

ORDINANCE NO. OR02-22

AN ORDINANCE BY THE TROTWOOD CITY COUNCIL ACCEPTING THE RECOMMENDATION FROM THE TROTWOOD PLANNING COMMISSION TO APPROVE A PRELIMINARY PLANNED UNIT DEVELOPMENT APPLICATION WITH CONDITIONS FOR A PROPOSED INDUSTRIAL PARK ON APPROXIMATELY 46.37 ACRES OF VACANT LAND, PARCEL NOS. H33 00417 0002, H33 00417 0066, AND H33 00417 0008, SITUATED AT THE SOUTHWEST CORNER OF WOLF CREEK PIKE AND OLIVE ROAD IN A LIGHT INDUSTRIAL 2 (L-I-2) ZONING DISTRICT.

TROTWOOD, OHIO 45426

3035 OLIVE ROAD

CITY OF TROTWOOD

WHEREAS, Owner/Applicant Gated Properties Global I, LLC (“Gated”) has submitted a Preliminary Planned Unit Development (“PUD”) Application for a proposed PUD to be located on approximately 46.37 acres of vacant land, Parcel Nos. H33 00417 0002, H33 00417 0066, and H33 00417 0008, for the first phase of an industrial park which shall be situated at the southwest corner of Wolf Creek Pike and Olive Road in a Light Industrial 2 (L-I-2) Zoning District; and

WHEREAS, Applicant Gated has acknowledged that it will be required to submit a Final Planned Unit Development Plan Application that is acceptable to the City in order to obtain final approval for this project. This Final PUD Plan Application must include and comply with all formal requirements of both the Preliminary and Final PUD Applications processes, as well as all other requirements set forth in Chapter 1140 “Planned Unit Development (“PUD”), all other applicable provisions of the Trotwood Codified Ordinances, and all conditions imposed by Council; and

WHEREAS, on January 25, 2022, in accordance with Section 1140.04 of the Codified Ordinances of the City of Trotwood, the Planning Commission held a public hearing on the application of the proposed PUD, after notice of the time and place of the public hearing had been given as required by law; and

WHEREAS, City Council has carefully reviewed all provisions of Chapter 1140 “Planned Unit Development (PUD)” of the Trotwood Codified Ordinances, paying particular attention to Sections 1140.02 (“General Provisions Governing Planned Unit Developments”), 1140.03 (“Mandatory PUD Applicability and Minimum Size Requirement”), 1140.04 (“Application Procedures for Planned Unit Developments (PUD)”), 1140.05 (“Preliminary Planned Unit Development Plan Approval Procedure”), 1140.06 (“Contents of Preliminary Planned Unit Development Plan Application, 1140.07 (“Standards and Criteria for Preliminary Planned Unit Development Approval,” and all other Trotwood Codified Ordinances specifically addressed and/or reviewed at the public hearing before Council; and

WHEREAS, after the public hearing and discussion, the Trotwood Planning Commission voted to recommend approval of the Preliminary PUD Application by Council with conditions; and

WHEREAS, approval of the Preliminary PUD Application is subject to the following conditions:

- (1) Completion of the traffic study in accordance with TCO §1170.15 and acknowledgment of recommended road improvements from the Traffic Study, which include:
 - a. Dedication of additional right of way for a third lane along Wolf Creek Pike for road expansion in the preliminary phase (Phase One) and execution prior to Phase Two
 - b. Modification of the corner of Wolf Creek Pike and Olive Road, if necessary, for turning
- (2) Submission of Tree Survey and Final Landscaping Plan (TCO §1175.01)
- (3) Parking must be in compliance with TCO §1170.12 for each phase of development
- (4) The building height for the building to be situated on the property shall not exceed 40 feet
- (5) The side yard setback along the east side of the property shall not be less than 20 feet, and the setback on the other side yard shall not be less than 35 feet
- (6) Dedication of a 15 foot wide permanent easement for a bike path to be constructed during Phase 2
- (7) Acquisition of all necessary variances and requisite permits required by the City of Trotwood and Montgomery County
- (8) Submission of written authorization from Centerpoint Energy for Gated to build over existing easement
- (9) Subdivision of the rail line owned by the Trotwood Community Improvement Corporation (“TCIC”)
- (10) Completion of sale of TCIC-owned rail like and separate parcel (two parcels total) to Gated
- (11) Consolidation of all above-described parcels into one parcel

- (12) Final site approval by the City Engineer, Fire Marshal, and City Planning Director

WHEREAS, the Trotwood City Council expects that the approval of the Preliminary PUD Plan Application submitted by Gated for the property situated on approximately 46.37 acres of vacant land over three parcels, Parcel Nos. H33 00417 0002, H33 00417 0066, and H33 00417 0008, in a Light Industrial 2 (L-I-2) Zoning District will foster economic growth and development in the City of Trotwood.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROTWOOD, STATE OF OHIO:

SECTION I: Pursuant to Section 1140.05(j) of the Trotwood Codified Ordinances, Council hereby finds that the facts submitted with Applicant Gated’s Preliminary PUD Application satisfy the standards and criteria for Planned Unit Development Approval in accordance with Section 1140.07 of the Trotwood Codified Ordinances.

SECTION II: The Trotwood City Council hereby accepts the recommendation of the Trotwood Planning Commission and approves the Preliminary PUD Application for a proposed PUD to be located on approximately 43.67 acres of vacant land over three parcels, Parcel Nos. H33 00417 0002, H33 00417 0066 and H33 00417 0008, in a Light Industrial 2 (L-I-2) Zoning District for the first phase of an industrial park to be situated at the southwest corner of Wolf Creek Pike and Olive Road subject to the following conditions:

- (1) Completion of the traffic study in accordance with TCO §1170.15 and acknowledgment of recommended road improvements from the Traffic Study, which include:
 - a. Dedication of additional right of way for a third lane along Wolf Creek Pike for road expansion in the preliminary phase (Phase One) and execution prior to Phase Two
 - b. Modification of the corner of Wolf Creek Pike and Olive Road, if necessary, for turning
- (2) Submission of Tree Survey and Final Landscaping Plan (TCO §1175.01)

- (3) Parking must be in compliance with TCO §1170.12 for each phase of development
- (4) The building height for the building to be situated on the property shall not exceed 40 feet
- (5) The side yard setback along the east side of the property shall not be less than 20 feet, and the setback on the other side yard shall not be less than 35 feet
- (6) Dedication of a 15 foot wide permanent easement for a bike path to be constructed during Phase 2
- (7) Acquisition of all necessary variances and requisite permits required by the City of Trotwood and Montgomery County
- (8) Submission of written authorization from Centerpoint Energy for Gated to build over existing easement
- (9) Subdivision of the rail line owned by the Trotwood Community Improvement Corporation (“TCIC”)
- (10) Completion of sale of TCIC-owned rail like and separate parcel (two parcels total) to Gated
- (11) Consolidation of all above-described parcels into one parcel
- (12) Final site approval by the City Engineer, Fire Marshal, and City Planning Director

SECTION III:

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including but not limited to, Section 121.22 of the Ohio Revised Code.

TROTWOOD, OHIO 45426

3035 OLIVE ROAD

CITY OF TROTWOOD

SECTION IV:

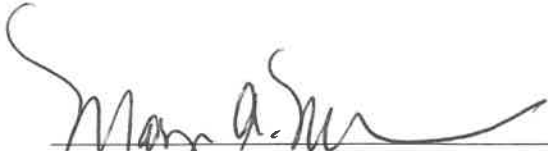
This Ordinance shall take effect at the earliest time allowed by law.

