

MARIEMONT PLANNING COMMISSION
REGULAR MEETING HELD OCTOBER 4, 2022

Mr. Van Stone called the meeting to order at 6:00 p.m. Present were Mayor Brown, Ms. Geldbaugh and Mr. Rich. Solicitor McTigue and Engineer Ertel were also in attendance.

Mr. Rich moved, seconded by Mayor Brown to accept the minutes as written for August 16, 2022. On roll call; four ayes, no nays.

A Request from Miami Run JV LLC for the property located at 3801 Miami Run to authorize the establishment of a planned unit development PUD and approve preliminary development plans.

- 1. Planned Unit Development (PUD) Request:** Section 151.077 of our village code provides both the authority of the Planning Commission to approve PUD applications as well as a framework of the “PUD process” from preliminary development plan through final execution. This section of code is below in its entirety for understanding.

Findings of the Building Department:

- Discussions concerning the development of the steam plant area can be found dating back to 2005 between multiple developers and the Village Council, the Planning Commission, the ARB, and the Planning & Zoning Committee. Village Council authorized execution of a Development Agreement with Genesis Management (May 12, 2008).
- Council voted to change the zoning of this site to Residence C (May 12, 2008) and to include in the area eligible for CRA tax abatements (March 13, 2017, R-07-17).
- JAE Capital LLC acquired the site on September 22, 2014, later transferred to Miami Run JV on July 9, 2020.
- Other recent (condominium) developments (Nolen Park, Livingood Park, Hampstead Park) have “Development Agreements” signed by developers and the Village.
- The only other PUD approval in the Village was done for Spring Hill in 1984.
- While the framework for a preliminary and final development plan are called out in 151.077, the specific documents or requirements for each milestone are vague. Based on this department’s recommendation, the developer has submitted for consideration a preliminary Development Plan which has been distributed to the members of the Planning Commission and is available for public review.
- 151.077 (D)(8) states that a PUD area should not be less than five contiguous acres, but the Planning Commission has the latitude to consider when it is demonstrated that the smaller area has a unique feature of geography, topography, or other development aspect (i.e., hillside) which is determined by the Planning Commission to be appropriate.
- The building department is working to accelerate the timelines mentioned in the ordinance to get the development properly designated as a PUD.

SUPPORTING CODE FOR UNDERSTANDING BELOW:

§ 151.077 PLANNED UNIT DEVELOPMENTS

(A) *Purpose.* The purpose of the planned unit development regulations is to provide for orderly improvement of a specific property in order to accomplish the following:

- (1) To permit the creation of areas within the village that can be developed or redeveloped with maximum flexibility in design;
- (2) To promote the efficient use of land and facilitate an economic arrangement of buildings, circulation systems, land use, and utilities;
- (3) To encourage the most skillful planning in the arrangement of buildings, the preservation of open space, existing topography, geological, historical, and other site features;
- (4) To obtain creative and coordinated designs, harmonious and compatible with uses of the presiding district; and
- (5) In order to carry out these purposes, procedures supplemental to those applicable in other use districts are established in this section particularly designed to meet these objectives may be prepared and submitted for approval.

(B) *Authority and applicability.*

(1) *Authority.* The Planning Commission shall authorize the establishment of a planned unit development area. Nothing contained in this subchapter shall preclude the Planning Commission or the Village Council from modifying any regulations, standards, or criteria prescribed by this chapter if the Planning Commission determines the regulations, standards, or criterion are inapplicable because of the unusual conditions of the development area.

(2) *Applicability.* It is the purpose of this section to establish regulations and procedures supplementary to those applicable in the standard zoning districts created by this chapter, under which a developer may prepare development plans particularly designed to meet the objectives for a planned unit development. Procedures are also established for professional review of these development plans, action thereon by the village, and the implementation thereof.

(C) *PUD regulations.*

(1) *Ownership.* At the time of application, a PUD site shall be under single or joint ownership acting as a unit. The site may have more than one lot or be further subdivided; however, every lot shall be contiguous. The development shall be considered as one parcel, regardless of the extent to which the parcel is subdivided by interior streets.

(2) *Compliance.* All PUD developments shall comply with the regulations of the State Basic Building Code, the Village Fire Code, all other applicable codes, and this chapter specifically as follows.

(a) *PUD uses and requirements.* The uses and requirements within a PUD shall be limited to the uses and requirements as specified by the district use and requirements applicable to the district in which the development is located (see §§ 151.060 through 151.065).

(b) *Yard and building height requirements.*

1. The maximum building height requirements are the same as those set forth by the district in which the development is located.

2. Buildings erected on a planned unit development site shall not be required to comply with the requirement specified in § [151.086\(A\)](#) that specifies minimum areas for lots (see division (D) below, “land planning criteria”).

3. Planned unit developments are not required to adhere to the yard specifications set forth in § [151.086\(B\)](#) and (C) (see division (D) below, “land planning criteria”).

(c) *Relation to regulations for historic structures, sites, and districts.* Whenever a PUD application is filed for a property wholly or partially located within a historic site or district involving a historic structure, the Architectural Review Board shall submit its recommendation to the Planning Commission. In such cases, the provisions of this chapter where not inconsistent with the provisions of § [151.075](#) shall apply.

(3) *Relation to subdivision rules.* It is intended that the provisions of this section be in substantial agreement with *Rules and Regulations Governing the Subdivision of Land in Mariemont, Ohio*; however, in the event of any conflict, the provisions of this subchapter shall govern.

(D) *Land planning criteria.* The following planning criteria are established to guide and to control the planning, development, and use of land in the PUD.

