

**MARIEMONT PLANNING COMMISSION**  
**REGULAR MEETING HELD JULY 18, 2012**

The Mariemont Planning Commission met on Wednesday, July 18, 2012. Mr. Stich called the meeting to order at 5:38 p.m. Present were Mr. Stich, Mr. Savage, Mr. Miller, and Mayor Policastro. Also in attendance was the Building Commissioner, Dennis Malone.

Mayor Policastro moved, seconded by Mr. Savage to approve the minutes as written for the meeting of May 16, 2012. On roll call: four ayes, no nays.

The only request was from Mr. Dan Spinnenweber of Spinnenweber Builders, 6880 Wooster Pike, Mariemont, Ohio, 45227, to remove the sidewalk on the east side of West Street from Wooster Pike to Madisonville Road, install a fence on his property at the right-of-way line and install trees and landscaping between the fence and existing curb line, with all work to be done at Spinnenweber Builders' expense.

*Finding of the Building Commissioner: The Mariemont Code of Ordinances Section 55.3 "Street Lines" provides that "The Village Planning Commission is empowered to make from time to time plans for the location of the proposed lines of a street or streets in any portion of Mariemont, and to make from time to time plats of the areas or districts thus planned, showing the location of such lines. The Commission may transmit to Council any such plat, together with estimate of the period or periods within which the land shown on the plat as street location or locations, should, in its opinion be acquired for street purposes"*

Mr. Stich said that Mr. Spinnenweber is going to install a fence along the sidewalk on the east side of West Street. He is permitted to do that, and so that is not in question at tonight's meeting. What is in question is if we want him to remove the sidewalk and landscape that area to hide the fence.

Mr. Malone said Mr. Stich had explained the request very well. He said Mr. Spinnenweber has decided to install a fence along the sidewalk to sequester the parking lot belonging to him that serves the Executive Building and the businesses in the Strand from general use by folks to the west, mainly the school. There has been a constant problem with people parking in the parking lot that Mr. Spinnenweber owns and accessing the front door of the school by simply walking across the street to the front door, and thereby, poaching the parking spaces intended for the convenience of his customers and tenants. This causes a problem with numerous cars, sometimes many dozens of cars, using that space that he controls for his tenants' use. The fence will preclude this. When the fence is there, the sidewalk seems to have little value, because it doesn't serve anything. It will become the sidewalk from nowhere to nowhere. He would like to use some of that space to install a continuous landscaping screen to basically screen the cars and the fence and make it more attractive, and to install trees to replace the gumball trees that were recently removed. It would be consistent with the streetscape that Mr. Greiwe has install down the east side of Madisonville Road. The

Code of Regulations stipulates that the Planning Commission has the authority to make plans for the location of the proposed lines of a street or streets in any portion of Mariemont. It doesn't specifically address sidewalks, but in the definition of sidewalks, the Zoning Code states that a sidewalk space is that part of a public street or alley between the curb and the property lines intended for the use of pedestrians. Therefore, we felt it was in the purview of the Planning Commission to make this kind of call, to hear the case from Mr. Spinnenweber, and to make the decision if the sidewalk should be removed.

Mr. Dan Spinnenweber addressed the Planning Commission, saying that the purpose today isn't to come here to discuss the fence or why we want a fence. What we have noted is that the sidewalk is on our property line all the way up. We intend to build a barrier, and since the sidewalk is directly on the property line, there is no room in there to do any kind of camouflaging or hiding of the barrier. That is why we are here tonight. We don't see any purpose for the sidewalk, because no businesses that face the sidewalk. What we do see is the students go down the sidewalk and cross 'mid-stream' over to the school. If the sidewalk were removed, we could plant that area and make it more attractive. If the Village wants the sidewalk in there, that is fine, too. So the question is whether the Village wants us to plant there and beautify that side of the street as opposed to just having a barrier there.

Mr. Stich asked if there is a reason Mr. Spinnenweber wants to put up a fence as a barrier instead of just plantings of some sort.

Mr. Spinnenweber explained they had tried that in other locations. They put a hedgerow at the parking lot of the hotel and people just pushed through it. They ended up having to weave a wire fence through the hedges to keep people from destroying the plants. We need an absolute barrier. Otherwise, it will just be destroyed.

Mayor Policastro asked what kind of plants Mr. Spinnenweber would put in if he took the sidewalk out. He said they would use the same kind they have used around his other buildings in the Village. He said he would try to duplicate the trees Mr. Greiwe had used, which are Valley Forge elm trees. However, it questions if it a good idea to put in all the same kind of trees because of the recent problems with ash trees. It might be better to use a variety of trees. Those are all things we would address later. He reiterated that what we are really here to discuss tonight is should we take the sidewalk out or not.

Suzy Weinland, 3812 Indianview Avenue, Mariemont, Ohio, 45227, said that the idea of the beautification is a great offer. However, as the mother of an elementary school student, she has been in and out of that area two to four times a day for seven years and has seen the ingress and egress of the cars, pedestrians, the walkers, the runners, and the people with strollers. She thinks there is a definite need for the sidewalk because, despite Mr. Spinnenweber's position that there are no businesses that face that side of the street and no reason for business patrons to go in that way, that is not true of the entire Village for the usage of that street. She doesn't think a fair assessment can be made until the school is completed in the fall. What we saw in the last couple of years

trying to redo drop-offs and parking, it will change. If one side of the street is cut off, it will be chaos. She thinks it will be very unsafe to not have a sidewalk on that side of the street. She thinks it needs to be left open for discussion and input from residents.

