

PLANNING COMMISSION
Regular Meeting
Council Chambers
100 W. Spring Valley Road
Tuesday, January 31, 2017

Mr. Paul Clark called the meeting to order at 7:00 p.m.

ATTENDANCE

Present: Paul Clark, Amy Korenyi-Both, Jim Durham, Bill Etson, Robert Muzechuk, and Kevin Von Handorf. Also present were City Planner Andrew Rodney, Municipal Attorney Scott Liberman, and Assistant Clerk of Council Julie Weaver. Planning Commission Appointee Don Stewart and Councilman John Palcher were present in the gallery.

APPROVAL OF MINUTES

No additions or corrections were noted for the minutes of the Planning Commission meeting of December 13, 2016.

MOTION: Ms. Korenyi-Both made a motion to approve the minutes of the Planning Commission meeting of December 13, 2016, as distributed. Mr. Muzechuk seconded the motion. The motion passed 5-0-1. Mr. Etson abstained from the vote.

OPENING STATEMENT

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

PUBLIC HEARINGS

As noted in a memo to the Planning Commission, Mr. Rodney reported the applicant had missed the deadline for submittal of revisions for the four applications related to Cornerstone Phase IV. Staff did not have adequate time to review the changes properly, so he recommended tabling the four applications to the February meeting.

Application P-2016-0030: Rezoning - Cornerstone Phase IV
Application P-2016-0052: The Final Development Plan for Cornerstone Phase IV

MOTION: Mr. Durham made a motion to remove Applications P-2016-0030 and P-2016-0052 from the table. Ms. Korenyi-Both seconded the motion. The motion passed 6-0.

MOTION: Mr. Durham made a motion to table Applications P-2016-0030 and P-2016-0052 to the meeting on February 28, 2017. Ms. Korenyi-Both seconded the motion. The motion passed 6-0.

Application P-2017-0001, Rezoning for 6661 Clyo Road, O-PD to I-1
Arnie Biondo, Director of the Centerville-Washington Park District

Mr. Rodney presented the staff report for the request to rezone 6661 Clyo Road from O-PD, Office-Planned Development, to I-1, Light Industrial zone classification to permit its use as an operations center for the Centerville-Washington Park District. Mr. Rodney projected an aerial map, a zoning map and photos to explain the history and existing conditions of the property. Since 2011, the zoning for neighboring parcels has been exclusively R-PD, Residential-Planned Development, and O-PD, Office-Planned Development. The City initiated a zoning change to O-PD in 2010 to allow a funeral home use on the site, to be compatible with existing nearby uses and to fulfill the future land use plan of *Create the Vision*. In 2011, the City also initiated a change for the properties along the entirety of Centerville Business Parkway to O-PD. Mr. Rodney reported the Park District would keep its administrative offices at the current location on Main Street, and he showed a rendering of exterior changes proposed for the 22,000 sq. ft. building at 6661 Clyo Road to adapt it to the needs of the operations center.

Staff had serious questions about the ability of the application to meet the Standards of Approval for the rezoning. Although the staff report recommended denial, Mr. Rodney stressed the desire of the City to cooperate with the Park District and maintain a quality relationship. In addition, staff did not want the recommendation to be seen as a negative reflection on Park District operations. The pertinent question was whether the request for rezoning could meet the Standards of Approval. Important concerns were whether the rezoning was reasonably necessary when land zoned I-1 was available nearby on South Metro Parkway, whether the change of use would have a negative impact on adjacent residential and office uses, and whether there was a potential for incompatible or noxious uses to be permitted by right. In addition, the *Create the Vision* future land use plan envisioned the area having commercial or office uses. Because staff did not believe Standards # 2, 3, 4 and 5 could be met, the Planning Department recommended denial of the rezoning request.

Mr. Durham noted the Sears use was industrial rather than retail, because it was primarily a repair and warehouse facility. He pointed out the substantial work to moderate the industrial look of this building facing Clyo Road at the time it was built, in contrast to the Park District's proposal for overhead garage doors facing the residential area directly across the street. This change would create spot zoning. He stated the requested rezoning would go against the progress of the last 40 years to increase consistency and protect the residential areas that have sprung up along Clyo Road from Alex-Bell Road to I-675 to Bigger Road and beyond.