(1) *Building and use arrangements.* The design and development criteria set forth in this section are intended to provide considerable latitude and freedom in order to encourage variety in the arrangement of uses and of the location, bulk, and shape of buildings, open space, and landscape features. Buildings and uses shall be arranged, designed, and located in order to screen and preserve residential uses within or nearby the PUD from adverse effects of nonresidential uses within or nearby the PUD. The buildings and uses may be arranged in various groups, courts, sequences, or clusters, with open spaces organized and related to the buildings in order to provide privacy, to form a unified composition of buildings and space, and to maximize the peace and tranquility of the residential occupants of the PUD and the nearby area. The following design standards shall be met in planned unit developments:

(a) Adjoining property in the village shall be protected from loss of light, air, and view due to the proximity of the bulk or shape of buildings in the PUD;

(b) Through skillful design, the usability and accessibility of open spaces on adjoining lots shall be obtained, while privacy assured within adjoining dwellings;

(c) Required yards and setbacks shall not be excessive so as to prevent the reasonable development of open land for landscape features, recreation, or other private uses; and

(d) Latitude in design shall apply to the planning of landscape features such as walls, fences, hedges, and other features to create a variety of common open spaces and private areas.

(2) *Local circulation system.* The vehicular circulation system and parking facilities shall be designed to fully accommodate vehicular traffic with safety and efficiency without allowing it to dominate and destroy the form of the area. Driveways for group developments and local streets shall be connected to major arterial and collector streets at locations where the traffic can be controlled and operated effectively with the minimum

interference with the capacity of the major arterial and collector streets. The amount of traffic generated by commercial uses passing through residential areas shall be minimized.

(3) *Topography and site appearance.* It is a requirement that these developments shall be designed to take advantage of the topography of the land in order to utilize the natural contours, to economize on the construction of utilities, to reduce the amount of grading, and to maximize the conservation of trees and topsoil. The natural features and other distinctive characteristics of the site shall be integrated into the plan to create functional variations in the arrangements of buildings, open spaces, and site features.

(4) *Utility services.* Utility services in a development area shall be entirely underground.

(5) *Private land.* In the planning of residential developments in a variety of groups or clusters, undeveloped land, to the extent possible, may be provided adjacent to the units for the outdoor use of the occupants.

(6) *Common land.* The common land shall be readily accessible to the residential units and shall be usable as open space. The integrity of the common land shall be guaranteed from further division or other changes through deed restrictions or declarations of covenants by explicit prohibition of other than the intended uses; these deed restrictions and covenants shall be exempt from further amendment except upon prior approval by the Planning Commission.

(7) *Unified boundary.* The design at the development area boundary shall be unified with the adjoining developments in the village. Within the development area, parking areas, service areas, commercial areas, and other features likely to have adverse effect on surrounding property shall be screened against viewing from first-story residences in the village outside the PUD.

(8) *Development area.* The minimum area to qualify as a PUD shall be not less than five contiguous acres. A parcel or parcels of land with less acreage may be considered for planned development when it is demonstrated that the smaller area has a unique feature of geography, topography, or other development aspect which is determined by the Planning Commission to be appropriate for the district designation; however, contiguous property of less than five acres may be added to a previously established PUD without any demonstrated basis.

(9) *Development area density.* The overall density of a development area shall conform to the basic overall density requirements of the standard districts.

(10) *Peripheral setbacks.* Along the boundary of any PUD within the village, each nonresidential building shall be set back at least 30 feet from adjoining private property outside the PUD. Each residential building shall be set back from adjoining residential buildings outside the PUD in the village in accordance with the requirements for that district.

(11) *Required open spaces.* In any PUD, the total public or common space shall be not less than 20% of the gross acreage of the PUD District. Common open space shall be protected by recorded covenants and restrictions to assure that such open space will be permanently preserved and maintained.

(E) *Development procedure and regulations.*

(1) *Preliminary development plan.* Subject to the requirements of this subchapter, a developer shall submit to the Planning Commission a preliminary plan of a development area by filing five copies with accompanying letter to the Planning Commission. Plans may

only be submitted on behalf of a single owner of the parcel or a group of owners of the land included therein who are acting jointly. The preliminary plan of the development area shall conform to the specifications set forth in Division V of *Rules and Regulations Governing the subdivision of Land in Mariemont, Ohio*, as revised January, Ord. O-1984, the contents of which are incorporated by reference as part of this code of ordinances as fully as if set out at length herein.

(2) *Referral for review and reports.*

(a) Upon receipt of a preliminary plan of a development area, the Planning Commission shall transmit one copy each of the preliminary plan to the Building Commissioner and Village Engineer for review, report, and recommendation. The Planning Commission shall also transmit a copy of all covenants, restrictions, and easements to be recorded and covenants for maintenance to the Solicitor for his or her review, report, and recommendation. The Planning Commission shall further transmit one copy of the preliminary plan to the Metropolitan Sewer District and one copy to the Cincinnati Water Works and may transmit one copy to the Regional Planning Commission for review and comments. The Building Commissioner, Village Engineer, and Solicitor shall each within 30 days from receiving a preliminary plan of the development area, unless otherwise extended with consent of the developer, provide and furnish to the Planning Commission a report upon their respective jurisdictions with four copies. Three copies of each report shall be filed with the Planning Commission, and one copy filed with the Fiscal Officer of Council who shall maintain such copy for public inspection.

(b) Within 60 days after a preliminary plan has been filed with the Planning Commission, unless otherwise extended with consent of the developer, the Planning Commission shall evaluate the plan and shall inform the developer either that the preliminary plan complies with the regulations, standards, and criteria prescribed by this chapter for planned unit development areas applicable to the proposal, or a finding of any failure of such compliance, and a recommendation that the preliminary plan be approved, disapproved, or modified. If in any evaluation the Planning Commission finds that any regulations, standards, or criteria prescribed by this chapter are inapplicable because of unusual conditions of the development area, or the nature and quality of the proposed design, it may recommend that an adjustment in such regulations, standards, or criteria be made, and that special conditions be required for the development, provided the adjustment or conditions will not be in conflict with the promotion of the public health, safety, and general welfare of residents of the village. The adjustments and conditions shall constitute a part of the proposed preliminary plan.

(c) If approved, the Planning Commission shall request seven copies of the preliminary plan from the developer, shall stamp them as tentatively approved, and distribute one copy each, with letter certifying action, to the regional Planning Commission, the Building Commissioner, Village Engineer, Metropolitan Sewer District, Cincinnati Water Works, Planning Commission file, and the developer.

