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The Swingline Grill

The Madeira Planning Commission, at their June 20, 2016 meeting, was required to consider the request from developer, Thomas Powers for a variance, that for all intent, would alleviate him from having ownership of any parking spaces, necessary, and required per the Madeira Zoning Code, for his proposed restaurant. To be clear, there has never been "Swingline Grill" opposition, but there has been opposition to seven years of backroom political shenanigans. Our city council is about to misappropriate at least, a half million dollars, of tax payers money for the enrichment of Mr. Powers. The misappropriated tax payer's money, will be used for the purchase of part of the B&B Mower property, and the subsequent construction of 18 public parking spaces, the outcome of the slimy backroom politics.

Mr. Powers has on numerous occasions, sang the same pathetic song, tax payers financial involvement must be included, for the purchase of the vacant B&B property and a variance must be provided, that would allow for a restaurant without parking. Mr. Powers is required by our zoning code, to provide 68 parking spaces. Our City Council and Planning Commission have conspired, in effect granting a variance, that will screw the Madeira School District out of thousands of much needed real-estate tax revenue, annually, while setting new zoning code precedents. Mr. Jim Tepe, a representative from Mc Cabe Do-It Center, made a passionate presentation at the Planning Commission meeting, making a strong argument against the parking variance. Our Planning Commission members ignored the comments from Mr. Tepe and instead went on a tangent about closing off Railroad Avenue and redesigning Miami Avenue. Justification for the variance, excluding Powers from providing parking, was a letter from 5th 3rd Bank, outlining the terms for the use of the Madeira Branch, bank parking lot, outside of the banks normal business hours.

Collectively, our Planning Commission appears impotent, in making important decisions and some of the members, are instead focused on their own personal, misguided visions for our community, while ignoring, unbiased, professional community planning standards. Our Planning Commission members are disrespectful, and have a history of insulting Madeira business owners. Perhaps Mr. Tepes identity, as the father of five sons, owning the McCabe Do-It Center was unknown, or perhaps it didn't matter. I think that it was both.

As to the \$500,000.00 phony "public parking lot", created by our City Council and Planning Commission on behalf of developer Powers, it may very well be the beginning of the end for the "Swingline Grill". There are seven or more, existing Madeira businesses that will use the public parking lot created specifically for Powers. Local Developer Thomas Powers will be required to design an appropriate restaurant structure, having no parking, in an area of Madeira designated as a "Historic Area", (Do not confuse with the "Historic District") meaning that new construction must meet special design requirements. As you scroll down you will see some of the Madeira businesses that will benefit from the "Public Parking Lot", and you can read the details in a letter from 5th 3rd Bank. Council members, Planning Commission members and Mr. Powers, be advised, that your further actions, are being closely watched.

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June 25, 2016

Attachments: 5th 3rd letter Signed by William J. Moran

Photo of, Woellner Property, Curious Garden, Madeira Choice Meats, Madeira

Inn, A Tavola Bar, All benefiting from "Public Parking Lot"

Opposition Letter from Jim Tepe, Jim is the father of five sons, owners

Of "McCabe Do It Centers".



William J. Moran
SVP, Managing Director Corporate Facilities
Direct Dial (513) 534-5190
E-mail: Bill.Moran@53.com

March 15, 2016

Tom Powers
7608 Euclid Ave
Cincinnati, OH 45243

Re: Madeira Fifth Third Parking

Dear Tom,

As we have discussed, I wanted to confirm Fifth Third's willingness to allow customers of your proposed Swing Line Grill restaurant to park in our parking lot bank branch in Madeira at the corner of Miami and Laurel Ave.

Fifth Third is willing to allow you to park in our lot based on the following conditions:

- Parking will be allowed only during non- business hours of the Madeira bank branch.
- At no time will parking be allowed in any area that will block, or block access, to any ATM drive through lanes – this stipulation should be in force 24/7, 365.
- It will be Swing Line Grill's responsibility to erect and pay for any signage that Fifth Third deems appropriate to identify times and locations that Swing Line Grill customers can park in the lot. Fifth Third will have the right to approve whatever signage is requested.
- Swing Line Grill is responsible for policing the parking area each morning prior to the Bank opening for business to remove any debris that may have been left at the parking lot overnight as the result of your customers parking in the Fifth Third parking lot
- Fifth Third will have the right to limit your parking during non – business hours for special events (charity car wash etc) and/or if maintenance to the building or parking lot is needed which requires the parking lot to be empty. Fifth Third will attempt to notify Swing Line ahead of time of such uses but is not required to do so.
- Fifth Third reserves the right to revise any or all of the terms listed above at any time.