When Mr. Clark opened the public hearing, Mr. Arnie Biondo, Director of the Centerville-Washington Park District, 221 N. Main Street, represented the Park Board, a sister public entity serving the interests of the community. He made several points to mitigate the City's objections to the rezoning and give a broader viewpoint. He noted that *Create the Vision* stressed a goal of intergovernmental cooperation. The Park District would not be going out of business in five or six years, so concern about future noxious uses should be minimal. The Park District would not be storing piles of salt or mulch and heavy equipment outdoors, nor, for the most part, parking vehicles within view of the public. If the park district should leave, in reality, the zoning "in perpetuity" would only have to be until the City decided it had good reason to change it, since the City was the sole authority for zoning. He noted the operations center had existed for many

years in harmony with its neighbors at its current location at 221 North Main Street, as did Vectren and the Washington Township Fire Station along Clys Road. Mr. Biondo shared he had signed letters from eight of the neighboring businesses in favor of the rezoning and the coming of the Park District operations. He felt the City had the authority to make changes for whatever made good sense.

Mr. Biondo named four possible options—rezoning as requested, rezoning with a deed restriction, approving a Conditional Use, or amending the Unified Development Ordinance. With the deed restriction, the property would return to O-PD at such a time as the Park District vacated the property. In amending the UDO, the City could modify the Conditional Use Table as it had for the funeral home. He asked for intergovernmental cooperation for the greater public good and stressed this rezoning was an opportunity to facilitate the procurement of a high quality facility for the Centerville-Washington Park District, which would work in harmony with the neighbors. He asked for approval of the rezoning or direction on how to proceed.

When Mr. Biondo finished speaking, Mr. Clark noted for the record Planning Commission had received a letter in opposition to the rezoning from Mr. Thomas Holtz, Jr., 6391 Gwinnett Lane, representing the Parkway Professional Suites Condo Association.

Ms. Kathleen Zucco, 1180 Smugglers Way, asked the Planning Commission not to recommend the rezoning. She said the photos shown in the presentation did not convey the proximity of her home to the Sears building. She complained of problematic lighting, in particular.

Mr. Tom Nikolai, Mark Fornes Realty Group, 2080 Byers Rd., Miamisburg, represented Fischer Family Properties, LLC, the owner of the property. Mr. Nikolai stated the building was empty from 2007 to 2011 and again since 2015. He said it was a difficult site to market since it was neither an office building (no windows) nor an industrial site (no loading docks); most inquiries about the property came from potential users who did not fit O-PD zoning. He listed vacant space along Centerville Business Parkway and talked about the current tenants there. Mr. Nikolai asked for approval of the rezoning on behalf of the owners.

Seeing no other speakers, Mr. Clark closed the public hearing.

Mr. Durham discussed options. He said a covenant on the deed requiring return to a previous zoning generally was not enforceable under Ohio law. He asked about a conditional use or a variance, either of which would allow Planning Commission to maintain substantial control of the architecture of the site, lighting and landscaping for the protection of the neighbors. He expressed major concern about what could happen if the property were rezoned and the Park District decided not to complete the purchase.

Mr. Rodney stated he was hesitant to set a precedent with this rezoning and/or with the addition of the operations center to the Conditional Use table. In a more global vision for the whole City, private enterprise might claim to be similar to this public activity and petition to occupy a property in any O-PD zone. When asked by Planning Commission for an example of an I-1 zone abutting an R-PD zone at present, Mr. Rodney conveyed significant mounding and landscaping had been installed along Thomas Paine Parkway for the protection of a condo complex adjacent to the new RS Link building. Frontage was not involved at that location. Although O-PD zones

had a high vacancy rate in South Dayton, he noted the relatively small area of Centerville zoned strictly for office use.