(d) Following approval by the Planning Commission, the Planning Commission shall notify the developer of such action by registered or certified mail and authorize it to proceed with the preparation of the final development plan, which shall be in accordance with the specifications set forth in Division VI of *Rules and Regulations Governing the Subdivision of Land in Mariemont, Ohio*, as revised January, 1984, the contents of which are incorporated by reference. Within 15 days after mailing notice, unless the time is extended, the developer shall deposit with the Village Fiscal

Officer a cash amount to be credited to the General Fund of the village, for the exclusive use of covering expenses incurred by the village in reviewing the plan. These expenses may include items such as the cost of professional services in connection with reviewing the plan's on-site inspection, the preparation of reports, publication and mailing of public notice, if any, and any other reasonable expenses directly attributable thereto. The cash amount shall be determined by the Village Council according to statements rendered by the professional rendering the service.

(3) *Final development plan.*

(a) The developer of any parcel or parcels of land for which a preliminary plan has been approved by the Planning Commission, and who has posted the inspection fee required in division (E)(2)(d) above, may submit a final development plan. The final plan shall be filed with the Building Commissioner who shall, upon payment of any appropriate fees which may be required, submit the final plan to the Planning Commission within 15 days.

(b) If the Planning Commission finds that a proposed final plan of a development area is in substantial compliance with and represents a detailed expansion of the previously approved preliminary plan; that the final plan complies with all of the conditions and adjustments which may have been imposed in the approval of the preliminary plan; that the final plan is in accordance with the design criteria and provisions which apply particularly to any plan of a planned unit development; that all agreements, contracts, covenants, deed restrictions, dedications, easements, declarations of ownership, and other required documents are in acceptable form and have been executed; that development, pursuant to the previously approved preliminary plan, is in accordance with that plan; that all fee payments have been made and that the provisions of the subdivision regulations have been met; the Commission shall then approve and sign such final plan of a PUD.

(c) The Planning Commission shall instruct the developer to furnish six copies of the approved final plan and shall transmit one copy each to the Building Commissioner, Village Engineer, Metropolitan Sewer District, and Cincinnati Water Works. One copy shall be retained for the Planning Commission file, and one copy shall be added to the village base maps.

(d) Following the approval of a final plan of a development area, the Building Commissioner shall be notified and zoning certificates and other permits shall be issued immediately upon payment of the required fees.

(4) *Progressive development.*

(a) A developer, having obtained Planning Commission approval of any final plan of a development area, may accomplish the development in progressive stages which are consistent with any conditions pertaining to progressive stages of development contained in the final plan as approved.

(b) When the final plan of development area provides for partial development of the total area for which a preliminary plan has been approved, the Planning Commission may require inspections of the improvements then made, or detailed plans for all improvements in the development area to permit evaluation of the progress and conformance of development of the entire parcel to the preliminary plan or a previously approved final plan before further or partial development may be approved.

(5) *Amendments to plan.*

(a) At any time after the approval of a preliminary plan or a final plan of a development area, the owner or owners, or developer representing the owner or owners, may request an amendment of development plans; the request for the amendment shall be filed with the Planning Commission.

(b) If the amendment, as determined by the Planning Commission, represents a major departure from the intent or the substance of the preliminary plan, the amendment shall then be subject to the same procedures and conditions of approval as the original application. For purposes of this section, a “major departure from the intent and substance of the preliminary plan” shall include, but not be limited to, an increase in or relocation of areas planned for a particular use, or the addition of a use not included in the approved preliminary plan.

(F) *Transfer of land from standard zoning to PUD unit.*

(1) The Planning Commission, by its Chairperson, shall, within seven days of receipt of a preliminary plan requiring modification of existing zoning in the area of the planned unit development, notify the Fiscal Officer of Council that a public hearing by Council is required pursuant to R.C. § 713.12.

(2) Land in an area being planned for transfer to a planned unit development site shall be subject to all applicable provisions of this chapter for that area until a notation is made to the village zone map reflecting the area to be in a planned unit development in accordance with this section.

The following were submitted/reviewed/discussed at the meeting:

Memorandum dated September 6, 2022 from Engineer Ertel to Building Official Holloway was read into the record:

My research indicated that the subject development is ready to proceed to the next stage. The developer has met the engineering requirements to avoid the toe of the slope at the north side of the site. The site has been elevated about the 100-year flood plain and stormwater runoff has been addressed by the installation of underground detention on the south side of the sit. The site is also in compliance with the current Hamilton County Earthwork permit that is monitored by the Hamilton County Conservation District.

Memo Dated September 29, 2022 from Gerry Stoker to Building Official Holloway was presented for the record:

CURRENT CONDITION

Proximity to the Little Miami River

Per FEMA letter dated May 14, 2019 (attached) the referenced property is currently not located within a Special Flood Hazard area as stated below:

Federal Emergency Management Agency's determination regarding a request for a Letter of Map Revision based on Fill for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) is/are not located in the SFHA, an area inundated by the flood: having a I-percent chance of being equaled or exceeded in any given year (base flood).

A Special Flood Hazard Area is defined as follows:

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

Fill Placed on the Site

Per the engineer report prepared by CBC Engineers & Associates LTD, as stated in their letter report of May 29, 2020 (see attached) the placement of the fill has a compaction of 98%. Also stated in the letter is that the contractor placed 6 ft of soil surcharge above the finished subgrade level in specific areas of the project site based on achieving an allowable bearing capacity of 1,000 psf in these surcharge areas.

Residential Code of Ohio Chapter 4

Section 401.4 Soil Test

Where quantifiable data created by accepted soil science methodologies indicate expansive soils, compressible soils, shifting soils, or other questionable soil characteristics are likely to be present, the building official may determine whether a soil test to determine the soil's characteristics of a particular location. The test shall be done by an approved agency using an approved method.

Section 401.4.1 Geotechnical evaluation

In lieu of a complete geotechnical evaluation, the load-bearing values in Table 401.4.1 shall be assumed.

