PLANNING COMMISSION
Regular Meeting
Tuesday, June 30, 2015

Mr. Paul Clark called the meeting to order at 6:30 p.m.

ATTENDANCE

Present: Paul Clark, Amy Korenyi-Both, Kevin Von Handorf, Bill Etson, Robert Muzechuk, and Jim Briggs. Also present were City Manager Greg Horn, Municipal Attorney Scott Liberman, City Planner Andrew Rodney, Economic Development Director Nathan Cahall, Director of Public Works Doug Spitler, City Engineer Jim Brinegar, Planner Mark Yandrick and Assistant Clerk of Council Julie Weaver. Councilmembers JoAnn Rau and John Palcher were present in the gallery.

Absent: Mr. Jim Durham.

MOTION: Ms. Amy Korenyi-Both made a motion to excuse Mr. Durham's absence, since notification had been given. Mr. Briggs seconded the motion. The motion passed 6-0.

APPROVAL OF MINUTES

No additions or corrections were noted for the minutes of the work session on April 28, 2015 or the Planning Commission meeting of May 19, 2015.

MOTION: Mr. Briggs made a motion to approve the minutes of the Planning Commission work session on April 28, 2015, as distributed. Ms. Amy Korenyi-Both seconded the motion. The motion passed unanimously, 6-0.

MOTION: Mr. Kevin Von Handorf made a motion for approval of the minutes of the Planning Commission meeting of May 19, 2015, as distributed. Mr. Muzechuk seconded the motion. The motion passed 5-0-1, with Mr. Etson abstaining.

OPENING STATEMENT

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

PUBLIC HEARINGS

Application P-2015-0027: Amendment of the Final Development Plan, The Links, Section 1-D
Applicant: Jim Kiefer, Great Traditions Land Development Company

Mr. Rodney gave the staff report for the request by Mr. Kiefer to adjust the final development plan to allow modified versions of The Highlands duplex floorplans to be used for the remaining four lots in The Links, Section 1-D. He gave background on Parcel 31, The Links at Yankee Trace. The issue with the revised plan was architecture. Mr. Rodney compared the duplex homes in The Links and The Highlands using elevations and photos. He noted that the applicant had

agreed to use materials and architectural features consistent with the existing duplexes in The Links. He pointed out the letters in the packet from the HOA and numerous neighbors. Staff felt the materials and the style of the exterior of the buildings should be identical to existing homes, but would support the the plan if approved with the following conditions:

1. The use of Links exterior materials, design elements, and ornamentation (i.e. lighting, shutters, etc.) shall be utilized to the extent practicable.

2. Prior to issuance of zoning and building permits, The Links HOA shall provide a Letter of Support for the final building designs.

Mr. Clark opened the public hearing and invited Mr. Jim Kiefer, Great Traditions Land Development Company at 4000 Executive Drive, Sharonville, Ohio, to make comments. Mr. Kiefer presented the history of The Links Development at Yankee Trace and introduced Mr. Simms as the builder for the remaining duplexes in The Links.

Mr. Charlie Simms, 50409 Spice Bush Court, Dayton, current builder of the duplex homes in The Highlands, said it was not feasible to build the remaining two duplexes in The Links to match the existing ones. He noted he had worked with the board of the homeowners' association to adapt two plans being used in The Highlands to mimic the homes in The Links. Included would be higher roof pitches, similar materials, gables and consistent architectural details. The price of the new homes would be higher than the currently occupied homes. He noted some variety already existed in The Links because a couple of builders had constructed homes there.

Mr. Tom O'Neil, 643 Legendary Way, said The Links was planned to mimic a village in Scotland. For many years, the residents had been promised that the original plan would be completed. He complained about the poor maintenance of the vacant lots. He noted fourteen homeowners on the street signed and submitted letters asking for the homes to be built according to the original requirements or for the lots to be converted to green space.

Mary Martaugh, 447 Legendary Way, asked about the plans for the construction traffic. Mr. Clark referred her to Mr. Simms.

