

PORTER WRIGHT MORRIS & ARTHUR^{LLP}

Attorneys & Counselors at Law

Robert A. Meyer, Jr.
(614) 227-2096
rmeyer@porterwright.com

41 South High Street
Columbus, Ohio 43215-6194

Facsimile: 614-227-2100
Toll Free: 800-533-2794

October 19, 2006

Holly C. Foust
Zoning Inspector
Liberty Township
7761 Liberty Road
Powell, OH 43065

Re: Gold's Gym Final Development Plan Application; Revised Submittal

Dear Holly:

Submitted with this letter are 15 complete new notebooks representing the Second Revised Final Development Plan submittal for Gold's Gym.

As you know from input you have received separately, our meeting with the nearby condominium associations on Monday, October 16, was productive and resulted in general agreement to an approach involving berming and mounding along the southern boundary of the larger plan commercial area. Ron Stone on behalf of SSA, Ltd. agrees with this commitment, and our revised Final Development Plan text includes an easement in favor of the Gold's Gym property with respect to the establishment and maintenance of this mounding. Execution and recording of the easement is a precondition to the issuance of a zoning permit for construction of the Gold's Gym, and completion of the mounding and landscaping, in accordance with the submitted plan, is made a condition to the issuance of certificate of occupancy. We believe this approach addresses the concerns of our neighbors, and does so in a legally binding way. Frank Semetko has communicated with you directly on the residents' behalf.

I should also note that at the last meeting of the Commission, Mark Yates was incorrect in his response to questions concerning hours of operation. The correct hours of operation, which are somewhat longer than noted, are stated in the revised Final Development Plan text. These hours are generally comparable to other similar uses (though we understand the new Lifetime facility at Sawmill and Emerald Parkway is to be open 24 hours a day, 7 days a week). We apologize for any confusion.

Holly C. Foust
October 19, 2006
Page 2

Please let me know if you require anything further in advance of next Wednesday's recessed meeting.

Sincerely,



Robert A. Meyer, Jr.

RAM:mkd
Enclosures
cc: Mark Yates
Kevin Kershner
Mary Sherrets

CONTENTS

	<u>Tab</u>
Application for Development Plan Approval	1
List of Property Owners within 200 Feet	2
Final Development Plan Text	3
Final Development Plan Drawings, including Site Plan, Soils Data, Utility Plan and Landscape Plan	4
Gold's Gym Structure Elevations, Building Plans and Exterior Materials Specifications	5
Signage and Lighting Details and Lighting Study	6
Copy of Recorded Plat and Legal Description of Seldom Seen Acres	7
Letters Confirming Adequate Utilities and Engineering Feasibility	8
Traffic Impact Analysis	9
Tax Parcel Combination Form	10
Landscape Easement Description, Exhibits and Agreement	11