Passed this 7th day of March, 2022.

ATTEST:

APPROVED:


KARA B. LANDIS
CLERK OF COUNCIL


MARY A. MCDONALD
MAYOR


YVETTE F. PAGE
VICE-MAYOR

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify that the foregoing is a true and correct copy of Ordinance No. OR02-22 adopted by the Trotwood City Council at a regular scheduled meeting held on the 7th day of March, 2022, and that I am duly authorized to execute this certificate.

Signed this _____ day of _____, _____.


KARA B. LANDIS
CLERK OF COUNCIL



TROTWOOD
• GROWING TOGETHER •

Trotwood City Council Staff Report

To: Mayor McDonald and Members of City Council
Quincy Pope, City Manager

From: Deborah McDonnell, 
Planning and Development Director

Dated: March 3, 2022

Subject OR 02-22

PC Case #: PC Case 22-01

On Tuesday, January 25, 2022, the Trotwood Planning Commission held a Public Hearing on PC Case #22-01. The Staff Report is attached.

Approved a Preliminary Planned Unit Development Application for approximately 46.37 acres of land including H33 00417 0002, 0006 ,0008 for a proposed Industrial Park consisting of one to three industrial buildings at the intersection of Wolf Creek Pike and Olive Road, in a Light Industrial 2 (LI-2) district. Gated Properties Global I, LLC, Applicant.

The Planning Commission voted to approve this application with the following conditions:

1. A side yard encroachment of 15' be permitted along the boundary with H33 00417 0007 property owned by Howard W. Haynes and DBA A&B Auto.
2. The height of the building be set at 40'
3. Finalized traffic study and resulting changes from its outcome,
4. Finalized tree survey and modifications to the landscaping plan or
5. Written authorization from Center Point to encroach upon and build truck travel lanes over their permanent Gas Utility Easement.

The applicant assured the Planning Commission those items, along with any required modification would be complete before the City Council voted on the preliminary plan in

March.

The Planning Commission voted to approve PC Case 22-01 and move the case for City Council consideration.

Since the meeting, the City received:

Item 3, the traffic study and review comments by the City Engineer with the following recommendations:

- Additional ROW dedication along Wolf Creek Pike for a center Left hand turn lane. Although this turn lane is not required for Phase I, a second traffic study for phase II will cover the issue.
- Expansion of the ingress/egress apron to accommodate a right-hand truck turning radius that will avoid rutting and damage to the landscape..
- Potential need to modify the turning radius at the corner of Wolf Creek Pike and Olive Rd.

Response:

- The GPG modified the Preliminary drawings for additional ROW easement along Wolf Creek Pike to allow for a third turning lane.
- Apron was modified to protect truck turning issues
- Wolf Cree Pike/Olive intersection will be reviewed in further detail when Phase II is designed and the city observes truck routes from Phase I

Item 4, the final Tree Survey indicating that there were four (4) Monarch trees with a diameter of 30”.

Response:

Two trees will be preserved and two, located too close to the building will be removed. Per the Code, there will be 30 trees added to the property along the bike trail.

Item 5, Consent to Encroachment” a

Response: GPG submitted an application for encroachment on February 18, 2022. We await a decision by Center Point.

In addition, A final agreement between Five Rivers Metro and GPG on a 20’ permanent easement was approved by both parties. The Easement location is located on the Preliminary Plan. A metes and bounds description will be filed after construction of the trail in Phase II to insure the accuracy of the easement in perpetuity.

I trust City Council will look favorably on this preliminary plan.

Planning Commission STAFF REPORT

TO: Mr. Ernest Curry, Chairman
Members of Trotwood Planning Commission Members

FROM: Deborah A McDonnell
Planning and Development Director

DATED: January 19, 2022

CASE #: **PC Case #22-01: Preliminary PUD (Planned Unit Development)** for approximately 46.37 acres of land including H33 00417 0002, 0066, 0008, for a proposed INDUSTRIAL PARK, consisting of one to three industrial buildings at the intersection of Wolf Creek Pike and Olive Road. Gated Properties Global I, LLC, Applicant

Preliminary Planned Unit Development

DESCRIPTION:

This is a Preliminary Planned Unit Development (PUD) application for an Industrial Park located on lands adjacent to Wolf Creek Pike and Olive Road. The site is composed of three parcels; two owned by Gated Properties Global (GPG) I, LLC, one owned by the Trotwood Community Improvement Corporation and additional lands currently owned by the City of Trotwood as part of the existing abandoned rail line. (PARID H33 00609 0002)

DISCUSSION:

The applicant intends to build two or three industrial buildings, depending on demand and market in two phases. Phase 1 will begin with the construction of a speculative building of 200,000 square feet located in the north east corner of the site. Phase II will utilize the remainder of the property for up to 480,000 square feet shown on the plan as one building, but may need to be two.

The lands owned by the City of Trotwood as part of the abandoned rail line will be relocated to the southern boundary of the property and reconnecting to the line at the south eastern border. The developer will create a perpetual easement for the trail, and build it. It will be dedicated to the City. The City or Five Rivers Metro Park will be responsible for long term maintenance and routine monitoring after construction.

The parcel currently owned by the Trotwood Community Improvement Corporation is currently under contract for sale to GPG prior to any construction activities.

Truck circulation patterns are expected to be located over the 50' wide gas utility easement between buildings. The gas company has given verbal approval to build parking and truck pads over the easement. The City is requesting written confirmation.

The underlying zoning is Light Industrial -2 which changed on May 3, 2021 when City Council approved a rezoning allowing for industrial uses. Allowable uses include:

SCHEDULE OF USES	Light Industrial 2
ZONING DISTRICT SYMBOL	L-I-2
P - Permitted Use C- Conditional Use	

INDUSTRIAL AND RELATED SERVICES	
----------------------------------------	--

Any manufacturing process	P
Asphalt or concrete batching plants	C
Cleaning, dyeing/laundry plant, industrial	P
Clothing manufacturing similar light manufacturing process	P
Commercial extraction of sand, soil and gravel	C
Contractors storage/equipment yard	P
Distribution center	P
Heavy machinery sales, storage, repair	P
Job printing, lithographer, printing or blueprint plant	P
Junk yard	C
Laundry/Dry Cleaning Plant	P
Light manufacturing process	P
Manufacturing, industrial storage or assembling process	P
Storage, warehouse or freight terminal	P
Truck terminal	P
Welding or machine shops	P
Automobile dismantling & wrecking yard	C
Automotive repair	C
Towing service	C
Truck terminal	C

The preliminary proposal shows the following details:

- Preliminary location of **buildings**
- Separate **entrances** for automobiles and trucks
- Common **circulation areas** between buildings to minimize impervious surfaces
- Retention/Detention **ponds** locations
- Rerouting of the **bike path** from the abandoned rail line to the south
- **Landscaping** along the South West corner adjacent to the residential neighborhood
- Additional **truck parking** for tenants only along the south side of the property.

The Planned Unit Development regulations were updated in 2019 to allow the Planning Commission and City Council to review the projects on two different stages: Preliminary and Final. Additionally, the PUD process retains the underlying zoning but with more flexibility to allow creative development.

