when we have our grand opening at a new store, I mean, there's tons of people there. They're really neat events.

So there's just kind of a volume of what we do every day companywide.

And this is something neat that I think is important that a lot of folks in our industry don't do. We've got a community foundation that has donated about $160 million or so in the last ten years.

We've got big nationwide partners like the USO, American Red Cross, and such, but this gets very local. I mean, this could be like the high school marching band kind of local, so, there -- you can submit an application to our foundation for funding for, you know, whatever the case may be.

So, typical store's about seven-and-a-half million dollar investment, 40 jobs. This is a travel center so that number's a lot bigger. This is about $20 million of investment, 40 new jobs.

Obviously, the ESOP plan, you know, health insurance, all that type of

stuff. So, really good investment in the community.

And like I mentioned earlier, this area doesn't have sewer now, so we're having to extend sewer here. And if the city's vision is to develop this area into industrial, they're all going to need sewer. So I think this is a benefit for this whole area.

Obviously, if we don't build this bike path, at some point in the future the city probably would do it at the city's expense, so that's probably a nice thing.

And we're doing some road improvements, too. So I think there are some things that benefit everybody in the area here.

And it's a very attractive building. I mean, you know, as far as commercial buildings go, I mean, this is, you know, brick, stone, glass, I mean, it's as nice as it's going to get, so.

And there's some other things about some charitable things we do. Florida especially, we've got a lot of stores in

Florida. And with hurricanes and such down there, we're the last store to close, first store to open back up, and very very charitable during tough times down there. And I'm sure we'll -- hopefully we don't start having hurricanes in Ohio, but if we have any other unfortunate things, hopefully -- I'm sure that level of generosity will continue.

And this is more, you know, in the interest of time we'll just kind of buzz through these. You know, fresh food made to order.

I wanted to mention we have no fewer than three people in the store at a time. So even, you know, late at night we do have at least three employees for, you know, A, because breakfast is busy for us, and, B, for safety reasons. So that's something that a lot of our competitors don't do.

Here's some of our drink offerings, you know, specialty coffee, energy drinks, and such.

And this is more, you know, just awards and pictures of food pretty much, so

we'll scoot through that in the interest of time.

If there's any interest -- or any questions for me about the company or how we operate -- we own and operate every store, we don't do any franchising whatsoever.

We think this will be great for Fairborn. Like I say, we are an approved use in the light industrial zone, but we have to do the PUD because we're over five acres.

So I think the zoning's appropriate here. We've got an ODOT-approved traffic study. We're, I mean, doing everything we can here, so.

And Alan kind of explained why Spangler's more of a side yard, but we still put a ton of landscaping in there to screen the truck area, so.

If there's any other thoughts you guys have, you know, we're certainly happy to work with you to make some modifications if it, you know, if we can improve the project at all. Thank you very much.

MR. GUESS: How many employees

would you have at this particular store?

MR. WARNEMENT: 40.

MR. GUESS: 40?

MR. WARNEMENT: Yes.

MR. GUESS: How many of those are minimum wage?

MR. WARNEMENT: For Ohio's minimum wage, zero.

MR. GUESS: Okay.

MR. WARNEMENT: Zero. I think our internal number is something like $15.50 an hour, and in reality it's probably more than that.

MR. GUESS: Okay. What are the size of your storage tanks and how many will you have there, for fuel storage?

MR. WARNEMENT: Up towards the front there where you see the auto canopy, we've got -- oh, yeah, there we go. Oh. All right. I don't know what I just did there. They're either 20 -- 22 or 20,000 gallons.

MR. GUESS: Okay. Where would your stormwater runoff tank be located?

MR. WARNEMENT: Kind of in that northeast corner of the property close to the

intersection.

MR. GUESS: I just want to see where the location of that storage tank would be versus the fuel tanks.

MR. WARNEMENT: All right, I don't know what I just did. I am so sorry. I don't know.

MS. RIGGS: You're not allowed to touch this anymore.

MR. WARNEMENT: I'm just an engineer for a living, I'm sorry.

But it's in the northeast corner. Last month we had showed some trucking parking up along that corner, and in the interest of not having truck parking in the front yard on Broad Street we removed that. So basically where that was.

And the manufacturer, Stormtech, has, you know, maintenance rules and everything that we do for that, so.

All right, I'm not going to click anything, I'm just going to talk.

MS. RIGGS: Your fueling tanks are right here?

MR. WARNEMENT: Yes, our storage

tanks are there. The fueling tanks are -- there's two for the diesel and then four off to the east of the auto canopy. Yep.

DR. COX: And storm runoff was then where?

MR. WARNEMENT: To the east of that. Like over where that big island is on the -- yeah, right in there is where our underground detention would be.

MR. GUESS: And how would you discourage customers from parking overnight or parking on Spangler Road?

MR. WARNEMENT: I think on the Spangler Road situation, I mean, that's why we have ten parking spaces there for trucks to -- and, like I say, that big long line where they have to come back to the fuel dispensers, that's a lot of stacking onsite, so, I mean, most of our other travel center sites, they wish they had this much stacking. So we got a ton of stacking there.

And we don't do the volume that Love's or, you know, any of the other like real truckstop guys do, so I -- that really shouldn't be a problem here at all.