Mr. Clark asked Mr. O'Neil back to the podium and queried who would buy the lots if the property were to become permanent green space. Mr. O'Neil suggested Yankee Trace. He said he understood the difficulty in finding exact materials to match the existing ones. When Mr. Etson asked him to be specific about what he did not like about the plans, Mr. O'Neil said he disliked the two garage doors positioned together in the center front of the building. He did not recall these on any other plans in The Links.

Diane Wysong, 667 Legendary Way described the immediate area in detail. She said the specific look of the Links was distinctive.

Mr. Kiefer answered the question on construction access, before Mr. Simms responded to a question from Mr. Clark about the process with the HOA. Mr. Simms reiterated that he could/would not build the according to the older plans and described the changes made to satisfy

the homeowners association. Mr. Etson asked if he had any problems with the recommendations of the HOA. Mr Simms responded in the negative. Mr. Muzechuk asked whether the homes would more like the homes in The Highlands or The Links. Mr. Simms stated the roof pitches were significant changes. Coupled with the change to Pella windows and other architectural details, he felt it would take a well-trained eye to note the difference from other homes in The Links. When Mr. Von Handorf asked if it was possible to separate the double garage doors, Mr. Simms again replied in the negative.

Mr. Clark closed the public hearing.

MOTION: Ms. Korenyi-Both made a motion to recommend approval to the Centerville Council of the amendment to the development plan in Application P-2015-0027, subject to the conditions recommended by the Planning Department. Mr. Muzechuk seconded the motion. A roll call voted showed the motion passed 6-0.

Application P-2015-0028: Record Plat, Parcel 31, Section 1-D, The Links at Yankee Trace
Applicant: Jim Kiefer, Great Traditions Land Development Company.
Location: 619, 625, 631 and 637 Legendary Way

Mr. Rodney explained that the approval of the previous application for the two duplexes precipitated the need for a minor reorganization of the affected property lines on the record plan of the Links. The Planning Department recommended approval of the revised record plan to redraw internal lot lines for the duplexes. Staff recommended approval of the application.

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

MOTION: Ms. Korenyi-Both made a motion to recommend approval to the City Council of the changes to the record plat for The Links at Yankee Trace, Section 1-D, as requested in Application P-2015-0028. Mr. Von Handorf seconded the motion. The motion passed 6-0.

P-2015-0026: Preliminary Development Plan, Submital Three, 700 E. Alex-Bell Road
Applicant, Mark Locke, NVR, dba Ryan Homes

Mr. Rodney presented the staff report for the public hearing on the application by Mr. Mark Locke for 98 single family homes on the 32-acre site at Pleasant Hill. Mr. Rodney briefly reviewed the previous applications, the planning process for development plans and then explained the current application requesting a density of 3.05 units per acre in the R-PD district. He described the topography and street connectivity. He discussed lot sizes, setbacks, lot layouts, neighborhood densities, usable yard area, grading, lot and road drainage, and intersection slopes. The slopes of some intersections did not meet the maximum slope requirements. He talked about phasing, landscaping, slope stabilization, open space and retention ponds for stormwater.

He said Mr. Locke proposed four to six models of homes from 1700 to 3000 square feet with multi-sided architecture. Staff strongly recommended that all exterior elevations be constructed with natural materials, with significant stone and brick.

Next, Mr. Rodney shared photos of Ryan Homes in Stone Lake Subdivision in Lebanon. Large areas of exposed concrete showed on the side and rear elevations of homes built on slopes. Mr. Rodney said other materials would be required in the Centerville plat, so that homeowners would not be looking out windows at expanses of concrete.

Mr. Rodney discussed concerns yet to be addressed. In this revised Zengel plan, the density of the homes was concentrated in the center section where steep grades exacerbated questions about the usable area of yards, water runoff through narrow side yards, and the sustainability of trees needed for stabilization of the slopes. Mr. Rodney stressed that these were significant concerns, but not insurmountable ones. He felt that the plan was potentially viable, and the developer should be given a chance to do further work to satisfy the City. He went over the Standards of Approval and recommended approval, subject to the following eight conditions:

1. Final designs of intersections are subject to approval by the City Engineer. All clear zones shall be determined by the developer's engineer.