The **standards and criteria** for preliminary PUD approval can be granted when the following measures are satisfied:

- (a) The planned unit development complies with the purpose and intent of this Zoning Code;
- (b) The proposed development promotes the health, safety, and general welfare of the present and future inhabitants of the City;
- (c) The proposed zoning and the conditions and requirements incorporated within the Ordinance approving the PUD zoning district provide for minimizing impacts on the surrounding development;
- (d) The site will be accessible from current or planned public thoroughfare or planned thoroughfare adequate to carry traffic which will be imposed upon them by the proposed development;
- (e) Potential impacts on public services and facilities can be mitigated by site and building design and the benefits which will accrue to the City and the public;
- (f) Existing and proposed utility services for the proposed uses are or will be available to the project;
- (g) The proposed development complies with applicable requirements and conditions of Section 1140.02;
- (h) Each individual Section or subarea of the development, as well as the total development, can exist as a functionally independent environment. In the alternative and at the discretion of the City, the applicant has provided adequate assurance and to the satisfaction of the City that such objects will be achieved.
- (i) Any permitted, conditional, or accessory uses excluded from the specific proposed planned unit development are based upon findings in accordance with Sections 1140.18(b), 1140.19(b), 1140.20(b); and
- (j) The planned unit development can be substantially completed within the time specific in the schedule of development submitted by the applicant.

Below is the analysis for this project for the Commission to consider.

1170.05 MINIMUM LOT AREA AND WIDTH. COMPLIANT

The minimum lot area and width for properties in the L-I-2 District shall be ten (10) acre and a width of not less than 500 feet. (Ord. 15-20. Passed 10-5-20.)

1170.06 MINIMUM LOT FRONTAGE. COMPLIANT

The minimum lot frontage for properties in the L-I-2 District shall be 500 feet. (Ord. 15-20. Passed 10-5-20.)

1170.07 MINIMUM LOT DEPTH. COMPLIANT

The minimum lot depth for properties in the L-I-2 District shall be 500 feet. (Ord. 15-20. Passed 10-5-20.)

1170.08 MINIMUM FRONT YARD SETBACK. COMPLIANT

The minimum front yard setback for properties in the L-I-2 District shall be 50 feet. (Ord. 15-20. Passed 10-5-20.)

1170.09 MINIMUM SIDE YARD SETBACK. NON-COMPLIANT AT 35' (PARTIAL)

The minimum side yard setback for properties in the L-I-2 District shall be a total of 50 feet with a Minimum side yard setback of 35 feet each side. (Ord. 15-20. Passed 10-5-20.)

1170.10 MINIMUM REAR YARD SETBACK. COMPLIANT

The minimum rear yard setback for properties in the L-I-2 District shall be 50 feet. (Ord. 15-20. Passed 10-5-20.)

1170.11 MAXIMUM HEIGHT REGULATIONS. NON-COMPLIANT – REQUESTING 40'

The maximum height for building and structures in the L-I-2 District shall be as follows:

- (a) No principal structure shall exceed 35 feet in height unless otherwise specified in this Code.
- (b) No accessory structure shall exceed 25 feet in height. (Ord. 15-20. Passed 10-5-20.)

1170.12 OFF-STREET PARKING AND LOADING. COMPLIANT with 669

Off-street parking and loading shall be required as specified in Chapter 1181, Off-street Parking and Loading. (Ord. 15-20. Passed 10-5-20.) 1 Space/1,000sf floor area 200 + 448= 648

1170.13 OPEN SPACE. *PLANNED COMPLIANCE*

Development in the L-I-2 Light Industrial District shall provide a minimum 15 % open space. Excluding the required setbacks. (Ord. 15-20. Passed 10-5-20.)

1170.14 UNDERGROUND UTILITIES. *PLANNED COMPLIANCE*

All electric power lines (not including transformers or enclosure containing electric equipment which may be pad mounted), telephone, gas distribution, and cable television lines shall be placed underground in accordance with the specifications and policies of the respective utility service providers.

(Ord. 15-20. Passed 10-5-20.)

1170.15 ACCESS CONTROL REQUIREMENTS. *PLANNED COMPLIANCE*

Traffic studies may be required as recommended by the Director of Public Works. The Planning Commission will require access and other traffic related improvements shown to be necessary by the Director of Public Works. (Ord. 15-20. Passed 10-5-20.)

STAFF RECOMMENDATION

Staff recommends the Planning Commission approve the preliminary PUD for an industrial site layout at the corner of Wolf Creek Pike and Olive Road. and recommend approval to Trotwood City Council with or without conditions. Staff suggests including any site variances or other conditions in the approval process.

Variances:

- 1170.09 Side Yard Setbacks on H33 00417 0008 East Side along A&B Auto
- 1170.11 Building Heights Not to Exceed 40'
- 1170.12 Off Street Parking

Conditions for Final approval

- 1170.15 Traffic Study Completion
- 1175.01 Tree Survey and Landscaping Plan
- Written Authorization from Gas Utility to build over existing easement

PLANNING COMMISSION REVIEW AND APPROVAL ALTERNATIVES:

The Commission's action could be:

1. Move to make the specified findings under Chapter 1140, **APPROVE** the requested Preliminary PUD, and send to City Council for Adoption.

Suggested language: Move to approve case 22-01: Preliminary PUD for approximately 46.37 acres of land including H33 00417 0002, 0066, 0008, for a proposed INDUSTRIAL PARK, consisting of one to three industrial buildings at the intersection of Wolf Creek Pike and Olive Road and recommend approval to Trotwood City Council (with or without) conditions.

2. Move to **DENY** requested amendment.
3. Move to table the application for more information from the applicant.

Enclosures:

- **Application**
- **Public Notice Distribution List**
- **Parcel map with PARID**
- **Visual map showing adjoining neighborhoods, roads, tree cover**
- **Letter from Applicant dated January 14, 2022**
- **C-1.1 Graphic Layout**
- **C-2.1 Property Plan w/Topography**
- **A-1.0 Floor Plan Phase I building**
- **A-3.1 Elevation Plan**

Additional information on the Preliminary PUD process can be found at TCO 1140.05 PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN APPROVAL PROCEDURE on our website at https://codelibrary.amlegal.com/codes/trotwood/latest/trotwood_oh/0-0-0-29133



TROTWOOD
- BRINGING US TOGETHER -

City of Trotwood, Ohio
3035 Olive Road, Trotwood, Ohio 45426-2600

Department of Planning & Development
Phone: (937) 854-7227 Fax: (937) 854-0574

PLANNED UNIT DEVELOPMENT APPLICATION

Date: 12/27/21 Fee: \$300 + \$25/acre + engineering review/inspection costs

PRELIMINARY FINAL

PROPERTY OWNER: Name: GATED Properties Global I, LLC Phone #: 562-756-6794
Address: 5855 E. Naples Plaza Dr. #311 City Long Beach State CA Zip 90803

ENGINEERING FIRM: Name: Ferguson Construction Phone #: 937-498-2381
Contact Person: Daniel Weaver Email: Danw@fergusonconstruction.com Fax #: _____

APPLICANT'S STATUS: Owner Lessee Purchaser Agent*

*If not the owner, submit Agent Form signed by Property Owner(s) agreeing to the application.

DESCRIPTION (LOCATION) OF PROPERTY IN AMENDMENT (Complete as Applicable):

Project Name: Gated Global Industrial Park
Location of Property: Southwest of the intersection of Olive Rd. and Wolf Creek Pike
Book _____ Page _____ Parcel Number(s) H33-00417-002, 0066, 0008, PERM CENTRAL RR PARCEL ID IS
Total Area of Planned Unit Development Request _____
Total Acres included in this application 45 TBD

Brief description of applicant's request:

By the above signature, the applicant hereby attests to the truth and exactness of all information supplied and submitted on and with this application. The applicant furthermore consents to be bound by this application, by any agreement made by the applicant or its agent, and by all decisions made by the City of Trotwood related to and in connection with this application and request.

