

PLANNING COMMISSION
Regular Meeting
Council Chambers
100 W. Spring Valley Road
Tuesday, March 28, 2017

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

ATTENDANCE

Present: Paul Clark, Amy Korenyi-Both, Jim Durham, Bill Eton, Robert Muzechuk, Don Stewart and Kevin Von Handorf. Also present were City Planner Andrew Rodney, Planner Mark Yandrick, City Engineer Jim Brinegar, Assistant Engineer Alisha Burcham, Municipal Attorney Scott Liberman, and Assistant Clerk of Council Julie Weaver. Councilmen Palcher and Engert were also present.

APPROVAL OF MINUTES

Mr. Muzechuk requested the inclusion of a statement that Mr. Oberer had introduced a prospective user for the 10.5 acres in the northwest corner of Phase IV of Cornerstone North to City Council, and the Council members would welcome the user (on page 2). Mr. Rodney suggested reviewing the recording and not voting on the minutes until the next meeting. Planning Commission concurred.

OPENING STATEMENT

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

PUBLIC HEARINGS

Application P-2017-0010: Preliminary Development Plan for Savannah Place

Mr. Rodney gave the staff presentation for the application filed by Charles V. Simms Development for 22 duplexes on about 14 acres along Yankee Street, north of Yankee Trace Drive, with R-1c zoning and a Lifestyle Community Overlay. After reviewing the development application process, the City Planner used an aerial map, a zoning map and photos to show existing conditions. A stub street on the traffic circle on Yankee Trace Drive would provide access to the property via a new entry boulevard. Mr. Rodney reviewed the history of the property and the creation of the 14-acre tract. He described the proposal to build 22 attached (duplex) homes with single-story homes attached to two-story homes. A mixture of two and three-car garages would be built. Twenty-seven percent of the homes would have side-entry or courtyard-entry garages. Density was expected to be 3.14 units per acre with significant greenspace and clustered housing. The developer proposed public streets, shared driveways and private stormwater management. Mr. Rodney noted the land sloped generally southeast to northwest. He discussed buffers, setbacks, grading, mounding, landscaping, architecture, greenspace, and the separation of vehicular traffic from the Commons. The Yankee Trace Homeowners Association may add this area to its membership.

Because staff determined that the application generally met the (new) Standards of Approval for a Preliminary Development Plan and the guidelines of *Create the Vision*, Mr. Rodney recommended approval of Application P-2017-0010, subject to the following nine conditions:

1. This Preliminary Development Plan shall supersede all previous development plan(s) approved on the subject parcel.
2. The sidewalk shall be relocated to the south side of the streets.
3. Per Article 9.31, all driveways shall be 20 feet in length from the public right-of-way.
4. The lot for Unit #1 shall be a size and orientation consistent with other lots in the development.
5. Mounding and landscaping along the west perimeter – to the extent practicable – shall be consistent with other residential areas of Yankee Trace along Yankee Street.
6. Building architecture shall be four-sided with elements of brick and/or stone on all four façades.
7. Detailed comments from the Washington Township Fire Department shall be incorporated into the final development plan, record plan, and construction documents as appropriate subject to approval by the Fire Chief.
8. Detailed comments from the Engineering Division shall be incorporated into the final development plan, record plan, and construction documents as appropriate subject to approval by the City Engineer.
9. Detailed comments from Montgomery County Water Services and other utility providers shall be incorporated into the final development plan, record plan, and construction documents as appropriate subject to approval by the City Engineer.

Questions from Planning Commission related to pillar signage, easements, and lot sizes and lot configuration. All questions were answered to their satisfaction.

When Mr. Clark opened the public hearing, Mr. Charlie Simms of Charles V. Simms Development noted his long history of successful construction projects in Centerville. He stated he was in agreement with the nine conditions.

Mr. Durham made two suggestions. He pointed out the need for more side-entry garages (3-car) especially among Buildings 37-44. Mr. Simms stated he might be able to add one or two more, but grades were a factor in that area. Mr. Durham suggested the use of two single garage doors instead of one double for variety, since four buildings in a row were very similar. He also requested the detention pond in the area adjacent to the Commons be located to minimize the loss of trees. Mr. Simms agreed to save as many trees as possible, while maintaining proper drainage. He noted he would be replanting healthy, desirable trees.