And like I say, most of them are getting back on the road because we don't offer the amenities that the overnight guys want and need, so I, I don't really picture that being an issue at all. And if it is, we'll absolutely work with the city to fix it.

MR. GUESS: Okay.

MR. DODD: Tim?

MR. STEINIGER: Some of my questions I think are more around, let's talk about signage again. The city brought up some issues about conflicting signs or --

MR. WARNEMENT: Sure. And there may have been some, you know, miss between the civil side and our actual signage vendor, we may have missed a couple things there, but, yeah, we may need a little bit of relief on some of the sizes, but we're certainly willing to try to get it as close as possible to the code.

MR. STEINIGER: Thank you.

DR. COX: But the lawyer just suggested that there was a flaw in our zoning codes rather than compromise on the height of

those signs. Now, that does not sound like an accomodation; rather, it was a criticism of the zoning codes, which is just what they are, they're -- the zoning codes are what they are.

MR. WARNEMENT: Sure. So I will say last month when, you know, we asked that the meeting be continued to this month, our signs were much bigger. And we've already reduced them some, so hopefully that demonstrates to you that we're willing to work with you.

And we'll, you know, shift them, modify them some more. We'll, you know, we'll get as close to the zoning code as we can. Can I say we won't need any relief at all? No, I doubt that I can say that, but I think we can probably reduce it a little bit more.

MR. MONTGOMERY: I think that comment was specific to the 15-foot height.

DR. COX: Right. And that's what I'm asking about.

MR. MONTGOMERY: That's not signage, that's the building height.

DR. COX: Okay. Either one. It's pointing to flaws in the zoning code. Well, that's just what the zoning code. We're not here to change the zoning code, are we?

MR. MONTGOMERY: No.

DR. COX: You're certainly not asking that. But, so I think that was one point that was a poor statement on, on your part.

MR. WARNEMENT: All right. Well, directly from me to you, we are willing to work with the city, absolutely, no questions asked, on reducing the sign heights, square footages.

DR. COX: What about the hydrant location issue? Now, you pointed out where hydrants would be in this, and yet the city has an issue. I'd like to hear from you and I'd like to hear from the engineer of the city as well on the pros and cons. The city says there's an issue with the locations of the hydrants, now what is your response there?

MR. HARVEY: Yeah, I -- we

submitted a plan, and I don't know if I can pull it up on here, showing the 400-foot coverage. So -- can I see this? I promise I won't hit the wrong button. So we submitted a plan showing circles in red where the hydrants are going to be -- where the hydrants are going to cover. So we have a hydrant that's going to be relocated here. That's -- there's currently a hydrant in this driveway, it's going to be relocated here. There's also a hydrant up here that's an existing hydrant that's going to stay. And then there's another hydrant here that's an existing hydrant that's going to say.

No, we're not, we're not arguing with the fire marshal whatsoever. We're going to comply with the, with the coverage requirements. And if we need to extend a hydrant onsite to make sure we're in compliance with that, we definitely will.

But from our discussion and the document that we provided showing that 400-foot of coverage, we have coverage around our site with the, the three hydrants that I just mentioned.

So we're not arguing the point, we're just saying we will comply with state code in that matter, but we currently believe that we will -- we do comply.

DR. COX: Okay.

MR. STEINIGER: Let me repeat my question because I don't think we got to the point. So during the staff presentation they said some of the signs -- and I'm not talking about the building signs, I think I'm talking about like entrance signs, sign in, stop signs, whatever, there were variations in plans. And you will address that and make sure we have a simple one site, you know, plan, that we're not having one sign being 450 feet over here and one being two feet over here by three sections that says stoop instead of stop?

MR. HARVEY: Yeah, we'll, we'll make sure those plans are married, absolutely.

MR. STEINIGER: Okay. Thank you. Because that sounded like there was just confusion, I think was the word that we had that we heard about signage. I think

I'll stop my questions for now, for you at least.

MR. GUESS: I have a question for the city.

MR. STEINIGER: Yeah, I have city questions. Different questions.

MR. GUESS: I have a question for the city.

MR. STEINIGER: Shall we -- sir, can we -- let's continue with them first. Let's finish Wawa.

MR. DODD: Do you have any questions for the applicant?

MS. MCCAULEY: I don't know who will answer.

MR. DODD: Go -- try it.

MS. MCCAULEY: Okay. We talked about stacking and you said there was stacking room for several. What's several? How many will be in stacking?

MR. HARVEY: So they have -- this is specific to the trucks, the truck fueling space here. There is eight spaces to, to fuel. And then we have this whole ring road that goes up here for additional

trucks as they're coming in. We don't imagine that being needed.

Give me two seconds and I can get you a number. I think we're looking at room of five to six. I would have to really measure it out to determine the exact number of trucks we can get in there. But I just want to reiterate that that's a 25 -- that's a 50-foot wide drive aisle over here.

MS. MCCAULEY: You're not going to stack double, are you?

MR. HARVEY: No, we wouldn't, we wouldn't anticipate it. But we have this, this lane here servicing the scale, and then this lane goes straight down into there.

MS. MCCAULEY: So this, this is -- the truck spaces on the right are for overnight parking, correct?

MR. HARVEY: No. So I think this shows it a little clearer. Really what these truck spaces are, and I'll let Patrick or anybody correct me if I'm wrong, but they're the exact same type of spaces as these spaces here for your car.

