

PLANNING COMMISSION
Regular Meeting
J. V. Stone Council Chambers
100 W. Spring Valley Road
Tuesday, October 27, 2020

At 7:05 p.m., Mr. Clark called the meeting to order and led the Pledge of Allegiance.

ATTENDANCE

Members Present: Paul Clark, Robert Muzechuk, Bill Etson, Don Stewart, Amy Korenyi-Both, Kevin Von Handorf, and Jim Durham (remotely via phone).

Also present were City Planner Mark Yandrick, Municipal Attorney Scott Liberman, Assistant City Planner Joey O'Brien, Development Director Michael Norton-Smith, Planning Intern Sydney Yee, Staff Engineer Taylor Schindler, and Assistant to the Clerk of Council Donna Fiori.

APPROVAL OF MINUTES

No additions or corrections were noted for the minutes of the Planning Commission meeting of September 29, 2020.

MOTION: Mr. Muzechuk moved to approve the September 29, 2020 Planning Commission meeting minutes as distributed; seconded by Ms. Korenyi-Both. The motion passed 7-0.

OPENING STATEMENT

Mr. Clark read an opening statement, regarding the conduct of Planning Commission meetings and Public Hearings.

PUBLIC HEARINGS

**Application P-2020-0029: Conditional Use – Indoor Recreational Facility
Kyle Savoie, FAS Outdoors, 6560 Centerville Business**

Ms. Yee presented the staff report including a summary, overview, standards of approval and staff analysis of the proposed conditional use. Ms. Yee noted the applicant is seeking a conditional use permit for an indoor archery range. Ms. Yee cited although an indoor archery range is not listed within the Permitted Land Use Table 9.1 of the UDO, staff determined this operation would meet the definition of an indoor recreational club which are listed as conditional uses in the O-PD Zoning District. Ms. Yee explained City Council will be considering an amendment to Municipal Ordinance Section 672.09 Discharging Firearms and adding a new section, 672.095 Discharging Bow and Arrow on November 2, 2020.

Planning staff recommended approval of the conditional use with one condition.

1. Approval subject to the proposed municipal code changes being adopted by the City.

Mr. Clark opened the public hearing.

Kyle Savoie spoke on behalf of FAS Outdoors sharing the need for an indoor archery facility, training opportunities, and high safety standards.

With no one else coming forward to speak on this case, Mr. Clark closed the public hearing.

MOTION: Mr. Stewart moved to recommend to Council the approval of Conditional Use Application P-2020-0029 with the one condition as recommended by staff; seconded by Mr. Etson. The motion passed 7-0.

**Application P-2020-0026: Variance – Rear Yard Setback and Front Yard Parking
Kee Hee Butterworth, S. Main St and Martha Ave**

Mr. Yandrick presented a summary, overview, staff analysis and standards of approval for the request. The applicant requested a variance to have a rear-yard setback at 10' instead of the required 50' in the APD and requested a variance to allow front yard parking. He provided a description of the property and its limitations noting a reduction in the width of the lot by eminent domain in the early 1960's. Mr. Yandrick indicated as a matter of policy, staff will only provide an analysis and not a recommendation on variances.

Mr. Stewart inquired what the intentions of requiring a 50' rearyard setback in the APD. Mr. Yandrick stated to bring the buildings closer to the street and have parking in the rear citing corner lots present difficulties with this requirement. Mr. Von Handorf inquired about possible screening of the parking in the front yard. Mr. Yandrick expressed the challenge in site design landscape due to the setback being right on the property line.

Mr. Clark opened the public hearing.

Michael Joly designer/architect clarified the building will have an art gallery and an owner-occupied residence. Mr. Joly detailed the plans stating the rear yard will have a privacy vinyl fence and the intent to obtain a parking agreement with the church across the street.

Mr. Clark raised the concern of the rear elevation roof view to the eastern neighbors on Martha. Mr. Joly indicated the current owner of that property is in support of the proposal, combined with the fence and potential arborvitae trees providing sufficient screening.

