

PLANNING COMMISSION
Regular Meeting
Tuesday, February 23, 2016

Mr. Paul Clark called the meeting to order at 7:30 p.m.

ATTENDANCE

Present: Paul Clark, Amy Korenyi-Both, Jim Durham, Kevin Von Handorf, Robert Muzechuk, Jim Briggs and Bill Etson. Also present were City Manager Gregory B. Horn, City Planner Andrew Rodney, Municipal Attorney Scott Liberman, Planner Mark Yandrick and Assistant Clerk of Council Julie Weaver.

APPROVAL OF MINUTES

No additions or corrections of the minutes of the previous meeting were suggested.

MOTION: Mr. Briggs moved for approval of the minutes of the Planning Commission of January 26, 2016, as distributed. Mr. Von Handorf seconded. The motion passed 6-0-1 with Ms. Korenyi-Both abstaining.

OPENING STATEMENT

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

PUBLIC HEARING

Application P-2016-0003: Variance for an Electronic Sign in an R-1C Zoning District
Montessori School, 6833 Wilmington Pike – Applicant: Becky Ross of KAP Signs.

Mr. Yandrick presented the staff report for the variance. He used a zoning map to show the location of Creative World of Montessori on the eastern edge of the R-1C Zoning District. The sign would border the Neighborhood Commercial District across Wilmington Pike. He explained the proposal for a ground sign with an upper name panel, an electronic message center of eight square feet (using a single copy color with a solid color background) and a stone base. He reviewed the UDO regulations for electronic signs and the recent development of the property. The sign would be at least 215 feet from the property line of the nearest home on Briggs Road and about 200 feet to Hingham Lane to the southwest. He used photos to show the property and the screening in both summer and winter. The school would have to limit the brightness of the sign to 1000 nits at night. Mr. Rodney added the applicant would be required to add mounds and landscaping in the vicinity of the sign.

Mr. Yandrick, citing the Standards of Approval, stated that Staff recommended approval of the variance without conditions, since Staff felt there would not be a substantial impact for the nearby residents.

Commission members voiced questions. Mr. Von Handorf verified that the sign met the electronic message board standards of the UDO and would be placed on the Wilmington Pike frontage. When Ms. Korenyi-Both asked for an example of a comparable message board, Mr. Yandrick pointed out the one at Fortis College on Alex-Bell Road. Mr. Rodney said the sign at the high school was also an example. She then inquired whether the sign would be lighted all night. Mr. Rodney stated software was available to dim or turn off the sign for specific periods.

Mr. Clark opened the public hearing, and Eric Burdick, of ITHKICAN, representing the applicant, stated the Walgreens' sign was larger and brighter than the one at the Montessori school.

Mr. Danny Sprouse, a neighbor living at 2525 Indian Summer Drive, shared his home was shielded by the building, but his neighbors to the south would see the lights unless sufficient screening was in place. He said the Walgreens' sign was visible and bright. Mr. Burdick repeated that the school sign had softer light. He also felt the mounding and landscaping would limit the exposure for the neighbors.

Mr. Clark closed the public hearing.

MOTION: Mr. Briggs made a motion to approve Application P-2016-0003, the variance for an electronic message board in an R-1C zoning district. Ms. Korenyi-Both seconded the motion. The motion passed 7-0.

Application P-2016-0006, Variance Requesting Both a Ground Sign and Projecting Signs for
Shoppes III, 5231 Cornerstone North Boulevard
Applicant: Robert Hall for Cornerstone Developers, Ltd.

Mr. Rodney presented the staff report for Application P-2016-0006. He stated that Shoppes III was in a B-PD zoning district north of Shoppes I along Wilmington Pike in Phase III of Cornerstone North. The UDO permitted ground signs and wall signs, but not ground signs and projecting signs. Mr. Rodney pointed out the variance was very similar to the variance granted for Shoppes I to use a ground sign on the Wilmington Pike frontage and projecting signs on the building along Cornerstone North Boulevard, because wall signs were difficult to read with the limited setback from the street. In this case, the applicant again requested a trade-off of the area permitted by the UDO for wall signage to be used for projecting signs. Mr. Rodney noted the double frontage lot, the maximum setback of ten feet from Cornerstone North Boulevard and the pedestrian orientation of the area. He recommended approval, subject to the following six conditions:

1. Projecting signs shall be located solely along the east façade.
2. The quantity of projecting signs shall not exceed the total tenant count within the building.
3. The general design of the projecting signs shall be in conformance with the plans dated January 28, 2016 and included herein.

