

PLANNING COMMISSION
Regular Meeting
Remote Teleconference via Zoom.com
Tuesday, May 19, 2020

At 7:00 p.m., Mr. Clark called the meeting to order.

Mr. Clark read an opening statement regarding the use of the remote teleconference platform for the meeting, pursuant to Sub. H.B. #197.

ATTENDANCE

Members Present: Paul Clark, Kevin Von Handorf, James Durham, Robert Muzechuk, Bill Etson, Amy Korenyi-Both, and Don Stewart.

Also present were City Planner Mark Yandrick, Municipal Attorney Scott Liberman, Assistant City Planner Joey O'Brien, Development Director Michael Norton-Smith, City Engineer Jim Brinegar, Staff Engineer Taylor Schindler, Councilmember John Palcher, and Assistant to the Clerk of Council Donna Fiori.

Also in attendance were several citizen participants.

APPROVAL OF MINUTES

No additions or corrections were submitted for the minutes of the Work Session meeting of April 14, 2020.

MOTION: Mr. Von Handorf made a motion for approval of the April 14, 2020 Work Session meeting minutes. Mr. Stewart seconded the motion. The motion passed 6-0-1, with Mr. Clark abstaining.

No additions or corrections were submitted for the minutes of the Planning Commission meeting of April 14, 2020.

MOTION: Ms. Korenyi-Both made a motion for approval of the April 14, 2020 Planning Commission meeting minutes. Mr. Muzechuk seconded the motion. The motion passed 6-0-1, with Mr. Clark abstaining.

PUBLIC HEARINGS

**Application P-2020-0011: Variance, for height of ground sign
John Murphy, Cornerstone Apartments, 4950 Cornerstone North Blvd.**

Mr. Yandrick gave the staff report for a variance to allow a ground sign at a height of 12 feet, which is 6 feet above the permitted height. Mr. John Murphy requested the variance for a tower structure which will be attached to the sign at Cornerstone Apartments. Mr. Yandrick reviewed the standards of approval, indicating staff supports the sign variance because the architecture of

the tower will be incorporated into the surrounding landscape and buildings rather than draw attention to it and recommended approval of the variance.

Mr. Clark opened the public hearing.

Sarah Limbocker, 13910 Russell St, Overland Park, KS spoke representing NSPJ Architects for JA Murphy Group. Ms. Limbocker discussed the variance request related to the signs architectural surround with the tower element. She indicated the location of other towers in the complex without signs and explained this particular tower helps to frame the intersection and entry into the development.

Mr. Clark inquired if the area at the top of the tower was open or glass. Ms. Limbocker stated it is open. Ms. Korenyi-Both inquired on the sizes of the other towers in the intersection. Ms. Limbocker indicated they are the same size as the proposed sign tower minus the connecting timber.

Mr. Clark inquired of Mrs. Fiori whether there was anyone indicating they would like to offer comments for this public hearing. Mrs. Fiori advised Mr. Clark there were no Raised Hand icons showing from the Zoom.com meeting participants.

Mr. Clark closed the public hearing.

Discussion occurred regarding sign placement and the ability to locate the complex.

MOTION: Mr. Durham made a motion to approve the variance without conditions as recommended by staff. Mr. Muzechuk seconded the motion. The motion passed with a 7-0 roll call vote.

**Application P-2020-0010: Variance, for sidewalks on one side of street only
Robert L. Hall III, Cornerstone North, Phase V**

Mr. Yandrick gave the staff report for the variance Mr. Robert Hall requested to allow sidewalks on only one side of the street in certain locations in the Cornerstone North, Phase V development. Mr. Yandrick indicated the applicant is also constructing an 8 ft. wide hiker biker trail that connects Brown Rd. to Cornerstone North Blvd. and to Cornerstone Park and commercial areas of Cornerstone. Mr. Yandrick presented an alternative layout to create more continuity with the sidewalks, and align the proposal to prevent dead end sidewalks. Mr. Yandrick presented analysis of limited traffic volume and the standards of approval.

Planning staff recommended approval of the variance with one condition.

1. The applicant shall provide a sidewalk on each side of the street with the exception of the inside of the square block of this development.

Discussion occurred relating to the proposed layout verses the alternate layout proposal, the staggering of setbacks and possible curving of Ellason Ct.

Mr. Clark opened the public hearing.

