

CENTERVILLE PLANNING COMMISSION  
Regular Meeting Minutes  
J. V. Stone Council Chambers, 100 W. Spring Valley Road  
Tuesday, October 26, 2021

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

**ATTENDANCE**

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

Also present were City Planner Mark Yandrick, Municipal Attorney Scott Liberman, Development Director Michael Norton-Smith, Assistant City Planner Joey O'Brien, City Engineer David Swanson, Planning Intern Austin Nelson, and Assistant Clerk of Council Donna Fiori.

**EXCUSE ABSENT MEMBERS**

Mr. Muzechuk communicated with staff he was unable to attend the meeting.

MOTION: Mr. Stewart made a motion to excuse Robert Muzechuk from the meeting; seconded by Mr. Etson. The motion passed 6-0.

**APPROVAL OF MINUTES**

Minutes of the Planning Commission regular meeting on August 31, 2021, had been distributed prior to this meeting.

MOTION: Mr. Etson made a motion to approve the August 31, 2021, Planning Commission regular meeting minutes as distributed; seconded by Mr. Stewart. The motion passed 5-0 with Mr. Durham abstaining.

**PUBLIC HEARINGS**

**P-2021-0031 – Variance  
Esencia LLC – Frank Gawdun  
5301 Cornerstone N. Blvd. (Chick-Fil-A)**

Mr. Yandrick presented the property description, application summary, proposed rendering, proposal, background, standards of approval, analysis, and staff recommendations. The variance requests are to allow the following:

1. Accessory structure to extend 12'-4" into the required 50' building setback from the west property line.
2. Attached canopy to extend 5'-8" into the required 20' building setback from the south property line.
3. Allow an accessory structure in a front yard.

The variance requests are to accommodate canopies to cover the drive through ordering and pick-up areas to protect customers and employees from the elements. Mr. Yandrick noted the company utilizes similar canopies at other locations, the site has three public street frontages, and the site was originally proposed to be a Costco gas station, but the developers agreed to relocate it.

Commission and staff discussed the lighting plan and canopy or cantilever regulations in surrounding jurisdictions.

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Mr. Clark raised a point of order inquiring if each variance requires its own vote. Mr. Liberman stated they could be grouped together or individually based on concerns or conditions related to each variance.

Mr. Clark opened the public hearing.

Jason Rosier, Chick-fil-A Corporate, was present for the meeting and described the company's nationwide effort to install permanent canopies in the drive-thru lanes for the protection of added outdoor workers in an effort to speed up the movement of traffic preventing backups. Mr. Rosier expressed willingness to work with and meet any local standards.

Mr. Clark closed the public hearing.

Commission and staff discussed setbacks related to the locations of the attached and detached canopies.

Mr. Durham asserted variances #1 and #2 do not meet the legal standards for a variance noting the absence of a practical difficulty or unnecessary hardship. He asserted setbacks are a matter of policy set by City Council and without a legal basis Commission should not be granting a variance which is a final determination but should be a matter for City Council to decide.

Commission concurred with Mr. Durham and Mr. Von Handorf pointed out a canopy could fit within the current setbacks although it would not cover all lanes but would provide a measure of safety for the employees. Ms. Korenyi-Both noted concern regarding the aesthetics of the canopies reminding the group of the opposition of a gas station with similar canopies in that location during the development phase.

Mr. Yandrick noted the final development plan is another place where setbacks are established which could be amended with City Council approval but could be complicated based on multiple properties.

MOTION: Ms. Korenyi-Both made a motion to approve P-2021-0031 variance #1; seconded by Mr. Stewart. The motion failed 0-6.

MOTION: Mr. Etson made a motion to approve P-2021-0031 variance #2; seconded by Mr. Stewart. The motion failed 0-6.

MOTION: Mr. Durham made a motion to approve P-2021-0031 variance #3; seconded by Mr. Von Handorf. The motion passed 6-0.

Mr. Durham with the concurrence of Commission recommended City Council consider amending the Unified Development Ordinance (UDO) to provide more flexibility related to canopies and setbacks considering the changing conditions due to the pandemic and the move toward drive-through restaurants and retailers which is good for business, customers, and employees. Commission urged City Council to make the UDO consistent with the City's objectives.

