

PLANNING COMMISSION
Regular Meeting
J. V. Stone Council Chambers
100 W. Spring Valley Road
Tuesday, September 29, 2020

At 6:59 p.m., Mr. Clark called the meeting to order and led the Pledge of Allegiance.

ATTENDANCE

Members Present: Paul Clark, Robert Muzechuk, Bill Etson, Amy Korenyi-Both, Kevin Von Handorf, and Jim Durham (remotely via phone).

Also present were City Planner Mark Yandrick, Municipal Attorney Scott Liberman, Assistant City Planner Joey O'Brien, Development Director Michael Norton-Smith, Planning Intern Sydney Yee, Staff Engineer Taylor Schindler, and Clerk of Council Teri Davis.

EXCUSE ABSENT MEMBERS

MOTION: Mr. Etson moved to excuse Don Stewart from the meeting; seconded by Ms. Korenyi-Both. The motion passed 6-0.

MODIFICATION OF CASE STATUS

Mr. Yandrick advised the Conditional Use Public Hearing which had been legally noticed has been cancelled and the application has been voided.

APPROVAL OF MINUTES

No additions or corrections were noted for the minutes of the Work Session meeting of July 28, 2020.

MOTION: Mr. Etson moved to approve the July 28, 2020 Work Session meeting minutes as distributed; seconded by Ms. Korenyi-Both. The motion passed 4-0 with Mr. Durham and Mr. Von Handorf abstaining.

No additions or corrections were noted for the minutes of the Planning Commission meeting of July 28, 2020.

MOTION: Mr. Etson moved to approve the July 28, 2020 Planning Commission meeting minutes as distributed; seconded by Mr. Muzechuk. The motion passed 4-0 with Mr. Durham and Mr. Von Handorf abstaining.

OPENING STATEMENT

Mr. Clark read an opening statement, regarding the conduct of Planning Commission meetings and Public Hearings.

PUBLIC HEARINGS

**Application P-2020-0018: Kettering Boundary Adjustment Rezoning
City Initiated
Mark Yandrick, 100 W. Spring Valley**

Mr. O'Brien presented a summary and overview of the rezoning, which includes 11 properties from Kettering R-1 zoning district to Centerville R-1c zoning district. He explained that the subject area was recently added to the City through a boundary adjustment with the City of

Kettering. Mr. O'Brien noted the Standards of Approval have been met. He provided staff analysis and advised Staff recommends Approval without conditions.

Mr. Yandrick added notifications were sent to affected property owners.

Mr. Clark opened the public hearing and seeing no speakers, closed it.

MOTION: Mr. Etson moved to approve Rezoning case number P-2020-0018; seconded by Mr. Muzechuk. The motion passed 6-0.

Application P-2020-0019: 1007 Fernshire Setback Variance
Jonathan Schaaf
RDA Group Architects (on behalf of the property owner)

Mr. Yandrick presented a summary and overview of the item. He provided a description of the property and its limitations. Mr. Yandrick noted in order for a variance to be approved, the applicant must prove a hardship created by a unique situation. He indicated staff's analysis supports the idea of a unique situation because of the adjacent property and the smaller than normal lot size for the neighborhood. He advised Staff recommends Approval without conditions.

Commission members discussed the location of the current deck which will be replaced by this project, the set-back requirements of the neighboring corner lot, and lot size of the subject property and its requirements pursuant to the R-1c zoning district.

Mr. Clark opened the public hearing.

Jonathan Schaaf of RDA Architects, representing the property owner, addressed Commission members. He discussed the existing deck dimensions and the alternative project options which were considered, but noted all would have required a variance.

With no one else coming forward to speak on this case, Mr. Clark closed the public hearing.

Mr. Von Handorf requested clarification of the origination of the development and the UDO requirements which were in place at the time of the development.

Mr. Durham provided an explanation as to why he is opposed to approval of this variance and noted Standards of Approval requirements C, D, E & G had not been met.

Mrs. Korenyi-Both inquired about next steps should the variance be denied. Mr. Yandrick stated he will provide instructions for the Council appeals process to the applicant.

MOTION: Mr. Von Handorf moved to approve Variance case number P-2020-0019; seconded by Mr. Etson. The motion failed 1-5.

OLD BUSINESS - none

NEW BUSINESS

Application P-2020-0021: The Allure Record Plat
Jim Obert
HMA Allure, LLC

Ms. Yee presented a summary and overview of the item. She provided a property description and reviewed the Standards for Approval. Ms. Yee indicated staff's analysis supports the record plat and advised Staff recommends approval with the following three conditions:

1. To the satisfaction of City Staff, text in "Detail A" shall to be updated to simplify which section of the existing 24' ingress/egress and emergency access easement will remain and which will be vacated. These areas shall also be shaded differently to avoid confusion.
2. The following restrictive text regarding the creation of the 71' storm sewer and ingress/egress easement adjacent to Loop Rd shall be removed. "The use of the property will not be limited other than to preserve the functionality of these 2 uses".
3. The applicant shall amend the proposed record plat with these subject conditions and be approved by City Staff before the Record Plan case is heard by City Council.

Mr. Yandrick noted the need for a fourth condition that would require an easement plan be adopted in a separate document in order for the plat to be approved by the County.

Applicant Mr. Jim Obert addressed Planning Commission agreeing to work with Staff to make the required modifications and finalize the easements.

MOTION: Mr. Etson moved to approve Record Plat case number P-2020-0021 with the three conditions recommended by Staff and including the fourth condition that an easement plan be adopted in a separate document; seconded by Ms. Korenyi-Both. The motion passed 6-0.

COMMUNICATIONS

Mr. Yandrick made a presentation about the City's five-year Strategic Plan. He explained the six goal categories and provided extra focus on the strategies and accomplishments of Goals 1, 2 and 5.

Mr. Norton-Smith made a presentation regarding the Uptown Action Plan. He provided an illustration of the Master Plan and explained the four project quadrants. Mr. Norton-Smith discussed the highlights of the project's phases and timeline. Planning Commission members inquired about City-owned property, parking, crosswalks, screening, water flow issues, and the future of the Nutt House. They expressed their compliments and support for the plan.

Mr. Yandrick provided the following communications:

- City Council approved the UDO amendments at its meeting on September 21. The changes will take effect on October 14, 2020.
- The October Planning Commission meeting will include a Work Session beginning at 6:15 p.m.
- Thanked Mrs. Davis for serving as the Commission's Clerk for tonight's meeting.

ADJOURNMENT

Seeing no further business, Mr. Clark adjourned the meeting at 8:35 p.m.



Paul Clark, Chair