

**CITY OF MASON  
COUNCIL MEETING  
September 27,2004**

Mayor Beck opened the meeting at 7:07 p.m. Those in attendance recited the pledge of allegiance.

**ATTENDANCE**

The following members of Council were present: Victor Kidd, Steve Osborne, Tony Bradburn, Tom Grossmann, John McCurley , Charlene Pelfrey and Peter Beck.

**APPROVAL OF MINUTES**

A motion to approve the minutes of the September 13, 2004 Council meeting was made by Councilmember Kidd, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

A motion to approve the minutes of the September 20, 2004 Council worksession was made by Vice Mayor Pelfrey, seconded by Councilmember Kidd. VOTE: ALL YEAS

**RECOGNITION OF VISITORS**

Kevin Jones of 5808 Running Fox Lane addressed Council and spoke in opposition to the rate increase for the Community Center. He said he did not rejoin last year because of the increase and he stated improvements are needed in the operation of the center. He stated signing up for classes is very difficult. He also stated if the finances need to be improved, the city should try to increase the membership not run people away. He stated he voted for the levy and attended all the meetings and had never heard about the agreement that raises rates for the first few years. Scot Lahrmer responded the agreement between the city and the schools took about two years to complete. It deals with the operation not the construction of the center. He said the agreement states if the center does not breakeven within the first three years, a \$50 charge can be applied. Scot stated that is not the catalyst for this increase. He said it is an effort to cover the operational expenses. Mr. Jones asked if the agreement had been signed after the issue had gone on the ballot and passed. Scot replied it occurred after the election and before the center opened to the public. Mayor Beck stated even though we need to raise the rates to help cover the costs of operation, we have done market comparisons and we are still offering below market rates.

**ORDINANCE 2004-113 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY: 8.42 ACRES FROM R-1 TO BUSINESS PUD; 156.72 ACRES FROM B-3 TO BUSINESS PUD; AND 43.855 ACRES FROM HT-1 TO BUSINESS PUD AND APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN FOR A MIXED USE OFFICE AND RETAIL DEVELOPMENT INCLUDING A LIFESTYLE CENTER (CITY PARK) AND SHOPPING CENTER (PARK CENTER)**

A motion to read by title only was made by Councilmember Bradburn, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

Ken Schneider, Law Director, stated an amendment is need regarding this legislation to correct the wording on the “whereas” clauses that mention B-3 High Tech Light Industrial District. He stated the correct reading should be B-3 Road Service District. Councilmember Kidd moved to amend the ordinance to reflect that change. Councilmember Osborne seconded the motion. VOTE: ALL YEAS

Mayor Beck opened the public hearing at 7:20 p.m.

Richard Fair explained to Council Brad Schwab will be presenting the information regarding this project to Council. He stated he just wanted to state for Council’s benefit, the City requested this project be brought in as a PUD and be brought in as one project. He said originally the developer had thought to bring in just the north side and then the south side. He said it evolved into the suggestion to bring it in as one project. Richard also stated more details will be submitted with the final plans. Those would include such things as landscaping plans, stormwater plans etc. He also stated staff has had several meetings with the developer on code related items. Brad Schwab addressed Council and gave an overview of the project and the conditions that were placed upon it by Planning Commission. They are as follows:

Glimcher Development Corporation of Columbus, Ohio is requesting rezoning and concept PUD plan approval for 208.995 acres located on the north and south sides of Kings Mills Road (SR 741) and generally bound by Courseview Drive to the south, Cox-Smith Road to the north, the western property lines of lots located on the west side of Beach Boulevard to the east, and Kings Mills Road to the west. The applicant requests to rezone several properties from B-3 Road Service District, HT-1 High Tech Light Industrial District, and R-1 Residential District to a Planned Unit Development (PUD) as shown in the below table.

More specifically, the applicant requests concept PUD plan approval to:

Construct an 872,122 square foot Lifestyle Center (City Park) on the north side of Kings Mills with major department stores, retail shops, cinema, and restaurants; 203,100 square feet of office space; a 154 room hotel; and undefined outparcels;

Construct a 403,107 square foot shopping center (Park Center) on the south side of Kings Mills Road with strip centers, one big box retail store, stand-alone retail stores, and undefined outparcels; 143,000 square feet of office space; and a 250 room hotel with conference center.

The retail portion of City Park and Park Center are proposed Phase I improvements with an estimated build-out in 2006. The office and hotel portions of City Park and Park Center are proposed Phase II improvements with an estimated build-out of 2016.