Soil Stability for Proposed Residential Construction
Project Located at 3801 Miami Run

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Section 401.4.2 Controlled Low-Strength Material (CLSM)

Where footings will bear on controlled low-strength material (CLSM), the CLSM shall comply with the provisions of an approved report. The report shall contain the following:

1. Specifications for the preparation of the site prior to placement of CLSM,
2. Specifications for the CLSM,
3. Laboratory or field test method(s) to be used to determine the compressive strength or bearing capacity of the CLSM.
4. Test methods for determining the acceptance of the CLSM in the field.
5. Number and frequency of field tests required to determine compliance with Item 4.

COMMENTS AND RECOMMENDATION

I have reviewed the specifics of the report by CBC Engineers & Associates Ltd. and have the following comments and recommendation.

Comments

- The report states that finished subgrade level in specific areas of the project site was based on achieving an allowable bearing capacity of 1000 psf in these surcharge areas.
- Per the Residential Code of Ohio table 401.4.1 the minimum load bearing pressure of foundation materials is 1,500 (footnote b), which states: Where the building official determines that in-place soils with an allowable bearing capacity of less than 11500 psf

are likely to be present at the site, the allowable bearing capacity shall be determined by a soils investigation.

Recommendation

As the Building Official for the Village of Mariemont, it is my recommendation that a geotechnical evaluation be performed for each building being proposed at this site, in compliance with the requirements of Chapter 4 of the Residential Code of Ohio.

If you have any questions concerning the above, please do not hesitate to contact me.



Federal Emergency Management Agency Washington, D.C. 20472

May 14, 2019

THE HONORABLE DAN POLICASTRO
MAYOR, VILLAGE OF MARIEMONT
6907 WOOSTER PIKE

CASE NO.: 19-05-2817A
COMMUNITY: VILLAGE OF MARIEMONT,
HAMILTON COUNTY, OHIO
COMMUNITY NO.: 390226

MARIEMONT, OH 45227

DEAR MR POLICASTRO:

This is in reference to a request that the Federal Emergency Management Agency (FEMA) determine if the property described in the enclosed document is located within an identified Special Flood Hazard Area, the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), on the effective National Flood Insurance Program (NFIP) map. Using the information submitted and the effective NFIP map, our determination is shown on the attached Letter of Map Revision based on Fill (LOMR-F) Determination Document. This determination document provides additional Information regarding the effective NFIP map, the legal description of the property and our determination.

Additional documents are enclosed which provide information regarding the subject property and LOMR-Fs. Please see the List of Enclosures below to determine which documents are enclosed. Other attachments specific to this request may be included as referenced in the Determination/Comment document. If you have any questions about this letter or any of the enclosures, please contact the FEMA Map Information exchange (FIVfIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426,

Sincerely,

A handwritten signature in black ink, appearing to read "Luis V. Rodriguez".

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation

Administration LIST OF ENCLOSURES:

LOMR-F DETERMINATION DOCUMENT (REMOVAL)

cc: State/Commonwealth NFIP Coordinator

Community Map Repository

Region

Mr.



Timothy Foster

Federal Emergency Management Agency

Washington, D.C. 20472

ADDITIONAL INFORMATION REGARDING LETTERS OF MAP REVISION BASED ON FILL

When making determinations on requests for Letters of Map Revision based on the placement of fill (LOMR-Fs), the Department of Homeland Security's Federal Emergency Management Agency (FEMA) bases its determination on the flood hazard information available at the time of the determination. Requesters should be aware that flood conditions may change or new information may be generated that would supersede FEMA's determination. In such cases, the community will be informed by letter.

Requesters also should be aware that removal of a property (parcel of land or structure) from the Special Flood Hazard Area (SFHA) means FEMA has determined the property is not subject to inundation by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This does not mean the property is not subject to other flood hazards. The property could be inundated by a flood with a magnitude greater than the base flood or by localized flooding not shown on the effective National Flood Insurance Program (NFIP) map.

The effect of a LOMR-F is it removes the Federal requirement for the lender to require flood insurance coverage for the property described. The LOVIR-F is not a waiver of the condition that the property owner maintain flood insurance coverage for the property. Only the lender can waive the flood insurance purchase requirement because the lender imposed the requirement. The property owner must request and receive a written waiver from the lender before canceling the policy. The lender may determine, on its own as a business decision, that it wishes to continue the flood insurance requirement to protect its financial risk on the loan.

The LOVIR-F provides FEMA's comment on the mandatory flood insurance requirements of the NFIP as they apply to a particular property. A LOVIR-F is not a building permit, nor should it be construed as such. Any development, new construction, or substantial improvement of a property impacted by a LOMR-F must comply with all applicable State and local criteria and other Federal criteria.

If a lender releases a property owner from the flood insurance requirement, and the property owner decides to cancel the policy and seek a refund, the NFIP will refund the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy during the current policy year. The property owner must provide a written waiver of the insurance requirement from the lender to the property insurance agent or company servicing his or her policy. The agent or company will then process the refund request.

Even though structures are not located in an SFHA, as mentioned above, they could be flooded by a flooding event with a greater magnitude than the base flood. In fact, more than 25 percent of all claims paid by the NFIP are for policies for structures located outside the SFHA in Zones B, C, X (shaded), or X (unshaded).

More than one-fourth of all policies purchased under the NFIP protect structures located in these zones. The risk to structures located outside SFHAs is just not as great as the risk to structures located in SFHAs. Finally, approximately 90 percent of all federally declared disasters are

caused by flooding, and homeowners insurance does not provide financial protection from this flooding. Therefore, FEMA encourages the widest possible coverage under the NFIP.

LOMR-FEN- 1 (LOMR-F Removal)

The NFIP offers two types of flood insurance policies to property owners: the low-cost Preferred Risk Policy (PRP) and the Standard Flood Insurance Policy (SFIP). The PRP is available for 1- to 4-family residential structures located outside the SFHA with little or no loss history. The PRP is available for townhouse/rowhouse-type structures but is not available for other types of condominium units. The SFIP is available for all other structures.