Applicant's Signature [Signature] Adin Penn, AS Principal for Gated Properties Global I, LLC

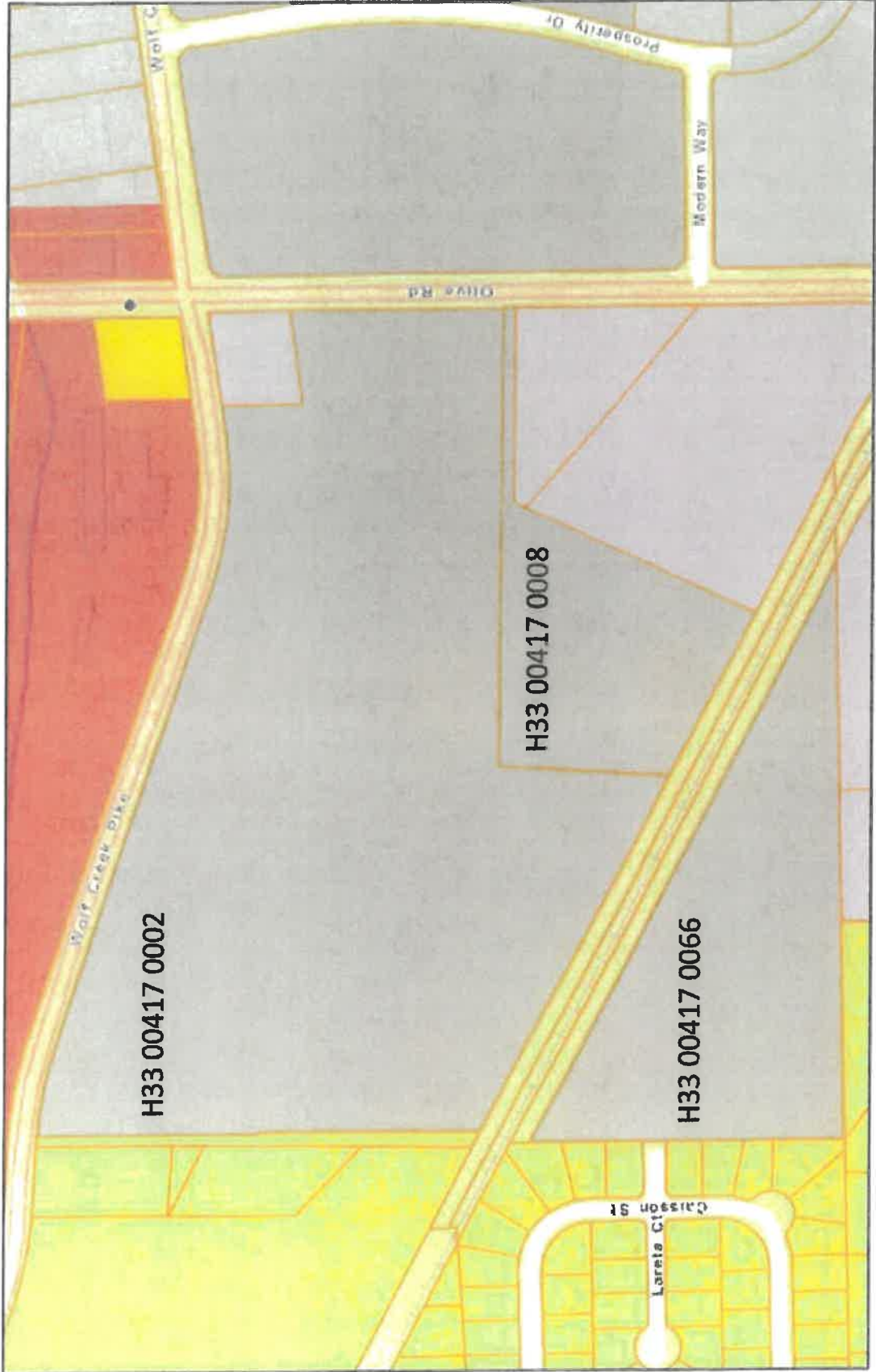
Permit#: PC 22-01 Parcel ID: H33 00417 0002, 0008, 0066 Zoning District: L-I-2

Application is _____ approved _____ not approved. _____ / _____
Planning & Zoning Administrator Date

PC Case # 22-01 Reviewed Date _____ City Council approved date _____

Payment: OK 252776 Receipt: 381500 Date: 1/3/2022

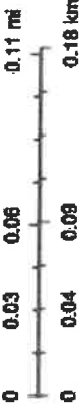
Final PUD - GATED Properties Global I, LLC



1/3/2022, 12:57:47 PM

- Parcels
- L-12

1:4,514



Esri, HERE, Garmin, INCREMENT P, NGA, USGS



#	Date	Description
1	1/17/22	Initial Design
2	1/17/22	Final Design

Professional Engineer/Architect/Designer
 State of Ohio License No. 93000
 State of Indiana License No. 12000
 State of Kentucky License No. 12000
 State of Tennessee License No. 12000
 State of West Virginia License No. 12000

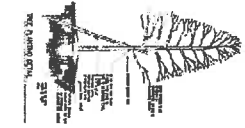
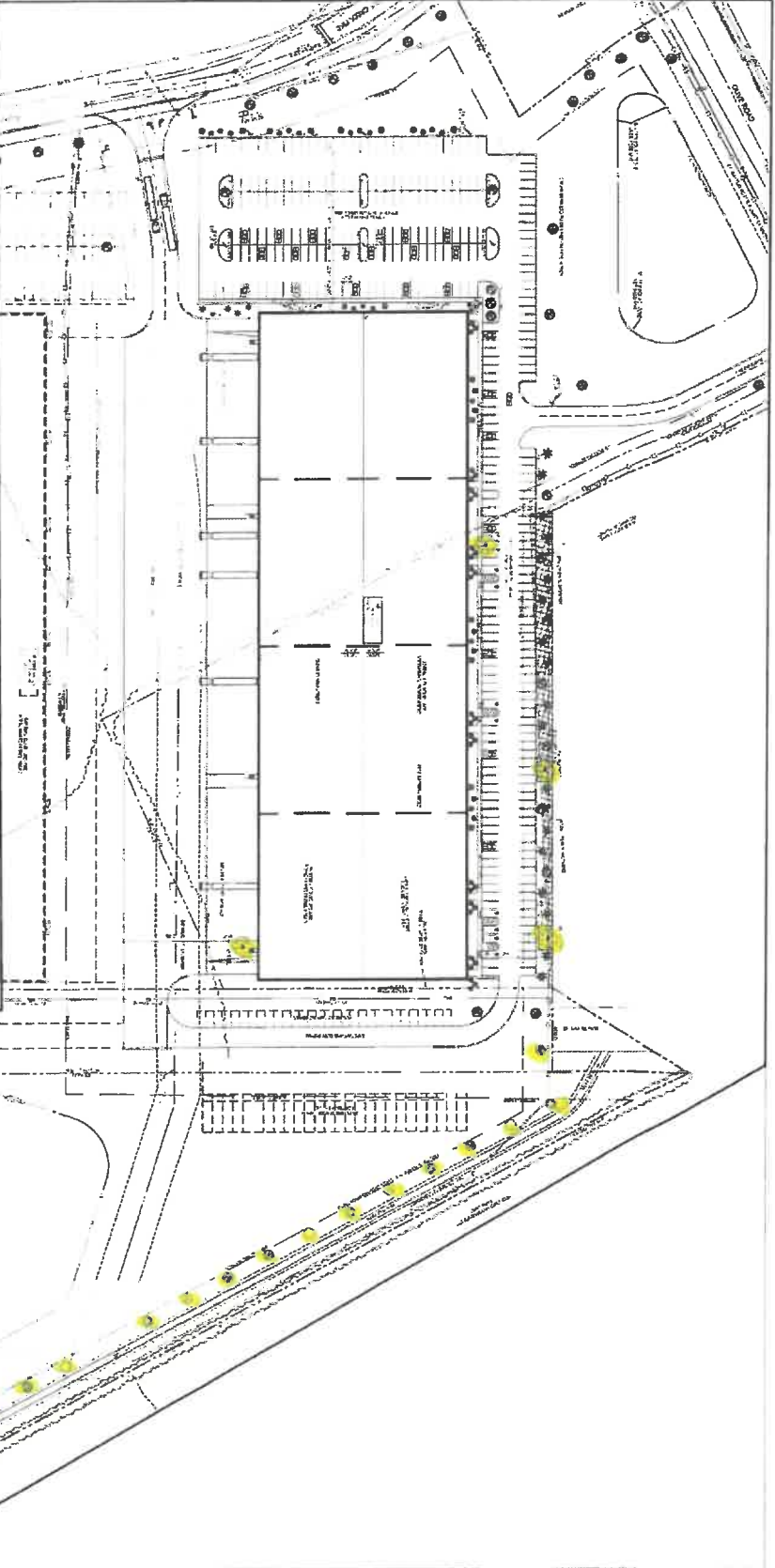
NEW FACILITY FOR GATED DEVELOPMENT
 MONTGOMERY COUNTY
 OLIVE ROAD
 TROTWOOD, OH 45428