Phase I of City Place is an outdoor, pedestrian only mall with three major anchor stores, restaurants, and smaller retail shops. The existing pond and stream are being retained and will be used as natural site amenities. Phase I of Park Center is a conventional shopping center with one large big box store, a four-unit strip center and stand alone retail shops/restaurants.

Approximately 14 outparcels are proposed during Phase I improvements for retail and restaurant uses. Planning Commission recommended that parking be restricted to side and rear yards only and that use restrictions apply to prevent undesirable uses locating adjacent to Kings Mills Road. High quality building materials and 4-sided architecture is proposed for all retail buildings.

Traffic is a major concern shared by the public, Planning Commission, and staff. Other items of public concern include stormwater runoff and light pollution. The traffic impact study and stormwater management plan are not completely finalized, however, the developer has been working with staff to make the necessary improvements. Staff and the applicant are working on these and other issues and such items will be resolved at the final PUD review stage.

Planning Commission made a motion recommending approval with various conditions outlined which include the following:

4. The new Park Center proposal has moved towards a better design, however staff is still concerned about the “big box” retail and general design on the south side of the road. To do so, the big box store must be unique to Mason in building design. Prototype store design and architecture is prohibited. The big box building must also incorporate design features that aid in the future reuse of the structure for one or more tenants. Additional design creativity is needed on the south side, consistent with the creativity incorporated on the north side, to have a more cohesive development.

5. Planning Commission recommends placing use restrictions on the outparcels located adjacent to Kings Mills Road. Outparcel development has a tremendous impact on the overall quality and desirability of any retail development. Further, many convenience and automobile related uses are currently located on Kings Mills Road. As such, the following uses should be restricted:

Restaurants with drive through facilities, excluding a pick up area

Convenience food stores

Garden supply with outdoor display or storage

General merchandise and grocery, excluding specialty food stores

Adult oriented business

Fraternal and social organizations

Commercial indoor or outdoor recreation

Vehicle sales

Automobile repair and body shops

Vehicle storage

Gas Stations

**5b.** No parking is permitted in the front yards of the proposed outparcels. Parking is permitted in side and rear yards only. (This item was added at the Planning Commission meeting and is not found in staff’s memo).

7. More internal pedestrian connections between offices and hotels to retail areas are needed, especially between the hotel and lifestyle center in the City Park development.

8. Please provide an internal path system designed to link offices and hotels to retail areas and include a path along the entire length of the creek on the Final PUD Plan.

9. Staff has reviewed the traffic impact study submitted by the applicant and will continue to work with the developer to finalize the improvements that are needed to make traffic move efficiently through this area. Glimcher to date has been very receptive to making road improvements around the site. However, the widening of SR 741 between Parkside Drive and

US 42 with additional lanes in each direction should happen now instead of 2016 as proposed by the developer. Additionally the developer should be prepared to contribute financially to future improvements to the I-71 interchange along with ancillary collector streets such as Kings Mills Road and Fairway Drive. Finally, the mall developer should assist in acquiring land and building a parallel collector street to Fairway Drive.

10. After reviewing the preliminary stormwater calculations staff has determined that the detention facilities can be designed to meet the City of Mason's Stormwater Management requirements. Final stormwater plans and calculations will be submitted with the final development plans.

11. The proposed cinema has the same architectural requirements as the rest of the development including four sided architecture and a non-prototype design. (This item was added at the Planning Commission meeting and is not found in staff's memo).

12. The city and the applicant review and consider re-use bonds for the big box store should it go vacant for a specific period of time. After the specified time elapses, the City could exercise the bond to reconfigure the building to attract new tenants realizing vacant retail space is a blighting force and reusing large big boxes is difficult. (This item was added at the Planning Commission meeting and is not found in staff's memo).

Planning Commission recommended approval of the proposed zoning amendment and concept PUD plan because it is generally consistent with the goals and policies of the City of Mason's Comprehensive Plan which calls for "Community Commercial," "Regional Commercial," and "Business Park" development. The proposed office buildings and two hotels meet the City's goal of having professional employment concentrations and business amenities as planned for in the Comprehensive Plan and as 43.8 acres are currently zoned as HT-1.

Planning Commission also feels it is desirable to have the last large, vacant commercial land area developed under a single comprehensive landscaped master plan under the City's PUD regulations. PUD zoning gives the City greater control versus piece meal development allowed under current conventional zoning.