Additional information on the PRP and how a property owner can qualify for this type of policy may be obtained by contacting the Flood Insurance Information Hotline, toll free, at 1-800-427-4661. Before making a final decision about flood insurance coverage, FEMA strongly encourages property owners to discuss their individual flood risk situations and insurance needs with an insurance agent or company.

The revisions made effective by a LOMR-F are made pursuant to Section 206 of the Flood Disaster

Protection Act of 1973 (PL. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90448) 42 U.S.C. 4001-4128, and 44 CFR Part 65.

In accordance with regulations adopted by the community when it made application to join the NFIP, letters issued to revise an NFIP map must be attached to the community's official record copy of the map. That map is available for public inspection at the community's official map repository. Therefore, FEMA sends copies of all such letters to the affected community's official map repository.

To ensure continued eligibility to participate in the NFIP, the community must enforce its floodplain management regulations using, at a minimum, the flood elevations and zone designations shown on the NFIP map, including the revisions made effective by LOMR-Fs. LOMR-Fs are based on minimum criteria established by the NFIP. State, county and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in the SFHA. If the State, county, or community has adopted more restrictive and comprehensive floodplain management criteria, these criteria take precedence over the minimum Federal criteria.

FEMA does not print and distribute LOMR-Fs to primary map users, such as local insurance agents and mortgage lenders; therefore, the community serves as the repository for LOMR-Fs. FEMA encourages communities to disseminate LOMR-Fs so that interested persons, such as property owners, insurance agents, and mortgage lenders, may benefit from the information. FEMA also encourages communities to prepare articles for publication in the local newspaper that describe the changes made and the assistance community officials will provide in serving as a clearinghouse for LOMR-Fs and interpreting NFIP maps.

When a restudy is undertaken, or when a sufficient number of revisions occur on particular map panels, FEMA initiates the printing and distribution process for the panels and incorporates the changes made effective by LOMR-Fs. FEMA notifies community officials in writing when affected map panels are being physically revised and distributed. If the results of particular LOMR-Fs cannot be reflected on the new map panels because of scale limitations, FEMA notifies the community in writing and revalidates the LOMR-Fs in that letter. LOMR-Fs revalidated in this way usually will become effective 1 day after the effective date of the revised map.



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	VILLAGE OF MARIEMONTT HAMILTON COUNTY, OHIO	A portion of Section 9, Town 4, Fractional Range 2, as described in the Quit C Deed recorded as Document NO, 14-0096654, in Book 12712, Pages 00034 and 00035, in the Office of the Recorder, Hamilton Ohio The portion of property is more particularly described by the following metes bounds:
AFFECTED MAP PANEL	COMMUNITY NO.: 390226	
	NUMBER: 39061 C0263E	
	DATE: 2117/2010	
FLOODING SOURCE: LITTLE MIAMI RIVER; OHIO RIVER		PPROXIMATE LATITUDE & LONGITUDE OF PROPERTY:39.141799, - 84.368484 SOURCE OF LAT & LONG: LOMA LOGIC DATUM: NAD

DETERMINATION

LOT	BLOCK SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION AVD 88	LOWEST ADJACENT GRADE ELEVATION (NAVD 88	LOWE LO ELEVAT (NAVD
			38041 Miami Run	Portion of Property	X (shaded)			503.0

Special Flood Hazard Area (SFHA) The SFHA is an area ... that would be inundated by the flood having a 4-percent chance of being equaled or exceeded in any given Year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment I for the additional considerations listed below.)

LEGAL PROPERTY DESCRIPTION PORTIONS -REMAIN IN THE SFHA

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Revision based on fill for property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we

have determined that the described portion(s) of the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document revises the effective NFIP map to remove the subject property from the SFHA on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not

apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information Exchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or write a letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave, Ste 500, Alexandria, VA 22304-6426.



Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

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Federal Emergency Management Agency
Washington, D.C. 20472

**LETTER OF MAP REVISION BASED ON FILL
DETERMINATION DOCUMENT (REMOVAL)
ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)**

LEGAL PROPERTY DESCRIPTION (CONTINUED)
BEGINNING AT A POINT ON THE EAST LINE OF SECTION 9 AND EAST LINE OF THE SUBJECT PROPERTY, SAID POINT BEING SOUTH 02 DEGREES 35" WEST, 1049.92 FEET FROM THE INTERSECTION OF THE CENTERLINE OF WOOSTER PIKE (AS NOW IMPROVED) AND THE SAID EAST LINE OF SECTION 9; SAID POINT OF BEGINNING ALSO BEING NORTH 02 DEGREES 00' 35" EAST, 17.00 FEET FROM THE SOUTHEAST CORNER OF THE SUBJECT PROPERTY; THENCE DEPARTING SAID EAST LINE OF SECTION 9 AND THE EAST LINE OF SUBJECT PROPERTY, THE FOLLOWING EIGHT (8)

CALLS; SOUTH 71 DEGREES 30' 46" WEST, 57.40 FEET TO A POINT, SOUTH 62 DEGREES 30' 12" WEST, 127.95 FEET TO A POINT, SOUTH 66 DEGREES 54' 44" WEST, 96.77 FEET TO A POINT, NORTH 82 DEGREES 46' 34" WEST, 31.70 FEET TO A POINT, NORTH 29 DEGREES 59' 45" WEST, 41.56 FEET TO A POINT, NORTH 40 DEGREES 08' 26" EAST, 16478 FEET TO A POINT, NORTH 42 DEGREES 27' 57" EAST, 195.41 FEET TO A POINT, SOUTH 86 DEGREES 12' 53" EAST, 36.30 FEET TO A POINT, THENCE SOUTH 15 DEGREES 24' 10" EAST, 138,79 FEET TO A POINT ON THE EAST LINE OF SECTION 9 AND THE EAST LINE OF THE SUBJECT PROPERTY, THENCE, ALONG SAID EAST LINE OF SECTION 9 AND

THE EAST LINE OF SUBJECT PROPERTY, SOUTH 02 DEGREES 00' 35" WEST 58.72 FEET TO THE POINT OF BEGINNING
PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 1 Property.)
Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information exchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.