So if I was to go to this Wawa

and I wasn't going to get gas, I'd want to go get a sandwich, I would pull into one of these parking spaces here.

Similarly, if someone, you know, is a truck driver and they wanted to stop in and get a sandwich, they would have the opportunity, you know, after they get gas or if they come in, to park their truck here, come in, get a sandwich, and leave. That's really the business model here. It's not for truck drivers to stop, leave their car, go in, take a shower, come back and spend the night in their truck. This isn't an overnight truckstop. This is just a gas station that has sales for trucks. So there's not those amenities that you see at a Love's, a Pilot, those kind of things where you have these large truckstops with room for a hundred trucks to sit and idle and sleep overnight. So that's not the business model here. And I don't know if there's anything to add to that or --

MR. WARNEMENT: No, we've got a couple more slides to show.

MR. HARVEY: Yeah, just -- I've

got a lot of stuff on stormwater if you guys want to talk about that.

So we put together just some examples of some truckstops. So, for example, this is a Love's truckstop on --

MS. MCCAULEY: Sir, I'm really not interested in a new truckstop.

MR. HARVEY: Okay. I'm sorry.

MS. MCCAULEY: Okay? I'm trying to understand what's going to go on here.

MR. HARVEY: Absolutely.

MS. MCCAULEY: So there is overnight parking of --

MR. DODD: No.

MS. MCCAULEY: Trucks cannot park overnight here?

MR. HARVEY: They cannot stop and sleep overnight. They can -- it's a 24-hour store, so they could come at 2:00 in the mornings, get gas, park, come in and get a sandwich, and leave. That's the business model here. We're not designing this for people to stay overnight.

MS. MCCAULEY: What's the max time they can stay?

MR. HARVEY: I don't --

MR. WARNEMENT: To be perfectly honest, we don't police it, but the -- we don't have the amenities that -- the guys that stay overnight want the shower, they want all the other things that we don't have.

MS. MCCAULEY: I'm not worried about that stuff. I'm talking is it overnight truck stopping -- or truck parking or not?

MR. WARNEMENT: It's not designed to be, no, but we don't --

MS. MCCAULEY: But will it be?

MS. GAYHEART: It could be.

MR. WARNEMENT: We don't actively police it. We don't have people going out there knocking on the windows of trucks telling them they have to leave.

But also, like the business model matters, and this is why I keep going back to this. The guys that want to stay overnight are going to Love's and like true truckstops. This is a travel center, it's different. It is not the same thing. The -- what we give them is gas, food, coffee, and a

bathroom, basically. Where at the other places they're getting their truck worked on, they're taking a shower, all these other things that we don't have. So basically like they wouldn't come here because we don't have what they need.

MS. MCCAULEY: I'm not a trucker, but I'm curious how many would take time to stop for a sandwich and get back on the road. But I got to bet most truckers don't get food until they get gas and other amenities, but, okay, be that as it may.

MR. STEINIGER: So where would the trucker go who got his sandwich after -- where would he pull off? Because I know when I go to get gas, I'm just talking about being in a car, I would pull in, get my gas, and then somehow I need to use the men's room, so I pull in and park, correct? And I get out and use the men's room, I buy my sandwich, and I get back and I leave.

It think the concept here, I'm not trying to defend you but trying to help us understand, is that, the person pulls through, the trucker, in this case it's a

truck, semi, versus a car, gets his or her gas, there are her drivers out there now, a lot of them, and then they pull off into their spot here. Well, there's only ten, it's not like we're talking -- and they walk in, get their sandwich, and use the men's room, and get on their way.

But other than that I, you know, to me this isn't a place where if I'm a trucker I'm going to pull in. I'm not going to, not necessarily go to here, I'm going to go to the, the weigh stop on 70, you know, or someplace like that.

Do we have semis who pull off the highway already around here? And the answer I think, police chief, is absolutely, off of 70 and Xenia Drive. 70 is right -- 675 and Xenia Drive, I know semis have been pulling off in there and parking I presume for longer than a few hours.

MR. SIEMBAB: I think you're going to find somewhere that somebody's really getting close to the magic hour where he's got to pull off and shut his engine off.

MR. WARNEMENT: Yeah.

MR. SIEMBAB: Otherwise, he's subject to a fine or whatever they do.

MR. WARNEMENT: Absolutely true.

MR. SIEMBAB: So there's always going to be a chance that that person has this place to go to. And like they say, they don't, they don't police it, but it wouldn't be that much for them to call the cops, sorry, and say we've got a person that's been here an exceedingly long time, and then let them take care of it. Because there is an ordinance in the city that they can't park in a lot of places.

MR. STEINIGER: It could be well posted. I mean, you could well work with the city to post signs and say this is not -- no overnight parking.

MR. WARNEMENT: Absolutely. We're willing to do that.

MR. STEINIGER: To me, it doesn't say overnight. No extended parking. Because, I mean, the person could stay off at noon and still until 8:00 p.m., I mean, it wouldn't have to necessarily be overnight hours, dark hours.

MR. WARNEMENT: Sure. And we're absolutely willing to put up some signage or whatever solution makes sense for that.

MR. GUESS: The professional truck driver will know the services that Wawa provides and he will know the services or she will know the services that a Pilot facility provides.

MR. WARNEMENT: Absolutely. A lot of them have national accounts.