Konrad Kuczak, 6923 Vienna Woods Trail, owner of property immediately to the north of S. Main St. Expressed concerns regarding the brick wall view from the north, the rear of the building being tight on the property line, and potential future use.

Barry Weaver, 2007 Lakeview Dr., daughter owns adjoining property to the east on Martha. Mr. Weaver stated the property is currently for sale and the current owner and potential buyers are in support of the plan with the agreement of a fence being built in conjunction with the project.

Doug Fisher, 60 S. Main St., of Fisher Group Architects spoke against the proposal. Mr. Fisher expressed concerns related to the rear yard setback affecting the character of the street, too much building on a small lot, and future parking issues with use changes.

With no one else coming forward to speak on this case, Mr. Clark closed the public hearing.

Mr. Von Handorf commented the purpose of planning commission is narrow only concerning the two variances. Mr. Etson inquired if a variance carries with the property if this plan does not proceed. Mr. Yandrick stated variances carry with the property in perpetuity. Mr. Yandrick cited cases in the past in which the commission conditioned based on the issuance of the zoning certificate. Mr. Liberman stated it was unusual to put a time frame however, if it were done it would be most appropriate contingent on the zoning certificate for the site plan. Mr. Muzechuk suggested tabling the item until the BAR approves a Major Site Plan. Commission discussed the

challenges of the lot without the variances and the Board of Architectural Review having to approve any proposed plans for this site. Mr. Von Handorf expressed the hardship of the lot being unbuildable without a rear yard variance. Mr. Durham concurred.

Mr. Clark raised a point of order inquiring if each variance should have its own vote. Mr. Liberman confirmed.

MOTION: Mr. Von Handorf moved to approve P-2020-0026 variance #1 with the condition that the variance shall expire without granting of a final Certificate of Zoning Compliance for construction within 24 months of this approval; seconded by Ms. Korenyi-Both. The motion passed 5-2.

MOTION: Mr. Von Handorf moved to approve P-2020-0026 variance #2 with the following two conditions:

1. Parking is to be screened to the satisfaction of City Staff.
2. The Variance shall expire without granting of a final Certificate of Zoning Compliance for construction within 24 months of this approval.

Seconded by Ms. Korenyi-Both. The motion passed 7-0.

**Application P-2020-0030:
Variance, Rear Yard Parking and Paving Setback and Rear Yard Landscape Bufferyard
Michael Norton-Smith, City of Centerville
Yankee and Social Row**

Mr. Yandrick presented the staff report including a summary, property description, standards of approval, and staff analysis for the request. The applicant requested a variance to forego the 10' parking and paving setback and the relocation of landscape bufferyard requirements to elsewhere on site. Mr. Yandrick stated the request was necessitated due to a proposed multi-parcel development with shared access roads and parking lots on a currently undeveloped City owned site. Mr. Yandrick expressed it was the desire of the city to keep the less intense B-1 zoning district and its less intense permitted land uses and the perimeter landscaping along Social Row, Yankee, and the southern property line adjacent to Waterbury Woods is to remain for the remainder of the development. Mr. Yandrick stated landscaping cannot be installed south of the access drive due to a stream and wetland. Mr. Yandrick indicated as a matter of policy, staff will only provide an analysis and not a recommendation on variances.

Mr. Clark opened the public hearing; with no one requesting to speak Mr. Clark closed the public hearing.

MOTION: Mr. Stewart moved to approve application P-2020-0030 variance #1; seconded by Ms. Korenyi-Both. The motion passed 6-1.

MOTION: Ms. Korenyi-Both moved to approve application P-2020-0030 variance #2; seconded by Mr. Muzechuk. The motion passed 7-0.

