

PLANNING COMMISSION  
Regular Meeting  
Tuesday, June 28, 2016

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

ATTENDANCE

Present: Paul Clark, Amy Korenyi-Both, Kevin Von Handorf, Robert Muzechuk, Jim Briggs and Bill Etson. Also present were City Planner Andrew Rodney, Municipal Attorney Scott Liberman, Planner Mark Yandrick, Staff Engineer Alisha Hammond, Intern Jenny Jessen, Councilmember JoAnne Rau and Assistant Clerk of Council Julie Weaver

Absent: Jim Durham.

EXCUSE ABSENT MEMBERS

MOTION: Ms. Korenyi-Both made a motion to excuse Mr. Durham. Mr. Von Handorf seconded the motion. The motion passed 6-0.

APPROVAL OF MINUTES

No additions or corrections were noted for the minutes of the Planning Commission meeting of May 24, 2016 or the work session of June 14, 2016.

MOTIONS: Mr. Briggs made a motion to approve the minutes of the Planning Commission meeting of May 24, 2016, as distributed. Mr. Muzechuk seconded the motion. The motion passed 6-0.

Mr. Briggs made a motion to approve the minutes of the work session of June 14, 2016, as distributed. Ms. Korenyi-Both seconded the motion. The motion passed 4-0-2. Mr. Etson and Mr. Von Handorf abstained.

OPENING STATEMENT

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

PUBLIC HEARINGS

Application P-2016-0025: Rezoning from WT A, Washington Township Agriculture, and Centerville R-1c, Single-Family Residential, with an LC, Lifestyle Community Overlay to R-PD, Residential-Planned Development  
Two Parcels at 9240 Yankee Street

Mr. Rodney presented the staff report for the request by Greg Smith on behalf of GW Real Property to rezone 3.68 acres in two parcels fronting on Yankee Street north of Bethany Commons Trail, in order to facilitate future development of the property. A replat to consolidate the two parcels was later on the evening's agenda. The northern parcel is about 2.5 acres; the southern parcel is about 1 acre. Mr. Rodney used a zoning map, an aerial view and photos to

show the area to be rezoned from WT A, Washington Township Agriculture, and Centerville R-1c, Single Family Residential, to R-PD. The Lifestyle Community Overlay also will be removed.

Mr. Rodney shared a brief history of the development of the area, including a 1999 approved development plan for 50 beds of assisted living on the southern lot. The northern 2.5 acres were annexed in 2011 but were not rezoned. Although R-PD zoning would allow up to 6 units per acre on the site, both a preliminary and final development plan would be required. The current housing in Bethany Commons has 97 homes on 28 acres—roughly 3.5 units per acre. Mr. Rodney explained a Lifestyle Community Overlay district generally permits higher density in the developed areas than would otherwise be allowed, since overall acreage is used in computing acceptable density. He listed potential R-PD uses, including assisted living facilities, single family residences, a small religious community, a cemetery or a small multi-family complex, and stated setbacks, buffering, screening and stormwater control would be factors limiting density.

Mr. Rodney stated the Standards of Approval for rezoning could be met, before recommending approval without conditions.

Mr. Etson had several questions. He inquired about the density, the number of beds for the nursing center and the access for the site. Mr. Rodney answered 50 beds were approved in 1999 with access through the Bethany Commons community center parking lot. When Mr. Etson asked about the likelihood of access directly to Yankee Street, Mr. Rodney said the replat of the consolidated site would stipulate that the easement through Bethany Commons would be extinguished, if permission to access Yankee Street was able to be obtained from the Montgomery County Engineer. When Mr. Etson asked about ownership and use of the existing retention pond, Mr. Rodney responded that the Bethany Commons HOA and the applicant would need to reach an agreement on that matter.

When Mr. Clark opened the public hearing, Mr. Robert Curry, 530 Maysfield Road, who was legal counsel for the applicant, gave background for the rezoning. He said the request for rezoning was part of the process to fulfill the promises made to the residents of Bethany Commons to extinguish the easement through the parking lot, if possible. He noted that Condition #10 imposed by Council in October 2015 with the replat to break off the vacant 14+/- acres from the original Bethany Commons record plan required the owner to surrender the cross-access easement through the Bethany Commons parking lot if direct access was available to Yankee Street. He discussed appropriate zoning for the parcels and said the R-PD zoning gave the owner more latitude, but maintained close control by the City. He stated he did not believe an assisted living center would affect property values in Bethany Commons and that more of the standards of approval would be met as a preliminary development plan and final development plan were formulated.