2. The Applicant shall provide a Traffic Impact Study at the Final Development Plan stage to calculate trip generation expected by the proposed development and determine the proper location and length of the proposed turn lane(s) on Alex-Bell Road.

3. The final design of stormwater management infrastructure and individual lot drainage systems shall be in accordance with Article 9.35 of the UDO.

4. Parkland shall be dedicated and/or a fee-in-lieu paid in accordance with Article 9.47 of the UDO.

5. A set of building design standards shall accompany a Final Development Plan submittal which – at minimum – prohibit the use of vinyl or aluminum as the predominant siding material, and minimize the appearance of blank or featureless walls.

6. Per the Washington Township Fire Department:
   a. Fire hydrants are required at a maximum of 300 feet separation on a minimum 8-inch looped water main;
   b. The hydrants system shall be capable of meeting the fire flow requirements of Unified Standard B; and
   c. Any proposed street name must be submitted to the fire department for review.

7. Detailed comments from the Engineering Division will follow and shall be incorporated into the final development plan, record plan, and construction documents as appropriate subject to approval by the City Engineer.

8. Detailed comments from Montgomery County Water Services and utility companies will follow and shall be incorporated into the final development plan, record plan, and construction documents as appropriate subject to approval by the City Engineer.

Mr. Clark asked about models with side-entry garages and then asked for comments from Engineering. Public Works Director Doug Spitler expanded on the concerns with this initial plan. Increasing the density in the center of the plan put homes closer together on steeper areas, allowing less side yard area and adding a number of challenges with drainage around the houses, trees, flood routing, and useable lot space and retaining walls. He reiterated issues with roadway slopes at intersections and with streets sending stormwater toward Alex-Bell Road. He noted the street would be a priority route to Alex-Bell for snow removal and could have a maximum street grade. City Engineer Jim Brinegar mentioned the possibility of water pluming between houses and traffic calming devices being required for streets in the area.

Mr. Clark opened the public hearing by inviting the applicant to the podium. Mr. Mark Locke, 884 Pleasant Valley Drive, Springboro, stated confusion about what is required at this point. His engineer had looked at the challenges, and he felt tweaks could be made for storm water runoff in Stage Two. Mr. Locke said side entry garages were available and that his group had met the requirements for the preliminary development plan submission. Stating that, for Ryan Homes, marketability was the main factor in determining how much usable yard was needed, he pointed out homes would have reasonable front yards and many would have walkouts. In addition, he noted that lots at Deer Run had minimal usable yards. In response to the photos of Stone Lake, he said siding to grade would be added to avoid the expanses of concrete foundation shown there. He felt drainage between homes in the steeper areas was an engineering matter that could be handled. He again voiced concerns about the "Stage II" issues being raised by staff and new issues being brought up for the same site. He stated the density requested was about half what was currently allowed. He felt architecture should be a Stage 2 item, but Ryan Homes would would agree to the requirements.

Ms. Korenyi-Both urged communication and cooperation with staff. Mr. Von Handorf clarified that some requirements and comments had changed because the number of lots had increased. Mr. Locke stated that quality engineering would handle the issues. Ms. Korenyi-Both asked if Mr. Locke had any concerns about the conditions of approval being recommended by staff. Mr. Locke replied that he had no concerns about the conditions.

Mr. Clark asked, if staff had asked the developer to move a street, whether the plan needed to be in compliance now. Mr. Rodney said that it ultimately needed to be in compliance. He further explained that changing the width of the center lots from 65-70 feet to 60 feet created additional challenges on the sloped site. He felt these problems needed to be pointed out in order to give the applicant time to provide answers with the Final Development Plan. Staff wanted to be clear about the obstacles.

Mr. Clark asked about usable yard. Mr. Rodney stated there was no specific area. Each lot needed a "reasonable" amount of usable area. Mr. Cahall added, as a matter of balance, that Deer Run compensates for a lack of usable yard with a significant system of walking trails, open space and amenities such as the swimming pool and clubhouse. Mr. Locke reminded him that the Pleasant Hill Swim Club and community park were nearby.

