

PLANNING COMMISSION
Regular Meeting
Tuesday, March 31, 2015

Mr. Paul Clark called the meeting to order at 7:30 p.m.

ATTENDANCE

Present: Mr. Paul Clark, Ms. Amy Korenyi-Both, Mr. Jim Briggs, Mr. Jim Durham, Mr. Bill Etson, Mr. Robert Muzechuk, and Mr. Kevin Von Handorf. Also present: City Planner Andrew Rodney, Attorney Dalma Grandjean, Planner Mark Yandrick, Councilmember John Palcher, and Assistant Clerk of Council Julie Weaver.

APPROVAL OF MINUTES

Mr. Briggs noted, on page 7 of the February 24, 2015 minutes, no second of the motion or record of the vote were included with the information on the vote for the Major Site Plan for Cabela's.

MOTION: Ms. Korenyi-Both made a motion for approval of the minutes of the meeting of February 24, 2015, amended to show Mr. Briggs seconded the motion for the approval of the Cabela's Major Site Plan and the motion passed 6-0. Mr. Muzechuk seconded the motion to approve the February 24, 2015 minutes as amended. The motion passed 6-0-1, with Mr. Durham abstaining.

OPENING STATEMENT

Mr. Clark read the Opening Statement concerning protocol for public hearings.

PUBLIC HEARINGS

Application P-2014-0036: Variances, Pylon Sign at Cornerstone North, 5341 Wilmington Pike
Applicant: Robert Hall of Cornerstone Developers, Ltd.

MOTION: Mr. Briggs made a motion to remove Application P-2014-0036 from the table for consideration. Ms. Korenyi-Both seconded the motion. The motion passed, 7-0.

Mr. Rodney gave the staff report for the revised design of the pylon/monument sign at the corner of Feedwire Road and Wilmington Pike, on a site currently addressed as 5341 Cornerstone North Boulevard in a B-PD zoning district and adjacent to the Wilmington Pike right-of-way. He reviewed the adjusted variances for sign height at 19'9", sign area at 111.3 square feet per sign face, number of signs (two ground signs on a single premises), and off-site advertising. As suggested by Planning Commission at an earlier meeting, the height had been reduced, the base was more substantial and tiered landscaping had been added. In order to accommodate the pylon sign at this location, three trees in the preservation area would be cut down. Mr. Rodney shared photos of the area with a scale drawing of the sign superimposed so Planning Commission would have a general idea of the scale of the sign. The intent of this monument sign was to brand the development and identify tenants not located along the 3500 feet of frontage on Wilmington

Pike and Feedwire Road. He compared the monument sign originally approved with the development plan with the one currently submitted and noted significant similarities. Mr. Rodney also went over the Staff Analysis and said staff recommended approval of the four variances for the redesigned sign, subject to the following five conditions:

1. The granted Variance(s) pertain solely to the Cornerstone of Centerville North project sign. No additional ground sign area or height shall convey to the individual owner, occupant, or tenant of the property on which it is located.
2. Off-premise advertising on the subject property shall be limited solely to the Cornerstone of Centerville North project sign.
3. Advertised businesses or vacant tenant spaces on the project sign shall consist solely of those located in the Cornerstone of Centerville North development bounded by Feedwire Road, Wilmington Pike, Brown Road, and Interstate 675.
4. Any tenant with signage on the project sign shall not be permitted a permanent ground sign on their individual premises. The ground sign area ordinarily permitted on the premises may be exchanged for an additional wall sign in accordance with UDO Article 9.51.
5. The Applicant – to the extent known – shall submit the business names to be advertised on the project sign along with any application for zoning or building permits for the sign's construction.

Mr. Clark asked for clarification of the phrase “Staff supports enhanced visibility” used in connection with Variance 1 for sign height. Mr. Rodney explained that staff was supportive of enhanced visibility for tenants not located on the major roadways through the use of the pylon sign, as long as the height of the sign remained reasonable. Staff felt the applicant had made appropriate adjustments.

When Mr. Clark opened the public hearing, Mr. Robert Hall of Oberer Land Developers, 3475 Newmark Drive, Miamisburg, stated appreciation for the recommendation of approval and said the applicant had no exceptions to the stated conditions. Seeing no other speakers, Mr. Clark closed the public hearing.

