

PLANNING COMMISSION
Regular Meeting
Council Chambers
100 W. Spring Valley Road
Tuesday, April 25, 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, Municipal Attorney Scott Liberman, and Assistant Clerk of Council Julie Weaver.

APPROVAL OF MINUTES

Mr. Rodney reported the minutes of February 28, 2017 were reviewed using the recording of the meeting and were edited on page two to reflect Mr. Oberer's statement on the Mayor's reaction to the potential end-user for the 10.5 acres in the northwest quadrant of Cornerstone North.

MOTION: Mr. Muzechuk made a motion to approve the Planning Commission minutes of the meeting on February 28, 2017. Mr. Von Handorf seconded the motion. The motion passed 7-0.

No additions or corrections were noted for the minutes of the Planning Commission meeting of March 28, 2017.

MOTION: Mr. Von Handorf made a motion for approval of the minutes of the Planning Commission meeting on March 28, 2017, as distributed. Mr. Stewart seconded the motion. The motion passed unanimously.

OPENING STATEMENT

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

PUBLIC HEARINGS

Application P-2017-0011: Variance for 15,000 sq. ft. of Gross Floor Area at 6421 Clyo Road

MOTION: Ms. Korenyi-Both made a motion to remove Application P-2017-0011 from the table. Mr. Muzechuk seconded the motion. The motion passed 7-0.

Mr. Rodney gave the update on the application and referred to the memo in the Planning Commission packet listing the proposed conditions of approval for a variance for an additional 5,000 square feet of gross floor area as discussed at the previous meeting. He shared the conditions recommended by staff for the approval of the application as follows:

1. The Variance shall expire without granting of a final Certificate of Zoning Compliance and Building Permit for construction within 16 months of approval.
2. The subject lots shall be consolidated via record plat.
3. The proposed building shall be located within the southwest corner of the site.
4. The maximum building size shall be 15,000 square feet.

Mr. Liberman stated he had researched tying a variance approval to a specific applicant. He found the approval could not be tied to a particular applicant, but Planning Commission could designate a time period for expiration of the approval.

When Mr. Clark invited the applicant to the podium, Mr. Joe Hoelker of Kracken Properties stated he would answer questions and that Dr. Hoffman of the animal care center was also present. When Mr. Clark asked if the conditions were acceptable, Mr. Hoelker answered in the affirmative.

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

MOTION: Ms. Korenyi-Both made a motion to approve variance application, P-2107-0011, subject to the four conditions in the memo from Mr. Rodney, as shown above. Mr. Muzechuk seconded the motion. The motion passed 7-0.

Application P-2017-0016: Appeal of the Decision of the Zoning Administrator by Jeff Van Atta for the Denial of a Certificate of Zoning Compliance for Bethany Lutheran Village

Mr. Rodney announced the appeal of the Zoning Administrator's decision denying a Certificate of Zoning Compliance for the construction plans for a replacement wing of the Linden House at 6451 Far Hills Avenue. The Zoning Administrator determined the exterior elevations and the exterior materials were not consistent with the Major Site Plan approved by Planning Commission at its meeting in October 2016. Mr. Van Atta of Van Atta Engineering submitted the appeal for Graceworks Lutheran Services, the owner, however Richard Kielely of the architectural firm represented Graceworks at this evening's meeting.

Mr. Rodney discussed the appeal process. He explained the question before Planning Commission in this appeal was, "Did the Zoning Administrator act appropriately?" The response needed to be a simple yes or no. Renegotiation of elements of the site plan was not an option.

Before proceeding, Mr. Rodney provided examples of typical changes for plans following approval by Planning Commission. Mr. Rodney said staff often worked closely with applicants to ensure consistency with the Planning Commission approval

Mr. Rodney presented the staff report. He reviewed the scope of the project with its separate wellness center, parking areas, landscaping plan and a new 90,000 sq. ft. replacement wing for the Linden House in the R-PD zoning district. In recalling the history leading to the denial of the

Certificate of Zoning Compliance, Mr. Rodney mentioned the review of the Development Plan Amendment and the Major Site Plan in 2016. The approval of the Major Site Plan included a specific condition related to the use of E.I.F.S. Condition #4 stated “Per Article 9.53(C)(2)(c)(iii) and Article 9.53(C)(2)(d)(i), Planning Commission hereby approves the use of E.I.F.S. and a flat roof.” On March 8, 2017, construction plans were submitted to the Planning Department showing colored E.I.F.S. replaced much of the brick on the building and integrally colored masonry replaced the stone along the entire base of the building. The UDO required the use of E.I.F.S. to be approved by Planning Commission on a case-by-case basis, per the submitted Major Site Plan. Additionally, the change in materials was also a concern; no integrally colored masonry was shown on the original submission. Mr. Rodney stated that repeated conversations and emails with the applicants did not result in enough change to the construction plan submittal.