MR. GUESS: They're two different businesses.

MR. WARNEMENT: Yes.

MR. GUESS: Very different businesses.

MR. WARNEMENT: A lot of them have national accounts where they have to go to Love's or Pilot or whoever because they've got a national account.

MS. MCCAULEY: Is there a drive-thru at this location?

MR. WARNEMENT: No, ma'am.

MS. MCCAULEY: Okay.

MR. STEINIGER: Another quick question. Do we have a -- at Casey's they

have diesel.

MR. WARNEMENT: Yeah, similar to that. I mean, I don't want to compare ourselves to competitors, but, yeah, similar.

MR. STEINIGER: I don't know how many parking spots they have already at Casey's.

MR. SIEMBAB: None.

MR. STEINIGER: But Can they pull into the side? I think they're pulling into the other property. Really illegally.

MR. SIEMBAB: Every weekend you'll have a couple of semis park behind Casey's.

MR. STEINIGER: Yeah.

MR. SIEMBAB: It's a given.

MR. DODD: Any other questions?

DR. COX: Yes. So the city did mention briefly that there was an issue about bike and pedestrian access. I'm not sure -- I didn't hear a response to that. And I'm not sure what the city's issue was with respect to that, but did you address that?

MR. WARNEMENT: Oh, sure. So we've got the ten-foot bike path, multi-use

path, whatever you want to call it, going across the frontage of our site on Broad Street. And you can see a little north/south sidewalk connection into our property from there.

I think, I don't want to speak for Kathleen, it's -- like we don't have a crosswalk to the other side of the street, is the issue.

DR. COX: Right.

MR. WARNEMENT: And there's no signal here so, I mean, putting a crosswalk in could present some safety issues without a traffic signal and lights controlling that, so that's probably a bigger discussion than just Wawa, but, you know, I think for what we've done, I mean, I think we're trying to, you know, help contribute to the vision of the bike path on both sides of the road here.

MR. GUESS: If you drive by that site today, there are no sidewalks on Broad, there are no sidewalks on Spangler, and there are no bicycle paths, and hardly any pedestrians right now.

MR. DODD: Yeah.

MR. WARNEMENT: Well, we certainly understand that the city wants to, you know, have a multi-use path for this area and we're glad to do our part to build part of it.

MR. SIEMBAB: You guys said you did a traffic study?

MR. WARNEMENT: Yes, sir.

MR. SIEMBAB: And wasn't that study a potential of putting a light in with increase of --

MR. WARNEMENT: We don't meet the warrant. There's a warrant analysis that goes into putting a traffic signal in and we don't meet it.

MR. SIEMBAB: Because the reason I say that, because I live on Chapelgate, and when Casey's moved in, it was a pain, but then when Casey's and Sheetz moved in it only took them like two months to get us a traffic light there.

MR. WARNEMENT: Sure. I'm sure when Sheetz traffic was added to what Casey's did, they met the warrant at that point.

MR. SIEMBAB: I'm just concerned

because of Pepsi being there. And SupplyOne also coming down that road. Up the other side anyway. Okay.

MR. DODD: I have one question. On the site plan that was given to us, on Page 8, what size semis are you planning on servicing here?

MR. WARNEMENT: Well, we call it, in our like truck turn software, it's called WB-67. It's --

MR. DODD: You're talking about the 53 footers?

MR. WARNEMENT: Yes. Yes, sir.

MR. DODD: Because on Page 8 you actually indicate that it's the, the pup trailer, the 23 footers.

MR. HARVEY: So that one is for the, that's for the fire truck turning. They wanted us to model a WB-40 for purposes of modeling a fire truck, so that's what that, that exhibit is showing there.

MR. DODD: Oh, okay, I missed -- okay. So those -- your traffic and everything works for the 70 footers?

MR. HARVEY: Yes, absolutely.

They would fire me if they didn't.

MR. DODD: Yeah. Okay. I just wanted to make sure of that because when I read that I was like, that's -- my dad's a professional truck diver --

MR. HARVEY: Yeah, we did all sorts of truck turns.

MR. DODD: -- but he drove the 23 footers, yeah.

MR. MONTGOMERY: Is that the same page, Mitch, that has the fire hydrant locations on it also?

MR. HARVEY: I think the next page will have the fire hydrant location.

MR. DODD: I don't have that with me, but, okay.

MR. MONTGOMERY: Just so you guys know.

MR. DODD: Okay, I'll look.

DR. COX: There was also a mention of a prior appeal, I wasn't sure what you were referring to on that.

MR. DODD: That's another case that doesn't --

DR. COX: It's currently

existing?

MR. DODD: Yes, but doesn't have anything to do with us.

MR. MONTGOMERY: Well, it has --

DR. COX: Go ahead.

MR. MONTGOMERY: No, that's fine. Just to explain what it is. So as we, you know, as I explained early on, this has been a 15-month process with the city. We had filed a prior application back in April maybe, somewhere in that ballpark, and that application was denied based upon various criteria.

We appealed that decision, and we appealed that decision because how your code reads. If we hadn't appealed that decision, and because it was a denial, we would have otherwise been prohibited from filing any type of new application.

So I was just saying on the record we're not waiving that appeal by proceeding, because there are some differences in the applications and I also know the city's going through a Land Use Plan amendment and so we wanted to make sure that

we had preserved our rights under any prior amendment to the Land Use Plan.