Mr. Etson asked for clarification of the variance on the number of signs. Mr. Rodney responded that end-users with panels on the main sign would not have ground signs on their individual lots. In addition to the pylon sign for the whole development, a ground sign would be permitted on the lot at 5341 Cornerstone North Boulevard for the eventual tenant.

Mr. Clark asked about off-premise advertising. Mr. Durham pointed out that no other shopping center had this arrangement, but the configuration of this development was unique.

Mr. Durham returned to the issue of the total number of signs. He wanted to limit the number of pylon/monument signs for the Cornerstone North Development. Mr. Rodney stated the

expectation was for an additional pylon of smaller scale at the entrance to the village center on Wilmington Pike. Mr. Durham wanted to designate that the village center sign would be the only other pylon sign for the development and that the style would be consistent with the main sign at Wilmington Pike and Feedwire Road. He asked about adding a condition.

Mr. Rodney answered a sixth condition could be added to permit only one additional pylon/monument sign of consistent design. Mr. Hall suggested using the verbiage of "only one more project monument sign of smaller scale." He offered a graphic of a potential sign for the village center entrance, but Planning Commission declined to address specifics of the sign.

Mr. Durham asked if all the variances could be approved with one motion and overarching conditions. Mr. Rodney and Ms. Grandjean answered in the affirmative.

MOTION: Mr. Durham made a motion to approve the four variances for the revised pylon sign, as requested in Variance Application P-2014-0036, with the five conditions recommended by staff as shown above and a sixth condition as follows:

6. Only one additional project monument sign shall be approved for the Cornerstone North development. It shall be located at the corner of Wilmington Pike and the entrance to the village center. This sign shall be smaller in scale and consistent in design with the project monument sign approved for 5341 Cornerstone North Boulevard.

Mr. Muzechuk seconded the motion. The motion passed unanimously, 7-0.

Application P-2014-0019: Variance for the Area of An Accessory Structure
2240 East Alex-Bell Road
Applicant: Troy Augustine

Mr. Yandrick gave the staff overview of the application requesting approval of a 56' x 24' accessory structure with an area of 1344 square feet at 2240 E. Alex-Bell Road. He stated the Unified Development Ordinance permitted a maximum area of 750 square feet for accessory structures in R-1C zoning districts. Using an aerial view, Mr. Yandrick showed the zoning, screening, uses, and existing structures on surrounding properties. He said the property was unique because of its large size; the parcel was unplatted and predates many of the surrounding homes. Mr. Yandrick shared photos of the property. The closest property line was to the south at 142 feet from the proposed site. The application stated the structure would house two cars, create a gateway to the rear yard, and provide storage for mowing and snow removal equipment needed to maintain this parcel of more than five acres. Mr. Yandrick pointed out large structures on adjacent properties that were built under the previous zoning code and are legally non-conforming. In spite of the uniqueness of the size of the parcel, Mr. Yandrick saw no physical hardship to justify the variance, so the Planning Department recommended denial.

In response to a request from Mr. Muzechuk for an expanded explanation, Mr. Yandrick stated that the presence of a physical hardship was the norm for granting a variance and no element of hardship was present. He also pointed out that, as long as the area of the addition was not larger than the main house, the option was available to attach the structure to the main house, but the applicant did not prefer that configuration.

Mr. Rodney added that, if the building had a common wall, it would be attached, and there would be no need for a variance. However, open breezeways, pergolas, or atriums were not sufficient for attachment.

A question from Mr. Von Handorf and discussion by the Planning Commission led to a request for the definition of "attached." After a period of searching the UDO, Mr. Rodney, Ms. Grandjean and Mr. Yandrick were not able to provide said definition. "Breezeway" was not defined either.

Mr. Durham began a discussion of the scale of the home. The house had 5900 square feet under roof. If the two structures were combined under one roof, the area would be about 7500 square feet, nearly double the area of surrounding homes.

Mr. Rodney and Mr. Durham agreed simple definition of "attached" would probably include a common foundation, a common wall or a roof connection. Mr. Rodney noted the consensus of staff was a roof with open sides was not sufficient to be considered "attached. Therefore, a breezeway of indeterminant length would stretch the definition of attachment.