FERGUSON CONSTRUCTION CO.
 www.fergusonconstruction.com

Sidney, Ohio
 6020 S. State Street
 Phone: (530) 484-0725
Dayton, Ohio
 2831 Emory Park Drive
 Phone: (937) 233-1177
Columbus, Ohio
 3890 Albany Road
 Columbus, OH 43221
 Phone: (614) 891-8888
Indianapolis, Indiana
 7187 W. 28th
 Phone: (317) 477-0725

Job Number: E-410051
 Date: 1/17/22
 Drawn by: DJW
 Checked by: JMW

C-1.1
 SITE PLAN

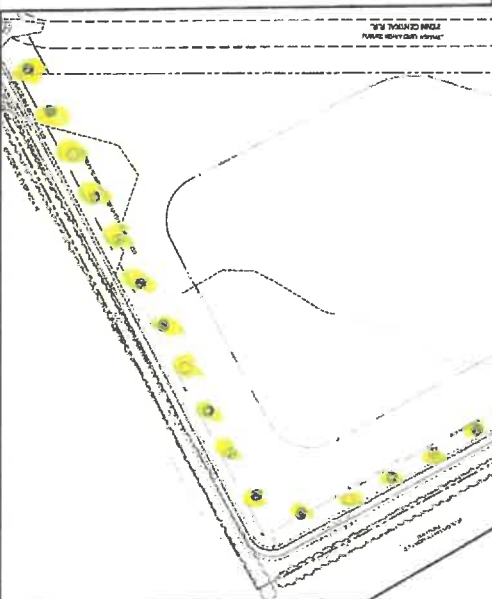


SCALE: 1" = 40' - 0"

LANDSCAPE LEGEND

SYMBOL	DESCRIPTION
(Tree symbol)	PLANTING SPECIES
(Circle symbol)	PLANTING DATE
(Square symbol)	PLANTING METHOD
(Triangle symbol)	PLANTING SIZE
(Diamond symbol)	PLANTING LOCATION
(Star symbol)	PLANTING NOTES

SITE PLAN
 NOTED SQUARE METERS FOR TOTAL DEVELOPMENT AREAS
 GRAPHIC SCALE



NEW FACILITY FOR GATED DEVELOPMENT
 MONTGOMERY COUNTY
 OLIVE ROAD
 TROTWOOD, OH 45426

FERGUSON CONSTRUCTION CO.
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Revisions

#	Date	Description

FINAL

L-1.1

LANDSCAPE PLAN

22-15148
 2/21/22
 DAW
 JHM

Silvery, Ohio
 2200 N. Silvery Rd.
 Dayton, Ohio 45424
 Phone: 937-233-8881
 Fax: 937-233-8882

Columbus, Ohio
 2200 N. Silvery Rd.
 Columbus, Ohio 43224
 Phone: 614-233-8881
 Fax: 614-233-8882

Indianapolis, Indiana
 2200 N. Silvery Rd.
 Indianapolis, Indiana 46224
 Phone: 317-777-8881
 Fax: 317-777-8882



CONSENT TO ENCROACHMENT APPLICATION FORM
(THIS APPLICATION IS GOOD FOR 60 DAYS AND SUBJECT TO CANCELLATION AT CENTERPOINT'S SOLE DISCRETION AND WITHOUT FURTHER NOTICE)

MAILING ADDRESS: CENTERPOINT ENERGY, P.O. 1700, HOUSTON, TX 77251
COURIER ADDRESS: 1111 LOUISIANA ST, 7TH FLOOR, HOUSTON 77002
TELEPHONE (713) 207-6348

Date of Application: 02-18-22

STREET ADDRESS FOR THE PROPERTY: 6206 Wolf Creek Pike, Trotwood, Ohio 45426

NAME OF COMPANY OR INDIVIDUAL THAT CONSENT WILL BE GRANTED TO: Owner Third Party

Gated Properties Global I, LLC
(Name) (Title) (Company)

TYPE OF ENCROACHMENT (Please Check One): Existing Proposed

REQUESTOR INFORMATION: E-mail Address: adin@gatedpropertiesglobal.com

Adin Penn Gated Properties Global I, LLC 562-883-1170
Name: Individual Company Phone Number

5855 E. Naples Plaza Drive, Suite 311, Long Beach, CA 90803
Address City State Zip Code

THE FOLLOWING MUST BE INCLUDED WITH THIS APPLICATION:

A.) One (1) CERTIFIED SURVEY, a maximum of 8.5"X14" with the following minimum requirements for consideration in conjunction with a request for permission to occupy a position within an acquired and/or dedicated easement area (Sample surveys are available at CenterPoint Energy's web site <https://www.centerpointenergy.com/en-us/services/pages/surveying-consent-to-encroach.aspx?sa=ho&au=bus>):

- 1) North arrow & scale, County and Survey names, and Abstract number.
- 2) Point of beginning (with State Plane Coordinates if available).
- 3) Type and size of encroachment identified by a centerline symbol or a cross-hatched symbol.
- 4) All dimensions of the encroachment(s).
- 5) Stationing along the pipeline or centerline of route, where applicable.
- 6) Bearing & distance of crossing or longitudinal occupation.
- 7) Locative reference – Tie to a street, property lines, property corners, and/or easement lines.
- 8) Tract and easement reference information, including width of acquired/dedicated easement area.
- 9) Basis of bearings (& coordinates if used).
- 10) Registered professional land surveyor's certification, seal, signature & printed name with registration number.
- 11) Name, address and phone number of registered professional land surveyor or firm that prepared the survey.
- 12) A profile survey is required for structure(s) more than one (1) foot above and/or under ground level.
- 13) Pool related encroachments must include distances from overhead facilities to the edge of the pool water wall.
- 14) Current ownership information, not purchaser's names.