Using elevation drawings of each facade, Mr. Rodney compared the Major Site Plan seen by Planning Commission with the construction plans submitted for the Certificate of Zoning Compliance. Although window configurations were different, the general envelope of the main building remained similar. Using schematics of the two plans side-by-side, he highlighted portions of each elevation to show where the lesser quality materials had been substituted. He pointed out the existing building had a complete first floor brick wrap, even in the courtyard; brick in that area would be consistent with the existing wing and in character with the remainder of the building. A chart provided by the applicant showed the use of brick was about half that shown on the original submittal.

While the applicant professed the construction plans met the intent of the Planning Commission approval, staff believed they did not. A recent set of plans brought the north and south elevations closer to compliance, but the east and west elevations lacked brick and the entire stone base was still replaced with an alternate material, so he continued to recommend that the Certificate of Zoning Compliance be denied. Mr. Rodney also noted the plans submitted for Planning Commission approval were not a revision whereby the brick and stone were requested by staff; the architect voluntarily selected these materials for the Major Site Plan.

When Mr. Clark opened the public hearing, Mr. Robert Curry of Thompson Hine LPA, 10050 Innovation Drive, Dayton, argued the appeal for Graceworks Lutheran Services. He noted the complexity of the project as it evolved from schematic design to final approval. He said changes were made for functional reasons and for the addition of desirable aesthetics—not to reduce costs. The total cost of the project had not decreased, but some lower cost materials counterbalanced the higher costs of enhancements. He felt the changes were in keeping with the original design intent. Mr. Curry stressed changes in materials were made away from the public eye, that architectural quality remained and that the construction plans met the requirements of the Unified Development Ordinance. He stated the alternate recent submittal mentioned by Mr. Rodney had been intended as an official submittal.

Mr. Kieley of the c. c. hodgson architectural group at 23240 Chagrin Falls Blvd, Cleveland, said the changes seen between the Planning Commission submittal and the final construction plans were a natural part of the design process. The construction plans would create a better building.

Mr. Kieley described the context of the site. He said much of the 100-acre campus was not visible from Far Hills Avenue; roadways, materials and design elements interconnected the complex of multiple buildings, apartments, and villas. Mr. Kieley used a 3-D animaton to walk the Planning Commission through Bethany Lutheran Village with emphasis on the replacement of the wing of the Linden House. He used elevation drawings to explain the construction plans. He noted the revised plan had significantly more articulation and more glass. He stated integrally colored masonry would be used for the retaining walls for the underground resident storage/program area because of its greater strength and then maintained for the base around the wing. Generally, the areas with the alternative materials were not visible to the public; the interior courtyard was an example. Brick was used on the front of the building and at stairwells where it could be appreciated.

Mr. Kieley compared the use of materials for the Major Site Plan with those of the construction documents using a materials chart. He said the total percentage of E.I.F.S. on the exterior facades was similar to the original submission. The amount of glass doubled; the use of natural stone decreased. He stated he had dealt with the masonry products collectively. Following the materials' summary, he passed a sample board to the Planning Commission.

Mr. Curry made concluding remarks. He stated some functional changes occurred during the development of the design; aesthetic changes included the addition of glass and the removal of blank areas. Overall, masonry products comprised about the same percentage of the exterior wall area, although the type of products changed. Substitutes were made in less public areas. He stated his clients believed this was a better plan and stressed the revision maintained architectural quality, created a more functional building and met the requirements of the Unified Development Ordinance.

Mr. Curry pointed out that Mr. Rodney did not feel comfortable making a decision on the acceptability of the changes to the construction plans. Mr. Rodney felt he did not have that authority, but Mr. Curry believed he did have the authority. He told Planning Commission that the members could give Mr. Rodney guidance by granting this appeal.

Mr. Clark asked about the areas where this wing ties into existing elevations. Mr. Kieley stated those materials were brick or brick and E.I.F.S.

Mr. Muzechuk asked about the content and lifespan of the integrally colored masonry. He felt there would be cracks and fading without proper maintenance. Mr. Kieley stated the integrally colored masonry was a concrete product that would require periodic sealing for optimal durability. Maintenance was the responsibility of the owners. He noted landscaping would hide much of the simulated stone because it was low to the ground.

Ms. Korenyi-Both clarified the percentages shown on the chart. Mr. Kiely stated he used all masonry products as a group; the simulated products were included.

Mr. Clark closed the public hearing.