Brad also stated a four sided architecture is planned which is unique to the area. He added signage has not been addressed. He said the concerns have been the loss of High Tech zoning, emphasis on retail rather than mixture of office and hotel and the design disparity between the north and south side. He stated Glimcher Development Corp. has made revisions based on the City's feedback and area offering more office space and a hotel.

Following Mr. Schwab's comments, Mr. Russell Wilson addressed Council and stated his firm represents Glimcher and they have 65 shopping centers across the country. He stated they are known for a high quality product and he introduced Mr. Douglas Campbell, Vice President of Glimcher. He stated there will be no fast food restaurants in this development. He stated many unique stores are planned of the development that are new to this area. He said they have a reputation for taking care of their properties. He introduced the traffic consultant, Doyle Clear who described the road improvements planned. He explained by year 2016 all phases will be built. He said Phase 1 will include 4 access points onto SR 741. He said Phase 2 will include an additional access point off of Beach Boulevard and he provided an overview of the planned roadway system improvements. Dave Badder of KA Inc. Architects explained the design for the buildings. Cheryl Armstrong explained the features the area would include such as the open air

fire pit and the bridge designs. She also stated there would be no pylon signs.

Gary Burkett of 5076 Birchwood Farms Dr. addressed Council and stated he was representing the DMA and the Chamber. He stated he has a concern over the project replacing the efforts to revitalize downtown. He asked Glimcher to contribute funds equal to the grant the city is receiving for the DMA effort. He also requested assistance to maintain business in the downtown area. He further requested the City set priorities for the future of Mason.

Steve Schwandner of 3144 Pinto Trail addressed Council and stated he owns a portion of the property on the south side of Kings Mills Road. He said he is supportive of this development because of the sale of his property and because it is an attractive well planned project. He stated he has five "p's" for liking the project. They include park like aspect, place is underdeveloped, professional people with the Glimcher firm, PUD requested gives the City more control and the only price you pay is increased traffic which is acceptable as long as it flows well and is safe.

Len Cornett of 4916 Cox Smith Road stated this is the best opportunity and is better than the Fields Ertle road development.

Bruce Flory speaking for Tennis for Charity stated he thought this is an exciting project reflecting quality. He stated this is a high financial risk project for Glimcher and it will help the tax base for the City. He supports the project.

Jim Neyer, Vice President of Neyer Inc. stated it is a high quality development. He stated his firm owns the property on the south side and the market does not exist right now for high tech. He said he feels this will be a catalyst for the area and increase revenue for the City.

Jim Kraus of Cox Smith Road asked where will the truck traffic go? He said the cinemas are not needed, as there are others very close to this location. He also said they should not be located next to residential with increased traffic, noise and lights etc. late at night. He also stated drainage in the area is a concern and asked who would be responsible if problems occur.

Charlie Maxim and Bob Hauser of Trailside Acres Subdivision addressed Council and stated they represent 150 households. They said they have stated their concerns in a letter sent to Councilmembers in July. They stated they like the City Park project but do not like the project planned for the south side and they do not think it is in the best interest of the City. They continued with a presentation they had prepared. (See Attachment A.)

Mayor Beck thanked them for the input and stated the City is currently reviewing the capital improvement project list. He said the city has an operating budget of 32 million dollars per year. He stated improvements to I-71 involve the State of Ohio.

A general discussion followed among Council members on various traffic concerns. Many stated they would agree to a signal at SR 741 and Appaloosa Trail. Councilmember Bradburn stated he was in favor of seeing the road improved to Bethany Road. Richard Fair stated there are 8 warrants that must be met in order for a traffic signal to be installed on a state route and the SR 741 at Appaloosa Trail intersection currently does not meet them. Councilmember Grossmann

asked if this hurts the property values of those in the area. Douglas Campbell, Vice President of Glimcher, stated it has increased the values in the area of Columbus next to the Polaris Mall and in Beaver Creek but he did not have the actual data with him to document it. Vice Mayor Pelfrey stated she had obtained information from the County Sheriff's office on the crime statistics for the cinemas on Kings Island Drive. She stated it is their opinion over the last four years they have experienced mostly non violent, non criminal activity. She said they mentioned things such as lock-outs, speeding and some thefts as the majority of what occurs.