So I don't mean to get all technical on the legal side, but that's where that was coming from and that's what the comment related to.

DR. COX: All right. Thank you.

MR. STEINIGER: It's city question, it's traffic. So if you go back in your slide just a little bit to where you show the Waste Management, just want to get an overview with Waste Management, Pepsi, PepsiCo.

MR. MONTGOMERY: Oh, jeez.

MR. STEINIGER: It's way up there.

MR. MONTGOMERY: Yeah, hold on.

MR. STEINIGER: Yeah, just take a second or two. We'll enjoy the food. Okay, that one. You had it there.

MR. MONTGOMERY: Yes.

MR. STEINIGER: So today, help me understand, Waste Management trucks are coming all the time throughout the day, five days a week?

MR. MONTGOMERY: I mean, that's our understanding. I would have to defer to the city as to --

MR. STEINIGER: I'm not sure the usage anymore since --

MS. RIGGS: I would say ask all your questions for the applicant at this point.

MR. STEINIGER: Like I said, that's a city question so I'll --

MR. DODD: Yeah, let's go -- we'll do that at the end.

MR. STEINIGER: I'll stand back.

DR. COX: And I'll follow up on that, because you were comparing the usage here to both the, I guess the, the Waste Management and the Pepsi plant that's next to either side, but those are, really you're comparing apples to oranges aren't you, because you're a retail outlet, those are not. They are not the same kind of traffic in and out for, you know, getting sandwiches and getting gas. Pepsi, and I also imagine has been there for a long time and might have had different issues with respect to the

amount of trees and other things that they were planting in front and the setbacks that -- I just thought that the comparison was a little bit unfair with those two. What would your response be to that, given that it's a retail outlet as opposed to the other two?

MR. MONTGOMERY: Sure. Yeah, the comments really of the comparison between the two, at least for my portion of the presentation I think, and certainly throughout, was really about being similarly situated to what they are, right?

So when you look at the Waste Management site, their front yard parking, which they have, and which staff has indicated is discouraged and prohibited on our property, but yet the property directly to the west has front yard parking. Our setback is identical, I mean, we're within one foot. I think they're at 101 and we're at 100 feet, or it's 100 feet and 99 feet. So that is really what the comment -- it wasn't to the intensity of use. They're both I-1 industrial properties, they both exceed

the five acres, they both went through a PUD process, presumably they went through a PUD process per your zoning code.

And so the comment that we had was, when you look to the west and they have front yard parking, and our front yard parking is the same setback literally to within a foot of what theirs is. And when you look immediately across Spangler and all you see is an asphalt sea of semitrailer parking, and when you look at our site and you see the efforts that Wawa has made with their landscaping, that when you look in the totality of what that area is, that, you know, we're sort of the Taj Mahal of the two, right, when you look to the left and the right. And so that's where that comment was coming from.

MR. DODD: Okay. All right. All right, thank you, sir. We will now go to proponent's presentation. Anybody that would like to come forward as a proponent, you have three minutes to -- state your name and your address for the record, please.

MR. KEGLEY: Good evening. I'm

David Kegley, owner of the property. It's -- my address is 1818 Amys Ridge East Court, Beavercreek, Ohio. And that's why I wrote this down, so I wouldn't forget anything, so.

As an owner of this land I believe that bringing Wawa will spur new development and bring in tax revenue for the City of Fairborn.

We have some empty buildings around in Fairborn. And then coming -- let's see. Sorry about that. We have a beautiful downtown here. I've lived here my whole life until I just moved back in August, but still own property in Fairborn. We have a beautiful downtown.

And if you allow the development to come in, this will cause more appealing towards travelers to come off the exit and maybe want to invest into downtown in Fairborn.

In October 2024, Wawa was voted number one convenience store in America. And that is to say, don't let this opportunity pass us by. As a business owner and owner of 110 acres along State Route 444 that I own, I

want to see Fairborn flourish.

I graduated from Fairborn High School in 1989, and we've built a lot of buildings in Fairborn, built a lot of new houses out in Meadowlands, Sherwood Forest.

But I just want to say, let's get travelers off the freeway onto 444 Broad Street and into the beautiful downtown. And I believe the development will help to make Fairborn's vision of downtown come alive year-round.

I think we could do more with downtown Fairborn besides Halloween, I think it could be Christmas, all kinds of different things.

In closing, this is a no-brainer for the City of Fairborn. Let's get this done. And thank you for your time.

MR. DODD: Thank you, sir. Anymore proponents? State your name and address, please.

MR. ALBRO: Yes, my name is Tim Albro, 6601 Centerville Business Parkway, Centerville, Ohio.

My role in all of this is I'm a

commercial real estate broker. And approximately five years ago I had the pleasure of meeting Glen and Ardena Kegley. Those two have since departed and gone on to bigger and better things, but they had faith in me to list their property along State Route 444, Spangler Road, Schwieterman Drive or Schwer -- I'm sorry, I didn't annunciate that correctly. Schwerman Drive. And for the last five years I've been attempting to sell the property. Well, I haven't done a very good job, so we haven't sold any land, but I think that's about to change.

