

CENTERVILLE PLANNING COMMISSION

Regular Meeting Minutes

J.V. Stone Council Chambers

Tuesday, November 21, 2023

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

ATTENDANCE

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

Also present were City Planner Ian Vanness, Municipal Attorney Scott Liberman, Development Director Erik Collins, City Engineer Jim Brinegar, and Assistant Clerk of Council Donna Fiori.

Members Absent: Bill Etson and Craig Moyer

EXCUSE ABSENT MEMBERS

Mr. Moyer communicated he would be unable to attend the meeting.

MOTION: Mr. Stewart made a motion to excuse Craig Moyer from the meeting; seconded by Mr. Von Handorf. The motion passed 5-0.

APPROVAL OF MINUTES

Minutes of the Planning Commission's special meeting on October 3, 2023 had been distributed before this meeting.

MOTION: Mr. Stewart made a motion to approve the October 3, 2023 Planning Commission special meeting minutes as distributed; seconded by Mr. Von Handorf. The motion passed 5-0.

Mr. Clark read an opening statement for public hearings.

PUBLIC HEARINGS

**P-2023-0032 – Conditional Use for Lightbridge Academy Centerville
Naimish Patel and Maulik Patel
1180 East Alex Bell Road**

Mr. Vanness presented the staff report providing an application summary, the standards of approval, staff analysis, and a recommendation. The applicants are seeking a Conditional Use permit for a day care center, Lightbridge Academy Centerville, in the R-1b zoning district at 1180 East Alex Bell Road. The applicants propose constructing a 9,844-square-foot playground directly west of the principal structure. A 6' vinyl privacy fence would enclose the proposed playground to mitigate noise pollution that may disturb adjacent residences. The applicant plans to limit the playground's capacity to a maximum of 48 students at one time. The application states the day care center would have a maximum of 24 full-time employees and 186 students. The proposed hours of operation are Monday-Friday, 6:00 a.m. to 6:30 p.m.

Staff recommends approval with four (4) conditions.

1. All review comments from public and utility review agencies shall be incorporated into final construction documents to the satisfaction of the City Planner.

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2. A full photometric lighting plan shall be included in the final Minor Site Plan application.
3. A landscaping plan that includes at least fifteen (15) evergreen trees for every 100' along the east and south property boundaries shall be included in the final Minor Site Plan application.
4. A final grading and drainage plan shall be included in the final Minor Site Plan application.

Mr. Clark opened the public hearing.

Sam Cain, 202 W. Main Street, Mason, an architect by trade representing the general contractor. Mr. Cain stated the civil engineer and architect for the project were present to address any questions.

Justin Mihalik, 373 Route 46 West, Fairfield, New Jersey, architect for Lightbridge Academy. Mr. Mihalik provided his credentials along with the history, clientele, structure, and layout of Lightbridge Academy. Mr. Mihalik addressed concerns with noise levels from children on the playground. He discussed no playground usage after dusk or in high/low temperatures, staggered playground times, limited to 40-60 children at a time, licensing requirements for student to staff/teacher ratios, and the solid fence enclosure. He noted the owners want to be a partner with the community. Mr. Mihalik shared safety measures in place including cameras, retinal scanners, fencing, limited exterior doors, sprinkler system, and coordination of safety plans with police and fire. He discussed the traditional architecture of the building including a cupola, metal roof, and entry canopy. He discussed the ample parking on the site noting parking spaces will be assigned for drop off/pick up.

Mr. Von Handorf inquired about the extent of grading near the back of the building and if vegetation could be saved.

Jeff Puthoff, Choice One Engineering, 440 E Hoewisher Road, Sidney, Civil Engineer for the project. Mr. Puthoff noted that they could minimize grading and keep as much vegetation as possible, but the sidewalk would require some grading.

Mr. Von Handorf and Mr. Puthoff agreed to a modification of condition #4 to minimize disruption to existing vegetation.

Karl Biermann, 1175 Ambridge Road, neighbor to the south of the proposed day care location. Mr. Biermann spoke against the proposal citing concerns with light pollution on his home, increased noise, 5 a.m. trash pick-up, AC units in the rear of the building, and disruption to home offices. He indicated most day cares are in business parks, apart from residential neighborhoods. He expressed discontent with the notification process for zoning text amendments and the desire for a process with the City to notify neighbors of any future work concerning the property.

