

PLANNING COMMISSION
Regular Meeting
J. V. Stone Council Chambers
100 W. Spring Valley Road
Tuesday, June 30, 2020

At 7:03 p.m., Mr. Clark called the meeting to order and led the Pledge of Allegiance.

ATTENDANCE

Members Present: Paul Clark, Kevin Von Handorf, James Durham (via telephone), 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, Staff Engineer Taylor Schindler, Communications Director Kate Bostdorff, Council Member John Palcher, and Assistant to the Clerk of Council Donna Fiori.

APPROVAL OF MINUTES

No additions or corrections were submitted for the minutes of the Work Session meeting of May 19, 2020.

MOTION: Ms. Korenyi-Both made a motion for approval of the May 19, 2020 Work Session meeting minutes. Mr. Stewart seconded the motion. The motion passed with a 7-0 roll call vote.

No additions or corrections were submitted for the minutes of the Planning Commission meeting of May 19, 2020.

MOTION: Mr. Stewart made a motion for approval of the May 19, 2020 Planning Commission meeting minutes. Mr. Muzechuk seconded the motion. The motion passed with a 7-0 roll call vote.

Mr. Clark read an opening statement for all present noting protocol for conduct of business during the meeting and noting attendance of Planning Commission member James Durham remotely via telephone, pursuant to Sub. H.B. #197.

PUBLIC HEARINGS

**Application P-2020-0012:
Variance, for reduction of front and side yard setbacks for parking/paving
Darin Wilson, 7525 Clys**

Mr. O'Brien gave the staff report for a variance to allow a side yard parking and paving setback of 5' where 20' is required, as well as to allow a front yard parking and paving setback of 10' where 20' is required. Mr. Darin Wilson requested the variance to meet office use parking requirements. Mr. O'Brien provided a staff analysis and reviewed the standards of approval indicating staff supports the variance because it is the minimum necessary variance needed to meet parking requirements for an office use.

Planning staff recommended approval of the variance with one condition.

1. If landscape requirements in the bufferyard cannot be met, the applicant may relocate some landscaping to another bufferyard with approval by the City Planner.

Mr. Clark inquired on the ingress and egress of the driveway and if the owner has absolute right to the proposed use of this application. Mr. O'Brien stated this would be a right-in, right-out driveway. Mr. Liberman confirmed the owner has absolute right to the proposed use based on the zoning.

Mr. Clark opened the public hearing.

Darin Wilson, 7525 Clys Road, owner of the property made himself available for any questions of Planning Commission.

Mr. Muzechuk inquired how far the parking area would be from the south property line. Mr. Wilson stated it would be 5 feet.

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

MOTION: Mr. Stewart made a motion to approve the variances with the one condition as recommended by staff. Ms. Korenyi-Both seconded the motion. The motion passed with a 7-0 roll call vote.

**Application P-2020-0013: Eight Variances for Speedway
Robert Sweet, 901 S. Main Street**

Mr. Yandrick gave the staff report for the variances requested by Mr. Rob Sweet of McBride Dale Clarion, who represents Speedway for redevelopment at 901 S. Main Street. Mr. Yandrick used a power point presentation to outline each variance including property description, standards of approval, staff analysis, the location of each of the eight variances and staff recommendations.

Variance #1 request to permit a 44' front yard setback.

Variance #2 request to permit a 28' front yard canopy setback.

Variance #3 request to permit a 16' rear yard setback.

Planning staff recommended approval for variances #1 - #3 without conditions.

Variance #4 request to permit a paving setback of 2' in front yard.

Planning staff recommended approval of variance #4 with one condition.

1. The variance applies to the paving setback only on the east and west side of the Spring Valley access.

Variance #5 request to forgo landscaping islands on the north bufferyard.

Planning staff recommended approval of variance #5 with one condition.

1. The canopy trees required by the UDO in this bufferyard shall be relocated to other locations on site to the approval of the City Planner. The shrubs shall remain where feasible.

Variance #6 request to allow lighting requirements exceeding UDO requirements:

- a. Lighting Under canopy shall have avg. lighting 29.76 FC (UDO: 25.0)
- b. Allow applicant to have max: min 11.30 FC (UDO: 10.0)
- c. Allow applicant to have light bleed 10' from property line at 3.3 FC (UDO: 1.0)

Planning staff recommended denial for variance #6.