B.) A non-refundable application fee of \$800.00, made payable by check to CenterPoint Energy, must accompany this application. If a three working day processing time is required by Applicant, then the non-refundable application fee shall be \$1,500.00. Should the adjustment of CenterPoint Energy facilities, in the sole opinion of CenterPoint Energy, be necessitated by such encroachment(s), the cost of such adjustments, plus any required engineering costs, will be borne by a party or parties other than CenterPoint Energy and such costs must be paid and such adjustments completed before a Consent to Encroachment instrument will be granted. If any CenterPoint Energy facilities require physical location, in the field, as part of the review process, an additional fee of \$250.00 per hour or a minimum fee of \$1,000.00, whichever is greater, must be paid within 10 working days of notice of said required work. If the application is approved, an additional non-refundable fee of \$500.00 must be paid within 10 working days of notice of approval. If any previous existing encroachment has been approved for this Applicant, or any affiliate thereof, then the aforementioned additional non-refundable fee shall be \$10,000.00. Any facility adjustment or location fees will be in addition to the above fee. Please be advised that any actual adjustment of facilities or required physical location of facilities could potentially require a significantly longer processing time.

If Consent to Encroachment is approved, CenterPoint Energy will prepare duplicate original instruments to be signed and accepted by Owner or Third Party, both originals must be returned for final execution and signature by CenterPoint Energy. One original instrument will be returned to you for your files and the other will be placed of public record by CenterPoint Energy.

I certify that the information provided is accurate and I realize that incomplete information may delay or invalidate this application. I also acknowledge that submitting this application does not guarantee approval of my request.

Signature of Requestor: _____

WOLF CREEK PIKE

BEARINGS BASED ON THE N LINE OF GATED PROPERTIES GLOBAL I LLC, I.R. DEED# 12-086147, TRACT 1, TAKEN FROM STATE PLANE COORDINATE SYSTEM, NAD83(2011) ADJUSTMENT, GEOID18, OHIO SOUTH ZONE, O.D.O.T. VRS/CORS NETWORK (BEARING N 72°56'39" W).

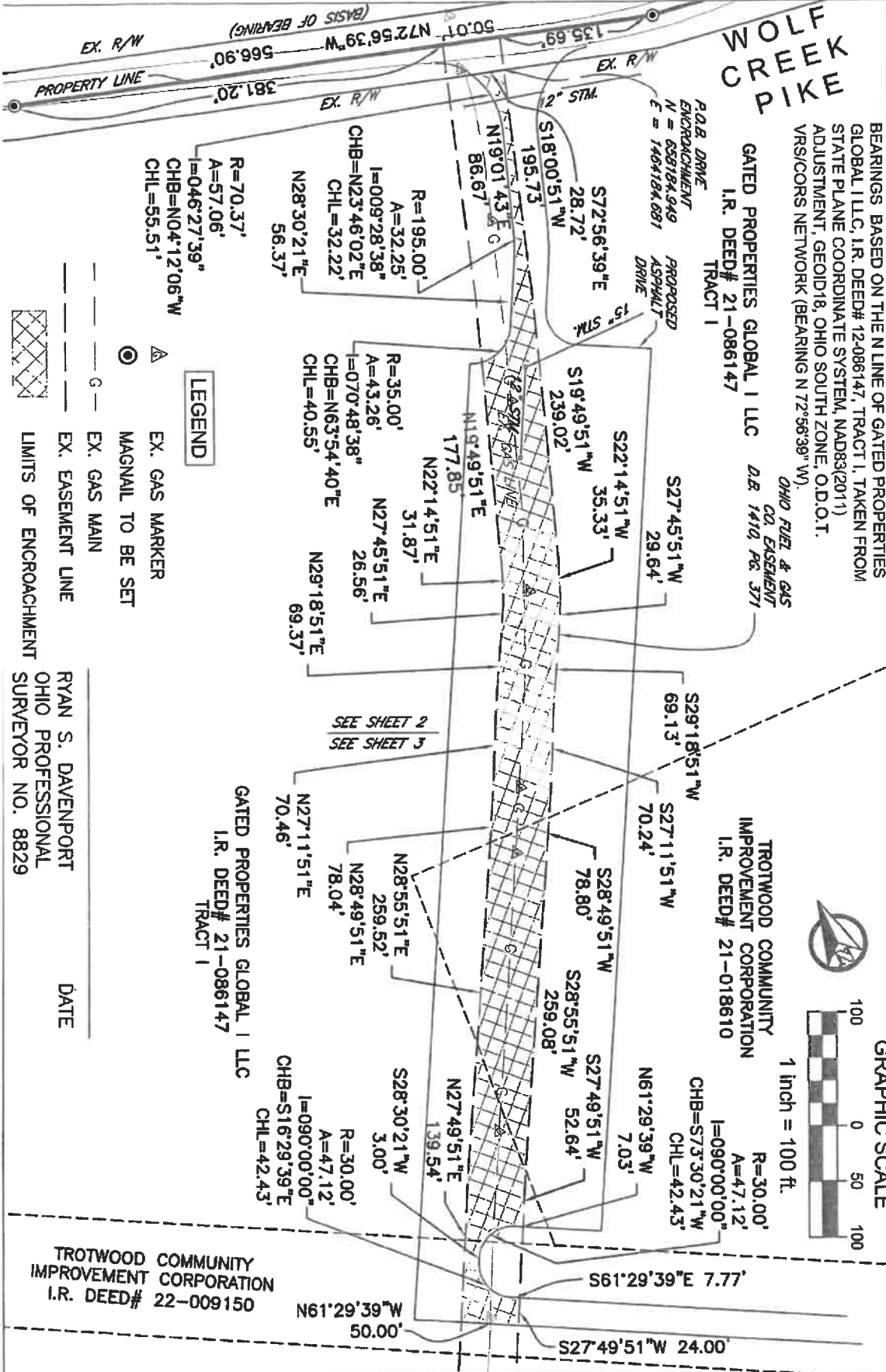
GATED PROPERTIES GLOBAL I LLC
I.R. DEED# 21-086147
TRACT 1

OHIO FUEL & GAS
CO. EASEMENT
D.B. 1410, PG. 371

TROTWOOD COMMUNITY
IMPROVEMENT CORPORATION
I.R. DEED# 21-018610



GRAPHIC SCALE



EX. R/W
PROPERTY LINE
381.20'
566.90'
50.01'
N72°56'39"W
135.69'
EX. R/W
2" STM.
195.73'
S72°56'39"E
28.72'
S18°00'51"W
195.00'
N19°01'43"E
86.67'
R=195.00'
A=32.25'
I=009°28'38"E
CHB=N23°46'02"E
CHL=32.22'
N28°30'21"E
56.37'
R=70.37'
A=57.06'
I=046°27'39"
CHB=N04°12'06"W
CHL=55.51'