4. The maximum sign face area for each individual projecting sign shall not exceed 6.6 square feet.
5. The total sign face area for each tenant space shall not exceed the calculated sign area permitted by the UDO.
6. Wall signs on the east façade shall be prohibited.

Mr. Clark noted the Major Site Plan had not yet been approved. Mr. Liberman responded the approval of the variance could be conditioned on approval of the site plan.

When Mr. Clark opened the public hearing, Mr. Robert Hall of Oberer Land Developers, Ltd., 3475 Newmark Drive, Miamisburg, thanked Staff for the recommendation for approval and stated that he had no exceptions to the Staff recommendations.

In discussion of the variance by the Planning Commission, Mr. Muzechuk asked if the ground sign was necessary. He felt the existing ground signs were difficult to read because of the wide setback from Wilmington Pike. Mr. Hall responded that clients wanted the additional exposure on Wilmington Pike. Mr. Rodney reminded the group that the applicant was giving up wall sign area in exchange for the projecting signs. The total area for signage was not changing.

MOTION: Ms. Korenyi-Both made a motion to approve Application P-2016-0006, a variance to allow both a ground and projecting signs for Shoppes III, 5231 Cornerstone North Boulevard, subject to the six conditions recommended by Staff and also contingent upon the approval of the Major Site Plan. Mr. Briggs seconded the motion. The motion passed 7-0.

Application P-2016-0005: Major Site Plan for South Dayton Auto and Truck at 888-900 E. Franklin Street. Applicant: Shane Smith.

Mr. Rodney gave the background for the Major Site Plan that Mr. Shane Smith requested for South Dayton Auto and Truck at 888-900 East Franklin Street in a B-2 General Business zoning district. Using an aerial map and photos, he explained the business was currently located in the smaller building at 888 E. Franklin Street. After renovations, the business would shift to the larger building on the lot at 900 E. Franklin Street, and the smaller building would be demolished. Nearly 100% of the site was currently impervious surface. Although the lots were recently consolidated, the dual frontage parcel was grandfathered without proper stormwater management, landscaping, or setbacks. The photos showed the lot line and the current conditions on the west side of the property where a significant slope (2:1) allowed storm water run-off from the adjoining lot to cross the applicant's deteriorating asphalt pavement. The City and the applicant contacted the owner of the parcel to the west, but a meeting had not yet been set. Mr. Rodney discussed options for improving stormwater flow and directing water to a catch basin to the northwest at the street. The site plan also closed two existing curb cuts and relocated others, in order to control ingress and egress from South Suburban Drive with one-way traffic circulation. The plan included the addition of 7% pervious surface, landscaping, a dumpster enclosure and a new ground sign. The renovated building would have a raised shingled roof, some stone on the north, east and west, vinyl siding and painted block. Mr. Rodney noted the vinyl siding had to be specifically approved by the Planning Commission for this zoning district.

Planning Staff felt the Standards of Approval could be met and recommended approval of the application with the following nine (9) conditions:

1. A demolition estimate and bond (performance or cash) valid for one (1) year for the small building (currently 888 E. Franklin Street) shall be submitted prior to the issuance of a Certificate of Zoning Compliance in association with this Major Site Plan.
2. The small building at 888 E. Franklin Street shall be demolished within one (1) year of issuance of a Certificate of Zoning Compliance in association with this Major Site Plan.
3. The landscape estimate and bond (performance or cash) valid for one (1) year shall be submitted for all proposed on-site landscaping prior to the issuance of a Certificate of Zoning Compliance in association with this Major Site Plan.
4. Separate construction documents, an estimate, and bond (performance or cash) valid for one (1) year for all proposed work within the public right-of-way – including street trees, driveways, and stormwater infrastructure – shall be approved by the City Engineer prior to the issuance of a Certificate of Zoning Compliance in association with this Major Site Plan.
5. Final design of the proposed catch basin and stormwater infrastructure – including stormwater calculations and overland flow routing – shall be approved by the City Engineer prior to the issuance of a Certificate of Zoning Compliance in association with this Major Site Plan.
6. All existing asphalt and concrete pavement to remain shall be repaired, sealed, and striped in accordance with City standards.
7. Planning Commission hereby explicitly approves the use of vinyl siding as required by UDO Article 9.53(C)(2)(c)(iii).
8. The drive aisle within the vehicle display area shall have a uniform width of 20 feet.
9. 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.