Ms. Joanne Duda, 1381 Little Yankee Run, a resident and a trustee of Bethany Commons Condominium Association, thanked the City for the notice and voiced that the neighbors were excited to welcome Mr. Simms and to work with him to solve any issues in the best interest of the community. She complimented the planned development as a nice addition to Yankee Trace.

Mr. Jim Hinds, 9216 Stansel Circle, a resident and a trustee of Bethany Commons, stated support for the development plan. He noted two unresolved earlier issues—the extinguishment of the access easement from McCullough Street and the stub ends of the unlooped water system in the Commons. Mr. Rodney stated he would follow up with Mr. Hinds on these matters.

Mr. Clark closed the public hearing.

Questions from Planning Commission concerned construction traffic, vehicular connectivity and pedestrian interconnectivity. Staff answered these questions to Planning Commission satisfaction.

MOTION: Ms. Korenyi-Both made a motion to approve Application P-2017-0010, the Preliminary Development Plan for Savannah Place, subject to the nine conditions recommended by staff, as shown above. Mr. Muzechuk seconded the motion. The motion passed 7-0.

Application P-2017-0011: Variance for Additional Gross Floor Area at 6421 Clio Road

Mr. Rodney presented the staff report for the request by Joseph Hoelker of Kraken Properties for approval of a variance to permit the construction of an animal care center with a gross floor area of 15,000 square feet at 6421 Clio Road on the two vacant lots on the northeast corner of Clio Road at Bigger Road. The property is zoned O-S, Office-Service, which has a maximum gross floor area of 10,000 square feet per lot when not adjacent to a single-family residential neighborhood. A zoning map illustrated the mixed zoning in the area, with multi-family housing across Clio, industrial zoning on Thomans Paine Parkway, and O-PD zoning for Vectren to the west. Mr. Rodney projected an aerial view and photos to explain existing conditions. The proposal was for a single-story office building and associated parking. Mr. Rodney noted the distributed drawings were conceptual in nature and not set plans. The variance and a lot consolidation were the first steps in the wider process. He noted the building was appropriate in size and the type to serve as a buffer between the multi-family uses across Clio Road and the industrial uses on Thomas Paine Boulevard; the floor area was not out of character with other nearby buildings. The use would meet the intent of the regulations, however, staff analysis showed the application did not meet the standard for hardship. He stated the floor area standards could be reviewed in the annual update of the UDO with consideration of the land use principles. Because Standards #3, 4, and 5 could not be met, staff recommended denial of the variance.

Mr. Clark noted letters from Doug Hoffman of the Care Center and Mike Ryan of the Lexington Meadows Condo Association had been distributed and opened the public hearing.

Mr. Joe Hoelker representing Kraken Properties, LLC, 9715 Sycamore Trace, Cincinnati, spoke on behalf of the animal hospital. Kraken Properties, LLC, had a purchase contract for the two lots with Martin Land Company conditioned on the approval of the variance. Mr. Hoelker stated agreement with staff's analysis of Standard #3, but disagreed with the findings of staff about hardship since the company could build 10,000 sq. ft. on each of the lots, but not 15,000 sq. ft.

once they were consolidated area. The applicant had asked for 5,000 square feet less gross floor area than the total permitted on the two separate lots. He felt Standards #4 and #5 could be met.

When Ms. Korenyi-Both asked about the layout of the site diagram, Mr. Hoelker responded the City had requested the building be closer to the street with the parking in the rear. An existing storm sewer easement to the northeast also limited building placement.

Skip Schaffer of Commercial Realty, Inc., the agent representing the property owners, gave a history of the zoning and the marketing of the site. The property had attracted little interest over time. He said the City Manager and the City Planner had agreed that the animal hospital would be a positive presence for the corner and that the building was appropriate as a zoning buffer. He felt Standard #3 could be met; the rules deprive his client of reasonable use of the property. He discussed changing the UDO, but felt the variance was a better course of action.

Mr. Clark closed the public hearing.

Planning Commission discussion followed. Mr. Clark recalled failed attempts to use the two lots. Rooftop exposure of mechanicals due to the depressed elevation and the poor access to public streets were problematic. Mr. Durham agreed and pointed out the difficult adjacencies and the problem of driveways onto two busy streets for two business lots. He concurred there was a need for a good buffer between the condos and the industrial uses on Thomas Paine Parkway and mentioned the size of the Vectren building was commensurate and compatible. Mr. Durham pointed out one larger building was better for longterm viability, but the Planning Commission did not have flexibility. When Ms. Korenyi-Both asked about the view from the multi-family homes across Clio Road, Staff verified the floor level of the one-story building would sit six feet below the sidewalk. Mr. Etson asked about two buildings connected by sidewalk. Mr. Stewart asked about the position of the building on the lot since driveway placement was a significant factor. Members talked about rezoning the property or updating the UDO to change the standards of O-S zoning.