Mr. Robert Hall, Cornerstone Developers, Ltd, 3445 Newmark Drive, Miamisburg, discussed the various setbacks and driveway lengths. Mr. Hall indicated he took no exception to the alternate layout proposal. Mr. Hall discussed the ability to maintain the staggering based on the alternate proposal. Mr. Hall shared with commission his group was not going to pursue a curve in Ellason Ct. based on potential challenges regarding utilities and their opinion it would have a minimal effect for the desired outcome.

Mr. Muzechuk inquired if it would affect what side of the street parking would be allowed. Mr. Hall indicated due to the road width parking could be designated on either side. Mr. Muzechuk expressed support of designating the north side for on-street parking.

Mr. Clark inquired of Mrs. Fiori whether there was anyone indicating they would like to offer comments for this public hearing. Mrs. Fiori advised Mr. Clark there were no Raised Hand icons showing from the Zoom.com meeting participants.

Mr. Clark closed the public hearing.

MOTION: Mr. Durham made a motion to approve the variance with the following condition:

1. The applicant shall provide a sidewalk or hiker/biker trail on the east side of Kilkenny Court, the west side of Belfast Drive, and all areas on Ellason Court with the exception of the north side between Belfast Drive and Kilkenny Court.

Mr. Von Handorf seconded the motion. The motion passed 7-0.

**Application P-2020-0007: Final Development Plan
Robert L. Hall III, Cornerstone North, Phase V**

Mr. Yandrick indicated a supplemental staff report was provided earlier in the day to the applicant and to planning commission members. In giving the staff report, Mr. Yandrick pointed out the Final Development plan for Phase V covers approximately 9 acres between Brown Rd. and Cornerstone North Blvd. and proposes a 37-unit single-family attached residential development. Mr. Yandrick reviewed overall plat and layout, streets, traffic and access, architecture, grading, utilities and stormwater, park, setbacks, pedestrian connectivity, landscaping, and signage. He described the layout and indicated an amendment would be done relating to the approved sidewalk variance. Mr. Yandrick noted a remnant, unused right-of-way on Brown Rd. leftover from when the roadway was split without a bridge during the 1986 construction of I-675 and recommended that the applicant incorporate this remnant property into this subdivision, while maintaining a utility easement. Mr. Yandrick also discussed the applicant requested a waiver to City Council, of the requirement that 35% of rear yards be usable area, which is defined as slopes less than 5%. The waiver is possible through the Unified Development Ordinance (UDO).

The City Planner stated this aligns with the goals and principles of the Create the Vision plan and with the Preliminary Development Plan with meeting most of the Standards of Approval. Staff recommended approval of the Final Development Plan, subject to the following Twenty (20) conditions:

1. A Subdivider's Agreement, Development Agreement, or other legal arrangement shall be executed that establishes financial commitment for the construction of all public infrastructure prior to recording any plat document in association with this Final Development Plan.
2. Prior to the recording of Record Plat, final construction documents for public improvements must be approved by the City Engineer.
3. The record plat for the Centerville Section 8 must be approved by City Council and recorded by Montgomery County before zoning certificate is issued.
4. Public and private construction access, construction timing of public & private improvements, and maintenance of traffic on public roads shall be at the discretion of the City Engineer.
5. The final design of stormwater management infrastructure shall be in accordance with Article 9.35 of the UDO.
6. Applicant shall work with the City Staff on appropriate alignment on the public right-of-way.
7. Detailed comments from the Sugarcreek Township Fire Department shall be incorporated into the record plan and construction documents as appropriate subject to approval by the Fire Chief.
8. Detailed comments from the Engineering Division, Montgomery County Environmental Services and other utility companies shall be incorporated into the record plan and construction documents as appropriate subject to approval by the City Engineer.
9. The stormwater on the northeastern corner of the site shall be redesigned to be constructed between Lots 1, 2, and 3 as well as Lots 6 and 7 to outlet the stormwater into the detention pond. The following standards shall be met and approved the City Engineer before recording of the record plat.
 - a. New 20' stormwater easements shall be established on the plat for these new stormwater pipes.
 - b. Provide a 20' access easement between Lot 6 and 7 for the detention pond.
 - c. Lot 6 shall be redesigned to accommodate the 20' easement between Lot 6 and 7.
10. The applicant shall provide 10' easement at each property line, as outlined from the Unified Development Ordinance Article 9.13.B(2)(i).
11. The applicant shall incorporate the adjacent right-of-way parcel from the former Brown Road into this development while maintaining easement.
12. The applicant shall reduce the right-of-way width on Belfast Dr. to 50' and provide an access easement for any area outside of the right-of-way on the hiker biker path.