Mr. Vanness shared the public hearing notice process for conditional use applications.

Winston Lowry, 1330 E. Alex Bell Road, shares a property line with the proposed day care location. Mr. Lowry summarized concerns related to traffic, sight and sound barriers, drainage, and water flow issues. He expressed concern about the adequacy of the tree buffering and the enforcement of maintaining it citing that the existing tree buffering agreement with the church was not maintained or enforced. Mr. Lowry asked if the neighbors would have access to the final drainage plan and inquired if the fence was going along the entire south side of the property as stated in the report or only along the building as

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indicated in the site plan. Mr. Lowry raised concerns about the number of children on the playground, the hours children could be on the playground, and the hours of trash collection.

Mr. Brinegar indicated any plans or studies can be obtained from himself or Mr. Vanness by request.

Mr. Vanness explained the minor site plan application process versus a major site plan process and the enforcement of conditions. He indicated once the City is notified of a maintenance issue relating to a buffering condition it is addressed through code enforcement. Mr. Vanness also indicated that there is a city code related to commercial trash collection hours.

Mr. Cain described the location of the fence along the back of the building and playground.

William Hurtle, 1126 Ambridge Road, neighboring property. Mr. Hurtle raised concerns about the traffic impact study (TIS) stating its limited scope which only focused on intersections and not the broader impact on surrounding roads. He discussed traffic difficulties in the area. Mr. Hurtle expressed the TIS lacked an accident study, questioned the generation rate, underestimated pass-by trips, and was only done over two days.

Neil Holtvogt, 7152 Paragon Road, owner of Young Learners World at 1200 Norwich Lane located within 500' of the proposed day care facility. Mr. Holtvogt discussed having to close his facility due to COVID-19 and the investment he is making to reopen. He questioned the applicants' honesty, transparency, and compliance with Ohio law stating based on the size of the facility it can accommodate more students than they present, there is a large amount of acreage for future unknown use, and that Ohio law requires a church to sell or transfer to a non-profit. Mr. Holtvogt asserted another church offered to buy the property and that would be the best use.

David Trombley, 1225 Ambridge Road, a neighbor behind the proposed day care facility. Mr. Trombley expressed discontent with spot zoning change in residential backyards. Asserted there has already been an increase in the number of students from the original proposal noting it could continue to increase based on facility size. Mr. Trombley raised concerns with the landscaping plan, light spillage concerns with the lay of the land, the number of children on the playground and playground hours, whether the height of fencing is sufficient to screen equipment, the location of AC units, and suggested a cap on number of students permitted at the facility. He requested neighbors be included in the landscaping and lighting plans.

Mr. Durham clarified all AC units on the south side of the building are behind the fence based on the site plan.

Kevin Hall, 1125 Ambridge Road, property abuts the south edge of the proposed day care facility. Mr. Hall expressed concerns related to the retention ponds and flooding that has occurred from this property over the 22 years he has lived there. He indicated he has retained an engineering firm to review the construction prints and stormwater calculations to ensure that the surrounding properties will not be adversely affected.

Jason Bunger, 7925 Brainard Woods Drive, Pastor of Hope Church at 5980 Wilmington Pike. Mr. Bunger shared that Hope Church voted to purchase this property from South Dayton Presbyterian Church and had a verbal agreement to purchase it in March. He indicated their desire to relocate to this property

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which would be used in the same condition with no change in traffic or hours providing improvements to the facility and grounds. Mr. Bunger discussed the location and history of Hope Church.

Erich Schubert, 2936 Stone Mill Court, Beavercreek, represents South Dayton Presbyterian Church. Mr. Schubert addressed the verbal agreement discussed by Mr. Bunger. He clarified the offer from Hope Church was less than the offer from Lightbridge Academy and it had multiple contingencies attached including the need for them to sell their current church and have it rezoned among others. Mr. Schubert stated South Dayton Presbyterian went with the cleaner offer.

William Hurtle requested to address commission members again. Chairperson Clark allowed his additional comments.