Mr. Durham, Mr. Rodney and Mr. Liberman discussed tying the variance to this particular user/prospective owner. Mr. Durham asked for conditions for the lot consolidation and a maximum gross floor area of 15,000 square feet. Mr. Stewart suggested including a condition for the general placement of the building. When Mr. Liberman stated he would have to research how to form the conditions, Mr. Durham proposed tabling the variance to allow time to research limiting the approval to the applicant who was not yet the owner. Mr. Durham asked the parties to determine a fair and specific amount of time for the prospective buyer to close, consolidate the lots, and begin construction. Mr. Rodney summarized that the conditions were to include general placement of the building, a maximum gross floor area of 15,000 square feet, consolidation of lots and an expiration of the approval of the variance if construction had not begun. Mr. Hoelker noted an environmental study, another condition in the sales contract, was in process. After some reflection, Mr. Schaffer and Mr. Hoelker agreed to tabling Application P-2017-0011 to the meeting of Planning Commission on April 25, 2017.

MOTION: Mr. Durham made a motion to table variance Application P-2017-0011 to the next meeting of the Planning Commission on April 25, 2017. Ms. Korenyi-Both seconded the motion. The motion passed 7-0.

UDO Text Amendment to Permit Temporary Garden Centers
to Operate Continuously for up to 180 Days

Mr. Rodney introduced the proposed amendment to the Unified Development Ordinance requested by City Council to permit temporary garden centers to operate continuously for up to 180 days. Currently, temporary seasonal garden centers are limited to 90 days and must be dismantled for 60 days between permit periods. Staff asked for one seasonal user per premises per year.

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

MOTION: Mr. Durham made motion to recommend approval of the UDO text amendment to permit temporary garden centers to operate continuously for up to 180 days, as recommended by staff. Mr. Von Handorf seconded the motion.

Comments from Mr. Muzechuk followed. He questioned if the change would be overly restrictive, if two different users wanted rent the site over different shorter periods of time. Mr. Rodney stated that had not happened in the past, and he was not in favor of encumbering a site all year. Mr. Clark noted keeping temporary uses temporary was part of the reason for the inclusion of the current standard.

The motion for approval having been made and seconded, the Planning Commission voted 7-0 to recommend approval of the UDO text amendment to the City Council.

NEW BUSINESS

Application P-2017-0012: Major Site Plan for South Bed Tower at Miami Valley Hospital South
Applicant: Greg Monnig of Woolpert, Inc.

Mr. Rodney presented the staff report for Major Site Plan for the continued expansion of the campus of Miami Valley Hospital South at 2400 Miami Valley Drive. He noted a Special Major Use Approval in 2005 covered the master plan for the campus with its B-PD zoning; the new bed tower was shown on that development plan. He reviewed the current conditions on the site, including the existing buildings, parking lots and temporary construction parking. The new 168,000 sq. ft. five-story bed tower would mirror the architecture, materials and window patterns of the adjacent tower. Up to 336 associated parking spaces would be built over time, as needed. Mr. Rodney described the expansion of the existing power plant, grading, stormwater management, roadways, traffic circulation, lighting, landscaping and screening. Stormwater management and minor landscaping details were still being worked out. Mr. Rodney noted staff was reviewing the traffic impact report for the adjacent exterior roadways and wanted the funding of potential roadway improvements to be addressed with this review of the Major Site Plan.

The City Planner stated the Standards of Approval generally could be met, and he recommended approval of the Major Site Plan, subject to the following five (5) conditions:

1. Parking lot island landscaping shall be provided in accordance with UDO Article 9.25.

2. The Applicant shall participate financially in the construction of roadway improvements required as a result of this development per the submitted Traffic Impact Study and the discretion of the City Engineer. Full payment for the Applicant's share of the improvements shall be due prior to the issuance of zoning and building permits unless an alternate payment plan, acceptable to MVHS, is recommended by the City Engineer and approved by the City Manager.
3. Signage is not approved as part of this Major Site Plan.
4. Construction document notes and detailed plan review comments from the Public Works Department shall be incorporated into construction plans subject to review and approval by the City Engineer. An Ohio-licensed professional engineer is to stamp, sign, and date the plans.
5. Construction document notes and detailed plan review comments from public and/or private utility companies shall be incorporated into construction plans subject to review and approval by the City Engineer. An Ohio-licensed professional engineer is to stamp, sign, and date the plans.