Mr. Campbell stated to address the concerns mentioned by residents, he is willing to lock the access to Cox Smith Road after a certain hour. He also said lighting issues can be controlled through engineering. He added he must have resolution on this project by next month. He explained the big box on the south side of the road will be unique due to the architectural design. He said he could not agree to the demolition bond because he would not be able to reach a deal with an anchor store or with a lender. He also said he could commit to having SR 741 widened prior to opening and the improvements made to Cox Smith Road.

Mr. Rob Bollenback of 6073 Fairway Drive addressed Council and said he represents the Safety Committee from Fairways of Pine Run subdivision. He said they have 3 concerns. (See attachment B) They are generally in favor of the development but feel a comprehensive traffic study should be done on Fairway Drive. He said there is no current data and we need a baseline. He stated it should not be a secondary collector street by the City's own definition. Second he requested the City develop a comprehensive traffic calming policy. The third item he mentioned was to create an alternative collector street from Kings Mills Road to Tylersville. He added this should occur prior to the development being built. (See Attachment B)

Peg Elfers of 3456 Palomino Trail addressed Council and said she is opposed to the development because there are too many unanswered questions. She proceeded to read three letters recognizing the auditor for the Glimcher Development had resigned and the firm of Price Waterhouse and Cooper has dropped them as a client. She asked if Council has done their homework researching the firm that wants to change our community.

Mr. Campbell responded they did change auditors and have a new CFO. He stated these situations happen in business. He stated one analysis downgraded their firm but many have upgraded it. He stated the stock has risen.

Mr. Mel Brock of 620 Bunker Lane addressed Council and asked if the architecture will be the same for the anchor stores as is planned for the rest of the development. Mr. Campbell stated the anchors are responsible for their own stores. He said they will come up with materials that they will incorporate into the design. Mayor Beck asked if they will look at using pitched roofs on the buildings on the south side of Kings Mills Road. Mr. Campbell responded that it would be their intent to do so. He added harmonious material and creative design would be presented and the City would have to approve it.

Mr. Mark Ashman of 3236 Palomino Trail stated putting in the infrastructure first then bring in the shopping center would be the way to go.

Kathy Thomas of Mustrang Trail addressed Council and stated the number of parking places is not enough. She also asked if there was a plan for bicycles.

Mr. Frank Miller of the Greenery, addressed Council and said he moved to Mason because he did not want to live on Fields Ertle Road. He said his concern is over exhaust fumes and air pollution.

Mr. Murray of Old Manchester Court stated the subdivision of Pine Run was here first and has been responsible for helping to attract this development. He stated their concerns should be taken care of first.

Mayor Beck stated with the number of issues discussed tonight he would like to entertain a motion to continue the public hearing. Vice Mayor Pelfrey moved to continue the public hearing until October 25, 2004. Councilmember Osborne seconded the motion. Vote: ALL YEAS

**ORDINANCE 2004-122 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CARGILL, INC., FOR THE PURCHASE OF ICE AND SNOW REMOVAL SALT**

A motion to read by title only was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: ALL YEAS

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember McCurley, seconded by Councilmember Bradburn. VOTE: ALL YEAS

A motion to adopt Ordinance 2004-122 was made by Councilmember Kidd, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2004-123 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO IMPROVE THE RIGHT TURN LANES AND SIGNAL AT THE INTERSECTION OF I 71 RAMPS WITH WESTERN ROW ROAD AND KINGS ISLAND DRIVE AND DECLARING AN EMERGENCY**

A motion to read by title only was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: ALL YEAS

Scot Lahrmer reported to Council the City has received a grant for \$500,000 for this improvement. He stated the City's portion is 10% or \$50,000. He added this will improve this intersection where several rear end accidents occur. He said the grant will provide the funding to add right turn lanes on eastbound and westbound Western Row Road and southbound Kings Island Drive along with signal modifications.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember McCurley, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

A motion to adopt Ordinance 2004-123 was made by Councilmember Kidd, seconded by Vice

Mayor Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2004-124 AUTHORIZING ACQUISITION OF AN EASEMENT FOR THE WATERLINE ON THE JIM AND HELEN FOX PROPERTY AT 136 KINGS MILLS ROAD**

A motion to read by title only was made by Councilmember Kidd, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