Mr. Clark asked for an opinion from Mr. Liberman whether Planning Commission could ignore the engineering items lacking at this point. Mr. Liberman responded that Planning Commission

could proceed, as long as the (8) eight submittal requirements had been completed. The Planning Commission should then consider the Standards of Approval.

When Mr. Clark invited public comment, Mr. Thomas Agnew, 345 Silvertree Court, asked Planning Commissiom to deny the Preliminary Development Plan. He wanted to know what had changed that 98 houses should be approved now when only 83 were approved last year. He listed the following reasons to deny the application:

Grouping 73 of the 98 houses in the center of the property created too much density there.
Three Ryan homes would border his property.
1500 vehicle trips per day would be added to traffic on Zengel Drive, Hartcrest and Treeview.
Everyone would have difficulty turning left onto Main Street or Alex-Bell Road and accidents would increase.
Pedestrians, bicyclists and school children would not have safe streets.
The slopes of the streets and the depth of the retention ponds were safety hazards.
The new subdivision was incompatible with the existing surrounding neighborhoods.
The new subdivision would destroy a beautiful natural area.

For the record, Mr. Agnew submitted his comments and a letter from Attorney John Koverman, dated May 12, 2014.

Pamela Bigham, 674 Doe Crossing, Deer Run, requested that Planning Commission look at the stream in her back yard; the banks are only about one foot deep rather than 6 to 8 feet in other areas. She said her sump pump ran constantly and water already came near her home during storms. She wanted the big picture to be examined in the drainage study.

Ms. Kate Laepple, 227 Zengel Drive, noted there were no sidewalks on the north side of her street. She stated concern for the safety of her three children and others walking and crossing the street to school, the pool, the park, and around the neighborhood.

Dave Herbert, 85 Mimosa Drive, asked for a fence along Zengel Drive at the park to protect children from traffic. Mr. Clark said fence would have to be requested from the Park District.

Jack Garner, 85 Zengel Drive, asked Planning Commission to eliminate the connection from the new subdivision to Zengel Drive for traffic safety reasons and for maintenance of property values. He voiced concerns about speed on Zengel Drive and wanted speed mitigating devices.

Mr. Jim Gallagher 294 Cherry Drive, stated that adding more homes to the previously approved Preliminary Development Plan exacerbates all the concerns of the neighbors. He felt the new homes should be compatible with the most recent Pleasant Hill construction—Silvertree and Austin Woods Court.

Jennifer Sargent, 340 Blackstone Drive, asked for logic to prevail. She did not feel the plan met at least four of the standards of approval. She objected to the determination that the proposed subdivision was consistent with the existing neighborhoods. She said the plan did not meet the

criteria of a planned development; it was two straight streets without open space, walking trails, or its own amenities. She challenged the Planning Commission to require better.

Lisa Wagner, 7356 Hartcrest Lane, pointed out the beauty of Deer Run community and the benefits of having a homeowners' association. She spoke against the Preliminary Development Plan because of traffic, poor aesthetics and changes to property values. She was not impressed by the pictures from the Lebanon subdivision. She said the issues from a meeting in February 2014 had not been addressed.

Ron Mason, 396 Blackstone, said Treeview and Blackstone would have additional traffic as residents drove to Zengel Drive to go west. The additional traffic would be hazardous to children.

Ken McCall, 1430 Taitwood Drive, representing "Bike Centerville", asked for the City to push for the hiker biker trail plan that was slated to run through the Zengel property to extend the Iron Horse Trail south from I-675. Mr. Rodney responded that the City could not coerce the property owners to adhere to the trail plan. The current plan was for neighborhood streets with five foot sidewalks.

Seeing no other speakers, Mr. Clark closed the public hearing and invited Mr. Locke back to the podium for comments.

Mr. Locke stated that he would submit the traffic study with the final development plan. He said a homeowners' association would be established for the subdivision and that the Zengel property was part of Pleasant Hill. In response to Ms. Bigham, the lady with stormwater concerns, he said stormwater from the subdivision would be collected and released at the proper rate.