13. The landscape bufferyard shall meet all standards of the Unified Development Ordinance for the southern, western and northeast bufferyards before a zoning certificate may be issued for the site.
14. A landscape bond shall be provided to the City subject to approval by the municipal attorney before a zoning certificate may be issued for the site.
15. A window for Bedroom #2 and shutters shall be provided on corners buildings 4, 28, 30, 31, 33, 35 and 37 within the development to prevent wall massing.
16. City Council specifically waives the requirement that 35% of rear yards in this development are considered usable area.
17. Planning Commission specifically approves or waives any Parkland Dedication as required by Article 9.47 of the UDO, based on nearby Cornerstone Park.
18. The grading for the site shall be designed on Lots 1-6 to utilize the detention pond on Lot 5 and detention pond on the Cornerstone Apartment site. The stormwater design shall mitigate any outfall onto the Ohio Department of Transportation right-of-way.
19. Belfast Drive shall be redesigned at the intersection of Brown Road to reduce the pavement width to 24' from the previous improvements.
20. The applicant shall provide an escrow for the installation of downstream offsite stormwater improvements on the Dogwood Commons development from the detention pond on Lot 5 to the outfall at Interstate 675 before the Zoning Certificate is issued, unless the off-site improvements have been completed. The off-site improvements shall be completed prior to start of construction of on-site improvements. This condition may be amended to an alternative stormwater and surety method acceptable to the City Staff.

Discussion occurred regarding vinyl siding and various materials proposed in the plan as well as window placement on side facades facing a street. The parkland waiver was discussed and how it was handled related to existing residential complexes on the site. Discussion then turned to condition #19 regarding the redesign of Belfast Dr. and Brown Rd intersection. Ms. Schindler and Mr. Brinegar expressed the desire to make the entrance more cohesive and uniform to avoid the abrupt change in width. Discussion continued on the intersection related to the hiker biker trail and use.

Mr. Von Handorf inquired on Condition #16 if commission as part of this process was approving the waiver for the requirement that 35% of rear yards in this development are considered usable area. Mr. Yandrick stated it would be a recommendation to City Council. Grading and sloping of the backyard incorporating a taller foundation wall to create a flatter back yard or the potential for a retaining wall was discussed.

Mr. Clark opened the public hearing.

The applicant, Mr. Robert Hall of Oberer Land Developers, spoke on potential use of retaining walls on individual basis dependent on patio options chosen by owners. He also discussed hazard

concerns for residents if a continuous retaining wall was to be built along the south property line. Mr. Hall expressed various rationals for the yard waiver. Mr. Hall stated the proposed grades were not on proposed grading plan as an oversight. Mr. Hall requested if Condition #15 is revised to include additional windows that the board and baten currently proposed be removed. Mr. Durham suggested two faux windows with shutters as an option to alleviate the wall massing and keep the board and baten.

Mr. George Oberer, Oberer Land Developers, stated he supports this option as the desire to protect privacy of homes next to each other.

Mr. Hall discussed Condition #19 and the curb cut size. He expressed concerns related to costs and the unknowns with making the change. Mr. Hall offered a compromise having the hiker biker path meandered away from curb line and extend taper further south. Discussion occurred related to the possible further tapering.

Mr. Hall stated they are amenable to Condition #20. Mr. Hall inquired if it would be possible to only require one or a group of minor site plan applications where colors and elevations are set for each lot. Mr. Yandrick stated the application would be for each building which would be approximately 22 on this site. Mr. Brinegar stated it is a process level decision and deferred to Mr. Liberman. Mr. Liberman stated it is a UDO requirement and based on staff review. Mr. Yandrick stated due to the detailed review required each building should go through the minor site plan process.

Mr. Oberer addressed the comment related to potential higher foundation and costs related to the slab on grade and potential visual hindrance. Mr. Von Handorf expressed disagreement with the rationale and indicated potential for alternative solutions. Discussion occurred.

Mr. Oberer discussed the development and investment in the park and the desire for the parkland waiver.

Mr. Clark inquired of Mrs. Fiori whether there was anyone indicating they would like to offer comments for this public hearing. Mrs. Fiori advised Mr. Clark there were no Raised Hand icons showing from the Zoom.com meeting participants.

Mr. Clark closed the public hearing.