Mr. Clark asked about the requirements for landscaping/stormwater management on the west property line. Mr. Rodney stated that the cooperation of the adjacent property owner was needed to solve the problem. The interim plan was to move the curb eastward about 9 feet and plant grass. A swale, a short wall, a curb, or French drain might be needed, along with repair of the asphalt pavement. He said the stormwater analysis would better define the requirements. Mr. Von Handorf suggested a bio-retention system for the area, such as a rain garden.

Mr. Clark asked about the vinyl siding. He said other businesses in town, including neighboring ones, had not been allowed to use vinyl siding and protested that this group should get special

privilege. Mr. Rodney responded the UDO said that Planning Commission could grant the use on a case-by-case basis. The applicant had requested to use it.

When Mr. Muzechuk asked if the adjacent property owner could be required to help in the control of the stormwater, Mr. Rodney said that a conversation had not yet occurred with the condo association, so no solution was worked out. Records were not available to help define responsibility.

Mr. Clark opened the public comment. Mr. Shane Smith of South Dayton Auto and Truck, the applicant, stated that he needed the cooperation of the neighbor to the west to solve the drainage problem and to help pay for any drainage improvements. Solutions such as a curb, a wall, a French drain or a catch basin would be expensive. He said he had gotten no response to registered mail. Mr. Rodney noted the neighbors had surveyed the property line.

Mr. Karl Zengel, 3134 S. Farmcrest Drive, Cincinnati, OH, Mr. Smith's architect, stated the strip along the western property line had been left unplanted to allow space for stormwater management, possibly a strip for a water garden.

When Mr. Briggs asked for information on the vinyl siding, Mr. Smith said he preferred the heavy weight Dutch-lap vinyl with a 30-35 year life expectancy. Vinyl siding was used on the building across the street to the north. Mr. Briggs suggested approving the type and weight siding to which Mr. Smith had referred and had displayed in Council Chambers.

MOTION: Mr. Briggs made a motion to approve Application P-2016-0005, the Major Site Plan for South Dayton Auto and Truck, subject to the nine conditions recommended by Staff and adding verbiage to condition 7 to "approve the vinyl siding in the style and color proposed and displayed at the meeting." Mr. Muechuk seconded the motion. The motion passed 6-1, with Mr. Clark voting no.

Mr. Horn left at this time.

Application P-2016-0004: Major Site Plan for Shoppes III at 5231 Cornerstone North Boulevard
Applicant: Robert Hall, Cornerstone Developers, Ltd., 3475 Newmark Drive, Miamisburg

Describing Shoppes III as the mirror image of Shoppes I with variations in the exterior materials, Mr. Rodney gave the staff report for Shoppes III, a multi-tenant building of about 10,000 square feet with four occupants located within the Cornerstone Section V record plat. He discussed the proposed ground sign before locating the building close to Cornerstone North Boulevard with parking on the Wilmington Pike side and with mounding averaging 3 feet above the parking grade. Included were 108 parking spaces and a pad for a future building site. Staff requested that the dumpster enclosure to be moved farther into the lot to be better shielded with additional landscaping. Landscaping, screening and stormwater management were judged to be adequate to meet the standards. Slight changes were suggested for lighting intensity and exterior materials. Staff questioned whether adequate pedestrian accessibility was provided, since Shoppes III would sit in the heart of the village center. As submitted, the dual frontage building had all customer access from the rear of the structure. Staff stressed the need for public entry from the east along Cornerstone North Boulevard to promote walkability.

Because the Standards of Approval could be met, Staff recommended approval of Application P-2016-0004, the Major Site Plan for Shoppes III, subject to the following four (4) conditions:

1. Each tenant space shall provide a public entrance addressing Cornerstone North Boulevard.
2. Light temperature of parking lot lights shall be 4000 K.
3. An alternative arrangement of the dumpster enclosure shall be submitted to and approved by the City Planner.
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.