Mr. Von Handorf brought up long block lengths that were over three times that allowed by the UDO. He reminded his colleagues and Mr. Locke that a pedestrian access near the park was a condition of Council's last approval. Also, Planning Commission had recommended a mid-block connector for pedestrian access for the development that was dropped by Council in its approval. He asked if these could be reinserted in the conditions, but did not get support for these changes. Mr. Locke responded that homeowners did not like pedestrians walking near their property.

When Mr. Clark asked why the ten homes had been added to the plan in the center section. Mr. Locke responded that the plan needed to be economically viable. It was likely that some lots would be lost in the final development plan. Mr. Clark said he was looking for quality, variety in the size and type of home, and 10-20% side-entry garages. Mr. Locke stated up to 23 or 24 lots could potentially have side-entry garages—mostly the corner lots.

When Mr. Clark closed the public hearing, Planning Commission members made comments. Mr. Briggs stated that the plan needed refinement, but he was willing to follow the staff recommendation and challenge the final development plan for the details. Ms. Korenyi-Both encouraged the applicant to work closely with staff. Mr. Von Handorf said too much was unknown; engineering questions should be answered sooner rather than later. Mr. Muzechuk was in favor of moving forward. Mr. Etson verified that all the required Preliminary Development

Plan materials had been submitted. He said he would prefer to keep the same number of lots on the west property line as the City Council had set for the plan it approved earlier.

MOTION: Mr. Briggs made a motion to recommend to Council the approval of the Preliminary Development Plan, Application P-2015-0026, subject to the eight staff conditions. Mr. Muzechuk seconded the motion. The motion passed 4-2 with Mr. Clark and Mr. Von Handorf voting no.

Application P-2015-0029: Rezoning Village Center to Remove the Community Center Overlay
Applicant: Robert Hall for Cornerstone Developers

Mr. Rodney presented the staff report for rezoning of 14.8 acres, more or less, north of Dille Drive and the Costco Wholesale Warehouse along Cornerstone North Boulevard. The parcel with Shoppes I was included in the request. Mr. Rodney showed a map with the area to be rezoned outlined in pink and gave a history of the changes to the Preliminary Development Plans that precipitated the need for the rezoning. The Community Center Overlay required higher level architecture, shared parking, specific setbacks and significant green space The application for a Major Site Plan for Shoppes I showed problems with implementing the requirements and the need for multiple variances. The application requested the change in zoning to support the amended Preliminary Development Plan passed in 2013. Architectural standards would be incorporated within the Final Development Plan for Phase 3. Staff recommended approval of the rezoning without conditions.

Mr. Clark opened the public hearing and invited Mr. Hall to speak.

Mr. Robert Hall, Oberer Land Developers, 3475 Newmark Drive, Miamisburg, stated his appreciation for staff's recommendation to approve and said he would answer questions. Mr. Clark stated major concern about the parking lot behind Costco on the east side of Cornerstone North Boulevard. He said the village center should draw people into the green space.

After Mr. Clark closed the public hearing, Mr. Von Handorf pointed out that the minutes of the work session of April 28 suggested that the rezoning be predicated on the approval of the Final Development Plan for Phase 3.

MOTION: Mr. Von Handorf made a motion to recommend to Council the approval of Application P-2015-0029, a rezoning to lift the Community Center Overlay in the area north of Dille Drive along Cornerstone North Boulevard in the village center, subject to the approval of the Final Development Plan for Phase 3 of Cornerstone North. Ms. Amy Korenyi-Both seconded the motion. The motion passed 5-1 with Mr. Clark voting no.

Application P-2015-0030: Final Development Plan Phase 3, 5300 Wilmington Pike
Applicant: George Oberer, Jr. for Cornerstone Developers, Ltd.

Mr. Rodney gave the staff presentation for the Final Development Plan Phase 3 of the Cornerstone Development for the village center, about 12.8 acres along Cornerstone North Boulevard, the last phase south of the creek, an area subject to the Preliminary Development

Plan, Amendment 1, approved in 2013. He described the topography, grading, mounding, setbacks, landscaping, the general street layout, open space. architecture and the access for this next phase of the development.