As Alan pointed out, there's more to come. We currently put the two lots that are to the west of the Deer property under contract, and it would be my guess that that company will be coming in front of you here within the next 60 days. It's a Cincinnati-based construction company and they do a lot of work for Wright-Patterson, and they're hoping to build a facility that gives them that convenience.

We have two very interested parties in the 55 acres which is also owned

by the Kegleys, and that's further to the southwest on North Broad Street.

So my point is, yes, the future is now and it is coming. I remember when I first moved to Dayton, Fairfield Road was cornfields. Dayton Yellow Springs Road, the interchange there was cornfields. And those two are fully developed for the most part, very mature markets, and I think it's just coming north. So this intersection over the next ten years, it's come into its own.

I would also like to point out that in addition to Waste Management and Pepsi, you've got Bulk Transit, Miami Products & Chemical, I Supply, Staffco Construction Company, Truckway Leasing, Joe's Landscaping, all within a mile of this location.

These eight businesses all use heavy-duty trucks as part of their daily routines. And to my knowledge, their presence in Fairborn, this Fairborn submarket has not increased the crime rate, decreased property values, caused undue traffic congestion and/or accidents.

I would also like to point out that State Route 444 is a major thoroughfare into our beloved Air Force Base, Wright-Patterson Air Force Base, and there's been truck traffic on this road for the last, what, 60, 70 years.

So I think the Wawa would be a great addition to this location. My hat off to the company because they've really made a concerted effort to buffer this site from the neighbors, and I think it will be a development that Fairborn could be proud of. Thank you.

MR. DODD: Thank you, sir. All right. Any, any other proponents? All right. Are there any opponents that would like to speak? No opponents? Okay. Any concluding comments from staff?

MS. RIGGS: Yeah, I guess just a couple. A couple things. I'd like to disagree with the front yard definition by the applicant as this site does have two front yards.

And we do recognize that there is parking in that, in the one front yard.

And really it's only -- we understand that there are other industrial uses like Pepsi and like --

MS. GAY: Waste Management.

MS. RIGGS: Waste Management. I just drew a blank there. But our height requirements are for gas stations only and so it doesn't apply to other uses in that district.

And the applicant can go ahead and build this gas station if it was less than five acres. I think their normal gas stations take approximately two acres, so they probably could move forward and build that.

And I know there was a lot of conversation about travel stop and truckstop. I mean, I think when I'm looking at this site, there is truck parking, so trucks are stopping there, so it sounds like and it looks like that's a truckstop.

Another thing was the stacking question. I think there was some questions about stacking especially with their diesel fuel location. We did not receive any site

plans that showed that stacking. And, I mean, they referenced all of the stacking that that site would be able to accommodate, it would be sufficient.

I guess I haven't received that information or we haven't received that information to analyze as far as how much stacking that site can really accommodate.

What we looked at was the interaction between the vehicular cars and the truck traffic moving around that site, and it seemed relatively tight with all that truck -- all the semi-trucks accessing that western most access drive along Broad Street as its only access drive to get fuel.

And then having vehicles exit, really I think we'd just like to see some more separation. You have vehicles accessing the site off of Spangler, trucks also accessing the site and leaving the site off of Spangler, so there just seemed to be a lot of conflicts there with vehicles and truck traffic in general. I think that was our, our major traffic concern. I think ODOT's traffic study was primarily on Broad Street

and on Spangler and not necessarily on the site.

And then they did mention the sewer connection. Correct, they are accessing -- there is sewer connection out there. Pepsi has sewer and so it's actually on the Pepsi site that they have to connect to, to connect to our -- I'm not sure about water but I know that's sewer connection. And I think water is actually out there already. So there is sewer in the area, so I guess I just wanted to make sure that that wasn't misleading.

And you had some questions, and maybe I can answer them or maybe someone else here can.

MR. DODD: Any other questions for staff?

MR. STEINIGER: So it was a matter of traffic in that today both I think Waste Management and Pepsi have some significant traffic, semi traffic coming in and out daily, because I know that Pepsi basically fills up at night with their semis, they load up and exit in the morning, so we

can look at the size of the parking they have there today.

MS. RIGGS: Right.

MR. STEINIGER: So it already fills and comes and goes. I was somewhat thinking that Waste Management has a similar flow. I am not positive about that one. Because I know it's more of a repair facility than a dump. It's not where we -- they do processing.

MR. DODD: No.

MR. STEINIGER: The big long building in the back there's all processing where they do separate I believe their products that come in.

But, again, to me it's a spot where, yes, there's a fair amount of semi traffic going on today all day. I can't speak for the weekends. Is that a fair statement? I'm just trying to make sure I'm making a fair observation.

MS. RIGGS: Those are different uses and different uses for --

MR. STEINIGER: But they come and go through the same intersection?

MS. RIGGS: Right.
MR. STEINIGER: Correct?
MS. RIGGS: Yeah.
MR. STEINIGER: They're sharing the same highway?
MS. RIGGS: Yes, they are sharing the same roadway.
MR. STEINIGER: Yeah, sharing the same highway.
MS. RIGGS: Correct.
MR. STEINIGER: So we're not really -- we're adding more car traffic probably than semi traffic through that area if anything. That's the only question I have. Thank you.
MR. DODD: The --
MS. MCCAULEY: I've got a --
MR. DODD: Yeah, go ahead.
MS. MCCAULEY: You was talking about cars and trucks intermingling, so-to-speak, and I thought someone mentioned this briefly earlier, I may be wrong, that signage would be used to try to direct them away from each other as much as possible? I don't know if I heard that correct or not.