Mr. Clark opened the public hearing.

Mr. Greg Monnig of Woolpert, Inc, spoke on behalf of Miami Valley Hospital South and Premier Health. He objected to the inclusion of Condition #2 related to the traffic impact study and the obligation of the hospital to share the undetermined cost of roadway improvements in the surrounding area. Woolpert, Inc., had done the site engineering and a traffic impact study. Mr. Monnig stated the traffic study did not show problems in the area directly caused by hospital traffic, in his opinion. The study did identify improvements needed in locations where traffic backs up during peak hours. Likewise, an Ohio Department of Transportation project for 2039 at the I-675 interchange should not be the responsibility of the hospital. He said the hospital might be willing to participate in striping and signage changes at Wilmington Pike to create dedicated right turn lanes from Cloyo Road, even though the need was not generated by traffic from the hospital. He protested that the wording of Condition #2 could open the hospital to unlimited financial responsibility for roadway improvements.

Mr. Durham verified the Major Site Plan would not go to Council to make the final decision on funding issues. He said he was not sure Planning Commission had the authority to evaluate financial responsibility. Mr. Rodney said it was no different than requiring The Allure and The Lofts of Centerville to participate in roadway improvements. He stated the condition was written in good faith in anticipation of an alternate traffic impact study commissioned by the City. Mr. Durham voiced concerns that the condition was vague and unenforceable. Mr. Rodney said no other review body for this case would be able to require participation in roadway upgrades, if they were needed.

Mr. Liberman stated the Planning Commission could make a determination that the applicant must participate in funding roadway improvements, subject to the traffic impact study and the approval of the City Engineer. Mr. Von Handorf inquired about naming a percentage of the cost.

Mr. Craig Self of 10031 Pebblestone Drive, who is the Chief Strategist for Premier Health, asked for approval of the Major Site Plan without Condition #2. He noted conflicting traffic impact studies would cause differing opinions about fiscal responsibility. He stated Miami Valley Hospital South wanted to be a community partner, but Condition #2 was totally undefined and not acceptable to the hospital.

City Engineer Jim Brinegar explained the Engineering Department disagreed with the hospital's interpretation of the Cornertone Traffic Impact Study and the Interchange Study (IMS). For this reason, the City commissioned a separate traffic impact study and was awaiting results. To work with the hospital's accelerated construction schedule, the City was asking for the condition rather than the tabling of the Major Site Plan application.

Mr. Liberman voiced staff's concern that, without Condition #2, the total cost of the roadway improvements could fall to the City, since that was the finding of the applicant's traffic report. He suggested a condition related to the traffic impact study or the tabling of the application. If tabled, Mr. Rodney stated at risk work could not begin; all permits would be held up. Ms. Korenyi-Both stated the application should be tabled. As an alternative, Mr. Durham asked the Municipal Attorney to craft an acceptable condition, Mr. Liberman conferred with Mr. Brinegar to write the following:

2. A Traffic Impact Study and financial commitments acceptable to both parties as to the improvements that are required.

Planning Commission members stated the options were to table or have a decision that included Condition #2. Mr. Liberman and Mr. Rodney shared the process for an appeal to Council at the meeting on April 17, 2017.


MOTION: Mr. Durham made a motion to approve Application P-2017-0012, the Major Site Plan for the south bed tower at Miami Valley Hospital South, subject to the five conditions recommended by staff as shown above with the substitution of new Condition #2 as written by Mr. Liberman. Ms. Korenyi Both seconded the motion. The motion passed 7-0.

COMMUNICATIONS

Mr. Rodney announced Park Director Arnie Biondo had withdrawn the rezoning application for 6661 Cloy Road, and he gave an overview of applications for the next Planning Commission meeting. He noted Mr. Van Atta was appealing the decision of the City Planner denying a Certificate of Zoning Compliance for the Linden House addition. The final plans showed exterior design changes and materials significantly different from those approved by the Planning Commission.

Mr. Clark congratulated Ms. Korenyi-Both on her reappointment to the Planning Commission.

The next meeting of the Centerville Planning Commission will be in the Council Chambers at 7:00 p.m. on April 25, 2017. Mr. Clark adjourned the meeting about 9:15 p.m.


Paul Clark, Chairman