As submitted, the Final Development Plan showed a hotel along Wilmington Pike, just north of the village center entrance. Mr. Rodney stated staff continued to object to the hotel in that location across from residences. Incoming traffic would hinder pedestrian circulation from the hotel to the village, while having the hotel inside the ring road would create synergy for pedestrian use of the park. Over time, hotels tend to be taken over by lesser quality owners—a concern for the prominent location of the hotel on Wilmington Pike.

The applicant had asked for the removal of the setbacks and landscaping on the boundary with the Costco Wholesale Warehouse property and the addition of 100 parking spaces in this same area behind the village center and north of Costco. Because few details for the park were included with the application, staff recommended only 28 spaces in the northern parking lot be approved at this time to allow flexibility for future plans. Landscaping, amenities and architectural standards were consistent with the Final Development Plans for the first two phases, but would be reviewed with individual site plans.

Because of the request for rezoning to lift the Community Center Overlay, specific standards guaranteeing a quality look and feel in Phase III were included on Revised Page 5 of the FDP submission. Additional choices were added to the approved materials lists. Mr. Rodney felt the standards of approval generally could be met, so he recommended approval of the application, with the following 17 conditions:

1. The Cornerstone North Phase 2 Final Development Plan shall conform to the approved Cornerstone North Preliminary Development Plan Amendment 1 and all conditions of approval contained therein as determined by the City Planner.

2. All lots shall be subject to Major Site Plan review in accordance with the Unified Development Ordinance. A review for UDO compliance will be conducted as each development proposal comes forward for Major Site Plan review.

3. The final location of all building, parking, landscape areas, and related items shall generally conform to this Final Development Plan as depicted unless otherwise conditioned herein.

4. The parking/paving setback along Wilmington Pike shall be as follows:
    a. South of Village Center Drive: 45 feet
    b. North of Village Center Drive: 35 feet
5. The building setback along the east side of Cornerstone North Blvd. shall be 5 feet.

6. The following CC Overlay standards shall apply to this FDP:
    a. Article 9.07(A)(5)(a-c)
    b. Article 9.07(A)(5)(d)(v)(1-4)
    c. Article 9.07(A)(5)(d)(vi, viii)
    d. Article 9.07(A)(5)(f)(i-iv, vi)

7. The seven (7) spaces at the northern edge of the park parking lot shall be eliminated and replaced with a connecting sidewalk and landscaping.

8. The eastern half of the proposed park parking lot shall not be constructed as part of this Final Development Plan. The northern half of the parking lot may be constructed to provide additional parking and access to the proposed dumpster enclosures serving The Village.

9. A hotel use shall not be part of this Final Development Plan, in accordance with the Preliminary Development Plan, Amendment 1 adopted October, 2013.

10. All perimeter mounding along Wilmington Pike shall be at least three (3) feet above finished grade of adjacent parking lots.

11. Bufferyards and landscape treatments shall be consistent and harmonious with Phase 1A as determined by the City Planner.

12. All lighting of vehicular and pedestrian ways shall be consistent and harmonious with Phase 1A as determined by the City Planner.

13. Final location and design of all street and utility infrastructure is subject to the review and approval of the City Engineer.

14. Public/private construction access, construction timing of public improvements, and maintenance of traffic on public roads shall be at the discretion of the Public Works Department.

15. Final location of any proposed pylon signage shall not be determined by this Final Development Plan.

16. Individual lot ground signs in this Final Development Plan shall be consistent with the design set forth for Phases 1A and 2.

17. The Applicant and City shall mutually develop and agree upon a comprehensive construction access and staging plan for the entirety of Phase 3 for public and private construction activities prior to the issuance of any zoning or building permits related to Phase 3.

When Mr. Clark opened the Public Hearing, Mr. Robert Hall, Oberer Land Developers, 3475 Newmark Drive, Miamisburg, requested the removal of the Conditions 4 and 8. Condition 4 noted 45 feet parking/paving setbacks along part of Wilmington Pike rather than 35 feet. Until final tenants were known, Oberer Land Developers wanted flexibility for a purchaser who might need the additional area to make a plan viable. Condition 8 restricted the construction of the parking area north of Costco to less than a third of the area submitted with the Final Development Plan. The developer preferred to build all the parking spaces at once to ensure sufficient parking for the village center. When Mr. Briggs asked Mr. Hall about the numbers of

parking spaces in the two sections, Mr. Hall stated 35 were requested to the north and 65 were requested to the south.