LEGEND
EX. GAS MARKER
MAGNALL TO BE SET
EX. GAS MAIN
EX. EASEMENT LINE
LIMITS OF ENCROACHMENT

SEE SHEET 2
SEE SHEET 3
GATED PROPERTIES GLOBAL I LLC
I.R. DEED# 21-086147
TRACT 1

RYAN S. DAVENPORT
OHIO PROFESSIONAL
SURVEYOR NO. 8829

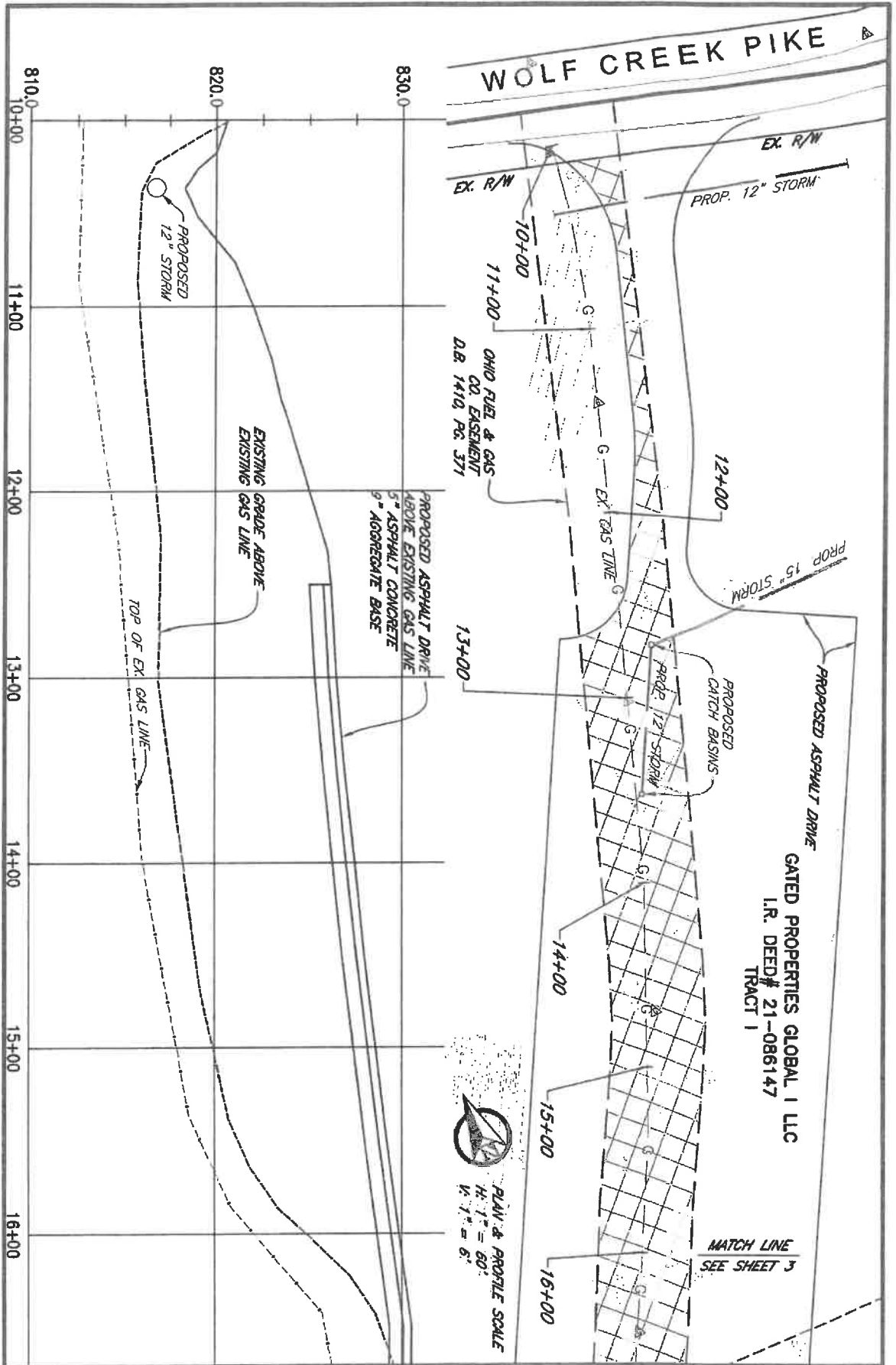
DATE

TROTWOOD COMMUNITY
IMPROVEMENT CORPORATION
I.R. DEED# 22-009150

GAS LINE EASEMENT
ENCROACHMENT EXHIBIT MASTER PLAN
GATED PROPERTIES GLOBAL I, LLC
SECTION 15, TOWN 4, RANGE 5, EAST
TROTWOOD, MONTGOMERY COUNTY, OHIO

BURKHARDT
ENGINEERS & SURVEYORS
20 North County Road | Columbus, Ohio 43221 | Phone: 614-885-9999 | 614-885-7300
CIVIL ENGINEERING | LAND SURVEYING | NATIONAL RETAIL SITE DEVELOPMENT

Horz. Scale: 1" = 100'
Date: 02-15-2022
Design:
SHEET NO.
EXH 1 OF 3



WOLF CREEK PIKE

PROPOSED ASPHALT DRIVE
 GATED PROPERTIES GLOBAL I LLC
 I.R. DEED# 21-086147
 TRACT I

MATCH LINE
 SEE SHEET 3

PLAN & PROFILE SCALE
 H: 1" = 60'
 V: 1" = 6'

