

PLANNING COMMISSION
Regular Meeting
Council Chambers
100 W. Spring Valley Road
Tuesday, August 27, 2019

At 7:01 p.m., Mr. Clark called the meeting to order and led the Pledge of Allegiance.

ATTENDANCE

Members Present: Paul Clark, Kevin Von Handorf, Robert Muzechuk, Jim Durham, Bill Etson, and Don Stewart.

Also present were City Planner Mark Yandrick, Municipal Attorney Scott Liberman, Economic Development Administrator Michael Norton-Smith, City Engineer Jim Brinegar, Council Member John Palcher, and Assistant Clerk of Council Teri Davis.

EXCUSE ABSENT MEMBERS

MOTION: Mr. Etson made a motion to excuse Amy Korenyi-Both from the meeting. Mr. Von Handorf seconded the motion. The motion passed 6-0.

APPROVAL OF MINUTES

No additions or corrections were submitted for the minutes of the Planning Commission meeting of July 30, 2019.

MOTION: Mr. Stewart made a motion for approval of the minutes of the Planning Commission meeting of July 30, 2019. Mr. Muzechuk seconded the motion. The motion passed 5-0-1 with Mr. Von Handorf abstaining.

Mr. Clark read a statement for all present noting protocol for conduct of business during the meeting.

PUBLIC HEARINGS

Application P-2019-0027: Variance, Dogwood Commons, Cornerstone of Centerville

Mr. Yandrick presented the staff report with a presentation of the two requested variances, site specifics, photo exhibits, staff analysis, and standards of approval. Mr. Yandrick advised Planning Commissioners that two letters were added to their packets subsequent to the delivery of the electronic packets on Friday. The letters are from Calfee, the applicant's legal representative and Kleingers, the applicant's design engineer. Mr. Yandrick emphasized Staff's concern for safety with regard to the 18' driveway length.

Applicant is requesting two variances which include:

1. Allow a reduced roadway width from 24 feet to 22 feet.
2. Allow a reduced driveway length from 20 feet to 18 feet.

Mr. Yandrick advised

1. Staff recommends approval of variance #1 with no conditions.

2. Staff recommends denial of variance #2.

Mr. Liberman discussed his review of the Calfee letter and expressed that the question before the Commission tonight is whether the applicant truly demonstrates a practical difficulty. He advised he had not had time to fully analyze the second letter from Kleingers.

Commissioners discussed the applicant's position that the U.D.O. does not explicitly require these specific measurements with regard to private streets and whether this variance hearing is appropriate.

Mr. Liberman advised that Staff interpretation of the U.D.O. is that these specific measurements are in fact required. The applicant's only relief is a variance at this point.

Mr. Brinegar noted he had met with the applicant to review site specifics and advised the applicant that it was not prudent to reduce the driveway lengths.

Mr. Clark opened the public hearing.

Sean Suder, representing Calfee, Halter & Griswold Attorneys at Law, further discussed the applicant's position that the U.D.O. requirements do not apply to private roads. He noted that tenant lease rules will include an explicit prohibition of on-street parking.

Mr. Durham inquired if Mr. Suder was aware of the pedestrian access easement agreed to at the previous meeting.

Steven Hicks, representing Treplus Communities, contended that, at the previous meeting, Treplus had agreed to not prohibit public access, he further verified the community will self-enforce the no on-street parking rule through the lease agreement, signage, and visitor parking areas. He explained that the variance request is not profit motivated but is for the walkability of the community.

David Marshall, representing Kleingers, objected to the use of the term "easement" with regard to the public access and noted that the term "public access agreement" was what had been agreed to. He then discussed the practical design difficulties, noting the design started at the sycamore tree and built out from there, mindful of saving the tree and promoting its health and longevity. He discussed the design limitations due to slope and how the 20 foot driveway length would impact the need for retaining walls. He requested that the five foot wide sidewalks be considered in the decision as well. He reiterated the applicant's position that the U.D.O. requirements do not apply in this community's case.

Mr. Yandrick pointed out that the public access agreement was actually agreed to during the Lot 7B Record Plat case as set forth with Condition #6 of that approval. Mr. Liberman noted the use of the terms "easement" versus "cross-access agreement" were equivalent to one another.

With no one else requesting to speak on this matter, Mr. Clark closed the public hearing.

Commissioners discussed the applicability of the U.D.O. standards in this case and the safety issues with regard to the shortened driveways.

Mr. Durham asserted the case is driven by community density and economic incentive.

MOTION: Mr. Durham made a motion to approve variance #1. Mr. Etson seconded the motion. The motion passed 5-1.

MOTION: Mr. Von Handorf made a motion to approve variance #2. Mr. Etson seconded the motion. The motion failed 0-6.

OLD BUSINESS

Application P-2019-0023: Variance, Cornerstone of Centerville

MOTION: Mr. Durham made a motion to remove the item from the table. Mr. Etson seconded the motion. The motion passed 6-0.

Mr. Yandrick presented the staff report with a presentation of the tabled variance request, site specifics, staff analysis, and standards of approval.

Applicant is requesting a variance to:

1. Reduce the landscape requirement by 50%.

Mr. Yandrick advised

1. Staff recommends approval of the variance with no conditions.

Commissioners discussed the proposed use of the adjoining property.

Mr. Clark invited the applicant to address the Commission.

David Arning, representing JA Murphy, noted the applicant concurs with the Staff recommendation and had nothing further to add.

With no one else requesting to speak on this matter, Mr. Clark closed the public portion.

MOTION: Mr. Stewart made a motion to approve the variance. Mr. Muzechuk seconded the motion. The motion passed 5-1.

NEW BUSINESS - None

COMMUNICATIONS

Mr. Yandrick provided the following communications:

- City Council denied the Thomas Paine fence appeal.
- City Council re-appointed Paul Clark as Chair of the Planning Commission.
- The September Planning Commission meeting currently has two variance cases and the record plat for Cornerstone Section 7B.

- The PDP/FDP for Centerville Place is uncertain at this time if it will be on the September agenda.
- He poled the Commissioners regarding a special meeting date of October 8. Two Commissioners are unavailable on that date. Another date will be sought.
- A new Planning intern will be starting tomorrow. The Assistant Planner job will be posted soon.

Mrs. Davis provided the following communications:

- The October 7 joint meeting between City Council and Planning is being rescheduled due to two Planning Commissioners not being able to attend.
- The new Design Review Criteria booklet is attached to the back of the packets for Planning Commissioners' reference.

Mr. Etson advised he will not be able to attend the September Planning Commission meeting.

ADJOURNMENT

Seeing no further business, Mr. Clark adjourned the meeting at 8:30 p.m.



Paul Clark, Chair