Luis V. Rodriguez, P.E. Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration



Dayton Office

ENGINEERING

TO: JAB Capital, LLC.
8481 Arborcrest
Drive
Cincinnati, Ohio 45236

DATE: May 29, 2020

_NO: 20454D-1-0520-07

FIELD REPORT

ATTN: Mr. Michael Heines

Re: Field Observation of Placement and
3801 Miami Run Property in
20454D-I-0520-07

Compaction of Engineered Fill at
Mariemont, Ohio; CBC Report No,

CBC Engineers and Associates, Ltd. is pleased to submit this report for the above referenced project. As requested, a field technician from this office was on-site to observe the stripping operations, and the placement and compaction of engineered fill performed by the site contractor on the dates and as described in the technician's field observation reports attached herewith in Appendix A, The compaction testing performed by the technician 011 the engineered fill while on-site, as described in the attached observation reports, revealed that the fill had been compacted by the site contractor to at least 98% of the standard Proctor maximum dry unit weight at the locations tested. CBC was not responsible for surveying on the project, and to our knowledge the plan extents Of the site where stripping and fill placement took place were not surveyed. Given this, the approximate plan limits of the area of stripping and fill placement observed by the technician from this office, based solely on visual estimation, are shown by the dashed line on the site figure included herewith at the end of Appendix A

During the site work operations, the site contractor placed approximately 6-feet of soil surcharge above the finished subgrade level on specific areas of the project site based on achieving an allowable bearing capacity of 1,000 psf in these surcharged areas. Prior to placing the soil surcharge, settlement monitoring plates were placed by the site contractor on the finished subgrade to monitor the settlement


below the soil surcharge, The specific areas that received the soil surcharge and the settlement plate Locations were surveyed by the project civil consultant. A total of six (6) plates were installed by the site contractor in surcharged areas (2 of the plates were destroyed during the site work), and the remaining four (4) settlement plates were subsequently surveyed by the civil consultant. These settlement plates were surveyed by the civil consultant for period in excess of 90-days after completion of the surcharge placement, with the final survey readings by the civil consultant showing that the settlement of the plates under the 6*feet of soil surcharge had stabilized.

We appreciate the opportunity to submit this report Our professional services have been performed in accordance with generally accepted geotechnical engineering principles and practices. No other warranty, express or implied, is made. Anyone reviewing this report

must interpret and draw their own conclusions regarding specific construction techniques and methods chosen. CBC Engineers & Associates, Ltd. is not responsible for the independent conclusions, opinions or recommendations made by others, If you have any questions, please contact me at 937-428-6150.

Respectfully submitted,

CBC Engineers & Associates, Ltd.


Mitchell T. Hardert, P.E. 5/29/20
Chief Engineer

MTH/mth
cc-Client (mheines@jaecapitalllc.com), 1-File



Dayton, OH

Lexington, KY

Hazard, KY

Charleston, WV

Harrisburg, IL

Respectfully submitted,

25 Westpark Road / Centerville, Ohio 45459 / Phone: 937-428-6150 / Fax: 937-428-6154

Presentation from Neil Hughes on the proposed Sanctuary Cove Townhomes: He discussed the 19 luxury townhomes each with:

- * A covered rooftop terrace
- * Three bedrooms and 4.5 bathrooms with two Master suites
- * Optional fourth bedroom/home office
- * Custom kitchens with all the upgrades
- * Little Miami River Views
- * Private Elevators
- * Close to shopping and downtown Mariemont
- * Several floor plans and front/side/rear elevations with exterior materials
- * Entry landscaping and entry monument sign
- * Working with Ashford Custom Homes

He noted the change being the way the title will transfer from the original condominiums to the proposed landminium.

Legal Review from Solicitor McTigue: His was under the impression that the preliminary development plan had already been approved. If the letter of the law has not been met, the intent of the law has been. He believes all the information has been given for Planning Commission to deem a decision that it complies with code. There are not building guidelines outside of the Historic District.

Mr. David Cumming, 3701 Pocahontas Avenue, was granted permission to address the Planning Commission. He was present to gather more information though he did voice concern on noise provisions and erosion on the hillside. Mr. Hughes said there has been no motion on the hillside in five years. Part of the criteria is that no slope of the hillside was to be touched. There was part of the hillside that was transferred to the Village of Mariemont. The installation of stairs is not part of this project though it could be a joint effort with the Village.

Email from Rod Holloway, 6977 Miami Bluff Drive: Dated October 3, 2022 was presented: I am unable to attend the Public Hearing on October 4th but wanted to share my input for the record and also as an abutting neighbor to the Steam Plant property. I have lived in at the Miami Bluff address for over 9 years, in the Village of Mariemont for over 21 years. I would like to see the old steam plant area developed into a tasteful residential community. The abandoned landmark structure was both an eye-sore as well as a safety concern for children. Adding residences will also increase revenues for the Village which in my opinion is needed to maintain the quality of this community. My primary concerns as a neighbor are lighting, noise, and the stability of the hillside. While shielded during the months with leaves (April-October) I do have line of sight to this area. Lighting should not be directed towards abutting neighbor or of the intensity that would make it a nuisance. As for noise, I can't believe that an occasional event/party in an enclosed rooftop area would be louder than the nightly train traffic and would suspect a community neighbor would likely object well before I hear it. The hillside is my biggest concern as I've seen numerous examples in the news about unconstrained development or poorly engineered structures sliding down hills or the land itself giving way. Any activities that disturb the hillside or can increase the risk of erosion must be avoided.

Email from Jeff Ewart, 6973 Miami Bluff Drive: Dated October 4, 2022 was read into the record: I will not be able to attend the meeting tonight on this topic, but I do appreciate the ongoing updates you have provided and also the opportunity to give feedback into the process. Based on the prior overall project information provided, I did want to communicate to you (and copying Michael, so everyone on the same page) that our household is comfortable and support the current proposal for a PUD on this project. If you would like to discuss any details further on this, please let me know.