Richard Fair explained to Council the Kings Mills Road Water Main Replacement and Storm Sewer/Culvert Project included the boring of a 16" watermain under the existing bridge adjacent to the Mink and Fox property. During construction of the improvements, it was determined that the boring under the bridge may compromise its foundation, thus requiring an alternate route around the bridge. Richard said the Greater Cincinnati Water Works negotiated with both the Mink and Fox families to obtain an easement. Jim and Helen Fox agreed to provide the necessary easement for \$3,500, which included \$1,100 for landscaping. Since this easement was required for the waterline, Greater Cincinnati Water Works will be reimbursing the City the entire \$3,500 cost.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember McCurley, seconded by Councilmember Kidd. VOTE: ALL YEAS

A motion to adopt Ordinance 2004-124 was made by Councilmember Osborne, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ORDINANCE 2004-125 AMENDING ORDINANCE NO. 2003-149 TO ESTABLISH NEW RATES FOR THE MASON COMMUNITY CENTER**

A motion to read by title only was made by Councilmember Osborne, seconded by Councilmember Grossmann. VOTE: ALL YEAS

Scot Lahrmer reported to Council the Mason Community Center has enjoyed a successful 18-months of operations since opening on March 1, 2003. Residents have enjoyed a first-rate recreation facility, expanding recreation opportunities, and program offerings that meet the growing need of City residents. As the staff began evaluating the upcoming year, it became apparent that in order to penetrate a greater market share, the City should initiate a monthly subscription rate for families. It requires an initial sign-up fee and then a monthly rate. This will enable residents to include the Community Center into their monthly budgets instead of paying annually. Staff plans to rollout marketing efforts to capture current non-users of the facility and retain current users with the subscription rate beginning this November. This action, as well as making adjustments to the Community Center fees, will enable the City to better market the Community Center and make the fees more affordable for users.

Scot said over 70% of revenues by the Mason Community Center come from the purchase of annual passes, suggesting that this revenue source should be the primary focus when setting fees for the facility. Based on financial analyses, a \$75 increase to all family rates and proportional



increases to other pass categories for 2005 was identified as a key step in maintaining competitive rates and becoming self-sustaining. Smaller increases would be projected for 2006 and 2007 with no increases then necessary in 2008 and 2009. Scot stated the Mason Park Board met to review these recommendations and agreed to the recommended increases with one exception. Park Board recommended that the senior rate not be increased, but remain unchanged for 2005. Comparing pass fees of similar facilities indicates that Mason's pass rates are below the average fees of other comparable facilities. Scot concluded by stating it is important to the City's fiscal health that the Community Center become self-sufficient since all residents of the school district receive the resident rate because their tax dollars helped to build the center. However, this contribution by both City and School District property owners provided only for construction, not operation of the facility. If the city were to supplement the operating costs out of its General Fund, then residents' taxes would be subsidizing non-city residents who are members of the center and don't pay earnings or property taxes to the city. Revenues to operate the facility must, therefore, come from user fees.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Kidd, seconded by Councilmember McCurley. VOTE: ALL YEAS

A motion to adopt Ordinance 2004-125 was made by Councilmember Grossmann, seconded by Councilmember Bradburn. VOTE: ALL YEAS

### **CITY MANAGER'S REPORT**

A request for a liquor license for the new restaurant, Brazenhead Pub, located at 5650 Tylersville Road, has been received from the Ohio Division of Liquor Control. A motion to not hold a hearing was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: ALL YEAS

### **COMMITTEE REPORTS** None

### **COUNCIL OLD AND NEW BUSINESS**

Councilmember Kidd stated there is some confusion for the firm that has purchased the old city building. He asked if they are bound by the rules governing the preservation district on sign regulation. He stated the new owner purchased the building prior to the district being adopted. Ken Schneider stated he is bound by the laws that are in effect for that area but he will look into it further.

Ken Schneider reported all information obtained regarding Judge Parker has been forwarded to the Supreme Court.

Councilmember Osborne stated he will not be able to attend the next regularly scheduled council meeting.

Councilmember Kidd mentioned the new restaurant Pitrelli's Italian Restaurant has opened and recommends it to residents.

Mayor Beck reported on the Mayor's Forum that had its first meeting on Friday September 24, 2004. He stated Mayor's from three counties attended and there appears to be great interest.

**RECOGNITION OF VISITORS** None

**EXECUTIVE SESSION**


A motion to go into executive session for the purpose of discussing land acquisition was made by Councilmember McCurley, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

A motion to reconvene into regular session was made by Vice Mayor Pelfrey, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ADJOURN**

A motion to adjourn was made by Councilmember Bradburn, seconded by Councilmember Kidd.  
VOTE: ALL YEAS TIME: 11:35 p.m.

  
Clerk of Council

  
Mayor