When Mr. Durham asked Mr. Rodney to explain his reasons for denying the Certificate of Zoning Compliance, Mr. Rodney stated he felt the additional glazing was a positive addition to

the plan and not problematic. He shared that he was less concerned with ratios of materials than with the quality of materials used. The construction plans introduced new, lower quality materials not approved by the Planning Commission. Neither the second color of E.I.F.S. nor the integrally colored masonry was shown on the Major Site Plan. Initially, he had recommended approval of the Major Site Plan with a smaller percentage of brick than most other buildings on the campus because he agreed the wing had areas less visible to the public, but the construction plans showed even less brick—about half the original amount. He was not comfortable accepting that change. In addition, the Planning Commission approved the specific use of E.I.F.S. on certain areas of each elevation.

Mr. Durham and Mr. Liberman discussed the scope of the Planning Commission's role in the appeal. Mr. Liberman reiterated the question should be, "Was Mr. Rodney's decision correct? Are the construction plans significantly different from the plans approved by the Planning Commission?" Mr. Durham clarified that the question was not whether a particular plan was better. In his opinion, the construction plans were significantly different—the most changed he had seen during his tenure on the Planning Commission. Mr. Liberman stated an amendment to the approved Major Site Plan would be an option for the applicant. Planning Commission could consider the construction plans.

MOTION: Ms. Korenyi-Both made a motion to grant the appeal of the decision of the Zoning Administrator. Mr. Von Handorf seconded the motion. The motion was defeated unanimously with a vote of 0-7.

Mr Rodney noted, if the applicant wished to appeal the Planning Commission decision to Council, the appeal application and fee would need to be received in the next 24 to 48 hours due to noticing requirements for the item to appear on the May Council agenda. A later submittal prior to the 15-day deadline would put the appeal on the June agenda.

NEW BUSINESS

Application P-2017-0013: Major Site Plan for the Remodel of the Wendy's Restaurant on Wilmington Pike

Mr. Rodney announced that Linear Architecture, the applicant, had requested the application be tabled to the May meeting of Planning Commission. The applicant was not able to address the concerns of staff in time for the current meeting.

MOTION: Mr. Durham made a motion to table the Wendy's Major Site Plan application. Ms. Korenyi-Both seconded the motion. The motion to table passed 7-0.

Application P-2017-0015: Record Plan for The Allure, Section One, 6751 Loop Road

Mr. Rodney gave the staff report for the record plan for Section One of The Allure, a replat for 4.56 acres of the the 14.6 acre parcel at 6751 Loop Road requested by Jeff Van Atta of Van Atta Engineering, Inc. This parcel had frontages along Loop Road and I-675 and adjoined Cross Pointe Center. The replat was needed to provide for the establishment of easements for The Allure complex. Council must vacate old easements on the property to facilitate changes for the

new construction. Information related to extinguishing the existing easements appeared on page three of the distributed plat documents. Parkland dedication was included.

Replatting in three phases was expected in order to facilitate construction and maximize the property tax abatements available for the redevelopment of the old Showcase Cinema property. Mr. Rodney stated Mr. Jim Obert was present to represent Hills Properties.

Staff recommended approval of the plat without conditions.

MOTION: Mr. Durham made a motion to recommend approval of Application P-2017-0015, The Allure record plan for Section One, to the City Council. Ms. Korenyi-Both seconded the motion. The motion passed 7-0.

COMMUNICATIONS

Mr. Rodney reminded the Planning Commission that the May meeting schedule changed because of the Memorial Day holiday. He summarized applications expected for the May agenda. These items included three variances—a variance for a setback issue on Stanley Mill Drive, a variance for the use of plastic pipe under private streets for the Randall complex at Sheehan Road and signage variances for Mike's Carwash on South Main Street.

In sharing other information, Mr. Rodney mentioned a rumor that the old Kroger building and the associated strip center were being sold and noted that Miami Valley Hospital South had appealed Planning Commission's inclusion of Condition #2 of the approval of the bed tower Major Site Plan at 2400 Miami Valley Drive. The appeal was tabled at the April Council meeting, and the parties were working to come to agreement on the hospital's participation in the funding of roadway improvements along the adjoining sections of Wilmington Pike and Cloy Road. Mr. Rodney announced the Volunteer Salute on May 11 and encouraged members to attend.

Planning Commission asked about the Cornerstone rezoning and final development plan applications on the Council agenda in May. Mr. Rodney shared that the proposed end-user for the 10.5 acres in the northwest corner of the development was still unknown to staff.

The next meeting of the Centerville Planning Commission will be in the Council Chambers at 7:00 p.m. on May 23, 2017.

Mr. Clark adjourned the meeting about 8:10 p.m.



Paul Clark, Chair