Martin Koepke, 3804 Settle Road, Mariemont, Ohio, 45227, explained that he is a landscape architect who has lived in the Village for 26 years. He concurs with Mrs. Weinland's comments. He was recently hired by the Village to study the West Street parking problems. In the process, it was determined that adding parking to West Street was going to be very expensive. Instead, the Village is going to invest in the school parking lot to add 22 spaces to it. The design to add those spaces included aligning the driveways from the school lot on West Street with the driveways in Mr. Spinnenweber's lot on that corner. If those aisles are removed, the circulation between the lots for public parking would be eliminated. He does not think the Village should give up public right-of-way just for subjective beautification. Beauty does not have to come at the expense of removing public use. We were rated as one of the top ten most walkable communities in the United States and a model for other communities. He thinks removing the sidewalk is seems counter to this.

Mr. Stich stated that we do not have jurisdiction over the entrances to Mr. Spinnenweber's property.

Mr. Koepke said people who use the school's lot for public parking will want to use the sidewalk on the east side of West Street to get to the Strand instead of walking on the 'outside path' on the west side of the street, so eliminating that sidewalk could be a safety issue.

Mrs. Weinland said she agrees with Mr. Koepke's statements. She said that the problem with students dashing across the street has really only been in the last 12 to 18 months during the construction and people had nowhere to park. Trucks from Greiwe's building were parking in the students' lot, so people had to park in Mr. Spinnenweber's lot, which caused students to have to cross the street.

Mayor Policastro said when the fence goes up, students will not be on that side of the street anymore. Mrs. Weinland disagreed and said they will go to frequent Mr. Spinnenweber's establishments after school.

Mr. Koepke said if you are in the school parking lot, you will cross the street and use the inside sidewalk to go up to Wooster and around the corner to the Strand. People, especially children, are always going to take the shortest path, and if there is not a sidewalk there, people will be walking in the street.

Mr. Miller said that when we had Mr. Koepke redesign the parking lot, there were two purposes for doing that. One was the redesign would give us additional parking so we could meet the parking codes for any new restaurants or expansion of the movie theatre. The other reason was the design included another drop-off area for the school. The main drop-off is going to be on the other side behind the Parish Center, but we still

get people using the West Street side. With this design, you will have about 50 yards of drop-off area. We do not know exactly how it will work yet, but the Police will be on West Street and mothers will be ticketed if they stop on West Street. If they stop on West Street to drop their kids off, they will be ticketed. There is to be no stopping on West Street. We don't want that to happen, so use the drop-offs. We don't where it's going to go yet and we will have to evolve with that. With the two drop-offs, at least on paper, it will address that issue.

Mr. Koepke added that the school entrance was moved to that corner of the building closest to the school parking lot and there is a larger, more user-friendly sidewalk connection to that main entrance and the parking lot and that drop-off will visually cue people to use the drop-off area. The parking and the drop-off on Plainville will take a big part of the load off West Street. We really ought to just wait and see what the school's drop-off situation is before we give up a sidewalk.

Mr. Miller said we might have an officer in Mr. Spinnenweber's driveway and if mothers attempt to go into that driveway to drop their kids off, they would be ask to just drive on through and not stop there. That would be a change of habit and maybe the first couple of weeks, we might have to do that. Those first couple of weeks are going to be very important.

Mrs. Weinland said many of the moms happen to be the patrons who spend money at Starbucks, the Dilly Deli, the Sweeterie and other shops, and many of them go and meet before drop-off or right after and they are utilizing spaces so they can just walk across from the school.

Mr. Miller said if they are going to do that, they are going to be asked to park at the Strand and not in the office parking. They should park behind the Dilly Deli. People are paying rent at the building where the Tax Office is and you cannot take parking away from them.

Mayor Policastro said they can park in the school parking lot, drop the kids off, and then get in their car and go up to Starbucks. Mr. Miller said they could park behind Starbucks, walk around the fence to take their kids across to school, and then come back to Starbucks.

Cortney Scheeser, 6950 Nolen Circle, Mariemont, Ohio, 45227, said he said he likes the rendering Mr. Spinnenweber showed at the meeting. He wondered if we could have the landscaping and keep the sidewalk. He suggested that the landscaping be done between the street and the sidewalk. He said Mr. Spinnenweber could still put the fence right on the edge of the sidewalk, but put the plantings on the curb side. He asked if that was a possibility.

Mr. Spinnenweber said not really. His offer was to remove the sidewalk and landscape it. The other offer is to leave the sidewalk in and the Village can do whatever

it wants with it. He said he agreed to put trees back in where the gumballs came down and he will honor that agreement. As far anything else, he is not interested in it.

Gerry Garrison, 6806 Miami Bluff Drive, Mariemont, Ohio, 45227, said he has lived in the Village for 20 years. When he moved here, the theatre was closed and there was talk of putting a bingo hall in where the Strand is now. Mr. Spinnenweber has done a lot for the Village and he deserves our support. His concern is that the traffic patterns are unknown. There has been so much change in this area so we don't know how it will work. The first concern is safety. He asked if this has to be decided this evening or if it could be tabled until a few weeks after school opens.

Mr. Spinnenweber said he is willing to leave the offer on the table for discussion at a later time, but he will be moving forward with putting in the barrier.

Mayor Policastro said there will be no parking whatsoever during school hours on that street. This problem has been going on for 20 years, and now that the new school is opening, this problem is over.

Mr. Scheeser asked why this was being heard by the Planning Commission when other sidewalk changes, like the new sidewalk going up Miami Road, were not being handled by the Commission. Mr. Stich explained that is because a private citizen made this request and those types of requests are generally handled by the Planning Commission.

After further discussion, Mayor Policastro moved to table the decision until after school opens and everyone has a chance to see how it looks and can reassess the offer. Mr. Savage seconded the motion. On roll call: 4 ayes, no nays.

The meeting adjourned at 6:20 p.m.

Respectfully Submitted,

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Mr. Dick Savage  
Secretary