Mr. Hurtle requested the hours of operation be made a condition of approval and inquired if they operated outside of the hours indicated in the application if that would require another conditional use process. Mr. Vanness indicated the hours could be made a condition of approval but there are no limitations on the hours of use for this type of operation in the Unified Development Ordinance (UDO).

Mr. Hurtle questioned how the city defines an acceptable noise level and how it is enforced. Mr. Vanness stated maximum permitted sound levels (dBA) are included in UDO section 9.53.A.i and includes the source of sound with levels for daytime and nighttime. Mr. Vanness noted when complaints on noise issues arise staff goes to the property and measures the dBA level to verify compliance.

Mr. Hurtle asked what sound mitigation a 6' vinyl fence provides. Mr. Vanness indicated no studies had been conducted on how much it reduces sound.

Mr. Hurtle inquired about a condition limiting the number of students permitted to attend the day care. Mr. Von Handorf explained that Commission members discuss what has been heard and potential conditions after the public hearing is closed.

Eliezer Kotapuri, 7000 Clio Road, property at the corner of Alex Bell Road and Clio Road. Mr. Kotapuri addressed concerns with the effects on R1-c zoned properties adjacent to R1-b properties, with the number of students increasing from the time of the Council meeting for the text amendment to now, traffic congestion with pick up and drop off, and insufficient parking for the volume of in/out traffic.

Mr. Mihalik addressed concerns raised by the speakers. He indicated the following:

- Will work to reduce the lighting at the back of the building as much as possible per code.
- Will work with the vendor on garbage collection to comply with zoning regulations.
- The outside AC units will be within the fenced area.
- The church already initiated the approval process for a day care center before Lightbridge Academy was involved.
- There are no plans to subdivide in the future.
- A traffic study was prepared.
- An average of 35-40 parking spaces is standard for 186 students based on other Lightbridge Academy facilities.
- International traffic engineers take into consideration that most parents utilizing the facility will be within 1-3 miles, which is already existing local traffic.
- The civil engineers will work with the neighbors as much as possible on drainage and water flow issues.

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- Most day care centers maintain a multi-purpose area. There is no intention of the multi-purpose room becoming a classroom.
- Parking ordinance plays a role in the number of students permitted. He noted there is no intention of going over 186 students.
- The operator would be amenable to a condition concerning the number of students on the playground at one time.
- No hours of operation on Saturday or Sunday.
- Special events are done by classrooms to not overload the center at one time.

JoAnn Clark, 1151 Ambridge Road, neighbor behind the proposed day care facility. Mrs. Clark expressed fear that the trees behind her home will be removed when changes are made to the retention pond.

Mr. Puthoff of Choice One Engineering indicated the intent is to not remove any trees between Mrs. Clark's property and the existing retention pond.

Joanne Hall, 1125 Ambridge Road, neighbor behind the proposed day care facility. Mrs. Hall voiced concerns with the proximity of the retention pond to her property and issues with a catch basin in her yard. She questioned how they would be able to increase the size of the pond as intended and not remove any vegetation.

Mr. Brinegar indicated the proposed grading plan shows it is outside of the tree plan. He shared city inspections are done on catch basins and retention ponds to ensure they are working properly and if residents/businesses notice they are malfunctioning the city should be notified to investigate.

Eliezer Kotapuri requested to address commission members again. Chairperson Clark allowed his additional comments.

Mr. Kotapuri informed commission members of his professional credentials noting not all citizen comments are from lay people.

Winston Lowry requested to address commission members again. Chairperson Clark allowed his additional comments.

Mr. Lowry stated the number of trees to be installed has not been addressed and how will this be done without the destruction of existing trees.

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

Mr. Durham requested a discussion on the traffic study. Mr. Brinegar stated the TIS was prepared according to the Institute of Transportation Engineers (ITE) manual and discussed how the standards for counts and volumes are determined. He discussed traffic issues at Ambridge Road and Cloyo Road including improvements that have been made to the left turn lane noting this area was too far to be included in the study.

Mr. Stewart asked for clarification on the city process for noise level complaints. Mr. Vanness indicated staff does a site visit to test the noise levels. If found to be out of range the city will work with the property owner to bring them into compliance with the acceptable noise levels.

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Mr. Durham questioned if setting limits on the number of students in the facility/playground and limits on playground hours are permissible conditions. Mr. Liberman stated it can be done if the applicant agrees noting it could present enforceability issues.