When Mr. Clark opened the public hearing, the applicant, Mr. Troy Augustine, 2240 E. Alex-Bell Road, stated that his general contractor, Joe Early, was also present to answer questions. He offered background on his family, how they came to live at this address, and a description of the neighborhood. Mr. Augustine felt the size of the structure was justified. He pointed out that the property required large mowers for maintenance of the significant acreage, a snow plow and a snow blower for the ¼ mile long lane. In addition, he had two cars to garage. He also explained the unique orientation of the house on the parcel. Because the drive came in at the side of the house, the rear door was the most frequently used entry. With no variance, the plan would deny access to the most functional entrance. He also noted that attaching the garage and rerouting the drive would be more expensive and would interrupt the useability of the rear yard. He asked that Planning Commission approve the variance because of the size of the lot. He stated proportionality was a factor. The area requested for the structure was less than five percent of the total area of the parcel.

Questions from Planning Commission followed. Mr. Clark asked about the elevations and the material for the roof. Mr. Durham asked whether there were other parcels of similar size in the City. Mr. Rodney named a few in the 5 acre range, mostly concentrated in this vicinity.

Mr. Durham suggested that proportionality was a key. Four garage spaces were allowed in the City, if attached to the house, but such an oversized footprint, almost 8,000 sq. ft., was not desirable either. He felt the accessory structure would not seem large compared to the size of the house on the spacious lot.

Mr. Clark closed the Public Hearing.

Mr. Briggs agreed with Mr. Durham and said he felt that approving the variance would not cause harm to the neighbors or the City. He expressed disappointment that staff had not been able to

find a clear definition of “attached.” Mr. Muzechuk also affirmed the reasoning for proportionality and the position of Mr. Durham and Mr. Briggs. The accessory building would not dwarf the home or seem overly large on the setting.

MOTION: Mr. Durham made a motion to approve Application P-2015-0019 for an accessory structure of 1344 square feet. Mr. Briggs seconded the motion. The motion passed unanimously, 7-0.

UNFINISHED BUSINESS

Application P-2015-0005: Major Site Plan for Shoppes II
5401 Cornerstone North Boulevard – Applicant: Robert Hall

MOTION: Mr. Durham made a motion to remove Application P-2015-0005 from the table for consideration. Mr. Briggs seconded the motion. The motion passed 7-0.

Mr. Rodney went over the basics of the revised site plan for the Shoppes II in an area zoned B-PD, bordered by Cornerstone North Boulevard, Clinger Lane and Feedwire Road. He located the parcel in Phase II of Cornerstone North, showed photos of the vacant lot and presented the staff analysis for a proposed building of 9,821 square feet, four tenant spaces, fifty parking spaces and a shared driveway with the Costco Fuel Station. He noted that Planning Commission had approved a variance for a screened dumpster in the front yard, and Council finalized the approval of a Conditional Use application for a drive-up window and the related drive-thru lanes for a bank on the site. He described revisions to the plan since the previous meeting, including the shift of the parking fields to the south side of the building, the improvement of pedestrian connectivity from Clinger Lane, and the reintroduction of mounding along Feedwire Road. To create a gateway, staff had asked for a pavement setback of twenty feet from Clinger Lane rather than ten. Twelve to sixteen feet of landscaping buffer are now planned, in addition to the setback of fifty feet Feedwire Road. The plan showed the dumpster in the northeast corner of the site. Mr. Rodney said staff was comfortable with the two-way traffic pattern shown, the aisle width, the lighting plan and the stormwater plan.

Mr. Rodney discussed the architectural standards. He stated that the architecture met the Unified Development Ordinance; prominent materials were brick and stone. He felt the mechanicals on the north side of the building did not require an 8’ tall brick wall for screening. The applicant could remove the window, hang the meters on the exterior wall and paint them to match the building. He pointed out areas where decorative brick patterns and awnings could add interest to the overall building design, especially on the north façade of the bank. Mr. Rodney showed the three versions of the plan submitted to date. He stated the materials palette was acceptable and had not changed from the previous submissions.