Members shared additional thoughts. Mr. Muzechuk asked if the problem remained if the Park District moved the administrative offices to the site along with the operations center. Mr. Rodney stated the move would be allowed under current zoning as long as the government offices were seen as the main use and the operations center was ancillary, because government offices were a permitted use in O-PD zones. Mr. Etson stated he was not in favor of the spot zoning, as requested, because a rezoning would not allow control for the benefit of the neighbors. Mr. Durham added that he was a friend of the Park District and was hoping that the City could be creative in coming up with a solution to the zoning issue.

Mr. Rodney clarified that a conditional use amendment/approval would be a land use policy decision at the discretion of City Council, and Mr. Liberman explained the processes for a Conditional Use amendment and approval. A longer timeline and additional fees would be required; public hearings would be advertised and held. Discussion of the best course of action followed among the Planning Commission members.

Pointing out the likelihood the rezoning would go to Council with a recommendation for denial, Mr. Durham asked Mr. Biondo if he would prefer for the Planning Commission to vote or to table the matter to the next meeting. If the matter were tabled, the City and the Park District could explore the possibility of alternate options.

Mr. Biondo stated agreement with tabling Application 2017-0001 to allow time for the consideration of other options.

MOTION: Mr. Durham moved to table Application P-2017-0001, the rezoning of 6661 Cloy Road to the meeting of Planning Commission on February 28, 2017. Mr. Muzechuk seconded the motion. The motion passed 6-0.

Application P-2017-0003: Final Development Plan for the Randall Residence
John Roll, Roll and Associates, Inc., Sheehan Road, Social Row Road, Paragon Road

Mr. Rodney asked the Planning Commission to table this application to the next meeting because of the unexpected death of David Winemiller of the engineering firm working on the Randall Residence Final Development Plan.

MOTION: Mr. Durham made a motion to table Application P-2017-0003 to February 28, 2017. Ms. Korenyi-Both seconded the motion. The motion passed 6-0.

OLD BUSINESS

Application P-2016-0031: Record Plan for Section 7, Cornerstone Phase IV
Application P-2016-0053: Major Site Plan for the Park at Cornerstone North

Mr. Rodney requested the plat application and the major site plan be tabled to the meeting on February 28, 2017.

MOTION: Mr. Durham made a motion to remove Applications P-2016-0031 and P-2016-0053 from the table. Ms. Korenyi-Both seconded the motion. The motion passed 6-0.

MOTION: Mr. Durham made a motion to table Application P-2016-0031 and P-2016-0053 to the Planning Commission meeting on February 28, 2017. Ms. Korenyi-Both seconded the motion. The motion passed 6-0.

NEW BUSINESS

Application P-2017-0002: Record Plan for the Rabold Farm
Ron Coffman of Equity, Inc, - Sheehan Road, Social Row Road, Paragon Road

Mr. Rodney stated Montgomery County requested the replat of the 67 acres of the site consolidating three parcels prior to the platting of individual lots. He recommended approval without conditions.

MOTION: Ms. Korenyi-Both made a motion to approve Application P-2017-0002, the record plan for the property at Sheehan Road, Social Row Road and Paragon Road. Mr. Muzechuk seconded the motion. The motion passed 6-0.

COMMUNICATIONS

Mr. Rodney introduced Mr. Don Stewart, the recent appointee to the Planning Commission. Mr. Stewart will be sworn in at the Council meeting on February 20 and will assume his duties at the Planning Commission meeting on February 28.

Mr. Rodney announced Council had approved the Centerville Place Planning Study as an amendment to *Create the Vision*. The next steps were to present the study to Land Bank representatives and search for a developer.

Mr. Rodney reported the meeting in February was expected to have a full agenda with the Allure Final Development Plan, the Randall Residence Final Development, Phase 4 of Cornerstone, a Major Site Plan for a Jeep dealership on Loop Road, and a Major Site Plan for a Core Life Eatery in Shoppes III.

Mr. Rodney requested that everyone stay for a few minutes after the meeting to consider options for projecting electronic media during meetings in Council Chambers.

The next meeting of the Centerville Planning Commission will be in the Council Chambers at 7:00 p.m. on February 28, 2017. Mr. Clark adjourned the meeting about 8:20 p.m.


Paul Clark, Chair