Ms. Mary Beth York, 6767 Wooster Pike, was granted permission to address the Planning Commission: She said she is concerned about the hillside and the natural spring in the area. It was explained in the HOA agreement that the association has responsibility/liability for the hillside. In the initial discussion, a drain was installed that channels the diverted water to the river.

Message from Ms. Lisa Hopkins to Michael Heines was read into the record: The Mariemont Area Chamber of Commerce will be happy to support your project at the former Steam Plant. Please let me know if there is anything you need from me. Thank you.

Council Member Randy York 6767 Wooster Pike was granted permission to address the Planning Commission. He thanked the development company for sticking in out and also thanked the members of the Planning Commission for all their work. He believes it will be important to connect the neighborhood to the Village. Mr. Hughes would defer that decision to the Village Engineer.

From Planning Commission Member Bob Rich – His Review of Sanctuary Cove PUD Application: The area proposed for this PUD does not meet the minimum area of five acres required by the Mariemont Zoning Code. The Planning Commission may waive this requirement.

All lots proposed in this PUD application do not meet minimum lot size or setbacks required by the Mariemont Zoning Code for Residence C District. The Planning Commission may waive these requirements.

All buildings proposed in this PUD application exceed the height restrictions by more than double. Height is estimated to be 45' while 20' is the maximum height allowed, given the proposed setbacks. 35' is the maximum height allowed in District C when there are significant setbacks are met. Because it's stated explicitly in 151.077(C)(2)(b)1 without the caveat that it could be waived, the Planning Commission may not have the authority to override this restriction and it may require Council approval. He noted that he was baffled that a building permit was issued with no variance for exceeding the maximum height in residence C.

There are issues with vehicle maneuverability and parking on the proposed site:

C302 shows dimensions of proposed subdivided lots. C302 shows outlines of proposed buildings on lots (assumed, not labeled). No drawing shows proposed buildings on proposed plats with dimensions of both, including setbacks, so some of these observations are from scaled estimations of the drawings provided.

The development's paved road is 17' wide (measured), curb to curb. The narrowest road in Mariemont, with houses fronting on it and driveways on both sides is 18' curb to curb.

Both drawings C103 and C302 show the paved road overlapping the boundaries of proposed new lots 5,9 & 10. The road also does not extend to proposed lot 19.

Driveway depth of lot 9 is dimensioned to be 16.59'. Driveway depth of lot 5 is dimensioned to be 16.71'. Driveway depth of lot 10 is dimensioned to be 17.5' - before the subtraction of radius of the paved road. Lot 10 also has a sewer grate in the curb that obstructs the driveway. Driveways that have been dimensioned are shown to be 16' wide. The Narrative states that they will park two cars in the garage as well as two cars in the driveway.

The Mariemont Zoning Code 151.089c defines a parking space as 9' wide X 18' long. Driveways that are 16' wide and less than 18' long would not accommodate 2 cars by Mariemont Code definition. No driveways in the proposed plan would park two cars and some would not park even one and be in compliance with the Mariemont Code. Mariemont Code requires one parking space per dwelling.

Mariemont Zoning Code requires driveways not to exceed 60% of width of lot. None of the proposed lots/driveways would comply with that provision of the Mariemont Code.

Two 'guest' parallel parking spaces, which are labeled but not dimensioned, scale to be less than 9' wide and 18' long each. They would also not comply with the Mariemont Zoning Code.

The face of building lots 7,8 & 9 to the face of building lots 11,12, 13, & 14 (across the street from each other) scales to be less than 55' (on sheet C103). The minimum good practice design dimension for a two-way, ninety-degree, parking lot is 60'.

A compact car 15' 6" long requires 19' 2" outside turning radius from a parked position, A full size SUV 16' 5" long requires 24' outside turning radius. Two cars parked side by side would require multi point maneuvering from driveways onto the road.

There is no storage designed to be on first and second levels and only wardrobe closets on the upper two levels of the proposed units. There is no attic storage or other provision for storage, which means that the garage will be realistically used as storage, therefore reducing garage parking.

Because there is a questionable amount of parking for each proposed house, a less than minimal allocation for guest parking areas (3 cars for 19 homes), no accommodation for street parking and narrower streets than anywhere in Mariemont, with no turn arounds, a document should be required to address how the prohibition of street parking is enforced in this proposed PUD. Where do repair trucks or lawn maintenance trucks with trailers park or turn around? Would/Could moving vans be allowed into development? Where would guests park for a party or family gathering? If two houses or more simultaneously host a party (Super Bowl) where would they park? Where will residents who own full size pickups park (They will not fit in garages and would extend onto the road if parked in the driveway)? Will residents be allowed to commandeer the designated guest spaces? Will the cops need to make trips to enforce parking compliance? Does the HOA tow cars? Could this create a life safety issue for fire truck access if there are numerous guests parked in the streets? For insurance purposes, is Mariemont liable for street configurations that may create traffic hazards or 'fender benders'? This is not addressed in the HOA agreement.

Mariemont is a designated 'Tree City'. All Mariemont streets have shade trees that line the streets, including the large-scale multi-unit developments that have been built recently in the Village. All of the trees not on the hillside, in this development, have been removed and no new street shade trees or other shade trees are shown to be planted on the site. In fact, there are just a few ornamental trees shown with shrubs placed along the fencing and at the entrance sign. There are exceptional opportunities for hillside overlooks, dog play/conversation areas, children's play areas, common garden areas and other landscape feature areas on this unique site. A more developed landscape plan, of the entirety of the project, is required to show how landscaped amenities in this development would make it consistent with the landscape and fabric of the Village. It should be accompanied with document on how this development will contribute to the social principles and environmental benefits of urban forestry that underlie the qualifications of a 'Tree City'.