Mr. Rodney said the Standards of Approval could be met and noted the Final Development Plan for Phase II of the Cornerstone Development had not yet been approved by Council. Staff recommended approval of the Major Site Plan for the Shoppes II, subject to the following five conditions:

1. Major Site Plan approval is contingent on adoption of the Cornerstone Phase 2 Final Development Plan by City Council, and all conditions of approval contained therein.
2. Screening utility wall along the north façade be removed and replaced with wall-mounted utility apparatus painted to match the building exterior.
3. Awning over the wall-mounted utility apparatus shall remain provided it does not interfere with the function of the apparatus.
4. The brick pattern under the awning shall be modified to mimic a window.
5. An awning and modified brick pattern to mimic a window shall be added to the far left side of the north façade.

Planning Commission discussed the staff recommendation to add awnings and brick patterns for additional architectural detail on the south, west and north elevations. Mr. Rodney had recommended awnings over the window of the bank on the east elevations at the drive-thru. Ms. Korenyi-Both questioned the need for the areas with decorative brick pattern. Mr. Durham felt the awnings on the bank facades could be eliminated in order to differentiate the bank from the other uses. He said the building was not symmetrical and that there was no need to attempt to balance it artificially. Later, Mr. Rodney asked about using flat awning panels for the bank. That was seen as an acceptable option. Ms. Korenyi-Both said she was ambivalent toward the awnings, but did not see the additional brick patterns as necessary.

Planning Commission discussed the recommendation to eliminate the 8' wall screening the mechanicals on the north elevation. Ms. Korenyi-Both felt eliminating the screening wall and painting the mechanicals to match the building would be adequate. Mr. Durham was opposed to exposing mechanicals if the applicant was willing to build the screening wall. Mr. Rodney cited staff's concern about the height of the 8' screening wall and pointed out that nearly all the parking was on the opposite side of the building, but Mr. Durham said the exposure cheapened the building. The back of the building would be clearly visible from Cornerstone North Boulevard. He asked staff to work with applicant on the shortest wall possible to hang the mechanicals. Ms. Korenyi-Both inquired about the current height of the wall and the height of the building. She asked about the width of the walkway between the wall and the building. Mr. Rodney said the panel itself was tall, but he would work with the applicant to lower the wall as much as possible.

Mr. Von Handorf turned the attention of the Planning Commission to the dumpster enclosure by asking about the mounding to be used. Mr. Rodney responded care would be required for mounding and landscaping because of the corner location, so as not to interfere with sight distance. Mr. Durham verified that the enclosure would be brick matching the building.

Mr. Clark opened the public hearing.

Mr. Robert Hall of Oberer Land Developers 3475 Newmark Drive, Miamisburg, said he concurred with the staff recommendations, but preferred to install the screening wall for the

utilities. He said he was confused by the discussion of pitched and flat awnings on the building and asked for clarification. Mr. Durham pointed out the bank could be differentiated by using flat awnings for the front and back bank entrances. Mr. Durham and Ms. Korenyi-Both agreed the awning over the east bank window was not necessary from a design standpoint and could be deleted if the applicant so desired. Mr. Hall stated the applicant preferred not to install an awning over the window on the east elevation in the drive-through lane. Mr. Durham asked the applicant to work with staff to add interest to the north elevation. Ms. Korneyi-Both expressed appreciation for the improvement of the quality of the resubmitted plans.

Mr. Briggs stated awnings had not been a topic for other site plans for Cornertone North. He felt the discussion of awnings had been unnecessary and awnings would not make the Shoppes II consistent with the rest of the Cornerstone North development.

After Mr. Clark closed the public comment, he expressed concern about traffic entering through the northwest access point and trying to turn around amid traffic from the front of the building. He asked about the possibility of building a mechanical room that could be locked.

MOTION: Mr. Durham made a motion to approve Application P-2015-0005, the Major Site Plan for Shoppes II at 5401 Cornerstone North Boulevard, with Condition 1 of the staff recommendations, a new Condition 2 for the screening wall to be as low as possible, and a new Condition 3 for the applicant to work with staff for consistent design of the bank facades. The other conditions recommended by staff were to be deleted. Mr. Briggs seconded the motion. The motion passed 6-1, with Mr. Clark voting no. Therefore, the conditions are as follows:

1. The Major Site Plan approval is contingent on adoption of the Cornerstone Phase 2 Final Development Plan by City Council, and all conditions of approval contained therein.
2. The wall screening for the utilities on the north façade shall be as low as possible.
3. The applicant shall work with staff on the bank facades for consistency of design.