Variance #7 request to allow second ground sign on site.

Variance #8 request to allow dumpster enclosure in a front yard.

Planning staff recommended approval of variances #7 and #8 without conditions.

Discussion occurred relating to pavement setback, dumpster screening and potential building placement related to rear yard setback requirement.

Mr. Clark opened the public hearing.

Applicant Rob Sweet, with McBride Dale Clarion at 5721 Dragon Way, Suite 300, Cincinnati, Ohio representing Speedway addressed Planning Commission introducing Chris Duffy the Speedway construction project manager. Mr. Sweet provided a powerpoint presentation detailing the need for the variances related to the unique three street frontage and Speedways safety and clearance standards.

Mr. Von Handorf inquired on the potential use of malleable curbs or permeable pavers to accommodate truck turning radii thus potentially eliminating the need for setback variance. Mr. Sweet indicated the use of malleable curbs could be considered if necessary however, permeable pavers are avoided due to potential fuel spill contamination.

Mr. Muzechuk inquired if the proposed lighting replicates the Yankee and Social Row location. Mr. Sweet indicated that location has more intense lighting than this proposal.

Mr. Clark inquired how fuel trucks enter and exit. Mr. Sweet explained they enter from S. Main, off load on passenger side due to driver safety, move through site and exit onto JP Kallaman. This avoids fuel truck from making a left.

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

Mr. Clark inquired of the municipal attorney a point of order if each variance would require its own vote. Mr. Liberman stated they could be grouped together or individually if there are concerns or conditions related to particular variances.

MOTION: Mr. Von Handorf made a motion to approve variance #1. Ms. Korenyi-Both seconded the motion. The motion passed with a 5-2 roll call vote.

MOTION: Mr. Muzechuk made a motion to approve variance #2. Mr. Etson seconded the motion. The motion passed with a 5-2 roll call vote.

MOTION: Ms. Korenyi-Both made a motion to approve variance #3. Mr. Stewart seconded the motion. The motion passed with a 5-2 roll call vote.

MOTION: Mr. Stewart made a motion to approve variance #4 with the one condition as recommended by staff. Mr. Etson seconded the motion. The motion passed with a 5-2 roll call vote.

MOTION: Ms. Korenyi-Both made a motion to approve variance #5 with the one condition as recommended by staff. Mr. Von Handorf seconded the motion. The motion passed with a 5-2 roll call vote.

MOTION: Ms. Korenyi-Both made a motion to approve variance #6. Mr. Von Handorf seconded the motion. The motion failed with a 1-6 roll call vote.

Mr. Durham addressed commission expressing his disagreement with variance #7 indicating there is sufficient signage and brand recognition already present. He suggested a condition to not allow additional wall signage to what was proposed. Mr. Clark indicated Mr. Sweet was in agreement.

MOTION: Mr. Durham made a motion to approve variance #7 with the following one condition:
1. No additional wall signs to those shown on the submittal.

Ms. Korenyi-Both seconded the motion. The motion passed with a 4-3 roll call vote.

MOTION: Mr. Durham made a motion to approve variance #8. Mr. Stewart seconded the motion. The motion passed with a 7-0 roll call vote.

**Application P-2020-0017: Unified Development Ordinance Text Amendments
City Initiated Updates
Mark Yandrick, 100 W. Spring Valley**

Mr. Yandrick introduced the topic of the UDO Text Amendments presentation to gain feedback and direction. Commission members discussed tabling this item and concurred to hold the presentation for a later meeting when more information related to signage can be provided.

MOTION: Mr. Etson made a motion to table Application P-2020-0017. Mr. Durham seconded the motion. The motion passed with a 7-0 roll call vote.

NEW BUSINESS

**Application P-2020-0014: Major Site Plan
Robert Sweet, 901 S. Main Street, Speedway**

Mr. Yandrick presented the staff report for the Major Site Plan for Speedway to rebuild on an expanded site a 4,600 s.f. building with larger canopy.