MR. DODD: Yes.

MS. RIGGS: I believe that was from the applicant. So that may be --

MS. MCCAULEY: Will that help alleviate that issue or --

MS. RIGGS: I'm not sure all signage necessarily alleviates an issue.

MS. MCCAULEY: Yeah.

MS. RIGGS: So, I mean, I think people think that signage is going to save the world, and I'm not necessarily a believer in that. People will go where they think they're supposed to go and maybe see signage later at the last minute or however --

MS. MCCAULEY: And some people will go wherever they want to go no matter what.

MS. RIGGS: Very, very true. So I'm not sure. I'm not sure.

MS. MCCAULEY: I just wanted to see, make sure I heard things correctly.

There was talk of the height of the canopies and the applicant said, well, you've got other facilities that are over code also. Is that correct? Is Casey's

and --

MS. RIGGS: I do not recall the exact heights of their canopies or their, their buildings, but I do know for this site that their canopies and their buildings do not meet our zoning code.

MR. STEINIGER: And you don't know about the others?

MS. RIGGS: I do not have that information, correct.

MR. STEINIGER: Okay. That was going to be my follow-up question.

MS. MCCAULEY: Do any of our engineering folks?

MS. RIGGS: I don't right offhand recall that.

MR. MONTGOMERY: We know.

MR. WARNEMENT: We know.

MS. RIGGS: I would imagine the applicant's probably fairly aware.

MS. MCCAULEY: Okay. Thanks.

MR. DODD: Any other questions? Yeah, Mike.

DR. COX: So they did address fire hydrant, or the hydrant issues; what

would be city's response?

MS. RIGGS: So -- correct. What they submitted doesn't meet the Ohio Fire Code, and I understand that they're willing to -- they will have to meet that code, but what their submittal did not address was, I think they had set up -- they submitted a plan that showed the fire hydrant radius of 400 feet. And in the code it actually has to, we have to have -- and I could be stating this incorrectly and I'll probably have our fire marshal come up and address this, but there has to be more of a direct line following how the fire truck is moving and the distance it's located from that fire hydrant, to make sure that it has enough hose to put out those fires and --

MR. FRITZ: You're doing an excellent job.

MS. RIGGS: Okay.

DR. COX: And that's the fire chief making that statement there?

MS. RIGGS: This is our fire marshal.

DR. COX: Fire marshal.

MS. RIGGS: I'll have Mr. Fritz come up here.

DR. COX: They also did disagree with the setback measurements, that they said that their measurements are from, it looked like the street, and they had suggested that you had a different setback measurement. And how do you respond to their statement about that?

MS. RIGGS: I don't think that we had issues necessarily with their setbacks as far as a concern. I -- there were no setbacks that were specified when it came to their sidewalks on how close that would actually ultimately be to the street.

There's one thing with this site now. So this land is currently not platted, and so when you take into consideration setbacks, you should take into consideration right-of-way. And that right-of-way has not been I guess clearly established through a survey at this point. It will be. So I think there might have been some, I don't know, confusion. But we didn't have any issues as far as the building setback, canopy

setbacks, the setbacks from adjacent properties, just there was a question regarding that sidewalk setback knowing how close it, it just appears very close to Broad Street.

And I understand there's a topography issue out there also, but it appears very close to Broad. And I'm just curious I guess what -- why, when Broad Street's so busy, why you would have it that close. But it wasn't, it wasn't, it wasn't detailed on the site plan, so that was really the question.

MR. DODD: Is Broad Street part of, is it part of Manuel's area or is that Greene County's responsibility?

MS. RIGGS: So it's a mixture. And --

MR. DODD: The reason I'm saying that is, we have had issue once before where a -- we, the city, did a turn into a property and Greene County came back and said no, no, no, no, no.

MS. RIGGS: Correct.

MR. DODD: So are --

MS. RIGGS: Greene County has been involved in this process from the very beginning.

MR. DODD: They have? Okay.

MS. RIGGS: Stephanie Goff has reviewed all of the submittal applications and provided her response. So they have been a part of this process, I definitely --

MR. DODD: Okay. That's the part I wanted to make sure, that she was part of this.

MS. RIGGS: Yes, they have been.

MR. DODD: Okay.

DR. COX: Additionally, they had addressed a heat source or I forget the technical term for this, and they suggested with the shade trees and everything it would actually not be such of a, a heat issue with the asphalt and the parking spaces. Do you have a response to that or does the engineer?

MS. RIGGS: I mean, that may address that. There's still the same amount of impervious surface, so that ultimately will, you know, I mean, they do have a stormwater plan and they will have to account

for all that stormwater, where that's going, and how fast it leaves the site, but I think what our parking plan overall was just to try to reduce that number, if it could possibly, and not have overparked areas.

And then in, you know -- we have that in areas of the city now where businesses are no longer in place, and large parking lots, so we're just trying to minimize that problem in the future. And I think that's what was the intent behind that in our zoning code.

DR. COX: I think they also suggested that there would be reduced runoff with their plan instead of increased runoff for the rain issue with the water runoff. Do you have a response to that or does the engineer?