Commission members discussed the following:

- How to determine appropriate limits on the number of students and playground hours. They noted there are limits based on State regulations but a consensus with the operator for a condition on limits is the best approach.
- Challenges faced when active public use adjoins single-family homes and history of Alex Bell Road zoning.
- Drainage concerns should be addressed by the City Engineer.
- TIS was completed according to ODOT and industry standards for this type of facility.
- If playground noise is outside of acceptable levels, it is up to staff to address.
- Traffic issues and noise pollution exist everywhere and require some level of acceptance.

Mr. Von Handorf clarified his initial concern with the existing vegetation at the back of the building has been resolved noting the proposed fence is an improvement over the existing vegetation.

Chairperson Clark invited a representative from the applicant to the podium to discuss possible conditions related to the hours/students on the playground and the number of students in the facility.

Justin Mihalik spoke on behalf of the applicants. He indicated they would be amenable to an agreement for a condition related to those items. Mr. Mihalik emphasized that the day care is licensed by the State and must operate within those regulations. He indicated children are generally on the playground during typical business hours from 8:30 a.m. to 5:00 p.m. Mr. Mihalik expressed limiting the number of students on the playground is possible based on experience with other facilities noting 40 to 50 students at a time is reasonable and manageable. Mr. Mihalik stated the number of students presented this evening of 186 is not a moving target and the applicant would be agreeable to setting that as a maximum number of students. He shared that the industry average of actual daily occupancy is 85%. Mr. Mihalik discussed the licensing process.

Commission members discussed condition recommendations and Mr. Mihalik indicated that the applicants would be agreeable to the recommended conditions.

With no further discussion, Mr. Clark called for a motion.

MOTION: Mr. Durham made a motion to recommend approval to the City Council of the Conditional Use application P-2023-0032, with the four (4) conditions recommended by staff amending condition #4 and adding two (2) conditions as follows:

4. A final grading and drainage plan shall be included in the final Minor Site Plan application to the satisfaction of the City Engineer and should minimize tree removal between the retention area and houses to the south.
5. The maximum number of children in the facility is to be no more than 186.
6. Playground hours are to be limited to 8:30 a.m. to 5:00 p.m. with no more than 50 children on the playground at a time.

Ms. Korenyi-Both seconded the motion. The motion passed 5-0.

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NEW BUSINESS

Adopt the 2024 Planning Commission Application Submittal and Meeting Calendar

Mr. Vanness presented the proposed calendar which was included in the Planning Commission meeting packet. He noted changes in meeting dates for Centerville Schools spring break in March and holidays in May and December.

Commission and staff discussed moving the November meeting to not be in the same week as Thanksgiving.

MOTION: Mr. Von Handorf made a motion to adopt the 2024 Planning Commission meeting calendar with one adjustment, moving the November meeting to November 19; seconded by Mr. Stewart. The motion passed 5-0.

COMMUNICATIONS

Mr. Collins provided an update on the preparation of the land and wetlands mitigation at Social Row Road and Yankee Street to prepare for future development. Mr. Collins shared that the area is being cleared around the channel and a bridge will be built over the body of water to stabilize the area classified as wetlands. Mr. Brinegar discussed utilities and the stormwater plan for the area.

Mr. Liberman provided an update on the Sheetz appeal to City Council. He indicated City Council overturned the Planning Commission approval citing that a 24-hour operation was not consistent with the surrounding properties. Mr. Liberman stated Sheetz, the developer, and the property owner filed an appeal on the City Council decision to the Common Pleas Court.

Mr. Vanness provided an update on the progress of the new Comprehensive Plan.

Mr. Durham shared with everyone he is moving out of state and, therefore, has tendered his resignation from the Planning Commission effective December 31, 2023. He stated this is his 35th year on the Planning Commission and expressed the pleasure of working with the Commission members.

Members and staff expressed their appreciation for the vast knowledge and guidance Mr. Durham has provided over the years.

ADJOURNMENT

There being no further business, Mr. Clark adjourned the meeting at 9:28 p.m. The next Planning Commission meeting is scheduled for Tuesday, December 19, 2023.

Submitted By: Donna Fiori

Paul Clark
Approved – Chairperson

12/22/2023
Date