Mr. Clark asked if there would be a connection to any other street in Bethany Commons. He pointed out the Washington Township Fire Department had not wanted access for a nursing center through the clubhouse, when the issue was discussed in 1999. He asked if the residents of the assisted living center would be part of the homeowners association. Mr. Von Handorf asked about the possibility of keeping the parcels separate. Mr. Rodney did not think separate parcels could be developed in a quality way.

Mr. Hans Soltau, 6676 Loop Road, who was the attorney representing homeowners at Lakewood Commons, stated that the approved plan of 1999 had been abandoned. He said the rezoning

could not be evaluated if one did not know what the density would be or the number of beds for an assisted living complex. The only sure access was through the clubhouse parking lot. He pointed out the commercial nature of vehicular traffic for assisted living facilities, including garbage trucks and delivery vans.

Mr. Rodney responded the UDO did not have a formula for determining density for assisted living facilities. A variety of factors limit and dictate density—setbacks, buffers, building standards, hall width, required room sizes, and stormwater management. He said all potential uses must be considered in evaluating a rezoning request; zoning approval cannot be dependent on a particular plan.

Mr. Rodney stated the Planning Department and Engineering staff would work diligently to procure ingress and egress directly onto Yankee Street for the 3.5 acres. If such access cannot be obtained, it greatly will affect what kind of development can be approved.

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

Mr. Muzechuk questioned the zoning change from single-family residential.

MOTION: Ms. Korenyi-Both made a motion to recommend approval of the rezoning request to the City Council. Mr. Briggs seconded the motion. The motion passed 5-1, with Mr. Muzechuk voting no.

Application P-2016-0026: Amendment to the Final Development Plan To Add a Parking Lot to Bethany Village, 6451 Far Hills Avenue

Mr. Rodney gave the staff report for the application submitted by Mr. Jeff Van Atta of Van Atta Engineering, Inc., 570 Congress Park Drive, requesting an amendment to the approved Final Development Plan for the addition of a 1-acre parking lot along Far Hills Avenue in the southeast corner of the Bethany Village property. Graceworks Lutheran Services had not anticipated the need for this additional parking with the original plan for the area passed in 2007. Mr. Rodney used a zoning map and aerial map to locate the site. The Linden House and several trees would be removed from the property to allow for construction of the project. A Major Site Plan was a separate application on this evening's agenda.

Mr. Rodney said the Standards of Approval could be met, and staff recommended approval of the amendment to the Final Development Plan with the following two conditions:

1. The plan amendment shall be contingent on approval of the Major Site Plan application for the proposed parking lot (P-2016-0027).
2. The six (6) parking spaces proposed along the southern property line shall be excluded from the plan.

Mr. Rodney added that the latest submission of plans did not include the six parking spaces in the required 25' bufferyard on the southern boundary. He said Condition #2 could be eliminated, if the Planning Commission wished.

Mr. Clark opened the public hearing, and Mr. Jeff Van Atta of Van Atta Engineering, Inc. stated he was in agreement with the conditions recommended by staff. However, he did request

consideration of safety for maintenance workers in the placement of the mounding and plantings near the retaining wall along Far Hills Avenue. He suggested a linear pattern, rather than a serpentine one. Mr. Rodney asked to postpone that discussion until the review of the Major Site Plan.

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

MOTION: Ms. Korenyi-Both made a motion to recommend the City Council approve the Amendment of the Final Development Plan for Bethany Village at 6451 Far Hills Avenue, with Condition #1 recommended by staff as shown above. Mr. Briggs seconded the motion. The motion passed 6-0.

Application P-2016-0028: Variances for Mike's Carwash at 6250 Far Hills Avenue  
Mike Bredemeier, KBA, Inc.

Mr. Rodney reported the applicant had decided to ask Planning Commission to table consideration of Application P-2016-0028, three variances for Mike's Carwash, until the July meeting.

Mr. Clark opened the public hearing.

MOTION: Mr. Briggs made a motion to table Application P-2016-0028 to July 26, 2016. Mr. Muzechuk seconded the motion. The motion passed 6-0.