MOTION: Mr. Durham made a motion to recommend to City Council the approval of the Final Development Plan for Cornerstone North Phase V, subject to the twenty (20) conditions recommended by staff with edits to Condition #15, Condition #19, and elimination of Condition #16. Recommending the following nineteen (19) conditions as edited:

1. A Subdivider's Agreement, Development Agreement, or other legal arrangement shall be executed that establishes financial commitment for the construction of all public infrastructure prior to recording any plat document in association with this Final Development Plan.
2. Prior to the recording of Record Plat, final construction documents for public improvements must be approved by the City Engineer.

3. The record plat for the Centerville Section 8 must be approved by City Council and recorded by Montgomery County before zoning certificate is issued.
4. Public and private construction access, construction timing of public & private improvements, and maintenance of traffic on public roads shall be at the discretion of the City Engineer.
5. The final design of stormwater management infrastructure shall be in accordance with Article 9.35 of the UDO.
6. Applicant shall work with the City Staff on appropriate alignment on the public right-of-way.
7. Detailed comments from the Sugarcreek Township Fire Department shall be incorporated into the record plan and construction documents as appropriate subject to approval by the Fire Chief.
8. Detailed comments from the Engineering Division, Montgomery County Environmental Services and other utility companies shall be incorporated into the record plan and construction documents as appropriate subject to approval by the City Engineer.
9. The stormwater on the northeastern corner of the site shall be redesigned to be constructed between Lots 1, 2, and 3 as well as Lots 6 and 7 to outlet the stormwater into the detention pond. The following standards shall be met and approved the City Engineer before recording of the record plat.
 - a. New 20' stormwater easements shall be established on the plat for these new stormwater pipes.
 - b. Provide a 20' access easement between Lot 6 and 7 for the detention pond.
 - c. Lot 6 shall be redesigned to accommodate the 20' easement between Lot 6 and 7.
10. The applicant shall provide 10' easement at each property line, as outlined from the Unified Development Ordinance Article 9.13.B(2)(i).
11. The applicant shall incorporate the adjacent right-of-way parcel from the former Brown Road into this development while maintaining easement.
12. The applicant shall reduce the right-of-way width on Belfast Dr. to 50' and provide an access easement for any area outside of the right-of-way on the hiker biker path.
13. The landscape bufferyard shall meet all standards of the Unified Development Ordinance for the southern, western and northeast bufferyards before a zoning certificate may be issued for the site.
14. A landscape bond shall be provided to the City subject to approval by the municipal attorney before a zoning certificate may be issued for the site.
15. The addition of two faux windows of the same size as Bedroom #3, one outside Bedroom #2 and one outside the Dining Area, with shutters on all windows including the optional second

floor window matching those on the front of the building shall be provided on the corner buildings 4, 28, 30, 31, 33, 35 and 37 within the development to prevent wall massing.

16. Planning Commission specifically approves or waives any Parkland Dedication as required by Article 9.47 of the UDO, based on nearby Cornerstone Park.
17. The grading for the site shall be designed on Lots 1-6 to utilize the detention pond on Lot 5 and detention pond on the Cornerstone Apartment site. The stormwater design shall mitigate any outfall onto the Ohio Department of Transportation right-of-way.
18. Belfast Drive shall be redesigned to provide for a more tapered transition from the width of the street to the existing curbs at Brown Road to the agreement of the City Engineer.
19. The applicant shall provide an escrow for the installation of downstream of/site stormwater improvements on the Dogwood Commons development from the detention pond on Lot 5 to the outfall at Interstate 675 before the Zoning Certificate is issued, unless the off-site improvements have been completed. The off-site improvements shall be completed prior to start of construction of on-site improvements. This condition may be amended to an alternative stormwater and surety method acceptable to the City Staff.

Mr. Stewart seconded the motion. The motion passed 6-1.

OLD BUSINESS

Application P-2020-0004: Major Site Plan
Robert Hall III, Cornerstone Village, Building C (Shoppes IV)
(Tabled at Prior Meeting)

MOTION: Mr. Durham made a motion to remove Application P-2020-0004 from the table. Mr. Etson seconded the motion. The motion passed 7-0.

Mr. Yandrick presented the staff report for the Major Site Plan for Cornerstone Village, Building C, a 25,000 square foot, three-story, six-tenant commercial building at 5260 Cornerstone North Blvd.