Please call if you have any questions. Fifth Third has had a great relationship with your Paxton's business over the past 15 years and we wish you good luck with this new restaurant.

Sincerely,

James R. Tepe
7450 Baywind Drive
Cincinnati, Ohio 45242
513-791-0378

June 27, 2016

Members of City Council
City of Madeira
7141 Miami Ave.
Madeira, Ohio 45243

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Subject: Resolution #17-16, B & B Mower Property (Railroad Ave.), Swing Line Grill, City Parking Lot

Dear Ladies and Gentlemen of the City Council of Madeira:

After addressing the City Planning Commission as to my opposition regarding their possible "Total Disregard" of certain important aspects of the Madeira Main Street Core Zoning Code at their June 20th Public Hearing Variance Request regarding the subject proposal, and, hearing the City Manager attest to the multitude of received emails favoring the proposal, and, witnessing the "parade" of residents who spoke in favor of the proposal, it was obvious that my analysis and resulting opposition to the proposal was in the minority to say the least. After the Hearing, I immediately went home and proceeded to take a **"Full Blown Conscience Check"**. I asked: if there are that many people favoring this development, why am I so wrong? I concluded that— either I don't fully understand the facts here- or- the other people favoring the project don't understand them.

Here is the short list of the important facts as I understand them:

- 1) Owners of the B & B Mower property on Railroad Ave. wish to sell their 11,500 square feet of property.
- 2) The apparently agreed Selling Price is \$42.00 per sq.ft. for 11,500 sq.ft. = \$ 483,000.00
(this equates to \$1,829,520.00 per acre which is quite excessive based on sales in this business area.)
- 3) Mr. Tom Powers, developer of the proposed Swing Line Grill Restaurant will require at least 68 parking spaces to comply with Zoning Regulations. (I understand Mr. Powers also owns Paxton's Restaurant in Loveland, which indicates he is not a "new-comer" to the independent restaurant business.)
- 4) Mr. Powers has or intends to:
 - A) exercise his option to purchase the 11,500 sq.ft. at \$42.00 per sq.ft. from the B & B owners,
 - B) use 3,250 sq.ft. for his Swing Line Grill proposed building per the Preliminary Development Plan,
 - C) use 250 sq.ft. for minor landscaping and to somewhat comply with zoning set-back requirements,
(Mr. Powers would own and consume 3,500 sq.ft. at \$42.00 per sq.ft. = \$147,000.00 in land cost. Please note that Mr. Powers's 3,500 sq.ft. development plan provides absolutely zero parking spaces, no street curb-cut whatsoever, no delivery truck access for food & supplies deliveries, no vehicle access to his exclusive use dumpster located near his building's rear delivery door.)
 - D) sell the remaining 8,000 sq.ft. to the City of Madeira at \$38.00 per sq.ft.= \$ 304,000.00 in land cost, **provided** the City of Madeira builds, at the city's sole expense,
(estimated by the city to cost about \$239,000.00 for the "improvements" plus \$304,000.00 cost of the land, thus equaling a total city cost of \$543,000.00)
a City owned, operated, and maintained so called "Public Parking Lot" containing 18 or 19 parking spaces, **so to give Mr. Powers a perceived 18 space parking lot, access for Swing Grill food and supplies delivery trucks, and, access to the private dumpster for Swing Grill's exclusive use.**

To: Members of Madeira City Council

From: James R. Tepe

- 5) The City of Madeira has agreed, among other things in their (not yet executed but “Approved” “CONTRACT FOR PURCHASE” between Mr. Thomas Powers and the city, to purchase the 8,000 sq.ft. of land at a cost of \$38.00 per sq.ft. and build the 18 or 19 space adjacent **perceived** “Public Parking Lot”, **provided** Mr. Powers was able to secure the
 “Review and approval by the City of Madeira Planning Commission of the subdivision of the property, site plan, design concept, character, building materials, and construction quality of the Seller’s proposed Project, **zoning**, proposed setbacks: **parking areas** as shown on Exhibit “D”
 (Exhibit “D” is blank and marked “to be determined”)
- 6) Mr. Powers secured the required Zoning Variances and the “Planning Commission Approval” at the June 20th Public Hearing I spoke at.