Mr. Durham questioned whether the entries could be on the end of the building, but Mr. Rodney preferred to say "from Cornerstone North Boulevard," since architecturally the plan, with its fenced patios, was not arranged to be conducive to end entries. Ms. Korenyi-Both confirmed the public entrances for Shoppes I were all on the west side with the parking lots.

When Mr. Clark invited the applicant to speak, Mr. Hall, Cornerstone Developers, Ltd., thanked Staff for the recommendation of approval, but stated disagreement Condition One, the requirement to have public access for each tenant on Cornerstone North Boulevard. He stated that the Final Development Plan allowed entry on any street frontage, and the tenants with whom they were negotiating had picked the parking lot side as the main access point for customers. The developers felt the parking field on the Wilmington Pike side dictated the main entry. Mr. Hall respectfully requested that Condition One be eliminated.

A discussion of entryways continued. Mr. Durham clarified the entry on Cornerstone North Boulevard could be a secondary public entry to give pedestrians from the village center the ability to access the building without walking around the structure; the access did not have to be the primary entrance. Mr. Hall stated the utilitarian functions for the limited space might not allow the flexibility for a secondary access. He again requested removal of the condition. Mr. Conley, Oberer Realty Services, added it was possible to "promote" the additional access, but it was impossible to guarantee that all the tenants would include a secondary public corridor. He said the current code did not require this. Mr. Clark pointed out the three-foot doors on the Cornerstone side. Mr. Conley said the plan was flexible, if someone wanted a customer door on Cornerstone North Boulevard, the option was available. He added that dual entries increased security issues. Ms. Korenyi-Both said she understood the retail perspectives of maintaining security and having the public access adjoining the main parking field. She also thought Shoppes I and Shoppes III should be consistent. Mr. Conley felt the sidewalk that circled the building was adequate for access and that two public entries for each tenant were not necessary. Mr. Rodney pointed out that it was not unprecedented to have two entries. The new building on Far Hills for Jimmy-John's had two entries, and Mr. Durham added that the Miller-Valentine building on Brown Street at UD had mostly dual entry businesses. When Ms. Korenyi-Both noted Shoppes I and II did not have the stipulation for dual entries, Mr. Rodney responded that he had simply overlooked the need. With the lack of access, the pattern of poor pedestrian

connectivity within the development would continue. He felt it was very important to encourage walkability in the heart of the village center. Mr. Liberman pointed out the Development Agreement stated in the Quality Commitment that the developer would promote pedestrian travel. Mr. Durham stressed that the focus should be away from Wilmington Pike and toward the village center and the green space. Parking should be encouraged in the village center. He also pointed out that traditionally a projecting sign signified an entrance; the Planning Commission had just passed a variance to allow projecting signs on Cornerstone North Boulevard, so entrances should be available. Mr. Conley responded that the building was only 70 feet deep. People who were walkers, would walk that far to access the building.

Planning Commission members stated their positions. Mr. Briggs did not see a problem with the condition as Mr. Rodney requested. Mr. Durham stated the purpose of the village center was to promote interactions among people. The main idea was for people going to more than one destination to park in the center and walk. Mr. Muzechuk countered that six of eight uses in Shoppes I and III were food vendors, so the customers generally would not be making more than one stop. Therefore, the second entrance was not necessary. Mr. Durham felt the access should be provided for the long term. Mr. Von Handorf stated that pedestrian accessibility was more important for Shoppes III than Shoppe I, because it was farther north directly across from the village center. He was in favor of the condition.

Mr. Hall once again respectfully requested the removal of Condition One. He said compliance would be very difficult for the tenants to achieve. Cornerstone Developers did not want further restrictions on its potential tenants.

Mr. Clark closed the public portion of the hearing.

MOTION: Mr. Durham made a motion for approval of Application P-2016-004, the Major Site Plan for Shoppes III, subject to the four conditions recommended by Staff and listed above, with Condition One to include providing public access to/from Cornerstone North Boulevard. Mr. Briggs seconded the motion. A roll call vote showed the motion passed 4-3, with Mr. Etson, Mr. Muzechuk and Ms. Korenyi-Both voting no.

COMMUNICATIONS

Mr. Rodney previewed items expected to come to Planning Commission in March.

Before adjourning, Mr. Clark announced the next meeting of Planning Commission would be March 29, 2016, at 7:30 p.m. in the Council Chambers of the Municipal Building.



Paul Clark, Chair