

CENTERVILLE PLANNING COMMISSION

Regular Meeting Minutes  
J.V. Stone Council Chambers  
Tuesday, March 19, 2024

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

**ATTENDANCE**

Members Present: Chair Paul Clark, Vice-Chair Kevin Von Handorf, Bill Etson, Amy Galloway-Roma, Amy Korenyi-Both, Craig Moyer and Don Stewart.

Also present were City Planner Ian Vanness, Development Director Erik Collins, Councilmember John Palcher and Assistant Clerk of Council Donna Fiori.

**APPROVAL OF MINUTES**

Minutes of the Planning Commission meeting on February 27, 2024 had been distributed before this meeting.

MOTION: Ms. Korenyi-Both made a motion to approve the February 27, 2024 Planning Commission meeting minutes as distributed; seconded by Mr. Stewart. The motion passed 7-0.

**PUBLIC HEARINGS**

P-2024-0001 – Rezoning  
Oberer Land Developers, LTD  
Parcel: L49000100010001200  
Cornerstone of Centerville South, Lot #1

Mr. Vanness presented the staff report including an application summary, property description, standards of approval, staff analysis and recommendation. The applicant requests a zoning map amendment to rezone Lot 1 (63.7 acres) of one (1) parcel (Parcel ID: L49000100010001200) in the Cornerstone South development from Office Planned Development (O-PD) with a Corporate Business (CB) overlay to Business Planned Development (B-PD). The applicant is requesting the rezone to allow the property to utilize new uses otherwise not permitted in the current base zoning and overlay zoning districts to account for market changes in office uses. The applicant intends for Cornerstone South to offer various professional office, medical, hospitality, retail, restaurant, and entertainment venues. The applicant is preparing to develop Cornerstone South and rezoning the property to accurately reflect the development's intended uses.

Mr. Vanness noted a recommendation to limit the rezone to the western portion of the property which will be in line with the adjacent zoning on the North and West and also in line with the existing zoning in Sugarcreek Township, both to the North and South of the property. It is less consistent with the residential zoning districts to the East of the property that are in Sugarcreek Township and the City of Bellbrook.

Staff recommends approval of the zoning map amendment with one (1) modification and four (4) conditions:

Modification:

1. The area to be rezoned to Business Planned Development (B-PD) shall be limited to the western portion of the property (approximately 26 acres).

Conditions:

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1. An Amendment to the Cornerstone Development Agreement, allowing a change to both the property's zoning classification and conceptual development plan, shall be executed between the property owner and the City of Centerville prior to the zoning map amendment being considered by Centerville's City Council. The form of the Amendment to the Development Agreement shall be to the satisfaction of the Municipal Attorney.
2. The amendment to the zoning map shall be exclusive to this Applicant and no transferees or assignees of the Applicant are subject to this approval.
3. The property owner shall obtain an approved Preliminary Development Plan within twelve (12) months from the date that the zoning map amendment goes into effect, or the approval shall be withdrawn, and the zoning shall revert back to the original zoning of Office Planned Development (O-PD) with a Corporate Business (CB) overlay.
4. If an approved Preliminary Development Plan expires under the provisions set forth in the UDO 5.09 (G)(4) and UDO 5.09 (G)(5), then the zoning shall revert to the original zoning of Office Planned Development (O-PD) with a Corporate Business (CB) overlay.

Mr. Clark opened the public hearing.

Robert Hall, Oberer Land Developers, 3445 Newmark Drive, Miamisburg stated with all of the permitted uses under this current zoning, the one specific entertainment use is not permitted. He remarked the rezoning request aligns with the surrounding zoning and development of the property. Mr. Hall expressed no exceptions to the proposed modification or conditions.

Mr. Clark inquired about any development that would encroach into the wetlands. Mr. Hall noted no proposed development encroaches on the wetlands.

Jim Baldwin, 80 White Birch Road, asked for the definition of an entertainment district.

Mr. Vanness explained that based on the information shared by the applicant the entertainment user would be categorized as Outdoor Recreational and read the following definition from the Unified Development Ordinance (UDO) - *A recreational use conducted in part or wholly outside a building, including swimming, tennis, racquetball, skating rink, or other related physical health activity.*

Chris Conley, Oberer Land Developers, 3445 Newmark Drive, Miamisburg discussed the entertainment user they have under contract fits that definition. He explained the user is waiting to submit a plan until the property is properly zoned and is remaining confidential until that point.

Mr. Baldwin voiced concern about the entertainment district creating traffic, trash, and image issues.

Mr. Hall clarified that it is a single entertainment user and not an entertainment district.

Robin Steele, 95 Virginia Avenue, provided comment regarding the availability of parks and other entertainment options in the area and stated another entertainment area was not needed.

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

Mr. Etson inquired about access. Mr. Hall discussed a roundabout, access easement, and clear spanning the stream. He noted that the wetlands are located further toward the north and west and would not interfere with access.

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Mr. Von Handorf expressed satisfaction with the modification to limit the rezoning to the western portion of the property to avoid the residentially zoned area in Sugarcreek Township and considering the long-term land use compatibility.