I PASSED my “Full Blown Conscience Check” - I again concluded to oppose this project.

Here’s why:

- 1) I totally support “Independent Business” and “Free Enterprise”. I would be in line to welcome Mr. Powers to the “Free Enterprise Club” of the City of Madeira if these “conditions” were different.
- 2) I totally detest “Political Favors” and “Subsidies” that inevitably cause – unequal and unfair advantages being “gifted” to some businesses but not others. The level playing field is no longer level or fair.
- 3) Every citizen of this city and every business operator in this city should be yelling
“Foul – Foul” because the Planning Commission has totally ignored these Zoning Code requirements:
 - A) Section 160.60 of the Madeira Main Street Core District Zoning Code – specifically item “2” reads Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities. A portion of the required parking spaces per Sect. 150.24 and 150.25 my be located on an adjacent or nearby property in the District if the parking area complies with the following standards”. (A PORTION does not mean ALL)
 - B) Section 166.60 of the Madeira Main Core District Zoning Code – specifically item “(e) 3” of the Shared Parking Provision” reads; “Shared or off-site parking shall not account for more than 75% of the required parking spaces established in Sect 150.24”. (75% does not mean 100%)
- 4) The effective results of the “Political Favors” and “Subsidies” granted to Mr. Powers would be:
 - A) Mr. Powers will not have to invest \$543,000.00 of his money for a “Private Parking Lot” to properly satisfy the Zoning Code requirements. Every other business operator has had to supply at least some “reasonable” parking space quantity. (The City will spend the Taxpayer’s money.)
 - B) Mr. Powers will not have to maintain the “Free” Public Parking Lot – like snow removal, routine asphalt sealing and line painting, maintenance of the parking lot lights, clean-up as required. Every other business operator has to do this type of maintenance or pay to have it done. (I’m sure this is another substantial gift as the City Taxpayers will have to pay these costs.)
 - C) Annually, each and every future year for decades to come, Mr. Powers will not have to pay Real Estate Taxes on the value of the \$543,000.00 Parking Lot. Every other business operator would love to “pass-off” paying a portion of their rightful tax. (This is a \$5,000.00 or \$6,000.00 annual gift to Mr. Powers, and, because the City would own the perceived “Public Parking Lot”, the General Fund and School District will never receive any revenue from this parcel of ground.)
 - D) Within the **perceived “Public Parking Lot”**, citizens trying to come - or - go – or - go through the lot may encounter 1) unable to enter the lot because of a delivery vehicle or a dumpster truck, 2) unable to get your car out and be “penned-in” by a delivery truck, 3) unable to go through the lot because of a delivery truck. (None of these situations would occur in an “Authentic” Public Lot)

June 27, 2016

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To: Members of Madeira City Council
From: James R. Tepe

Can anyone really visualize the far-reaching effects of the "Approval" of this project as it is?

- 1) Some residents report that this immediate area is already "overparked" on Thursday, Friday, and Saturday nights. How will it be then if 68 more cars try to park "right here" to patronize the Swing Grill. (6 to 8 existing parking spaces are being lost in the re-development and 18 parking spaces are being added. Parking availability is certain to be much worse.)
- 2) What about the total disregard for the obvious wisdom of previous City Council members who labored to provide their belief that the current Zoning Regulations were the result of their "best knowledge after substantial research". Totally discarding the wisdom of these Zoning Regulations will surely have very detrimental results. The honorable reputation of the City of Madeira is on the line – new precedents will be established. (These results are simply not good any way you look at them.)

I conclude that **only one** purchaser and owner of the B & B property **can bring a legitimate result.** Either,

- 1) Mr. Powers purchase the entire 11,500 sq.ft. of property, build and own his legitimate restaurant – and – build and own his legitimate private parking lot for parking, deliveries, and dumpsters as he may see fit,
- OR**
- 2) The City of Madeira purchase the entire 11,500 sq.ft. of property and build a Public Parking Lot or any other legitimate purpose the city may aspire to do.

In conclusion, I respectfully ask that the members of this City Council do a "**Full Blown Conscience Check**" before you proceed to vote on this convoluted project. Your conscience is a terrible thing when you want to do something very wrong. God made us this way for a reason. "Let your conscience be your guide."

Respectfully submitted,


James R. Tepe

*P.S. IN MY ABSENCE, I HAVE ASKED DAVE OPENHEIMER
TO DELIVER THIS LETTER TO THE MADEIRA CITY COUNCIL
OR PRESENT.*