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Mr. Yandrick noted as stated in the staff report an accessory structure or canopy is normally permitted outside of the setback while drive-through lanes are permitted in a setback within our current regulations, but alternatives can be explored to provide more flexibility.

In response to an inquiry by Mr. Clark, Mr. Liberman indicated the minutes would reflect the Commission's desire for City Council to consider policy changes and City Council would decide the next steps if there were an appeal. He stated a change to a development agreement is much more complicated than a change to the UDO.

Mr. Durham urged the applicant to redesign the order station to remove it from the setback. Ms. Korenyi-Both indicated there is a traffic problem at this location.

**OLD BUSINESS** - None

**NEW BUSINESS**

**P-2021-0030 – Major Site Plan  
Esencia LLC – Frank Gawdun  
5301 Cornerstone N. Blvd. (Chick-Fil-A)**

This item was removed from the agenda at the request of the applicant.

**P-2021-0032 – Major Site Plan  
MKSK  
255 W. Spring Valley Rd. (Stubbs Park)**

Mr. O'Brien presented the property description, application summary, standards of approval, staff analysis, and recommendation. The proposed plan includes the redesign of the park entrance, reconstruction of the Veterans Memorial parking lot, renovation of the bandshell and concession building, regrading of the amphitheater seating, paving paths, creating an amphitheater plaza, and improving the stormwater and water quality through pond expansion. Mr. O'Brien indicated staff recommends approval with the following four conditions:

1. All drive aisles shall meet UDO standards.
2. All water and sanitary utility modification must be done to the satisfaction of Montgomery County Environmental Services.
3. All required US Army Corps of Engineers waterway permits shall be obtained in accordance with US Army Corps of Engineers rules and regulations.
4. All City staff review comments shall be addressed before the zoning certificate is issued.

Mr. Clark opened the meeting for public comment. Seeing none and there being no questions or comments from Commission, Mr. Clark asked for a motion.

**MOTION:** Mr. Durham made a motion to approve major site plan P-2021-0032 with the four conditions as recommended by staff; seconded by Ms. Korenyi-Both. The motion passed 6-0.

**2022 Planning Commission Submittal and Meeting Calendar**

Mr. Yandrick presented the proposed submittal and meeting calendar which was included in the Planning Commission meeting packet.

Mr. Yandrick pointed out that the March meeting is moved to accommodate the Centerville Schools Spring Break week and the December meeting for the holidays.

MOTION: Mr. Durham made a motion to adopt the 2022 Planning Commission Meeting Calendar as submitted; seconded by Mr. Von Handorf. The motion passed 6-0.

**COMMUNICATIONS**

Mr. Yandrick spoke about the following items: (a) acknowledged Mr. Muzechuk’s reappointment to Planning Commission, (b) thanked Mr. Clark for attending the Community Leadership Forum, and (c) November Planning Commission meeting moved to November 30.

Mr. Clark noted the Community Leadership Forum was well organized.

Mr. Durham inquired about the status of the Social Row Road and Yankee Street project. Mr. Norton-Smith discussed the land and stated the scope of the project is being reevaluated pending the US Army Corps of Engineers permitting and wetland mitigation process to maximize the developmental area.

Mr. Von Handorf inquired about the Uptown project. Mr. Norton-Smith provided details on the status and indicated an email will be going out with updates on the Uptown Action Plan to those that have signed up for the notifications email list. He also noted the website will be updated with the most recent plans.

In response to an inquiry by Mr. Durham, Mr. Norton-Smith discussed pictures included in the Town Crier that were concept renderings as examples of infill projects.

Mr. Clark noted positive feedback from neighbors on the demolition of 28 W. Ridgeway. Additionally, Mr. Clark expressed appreciation of the Commission members work during his absence.

The next meeting of the Planning Commission will be November 30, 2021, at 7:00 p.m.

**ADJOURNMENT**

Seeing no further business, Mr. Clark adjourned the meeting at 7:55 p.m.

Submitted By: Donna Fioni

Paul Clark  
Approved – Chairperson

12/15/2021  
Date