Mr. Yandrick stated the Standards of Approval for a major site plan could be met and recommended approval of the application with the following six 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. Landscape Bond is required prior to issuance of Zoning Compliance.
3. The zoning certificate will be issued once the record plat is approved by City Council and recorded with Montgomery County, including right-of-way dedication for the City's thoroughfares.
4. Pedestrian access and crosswalk shall be added between the convenience store and Spring Valley Road sidewalk on the east side of the Spring Valley access ramp. The applicant may propose an alternative to a more suitable location subject to the approval by the City Planner.
5. The following architectural elements shall be added to the plans and approved by the City Planner prior to issuance of the Zoning Certificate.
 - a. The east and west facades shall include a column, projecting rib, offset or reveal, per 9.53.D.2.g. of the UDO.
 - b. The main entrance on the west side of the building shall have an overhang, awning, canopy or portico.
6. The site plan shall be amended in accordance with the UDO on all variance decisions rendered from case P-2020-0013.

Applicant Rob Sweet addressed Planning Commission stating they are amenable to the conditions presented by staff for this Major Site Plan. Mr. Durham made inquiry on the South façade not having windows. Mr. Sweet and Mr. Yandrick expressed the existing landscape screening was sufficient. Mr. Von Handorf inquired about striping from the sidewalk to the dumpster. Mr. Sweet spoke in support of striping mentioning the caveat of required maintenance. Discussion occurred on ash trees, malleable curbs, and front door canopy deciding these items will be addressed within conditions.

MOTION: Mr. Von Handorf made a motion to approve the Major Site Plan subject to the six conditions recommended by staff with edits to condition #5 and adding three additional conditions. Recommending the following nine conditions as edited:

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. Landscape Bond is required prior to issuance of Zoning Compliance.
3. The zoning certificate will be issued once the record plat is approved by City Council and recorded with Montgomery County, including right-of-way dedication for the City's thoroughfares.
4. Pedestrian access and crosswalk shall be added between the convenience store and Spring Valley Road sidewalk on the east side of the Spring Valley access ramp. The applicant may propose an alternative to a more suitable location subject to the approval by the City Planner.
5. The following architectural elements shall be added to the plans and approved by the City Planner prior to issuance of the Zoning Certificate.
 - a. The east and west facades shall include a column, projecting rib, offset or reveal, per 9.53.D.2.g. of the UDO.
 - b. The entrance on the east side of the building shall have a canopy.
6. The site plan shall be amended in accordance with the UDO on all variance decisions rendered from case P-2020-0013.
7. Applicant shall replace white ash trees with another suitable species if the landscape architect finds that advisable.
8. Applicant shall work with staff to maximize pavement setback by using malleable curb or other appropriate methods.
9. Applicant shall work with staff to add sidewalk striping from the convenience store to the dumpster.

Mr. Korenyi-Both seconded the motion. The motion passed with a 6-1 roll call vote.

COMMUNICATIONS

Mr. Yandrick provided the following communications:

- UDO updates, Yankee & Social Row property, and rezoning related to the Kettering boundary adjustment forthcoming.
- Acknowledged commissions desire to have the proposed UDO text amendments broken out into smaller and larger items as well as the desire for a more interactive process. Mr. Yandrick inquired of commission input on how to proceed with presenting proposed UDO text amendments. Mr. Clark expressed the changeable signs requires a more detailed longer presentation with data driven metrics. Discussion occurred on separating

out text amendments into two ordinances, sharing information ahead for more review time, and keeping all sign changes together.

- In response to COVID-19 if any commission members have concerns with attending in person meetings to communicate this as promptly as possible. This will allow staff to make any adjustments needed in a timely manner related to the meeting format and any public hearing notices.
- Uptown presentation meeting at the end of July. Mr. Clark inquired if the Perkins property would be included in the presentation. Mr. Norton-Smith stated the Perkins property is included in the concept plan.

Mr. Clark requested staff to share with the police department the desire for more appropriate signage when they conduct live police trainings. Mr. Norton-Smith will pass on.

Mr. Von Handorf inquired if signage would be going on the water towers being painted in Pleasant Hill. Mr. Norton-Smith stated they would not have signage.

ADJOURNMENT

Seeing no further business, Mr. Clark adjourned the meeting at 8:40 p.m.



Paul Clark, Chair