Mr. Yandrick stated the Standards of Approval for a major site plan could be met and recommended approval of the application with the following five conditions:

1. All review comments from the Department of Public Works and other review agencies shall be incorporated into final construction drawings to the satisfaction of the City Planner and City Engineer.
2. Separate review and approval from Greene County Water Services will be required for the site.
3. The applicant shall either seek a variance approval, or record a shared parking easement approved by the Municipal Attorney, that allows for legal offsite parking to comply with UDO parking requirements before any zoning permits are issued.
4. The proposed buildings projections or recesses shall be offset at least 4.34' from the wall plane.

5. Planning Commission specifically approves the use of EIFS as a body material for the third floor façade.

Mr. Clark inquired about the parking requirements and the challenges already present with Coopers Hawk. Mr. Yandrick explained the parking exhibit shows all parking for the site which allows for shared parking and further expanded on the process for acquiring a parking agreement. Ms. Korenyi-Both inquired if the ADA requirement would be affected. Mr. Yandrick indicated the number of spaces required is set by the building footprint and would not change. Mr. Muzechuk inquired further on options available to address the parking issue and expressed concerns relative to the number of tenants creating further parking issues. Mr. Yandrick stated the options for the developer would be to seek a variance or have a legal agreement for off-site parking.

Mr. Durham asked Mr. Liberman to confirm if a condition is not met then no zoning permit would be issued. Mr. Liberman confirmed and shared this case would be similar to the Bangs Salon parking case. Mr. Muzechuk inquired of staff if sufficient parking would even be available for a shared contract. Mr. Yandrick stated due to conflicting uses parking spaces should not be at full capacity at the same time; peak times would have to be taken into consideration but Mr. Yandrick expressed an acceptable agreement should be feasible.

Mr. Hall respectfully requests approval of this Major Site Plan and reiterated the understanding that zoning approval would be contingent on satisfying all conditions.

MOTION: Mr. Durham made a motion to approve the Major Site Plan subject to the five conditions recommended by staff as shown above. Mr. Stewart seconded the motion. The motion passed 5-2.

NEW BUSINESS

Application P-2020-0008: Record Plan Cornerstone North, Section 8

Mr. Yandrick presented the staff report of the record plat for section 8, as part of Cornerstone North, Phase V, containing 9.54 acres previously unplatted requesting to subdivide into 22 lots.

Mr. Yandrick advised Staff recommends approval with the following four conditions:

1. The stormwater on the northeastern corner of the site shall be redesigned and relocated to be constructed between Buildings 1, 2 and 3 as well as Lots 6 and 7 to outlet the stormwater into the detention pond. The redesigned stormwater requires approval of the City Engineer and should reflect the following standards need before the plat is recorded.
 - a. New 20' stormwater easements shall be established for these new stormwater pipes.
 - b. Provide a 20' access easement between Lot 6 and 7 for the detention pond.
 - c. Lot 6 shall be redesigned to accommodate the 20' easement between Lots 6 and 7.
2. The applicant shall provide 10' easement at each property line, as outlined from the Unified Development Ordinance Article 9.13.B(2)(i).

3. The applicant shall incorporate the adjacent right-of-way parcel from the former Brown Road into this development while maintaining easement.
4. The applicant shall reduce the right-of-way width on Belfast to 50' and provide an access easement for any area outside of the right-of-way on the hiker biker path.

Mr. Hall addressed the Commission thanking staff for the recommendation of approval and expressing no exceptions to the proposed conditions. Mr. Hall stated relevant to Condition #3 the property to the North may need to be addressed relevant to a private fence and easement. Mr. Yandrick stated that can be worked through outside of this process.

MOTION: Mr. Stewart made a motion to approve the application subject to the four conditions recommended by staff as shown above. Ms. Korenyi-Both seconded the motion. The motion passed 7-0.

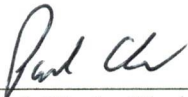
COMMUNICATIONS

Mr. Yandrick provided the following communications:

- Congratulations to Joey O'Brien on the birth of a son.
- Conditional use for Thia Pets Grooming was approved by City Council.
- Kettering Boundary Adjustment approved by Montgomery County. Rezoning application possible in June or July.
- Potentially 20 – 25 UDO updates in June.
- Presenting to City Council on June 8 a review and analysis of the Comprehensive Plan.
- Next meeting June 30.

ADJOURNMENT

Seeing no further business, Mr. Clark adjourned the meeting at 9:24 p.m.



Paul Clark, Chair