#### OLD BUSINESS

Application P-2016-0020: Zoning Compliance for an Accessory Shed at Domino's Pizza  
885 E. Franklin Street

Mr. Rodney reported a lack of response from Richard Williams who had applied for zoning compliance for a storage shed at Domino's Pizza on E. Franklin Street in a commercial zoning district. A separate party had applied for approval of the installation of a walk-in cooler on the site. Mr. Rodney noted this same application was tabled on April 26 and May 24, 2016, with a request for more information and a coordination of the two projects. He presented some options to Planning Commission for action on the item.

MOTION: Mr. Briggs made a motion to remove Application P-2016-0020 from the table for consideration. Ms. Korenyi-Both seconded the motion. The motion passed 6-0.

MOTION: Following a brief discussion, Mr. Von Handorf made a motion to approve Application P-2016-0020. Mr. Briggs seconded the motion. The vote to approve was defeated with a vote of 0-6.

## NEW BUSINESS

Application P-2016-0016: Record Plan for 9240 Yankee Street  
Applicant: GW Real Properties, LLC

Mr. Rodney presented the staff report for the record plan consolidating two parcels at 9240 Yankee Street, north of Bethany Commons. He reminded Planning Commission the southern parcel was included in the 1999 Development Plan for Bethany Commons Trail. The updated record plan would consolidate the parcels by eliminating the common boundary and would dedicate right of way in Yankee Street to the City of Centerville. With respect to easements, Mr. Rodney stated representatives of the Bethany Commons HOA and GW Real Properties, LLC, were discussing how to handle an irrigation line on the south parcel. He said an irrigation easement could be added later, if needed, as an easement between private parties, not requiring City action. Since the property in question fronts on Yankee Street, the applicant was hopeful the Montgomery County Engineer would grant direct access, in which case the access-easement through the clubhouse parking lot would be extinguished. Mr. Rodney felt only Items A and B of the Standards of Approval were applicable at this time. The Planning Department recommended approval of the record plat with the following three conditions:

1. Easement(s) shall be provided to accommodate any private infrastructure within the plat boundaries.
2. Easement(s) shall be provided for existing public utilities within the plat boundaries.
3. In the event vehicular access is granted to Yankee Street, the cross-access easement through the Commons at Yankee Trace clubhouse parking lot designated in I.R. Deed 11-037826 shall be extinguished.

When Mr. Clark invited public comment, Mr. Robert Curry, attorney for the applicant, explained the City and the developer had worked together over time to create a desirable piece of property to the benefit of both the City and the developer. He stated that GW Real Properties already owned both the northern and southern parcels. He did not see the need for an easement for any private infrastructure, because he felt the issue of the irrigation line would be worked out.

Mr. Briggs asked what would happen if direct access to Yankee Street could not be obtained for the consolidated parcel. Mr. Curry said any plan using access through the clubhouse would have to be approved by Planning Commission.

Mr. Hans Soltau, attorney for the Lakewood Commons residents, asked if the City had contacted the County Engineer about the possibility of direct access to Yankee Street. Mr. Liberman said any inquiry would normally be done by the applicant. Mr. Rodney added it was premature for staff to contact the County Engineer, since no development plan had been presented. Because the condition was imposed by Council, Mr. Soltau felt the City should check on the feasibility of direct access, since it was a significant issue.

Mr. William Keeley, 9281 Little Yankee Run, asked that the "park," the open area between the lake and Yankee Street, not be changed. He also stated that he would fight any access to the northern parcel through the clubhouse parking lot, since parking was already a problem for events. He said people often parked in the area near the lake.

Mrs. Ann Keeley, 9281 Little Yankee Run (at the corner of Little Yankee Run and Bethany Commons Trail), voiced several concerns. She stated agreement with Mr. Keeley, pointing out the growing amount of traffic on Yankee Street created increasing difficulty for safe egress from Bethany Commons Trail. Adding an assisted living center would only add to that problem. Because the parking lot had only thirteen spaces, people parked everywhere, even on the narrow private streets. In addition, Mrs. Keeley was dismayed by the prospect of dumpsters, garbage trucks and delivery trucks on the property behind her house.

Mr. Clark closed the public hearing.

MOTION: Ms. Korenyi-Both made a motion to recommend approval to City Council of Application P-2016-0016, the record plat for 9240 Yankee Street, with the three conditions recommended by staff, as shown above. Mr. Von Handorf seconded the motion. The motion passed 5-1, with Mr. Muzechuk voting no.