OLD BUSINESS - none

NEW BUSINESS

**Application P-2020-0023: Major Site Plan, Tire Discounters
Michael Chandler, Leesman Engineering
4465 Feedwire**

Mr. O'Brien presented the staff report displaying a summary, property description, standards of approval, and staff analysis. The applicants request included updates and the redevelopment of portions of the Tire Discounters site. Mr. O'Brien indicated staff recommends approval without conditions.

Mr. Clark invited the applicant to speak. Michael Chandler, of Leesman Engineering presented himself for questions of the Commission. Mr. Muzechuk inquired if there would be sufficient access and egress based on the extension of the structure on the east. Mr. Chandler stated it would be sufficient and Mr. Yandrick confirmed the fire department's approval.

MOTION: Ms. Korenyi-Both moved to approve case P-2020-0023; seconded by Mr. Stewart. The motion passed 7-0.

**Application Z-2020-0174: Major Accessory Structure
Thomas Muhleman, 5607 Red Coach Road**

Mr. Etson recused himself from this portion of the meeting.

Mr. O'Brien presented the staff report including a summary of the proposal, site plan, proposed elevations, standards of approval, staff analysis and recommendations. The applicant on behalf of the property owner requested to construct a 14.2' high accessory structure. Mr. O'Brien stated accessory structures greater than 12' require approval from Planning Commission. If Planning Commission grants approval staff recommended two conditions:

1. Be aware that your property may include recorded easements, including but not limited to utility easements, and the property owner is solely responsible for locating all recorded easements. The property owner assumes all risk when constructing an accessory structure within a recorded easement. Such structures may require relocation or removal at the owner's expense for scheduled or emergency maintenance, repair, or replacement within the easement. Structures shall not obstruct stormwater drainage flow. Contact the county auditor or recorder's office for a complete listing of recorded easements on your property.
2. If additional storm water runoff is determined by City Staff to cause drainage problems to neighboring properties, the homeowner will be required to mitigate any problems to the satisfaction of the City. Grading shall be directed toward established swales or the homeowner's own yard and not any neighboring properties.

Mr. Clark stated two emails were presented to Planning Commission from neighbors on Red Coach in opposition to the case. Mr. Clark requested these be entered into public record; documents attached to case file.

Discussion on height restrictions and height calculations occurred.

Mr. Clark invited anyone wishing to speak to come forward. Applicant Tom Muhleman came forward and offered to answer questions of the Commission. No questions were asked of the applicant.

MOTION: Ms. Korenyi-Both moved to approve case Z-2020-0174 with the two conditions as recommended by staff; seconded by Mr. Von Handorf. The motion failed 5 -1.

Mr. Etson returned to the meeting.

**Application P-2020-0028: Major Site Plan
Michael Norton-Smith, City of Centerville, Yankee and Social Row**

Mr. Yandrick presented the staff report displaying a summary, property description, proposed site plan, standards of approval, and staff analysis. The proposed plan consists of phase one of development which includes a commercial building, 37 parking spaces and an access road. Mr. Yandrick indicated the extension of Reid Rizzo Way to Yankee Street will also be incorporated in this development to allow for improved access. Mr. Yandrick indicated staff recommends approval with ten conditions.

1. All engineering conditions on the Engineering Review Sheet shall be approved by the City Engineer prior to Construction Documents are approved.
2. Signage is not approved as part of this Major Site Plan application.
3. The record plan must be approved prior to construction documents being approved.
Site Specific Conditions:
4. A 10' utility easement shall be created to the south of existing water line on the Record Plat.
5. A 5' right-of-way dedication along Yankee Street shall be provided for any platting in accordance with the City's thoroughfare plan.
6. Canopy trees along the Social Row bufferyard shall be replaced by understory trees due to water utility and easement.
7. The sidewalk proposed along Yankee Street should be modified to be an 8' hiker/biker path.
8. Planning Commission specifically approves the use of fiber cement plank siding, as presented in the application.
9. All exhibits shall be updated to reflect the revised site plan, as included in the packet.
10. The applicant shall address the variance decision (P-2020-0030) within the construction document phase.