MOTION: Mr. Von Handorf made a motion to recommend approval of rezone application P-2024-0001 with the one (1) modification and four (4) conditions as recommended by staff, to the City Council; seconded by Mr. Stewart. The motion passed 6-1 with Ms. Korenyi-Both voting no.

P-2024-0005 - Variances  
Eric Lutsch and Kimberly Farmer  
11 and 15 Westerfield Drive

Mr. Vanness presented the staff report including an application summary, property description, standards for approval, and staff analysis. The applicants request a variance from the following three (3) code sections of the UDO 9.05, Table 9.0: Table of Minimum Standards:

- To allow a minimum lot area of 5,715 square feet per dwelling unit.
- To allow a minimum lot width of 50' per dwelling unit.
- To allow a minimum side yard building setback of 0' along the common wall.

The applicants are requesting the variances so that they can split the parcel along the garage's common wall to better market the property for a future sale. If approved, each existing attached unit would have its own parcel. This property boundary adjustment would render the existing two-family residence, as an attached single-family residence. The existing lot is legally nonconforming as its total area of approximately 11,500 square feet does not meet the minimum lot area requirement of 14,520 square feet, or 7,260 square feet per dwelling unit. A Minor Subdivision application and survey have not been submitted. The applicants intend to proceed with the Minor Subdivision process if the variance is approved.

As a matter of practice, staff only provides analysis and not a recommendation on variances.

Mr. Vanness noted if the variance is approved, then staff recommends the following one (1) condition:

1. The minimum lot area shall not be less than 5,750 square feet per dwelling unit.

This would account for splitting the property in half per the submitted plan which is a correction from the application to what is being proposed.

Ms. Korenyi-Both inquired about what happens if the variances are not approved.

Mr. Vanness explained the Planning Commission has the final approval authority for variances. If the variance is denied the applicant would have the ability to appeal that decision to City Council.

Mr. Moyer inquired if the 10' side and rear setback remain. Mr. Vanness confirmed that the variance request for 0' sideyard setback would only apply to the common wall.

Mr. Etson expressed concern permitting the 0' setback on a common wall would open up issues with others wanting to create similar scenarios on their property.

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Mr. Vanness explained a variance request would have to be made for someone with the same request and each variance is determined on a case-by-case basis for each property and does not set a precedent.

Mr. Clark opened the public hearing.

Kimberly Farmer, 5292. Ainsley Drive, Westerville, applicant, provided comment regarding the desire to allow the long-standing tenants to purchase each half of the duplex. She expressed neither tenant can afford to buy the entire property. She asserted homeownership of the tenants would increase property values as they would be invested in maintaining and improving the property. Ms. Farmer noted the ample backyard for each unit.

Jim Baldwin, 80 White Birch Road, expressed concern over the unknown impact the request may have on neighbors, future improvements, tax implications, and property values.

Jeri Sands, 17, Westerfield Drive, noted concern regarding the property, property values and challenged the duration of the tenants.

Ms. Farmer clarified the status and duration of the current and past tenants and asserted home ownership is always a benefit for the Community.

Robin Steele, 95 Virginia Avenue, noted concern regarding who would be responsible for the common wall between the units, other owners attempting to split homes into separate dwellings or selling apartment units, and the negative impact on the area by attracting people who would otherwise not be able to afford the area.

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

Mr. Von Handorf discussed the role of the Commission is to render a decision within the confines of the UDO based on the Standards for Approval. He noted the following standards have not been met in this case:

- Exist unique circumstances or conditions applicable to the land or buildings where strict application of this ordinance would deprive the applicant reasonable use of the property. Mere loss in monetary value shall not justify a Variance.
- Proof of hardship from strict UDO application.
- Necessary for reasonable use of land or buildings.
- Will not confer on applicant special privileges.

He provided examples of variances where hardships may apply.

Mr. Stewart noted that the properties were constructed a particular way in the beginning and were purchased knowing how they were intended to be utilized. Asking for an exception now changes the market dynamics of how they were built.

Commission members concurred that a majority of the standards of approval have not been met.

MOTION: Ms. Korenyi-Both made a motion to approve variance application P-2024-0005; seconded by Mr. Stewart. The motion failed 0-7.

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**NEW BUSINESS**

**Vice-Chair Appointment**

Per the Unified Development Ordinance, the Vice-Chairperson shall be appointed for a 1-year term of office by the Chairperson. Chair Paul Clark reappointed Kevin Von Handorf for a 1-year term as Vice-Chairperson.

**COMMUNICATIONS**

Mr. Vanness spoke about:

- Comprehensive Plan Steering Committee is formed and includes Planning Commission members Paul Clark, Kevin Von Handorf, and Amy Galloway-Roma.
- Comprehensive Plan consultants Planning Next orientation with Staff and City tour.

Mr. Clark welcomed the new Planning Commisison member Amy Galloway-Roma and invited her to introduce herself. Ms. Galloway-Roma spoke about her family, background, work history, and volunteer involvement.

**ADJOURNMENT**

There being no further business, Mr. Clark adjourned the meeting at 8:13 p.m. The next Planning Commission meeting is scheduled for Tuesday, April 30, 2024.

Submitted By: Donna Fiori

Paul Clark  
Approved – Chairperson

5/1/2024  
Date