The website for this development expounds on the 'walkability' of Mariemont, yet you cannot 'walk' from this property to any of the amenities, described on the website, without leaving the development, walking through Mariemont Landing, up a flight of stairs and then onto the narrow sidewalk along Wooster Pike (which is not shoveled in winter). more likely would be to get in a car. A pathway plan should be developed that shows how residents might enjoy their unique setting with hillside overlooks that have views to the river and then how the path could connect to either Pocahontas, Mt Vernon or Miami Bluff streets. This would provide a direct merger with the Village and a way to the amenities promoted on the development's website, without having to walk or bicycle along Wooster Pike. This property borders Mt Vernon, Pocahontas and Miami Bluff streets and a direct pedestrian access could/should be developed to keep children off Wooster Pike and allow them to walk to Mariemont's schools and parks.

A lighting plan with photometrics, of the entirety of the development, should be required to show that there are adequate street light levels for the safety of residents (5 footcandles minimum) and that there is proper shielding of the light fixtures so that there will be no light intrusion (1/2 foot-candle maximum) on adjacent properties.

The proposed residences in this PUD would be the first four story residences in Mariemont. The Mariemont Executive Building (not a residence) is the only other four-story building in the Village, the fourth story being a partial floor on the attic level. Also, a portion of these proposed four-story residences are arranged to be 55' across the street from each other, with the hillside directly behind the northernmost buildings. Profile sections (drawings) cut through the site showing sun angles and access to daylight are needed to evaluate the quality daylight for all these proposed residences. A profile section (drawing), including adjacent properties and residences, is

also needed to show that view corridors and access to daylight is being maintained for all neighboring residences. Descriptions in the Narrative are not adequate to make this evaluation.

There is only one flat roofed residential complex in Mariemont. The two-story complex on Pocahontas, which also has narrow windows and a large area of paved parking is widely viewed as not consistent with the general character and ambience of Mariemont. Having that property as a precedent for flat roofed buildings with narrow windows, it's necessary to better understand the character of the buildings being proposed. Renderings of the entirety of the project, from multiple viewing points are required to comprehend the density and character of the proposed development. A single view of a single building is inadequate to understand the viability of buildings placed in such close proximity to each other. Also, how the adjacent hillside impacts that aggregation. Actual sample finishes of the proposed buildings' and site's finishes are also needed to evaluate the project's compatibility with Village's fabric and character. Referential examples of the buildings' typology would also be helpful to convey the intended character of the development more succinctly.

He is unaware of any four-story residences outside of the urban core in the Cincinnati metropolitan area. Have market studies been conducted as to the long-term viability of four story living in the Cincinnati suburban market. Who is the target demographic? He thinks it would not include 55+ because of the stairs nor young families because of the lack of a yard or green space. There needs to be some statistical evidence that these residences would not languish vacant on the market once any inducements and abatements have expired.

Mr. Van Stone outlined the following:

ACTION ITEM SUMMARY

1. Village to send Miami Run JV LLC electronic copy of Stoker letter (completed 10/6/22)
2. Identify how all buyers and future buyers will be informed that their unit is constructed on compacted soil
3. Show detailed landscaping plan which includes types of trees
4. Submit a fully dimensioned drawing showing lot dimensions of units and identify the variances required including building height and setbacks. Make sure there is no overlap between streets and lots
5. Submit a fully dimensioned drawing of parking spots per Mariemont ordinances (9' by 18'). This drawing should show the dimensions of the first floor of the individual units (without upper-level overhang)
6. Explain how street parking will be enforced.
7. Submit a copy of the county traffic review evaluation
8. Evaluate the possibility of walking connectivity to the upper part of the village
9. Provide a lighting plan for the development including lighting intensity and intensity of light on adjacent properties
10. Provide examples of comparable 4 story units in the Cincinnati area
11. Show an evaluation of sun angles on the units. This should include profile sections (drawings) cut through the site showing sun angles and access to daylight
12. Garbage collection and recycling should be added as a responsibility of the HOA.
13. Revise application to the Planning Commission to accurately describe zoning, subdivision of land, and a clear list of the required variances. Correct overview section for these changes.

14. Make sure naming (Miami Run / Sanctuary Cove) is consistent in HOA document.
15. Amend HOA section 1.27. No ordinance is required.
16. HOA section 4.4 should be modified to accommodate occasion traverses by non-owners and their pets.
17. Section 4.8. Party wall construction may be regulated by Mariemont ordinances and may require a permit from the Building Department.
18. HOA Section 6.10 should be eliminated
19. Provide an estimate of the initial HOA assessment and the annual HOA assessment (outside of HOA document)
20. Provide explanation of how the Builder and/or Developer will meet HOA responsibilities during the construction process. In particular, that a few sold units will not have the total financial responsibility for the entire PUD.
21. HOA Section 8.1 should refer to the ordinances of Mariemont.
22. HOA Section 8.3 needs to be clarified relative to features common with adjacent units (roof, soffit, etc.)
23. HOA Section 9.2.1 should note that plan approval may require permits from the Mariemont Building Department.
24. HOA Section 9.2.2 should note that the Design Guidelines must be consistent with approved PUD development plan.
25. HOA Section 9.2.16 should note that satellite dish installation must be consistent with Mariemont ordinances.
26. HOA Section 9.2.17 should note that HVAC and solar panels must follow Mariemont ordinance and be permitted by the Mariemont Building Department.
27. HOA Section 9.2.23 should note that invisible pet fences must follow Mariemont ordinances.
28. HOA Section 12 should state that any change to the PUD Development Plan must be approved by the Planning Commission.
29. HOA Section 12.6. Development rights shall be subject to approved PUD Development Plan submitted to the Planning Commission. If there are changes, they shall be submitted to the Planning Commission for approval.
30. Site drawings (such as C300) should include clearly marked boundaries of the PUD area. The western boundary was not obvious.

Section 6 should include a list of all members of development, building, legal, and sales working on or associated with on this PUD project.

Mr. Van Stone moved, seconded by Mayor Brown to table the request pending an amended development plan. A meeting will be called within seven days once the documentation of the action item list is submitted. On roll call; four ayes, no nays.

The meeting adjourned at 8:53 p.m.

Respectfully Submitted,

Ms. Shelly Reed, Secretary