Mr. Clark requested clarification on the proposed Reid Rizzo access road what traffic calming options will be in place. Mr. Yandrick explained the intention was always to complete the connection of Reid Rizzo and staff would does not feel it would be a highly frequented cut through option. Mr. Yandrick expressed that Mr. Rizzo owner of All About Kids provided communication to commission related to the access road this evening and would like to address commission about this.

Mr. Clark invited anyone wanting to speak on the project to come forward. Mr. Norton-Smith reviewed the opportunity the plan presents and addressed commission regarding the access

road connection of Reid Rizzo and stated they will be sensitive to potential traffic calming options.

Mr. Clark expressed the All About Kids has been a fit for this location and the remaining space has been difficult to find a well thought out plan to create a whole space to be proud of which this appears to be.

Tim Rizzo, All About Kids, expressed concern with the road connecting directly with Reid Rizzo Way. Mr. Rizzo stated in 2011, Nathan Cahall (former City Development Director) and he spoke of the plan there would be a turn and not direct cut through. Mr. Rizzo asserted it is unusual to have a road that close other than for that business and is a safety issue. Mr. Rizzo provided commission members with an email communication dated today from Mr. Cahall detailing some background information and traffic calming suggestions.

Discussion on traffic calming options occurred which would alleviate a direct route, such as routing through a parking lot. Mr. Von Handorf inquired why the connection must be included at this point in the plan. Mr. Yandrick explained the various access issues necessitating the connection.

Mr. Etson asserted a solution needs to be presented before proceeding with approving the connection of Reid Rizzo Way. Commission concurred. Mr. Norton-Smith emphasized the simplest plan was the connection as always envisioned and the best location based on access indicating this would be a private access drive. Commission discussed traffic calming options agreeing the ends are in the correct place, but the connection in between needs to be addressed.

Mr. Von Handorf inquired if any study had been put into what types of traffic calming would work on this road. Mr. Norton-Smith referred to Troy Messer, engineer for the project with the Kleingers Group to address. Mr. Messer discussed various traffic calming options based on the roadway geometry. Mr. Messer stated stop signs, narrowing of roads, speed bumps, circulation and access speed limits would be options. Mr. Durham asserted based on the full site plan indicating the future location of a parking lot, to avoid the direct connection of Reid Rizzo the landscape island could separate Reid Rizzo and include four turns through the lot which would alleviate the short cut. Mr. Durham inquired of Mr. Messer if this would be workable. Mr. Messer stated it could be an option for traffic control as a private road but if it were a public road it would require particular standards with angles of departure and radiuses for traffic to continue smoothly. Mr. Norton-Smith expressed for the short term this would be better than nothing. Mr. Yandrick suggested fire department access may need to be considered.

MOTION: Mr. Von Handorf moved to approve the major site plan case P-2020-0028 with the initial nine conditions recommended by staff and replacing the tenth condition as follows:

10. The access drive at the south property line of the site plan shall be modified to include four 90° turns as discussed at this Planning Commission meeting.

Seconded by Mr. Stewart. The motion passed 7-0.

2021 Planning Commission Submittal and Meeting Calendar

Mr. Yandrick presented the proposed meeting calendar which was included in the Planning Commission digital meeting packet but was not included in the printed version. Mr. Yandrick stated it would be presented at the November meeting for action.

Mr. Von Handorf mentioned Centerville City Schools spring break is the last week of March.

COMMUNICATIONS

Mr. Yandrick provided the following communications:

- Next month's meeting will be on Tuesday, November 17, the week before Thanksgiving.
- Potentially three cases for November meeting.
- Anticipate future work session to discuss the variance process and procedure related to Board of Zoning Appeal role.
- Appeal for 1007 Fernshire going before City Council on November 2.

ADJOURNMENT

Seeing no further business, Mr. Clark adjourned the meeting at 9:20 p.m.



Paul Clark, Chair