Application P-2016-0023: Record Plan for the Randall Residence at Social Row Road  
Applicant: Walt Minch, Centerville Development Group

Mr. Rodney gave the staff report for the record plat for the Randall Residence for ten lots on about sixty-four acres bounded by Sheehan Road, and Social Row Road and Paragon Road in preparation for the construction of the Randall Residence complex and a number of outlying cottages. Zoning was R-1c, single family residential, with an LC, Lifestyle Community Overlay. The record plan for this area south of (future) Sawgrass Boulevard defined ten lots in a configuration to facilitate the use of a bond issuance from a consortium of Port Authorities from around the state. Staff felt the Standards of Approval could be met. The Planning Department recommended approval, subject to the following six conditions:

1. The entirety of Sawgrass Boulevard (Lot #10) shall be encumbered by a Perpetual Easement for Roadway and Public Utility Purposes subject to approval by the City Planner.
2. The location and dimension of any proposed medians shall be identified and labeled as separate Reserve Areas subject to approval by the City Planner.
3. The record plan shall not be released for recording until any associated Homeowner's/Property Owner's Association documents have been reviewed and approved by the Municipal Attorney and City Staff.
4. All construction documents related to this record plan shall be approved by the City Engineer prior to recording of the record plan.
5. All relevant Conditions of Approval from the approved Preliminary Development Plan (P-2013-0051), Final Development Plan (P-2014-0002), and Final Development Plan Amendment 1 (P-2014-0013) shall apply to this record plan.
6. Prior to review by City Council, portions of Sheehan Road and Paragon Road adjacent to this plat shall be identified as future dedicated right of way by way of this record plan.

Mr. Etson asked questions about the original three lots and the reserve areas. Mr. Rodney explained he was able to approve the subdivision of lots in certain circumstances. Earlier, he administratively had split the original one lot into three at the request of the applicant. Planning Commission and Council were now being asked to approve the replat of the three lots into ten and finalize the platting. In response to a question from Mr. Briggs, Mr. Rodney stated that Lot #10 was Sawgrass Boulevard, as required for the funding. Mr. Rodney noted an HOA would maintain the ponds and the landscaped areas in perpetuity.

Mr. Clark opened the public comment, and Mr. Ron Coffman, 21 Abbey Drive, Springboro representing Centerville Development Group, stated agreement with the conditions suggested by staff. He said all the infrastructure would be put in at one time, but the 16 units nearest the main building would be built first.

MOTION: MR. Briggs made a motion to recommend approval of Application P-2016-0023, subject to the six conditions of staff. Mr. Muzechuk seconded the motion. The motion passed 6-0, subject to the six conditions shown above.

Application P-2016-0024: Record Plan for Woodland Greens at Yankee Trace  
Applicant: Walt Minch, Centerville Development Group

Mr. Rodney presented the staff report for eight acres in the northwest quadrant of the Centerville Development Group's property bounded by Sheehan Road, Social Row Road and Paragon Road. In accordance with the Final Development Plan of 2015, twenty-seven lots were laid out on about eight acres in the area north of (future) Sawgrass Boulevard and east of Paragon Road. Included were street layouts and utility locations. Mr. Rodney noted two minor changes from the Final Development Plan. Phasing of the project was updated to include a small portion of land in Phase II in Phase I. The second change was to consolidate Lots 1 and 2 to accommodate a pond. This revision resulted in the need to renumber all the building lots. Mr. Rodney asked for a reference document showing the old and the new numbering for clarity with conditions attached to the Final Development Plan. Because the Standards of Approval were met or were in the process of being met, the Planning Department recommended approval of the record plan subject to the following six conditions:

1. The Applicant shall provide a "For Reference Only" modified plat document which includes references to the lot number sequence previously used on the Final Development Plan documents.
2. A road name shall be given to the stub street between Lots #25 and #26.
3. The location and dimension of any proposed medians shall be identified and labeled as separate Reserve Areas subject to approval by the City Planner.
4. The record plan shall not be released for recording until all associated Homeowner's/Property Owner's Association documents have been reviewed and approved by the Municipal Attorney and City Staff.
5. All construction documents related to this record plan shall be approved by the City Engineer prior to recording of the record plan.

6. All relevant Conditions of Approval from the approved Preliminary Development Plan (P-2013-0051) and Final Development Plan (P-2014-0027) shall apply to this record plan.

Mr. Clark opened public comment and, seeing no speakers, he closed it.