MS. RIGGS: I mean, I think all their runoff will have to be accounted for. And like I said, it can't leave any faster on the site than what it's leaving now, so however they're capturing that and releasing that, it will have to comply with our city standards. I'm sure that --

DR. COX: That wasn't part of the objection then that the city has?

MS. RIGGS: No, it definitely was not.

MR. DODD: Any other staff questions?

MR. SIEMBAB: I've got one for the fire marshal. If this was built, what station would be -- station one? Because Rona Hills was actually closer, but it's not always manned, so --

MR. FRITZ: With our call volume and who's out at the time, it truly is going to dictate who's available.

MR. SIEMBAB: I know because we were talking about availability and stuff, so. Just looking at one versus Rona Hills, Rona Hills is really like a hop, skip, and jump right there, but like I say, they may not be out -- part may be out of call.

MR. FRITZ: That's correct, sir. So it might be another station. The first available unit, sir.

MR. SIEMBAB: Okay. I was just wondering about that because actually the

availability for Rona Hills to there, down Spangler Road would be better sometimes than going down 444.

MR. FRITZ: Absolutely.

MR. SIEMBAB: Okay. Thank you.

MR. DODD: Oh, one more question.

MR. FRITZ: Two comments. I was surprised at the city's comments about parking because if you drive by Sheetz, Speedway, Casey's, they park in the front of the building, they park on the sides of the building, and they park in the rear of the building. So I couldn't see the restriction applied to this site.

The other question I had was, I went through the zoning code again and there were all kinds of references to vehicle fuel locations of convenience stores, which applied to the business concept of Sheetz and Casey's and Speedway, but this is a different animal, this is a travel center. So when the zoning codes were written, and we have these major interchanges, at least three I counted, where a travel center could fit, the city

planner should have thought about the concept of travel center and built that into the code because that's slightly different business than these convenience stores and gas stations. And that's just my opinion.

MR. DODD: Okay. Can I get a motion to close the public hearing, please?

MR. GUESS: So move.

MS. GAYHEART: Second.

MR. DODD: Roll call, please.

MS. GAY: Mr. Guess?

MR. GUESS: Yes.

MS. GAY: Ms. Gayheart?

MS. GAYHEART: Yes.

MS. GAY: Dr. Cox?

DR. COX: Yes.

MS. GAY: Mr. Dodd?

MR. DODD: Yes.

MS. GAY: Ms. McCauley?

MS. MCCAULEY: Yes.

MS. GAY: Mr. Siembab?

MR. SIEMBAB: Yes.

MS. GAY: Mr. Steiniger?

MR. STEINIGER: Yea.

MR. DODD: All right. Anybody

else have any other comments to -- between ourselves? No? Okay. Can I get a motion to approve, approve with conditions, or deny?

MR. GUESS: I make a motion that PB Case No. 2024-09 be approved with conditions to be worked up by the city and the applicant.

MR. DODD: Is there a second?

MS. MCCAULEY: Second.

MR. DODD: Okay. Can I get a roll call for the motion to approve with conditions?

MS. GAY: Mr. Gas?

MR. GAS: Yes.

MS. GAY: Ms. McCauley?

MS. MCCAULEY: Yes.

MS. GAY: Dr. Cox?

DR. COX: Nay.

MS. GAY: Mr. Dodd?

MR. DODD: No.

MS. GAY: Ms. Gayheart?

MS. GAYHEART: No.

MS. GAY: Mr. Siembab?

MR. SIEMBAB: No.

MS. GAY: Mr. Steiniger?

MR. STEINIGER: Yea.

MR. DODD: So the application has been denied then. Okay. Any other business, Kathleen?

MS. RIGGS: There is none. There will be -- next month we will meet for the Land Use Plan update, so we'll bring that forward. And we'll be sending that out shortly so that everyone can just review what some of those updates are, or have been, so, just thought I'd --

MR. DODD: I was wondering when that was coming out.

MS. RIGGS: Yeah, there's been some minor changes that we've kind of wanted to incorporate and so there was a bit of a delay. And then we were going to do it together with the zoning code, and there was kind of a delay on that. So we're going to separate it and move part of it forward, so --

MR. DODD: Okay. So that's the, that's the only thing that's on the agenda as of right now?

MS. RIGGS: I hope that's the

only thing on the agenda.

MR. DODD: Okay. Can I get a motion for adjournment, please?

MR. SIEMBAB: So moved.

DR. COX: Second.

MR. DODD: Roll call, please.

MS. GAY: Mr. Siembab?

MR. SIEMBAB: Yes.

MS. GAY: Dr. Cox?

DR. COX: Yes.

MS. GAY: Mr. Dodd?

MR. DODD: Yes.

MS. GAY: Ms. Gayheart?

MS. GAYHEART: Yes.

MS. GAY: Mr. Guess?

MR. GUESS: Yes.

MS. GAY: Ms. McCauley?

MS. MCCAULEY: Yes.

MS. GAY: Mr. Steiniger?

MR. STEINIGER: Yea.

(WHEREUPON, meeting adjourned at 6:00 p.m.)

C E R T I F I C A T E

I, Tina M. Shell, a Registered Professional Reporter, do hereby certify that the foregoing is a full, true and correct transcript of my notes taken in the above-styled case and thereafter transcribed by me.

/s/ Tina M. Shell
Tina M. Shell
Registered Professional Reporter