NEW BUSINESS

Application P-2015-0017: Major Site Plan For Mechanical Room
Centerville High School, 500 E. Franklin Street
Applicant: Robert Magee, Apex Mechanical Systems

Mr. Rodney went over the staff report for the Major Site Plan to construct a new mechanical room and courtyard area for replacement equipment at Centerville High School. The old mechanical room would be razed, and a new slightly larger one would be built. He showed the aerial view, photos and elevations for a mechanical area of 3,321 square feet; 1,447 square feet would be under roof. The exterior brick walls with soldier courses would match the existing buildings. The plan included a mechanical room to the south and a courtyard space to the north.

Mr. Rodney stated that the Standards of Approval could be met and recommended approval of the application with no conditions.

Mr. Clark opened public comment.

Representing the applicant, Mr. Dave Mills said he was available to answer questions. Mr. Clark asked about the uninterrupted length of the 67' wall on the east façade. He inquired about the possibility of adding columnar interest. In response, Mr. Durham pointed out that other areas of the high school complex had long lengths of brick walls and that this area was relatively well hidden. He felt that it was unnecessary to break up the visual length of the wall.

Mr. Clark closed the public comment.

MOTION: Mr. Von Handorf made a motion to approve the Major Site Plan for the mechanical room and screening wall at Centerville High School, as proposed. Mr. Briggs seconded the motion. The motion passed 7-0.

PLANNING COMMISSION RULES OF PROCEDURE

Mr. Rodney introduced a discussion of the Rules Of Procedure for the Planning Commission, saying it had been a number of years since they had been reviewed. He suggested the following updates:

1. The old rules dictated two meetings per month, instead of the current one meeting.
2. References to the Unified Development Ordinance would replace references to the Zoning Code.
3. The section on Planning Commisison agendas would be revised to better reflect current practice.
4. Item E. with information on public hearings would be revised.
5. A section covering work sessions was added. (See "Communications" also.)

MOTION: Mr. Briggs made a motion to approve the suggested changes to the "Planning Commission Rules of Procedure." Ms. Korenyi-Both seconded the motion. The motion passed unanimously, 7-0.

APPOINTMENT OF VICE-CHAIR

Because a vice-chair is to be appointed annually, Mr. Clark announced that Ms. Korenyi-Both was his nomination for the office.

MOTION: Mr. Briggs made a motion to appoint Ms. Korenyi-Both to the office of Vice-Chair. Mr. Etson seconded the motion. The motion passed with a vote of 7-0.

COMMUNICATIONS

Mr. Rodney explained the handouts included in the Planning Commission packets. He mentioned a general background article entitled, "Why Do Site Plan Review" from *Zoning Practice* and the quality agreement from the development agreement for Cornerstone North, as requested by the commission at the previous meeting. He reminded members to return completed emergency contact forms to Community Resources and invited everyone to the Volunteer Salute on May 14, 2015. He congratulated Mr. Briggs on his election into the Dayton Area Broadcasters Hall of Fame.

Mr. Rodney announced Oberer representatives had requested a Planning Commission work session at 6:30 p.m. on April 28, 2015, prior to the next regularly scheduled meeting in order to talk over expectations and direction for the Village Center at Cornerstone North. Mr. Durham asked for a specific agenda, information prior to the meeting and staff comments. Members discussed the village center concept, the multiple variances required with recent applications and the importance of hearing from staff professionals as a significant part of the evaluation process. They also noted a history of last minute submittals by Cornerstone Developers.

In order to facilitate productive meetings, Planning Commission concurred that they wanted background materials and input from staff on the issue at hand on the Friday prior to a work session, so they were not walking into a meeting unprepared. The Planning Commission members concurred that this should be general practice and that they wanted these directives to be included in their Rules of Procedure.

Mr. Rodney listed some projects expected to come before Planning Commission in the coming months.

There being no further business, the meeting was adjourned.



Mr. Paul Clark

Chair of the Planning Commission