MOTION: Mr. Von Handorf made a motion to recommend approval of the record plan for Woodland Greens at Yankee Trace, subject to the six conditions recommended by staff. Ms. Korenyi-Both seconded the motion. The motion passed 6-0.

Application P-2016-0027: Major Site Plan for the Parking Lot for Bethany Lutheran Village, 6451 Far Hills Avenue. Applicant: Mr Jeff Van Atta of Van Atta Engineering, Inc.

Using an aerial map, Mr. Rodney located the proposed site of a parking lot along Far Hills Avenue, near the Linden House, in an area zoned R-PD. After demolishing the house and removing several trees, the current greenspace would be converted to ninety-eight parking spaces. Mounding and landscaping would be placed along Far Hills Avenue; the retaining wall along the sidewalk would remain. Mr. Rodney shared photos of current conditions. A six-foot high privacy fence along the south egress road would be retained for screening. Mr. Rodney discussed setbacks, bufferyards, mounding, circulation, pedestrian access, lighting, and stormwater management. He felt the Standards of Approval could be met. Staff recommended approval of the Major Site Plan with the following three conditions:

1. Major Site Plan approval is contingent on the adoption of an amendment to the Development Plan by City Council (Case P-2016-0026).
2. The required shrubs along Far Hills Avenue shall be placed on top of the mound in a meandering pattern to enhance screening and aesthetics.
3. In lieu of the full complement of bufferyard landscaping, the existing 6-foot privacy fence along the south property line shall remain. Any damage to the fence shall be immediately repaired to maintain the screening effect.

Questions from Planning Commission followed. Mr. Etson asked about the connection of the egress road and the new parking lot. Mr. Von Handorf introduced the topic of the meandering mound and the placement of the shrubs and trees to the side rather than on top. Earlier in the meeting, Mr. Van Atta had pointed out the safety issue with keeping maintenance workers away from the retaining wall and the overhead utility lines. He also requested a straighter line of mounding. Shrubs would be one to two feet higher than the mound. Mr. Rodney said he was open to the decision of the Planning Commission related to the placement of mounding and related planting.

Mr. Clark opened public comment and invited Mr. Van Atta to the podium. Jeff Van Atta of Van Atta Engineering, Inc., 570 Congress Park Drive, stated he was in agreement with staff on the conditions, but asked for flexibility with the "meandering" of the mound along Far Hills Avenue and the placement of the shrubs to the back side rather than on top. Mr. Clark asked for clarification on the height of the screening provided by the mounding and landscaping. Mr. Briggs asked if the shrubs would add to the total height of the screening. Mr. Van Atta felt the screening would still block headlights.



Mr. Von Handorf asked if understory trees could be included in the landscape plan for the south side of the property. He felt understory trees would add to the screening for the nearby homes to improve the intermediate height coverage provided by the fence and canopy trees. Mr. Van Atta agreed to work with staff for sufficient coverage in that area. Mr. Von Handorf suggested adding a condition.

MOTION: When Mr. Clark closed the public comment, Mr. Von Handorf made a motion to approve the Major Site Plan for the parking lot at Bethany Village subject to Conditions #1 and #3 shown above and striking Condition #2. He added the following third condition:

3. The Landscape Plan for screening on the south perimeter shall be modified to include ornamental or understory trees, subject to the approval of the City Planner.

Ms. Korenyi-Both seconded the motion. The motion passed 6-0.

## COMMUNICATIONS

Mr. Rodney shared the following under Communications:

He announced that Mr. Briggs was retiring after almost 17 years of service on the Planning Commission and thanked him for his dedication to the City.

The Centerville Place Study Group will be meeting for the second time on July 13, 2016.

The UDO text amendments should be on Council's Agenda in September.

Council will hear the Hilton Home2 beacon appeal on July 18, 2016.

Mr. Rodney noted a heavy agenda for July 26 that included four applications for Cornerstone North Phase IV and the tabled variances for Mike's Carwash. He asked about Planning Commission's availability to meet at 6:30 p.m. In addition to Mr. Briggs retirement, Mr. Durham and Mr. Von Handorf advised that they would be out of town. The remaining four members agreed to the early starting time.

The next meeting of Planning Commission will be July 26, 2016, at 6:30 p.m. in the Council Chambers of the Municipal Building.

Mr. Clark adjourned the meeting.

  
Paul Clark, Chair