GAS LINE EASEMENT

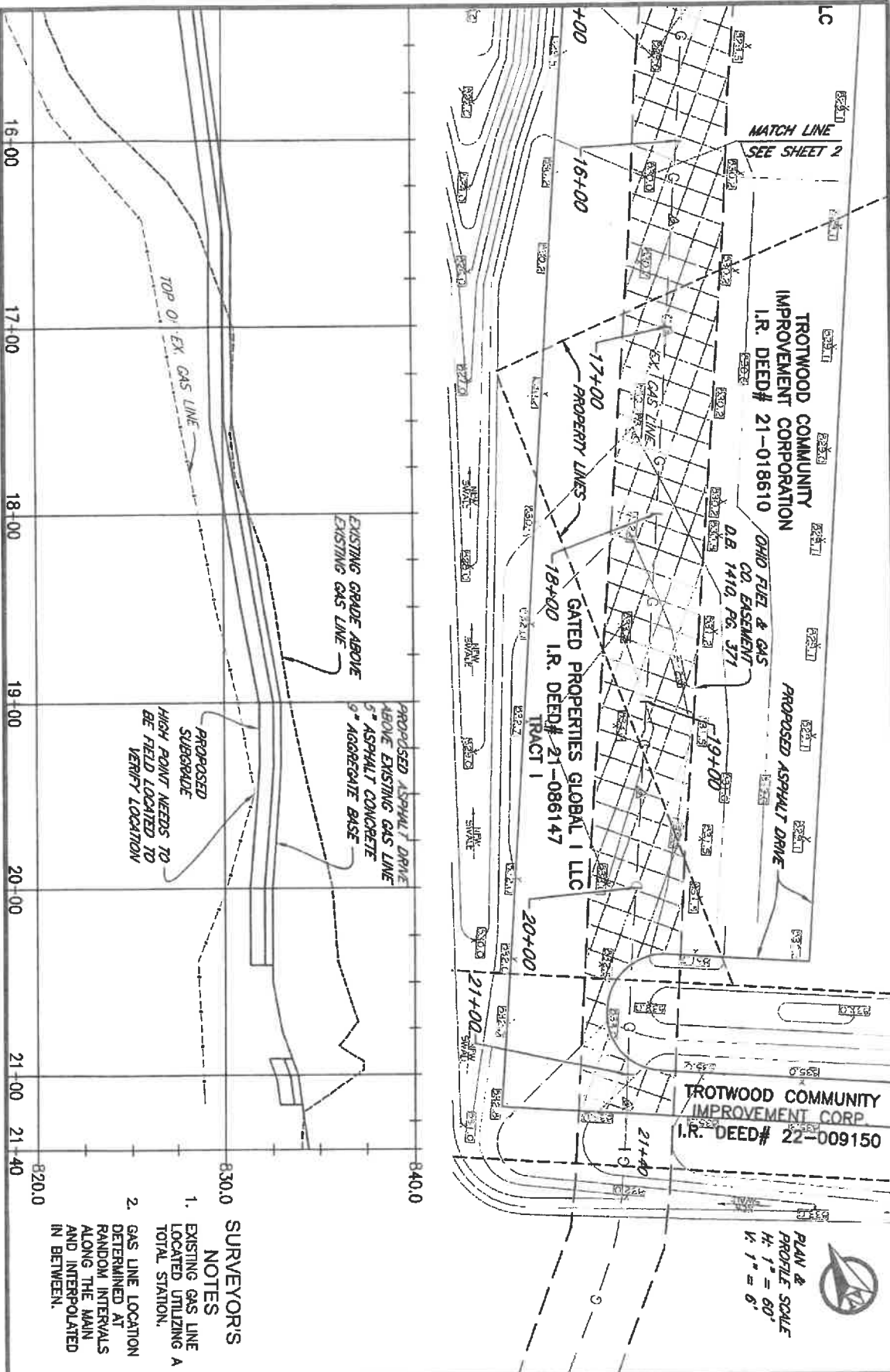
**DRIVE ENCROACHMENT EXHIBIT
 GATED PROPERTIES GLOBAL I, LLC**

SECTION 15, TOWN 4, RANGE 5, EAST
 TROTWOOD, MONTGOMERY COUNTY, OHIO

BURKHARDT
 ENGINEERS & SURVEYORS
30 North Cherry Street | Cincinnati, Ohio 45219 | Phone: 513-263-8866 | E: info@burkhardt.com
 CIVIL ENGINEERS | LAND SURVEYORS | NATIONAL RETAIL SITE DEVELOPMENT

Horz. Scale: 1" = 60'
 Date: 02-15-2022
 Design: _____

SHEET NO.
EXH 2 OF 3



MATCH LINE
SEE SHEET 2

TROTWOOD COMMUNITY
IMPROVEMENT CORPORATION
I.R. DEED# 21-018610

OHIO FUEL & GAS
CO. EASEMENT
D.R. 1410 PG. 371

PROPOSED ASPHALT DRIVE

GATED PROPERTIES GLOBAL I, LLC
I.R. DEED# 21-086147
TRACT I

TROTWOOD COMMUNITY
IMPROVEMENT CORP.
I.R. DEED# 22-009150

PLAN &
PROFILE SCALE
H: 1" = 60'
V: 1" = 6'



PROPOSED
SLEWGRADE
HIGH POINT NEEDS TO
BE FIELD LOCATED TO
VERIFY LOCATION

PROPOSED ASPHALT DRIVE
ABOVE EXISTING GAS LINE
5" ASPHALT CONCRETE
9" AGGREGATE BASE

TOP OF EX. GAS LINE

**SURVEYOR'S
NOTES**

- EXISTING GAS LINE
LOCATED UTILIZING A
TOTAL STATION.
- GAS LINE LOCATION
DETERMINED AT
RANDOM INTERVALS
ALONG THE MAIN
AND INTERPOLATED
IN BETWEEN.

**GAS LINE EASEMENT
DRIVE ENCROACHMENT EXHIBIT
GATED PROPERTIES GLOBAL I, LLC**

SECTION 15, TOWN 4, RANGE 5, EAST
TROTWOOD, MONTGOMERY COUNTY, OHIO

BURKHARDT
ENGINEERS & SURVEYORS

1800 Cherry Street | Columbus, Ohio 43215 | Phone: 614-464-4444 | FAX: 614-464-4444
CIVIL ENGINEERING | LAND SURVEYING | NATIONAL RETAIL SITE DEVELOPMENT

Horz. Scale: 1" = 60'
Date: 02-15-2022
Design:

SHEET NO.
EXH 3 OF 3



GATED

PROPERTIES GLOBALSM LLC

To: 5 Rivers Metro Parks; The City of Trotwood; The Trotwood Planning Commission

Date: February 17, 2022

Re: Confirmation of Terms for Bike Trail

=====

GATED Properties Global agrees to the following terms, and will work with the City of Trotwood and 5 Rivers Metro Parks to build out the section of the bike trail as related to this development.

Terms:

1. Bike Trail Specifications
 - a. 15 ft Total Width with Easement expressed as follows:
 - i. 10 ft Width Paved Trail
 - ii. 2.5 ft easement on each side
 - b. Design will account for ambulance access in layout of the curve/turn in the trail.
 - c. Landscaping/Streetscaping/Lighting/Benches (Amenities)
 - i. GPG will work with 5 Rivers Metro Parks on benches or other amenities that are standard and mutually agreed to.
 - ii. Any item installed adjacent to the path must be a minimum of 2' away from the edge of pavement to avoid conflict with cyclists.
2. Payment for Drafting and Recording Easement
 - a. GATED Properties Global will cover the costs associated with drafting the "metes and bounds" for the permanent easement and recording the instrument. This is including, but not limited to, surveying, drafting and recording costs.

3. Perpetual Maintenance and Updates

- a. 5 Rivers Metro Parks will enter into an agreement with GATED Properties Global to maintain this section of trail in line with the rest of the bike trail system. This agreement will be drafted prior to development of this section of trail.
- b. Similarly, 5 Rivers Metro Parks will outline in this agreement with GATED Properties Global the process for future upgrades to the trail to be made and paid for by 5 Rivers as part of regular maintenance.

4. Connections to Existing Trail System

- a. GATED Properties Global will work with 5 Rivers Metro Parks and the City of Trotwood to establish connections to current and future sections of the bike trail. Where needed, connection agreements will be established.

Very sincerely,

Adin F. Penn, Principal

GATED Properties Global I, LLC.



400 Canal Street, P.O. Box 726
Sidney, OH 45385-0726
Phone: 937-498-2381
Fax: 937-498-2243

February 21, 2022

Debbie McDonnell, MBA
Planning & Development Director
City of Trotwood
3035 Olive Road
Trotwood, OH 45426

Ref: Gated Development PUD Submission

Dear Ms. McDonnell:

Ferguson Construction performed a tree survey for Gated Development Phase I and found four (4) trees at 30" diameter that qualify as Monarch Trees per the Codified Ordinances for the City of Trotwood. Two (2) of these Monarch Trees are located in the proposed green space along the east property line with A & B Auto Parts. The two (2) trees will have protected barrier around them during construction and are to remain as is other than some trimming to improve the look of the trees. The other two (2) Monarch Trees are located to close to the new buildings footprint and will need to be removed. (Refer to the Monarch Tree locations on the landscape plan L-1.1.)

These two (2) removed Monarch Trees will be replaced with (30) 2" diameter trees along the proposed bike path. There will be five (5) different types of trees planted along the bike path. Refer to the aforementioned drawing L-1.1 for the different types of trees.

If there are any other questions feel free to call me at 498-2381.

Sincerely,
FERGUSON CONSTRUCTION COMPANY

A handwritten signature in cursive script that reads 'Daniel Weaver'.

Daniel Weaver, P.S.