Ms. Korenyi-Both asked for clarification of the hotel site, since it was not in the location previously approved. Mr. Conley of Oberer Land Developers stated the developer had had a contract for some time with a user who specifically wanted the site along Wilmington Pike and who would not build inside the ring road. He did not ask for deletion of condition 9, but he said he expected Council to deal with the impasse in its review.

Mr. Briggs noted that other hotels in the area of Wilmington Pike were doing well without frontage and direct visibility. Mr. Cahall asked what Planning Commission wanted to showcase in this prominent area twenty years from now. Mr. Rodney explained that aging hotels are often replaced by lower priced brands and the cycle gets progressively worse. Unlike smaller restaurants or shops, it would be difficult to remove and replace a three-story structure.

Mr. Etson returned to the issue of the 45 foot setback and clarified that Mr. Rodney was satisfied with a 35' setback along Wilmington Pike, north of Shoppes I.

Mr. Rodney gave the staff perspective on the parking lot issue. In general, public parking was meant to compensate for less parking elsewhere in the development. In this plan, no parking spaces were taken away elsewhere, and no park plan was submitted. He felt any additional spaces should come with the plan for the park. Mr. Cahall pointed out that the aesthetics of the area were at stake. The Final Development Plan came in without the details for the open space, and staff strongly felt the two plans should work together.

Mr. Clark closed the Public Hearing.

MOTION: Mr. Briggs made a motion to recommend approval to Council of Application P-2015-0030, the Final Development Plan for Cornerstone North, Phase 3, subject to all the conditions recommended by staff with the exception of Condition 4 calling for the 45'parking/paving setback along Wilmington Pike. The conditions were to be renumbered. Ms. Korenyi-Both seconded the motion. The motion passed 5-1, with Mr. Clark voting nay.

Application P-2015-0033: Variance for Screened Dumpster in the Front Yard
Applicant: H. C. Klover, Klover Architect, for Panda Express

Mr. Rodney reported the details of the application for a variance to place a dumpster and its enclosure in a front yard at 5381 Cornerstone North Boulevard. Like some of the neighboring businesses, Panda Express had three frontages and no other viable options. Mr. Rodney pointed out that Panda Express planned to occupy only half the area of the original building site. The Planning Department recommended approval of the variance.

When Mr. Von Handorf asked about plans for the second half of the parcel, Mr. Rodney said no other applications had been received. Mr. Cahall stated the variance would be valid and needed, even if Panda Express revised its current plan. The exact placement of the dumpster would be determined with the Major Site Plan.

Mr. Clark opened the Public Hearing. Mr. Vu Le, representing H.C. Klover and Panda Express, stated the size of the parcel and the frontages created a very restricted site, and the applicant had no alternative except a variance. Seeing no other speakers, Mr. Clark closed the Public Hearing.

MOTION: Mr. Briggs made a motion for approval of the variance requested in Application P-2015-0033. Mr. Muzechuk seconded the motion. The motion passed 6-0. No conditions were included with the approval.

Application P-2015-0031: Major Site Plan for Cheddar's Casual Café
Applicant: Morgan Allen, Project Manager, Greer Land Companies

Mr. Rodney presented the staff report for the Major Site Plan for this 8640 sq. ft. restaurant with 404 seats and 262 parking spaces at 5341 Cornerstone North Boulevard. He used maps and elevations to describe the proposal for the triple frontage lot at the corner of Feedwire Road and Wilmington Pike. The pylon sign for the development and a tree preservation area also were located here. Mr. Rodney discussed landscaping, setbacks, traffic circulation, pedestrian access, grading and lighting. He recommended the removal of six parking spaces adjoining the tree preservation area to better protect the trees and to improve aesthetics for patio diners. For the landscape plan, two trees needed to be moved from the vicinity of the walking trail. Mr. Rodney used elevations and photos to show the proposed building. The materials for the building were similar, but not matching, the approved materials list for the area. Additional materials included standing seam metal roofing, copper accents and cedar shakes. He noted that the north façade was utilitarian and rather plain in design. Several dormers were added to the roof at the request of staff for visual interest. Mr. Rodney said the Standards of Approval could generally be met, but Planning Commission would need to specifically approve the materials used. The Planning Department recommended approval of the Major Site Plan with the following four conditions:

1. The six (6) parking spaces adjacent to the Tree Preservation Area shall be eliminated and replaced with sod, landscaping, or a combination thereof with approval from the City Planner.

2. The two (2) proposed serviceberry trees in I.A.-M shall be relocated to an alternative location to avoid conflict with pedestrian path from Feedwire Road. Such location may not necessarily be within a parking lot landscape island, but shall be approved by the City Planner.

3. Planning Commission hereby approves the requested building façade material palette consisting of "Old Chicago Brick" and "Natural Stone" veneer.

4. Planning Commission hereby approves the use of cedar shake shingles and standing seam metal for the roof materials.

Planning Commission asked questions. Mr. Clark asked about the color palette and approval from the Architectural Control Committee. Mr. Rodney said that that committes was not active. The developer and staff agreed with the palette. Mr. Clark then asked if there were concerns

from the Fire Department related to using cedar shakes for a roof. Mr. Rodney responded none were noted in review comments. Mr. Etson made comments on the use of the dormers and the need to enhance the north facade. Mr. Rodney replied that staff could work with the applicant to add visual interest. Ms. Korenyi-Both pointed out copper oxidizes and become less attractive over time.

When Mr. Clark invited a representative of the applicant to the podium, Mr. Jihad Hallany of Greer Land Companies, 3399 Tates Creek Road, Lexington, KY, representing Cheddar's Casual Café, responded to some of the concerns of staff and the Planning Commission. He stated Cheddar's had built 45 restaurants and no other jurisdiction had a problem with cedar shakes as roofing material. He noted that significant landscaping was required and that it would finish the plainer side elevations. He said that Cheddar's requested to keep the six parking spaces closest to the tree preservation area as shown in the submitted plan, because experience with other stores showed that the additional spaces would be needed, even though the total number was significantly higher than required by the UDO. The parking and roadway averaged 15' from the preservation area.

When Ms. Korenyi-Both asked about other options for materials, Mr. Hallany cited signature branding and the need for corporate approval of any changes. He felt the elements requested were comparable in quality to those required, and he listed special items already agreed to by the company, including no variance for the dumpster, heavy landscaping, atypical lighting, and 50 feet of parking/paving setback. Mr. Rodney stated staff opinion that the materials were consistent enough because of their quality.

Mr. Briggs went back to the six parking spaces. Mr. Rodney stated that these were the only parking spaces which face directly out to Wilmington Pike. Mr. Von Handorf made the suggestion to use some form of permeable pavement for the six parking spaces as a compromise. Pervious pavers would be less invasive to the trees in the preservation area. Mr. Hallany was amenable to this solution, saying if the nearest large maple died they would replace it with several smaller ones. Mr. Rodney suggested screening with some bushes or evergreens that would not require disturbing roots of the trees.

Mr. Von Handorf turned the discussion back to the four-sided architecture. He agreed with Mr. Rodney that the north face was lacking detail. Mr. Rodney suggested a condition that staff work with the applicant to enhance the north elevation. Planning Commission concurred.

Mr. Clark closed the public comment.

MOTION: Mr. Briggs made a motion to approve the Major Site Plan for Cheddar's with 3 of the 4 conditions recommended by staff. Staff's first condition recommending the elimination of the six parking spaces was to be rewritten to require pervious pavers and screening for the six parking spaces adjoining the tree preservation area. Mr. Etson noted the addition of a fifth condition that staff and the applicant shall work together to enhance the north façade of the

building visually. Mr. Briggs agreed, and Mr. Von Handorf seconded the motion. The motion passed 5-1 with Mr. Clark voting no.

Application P-2015-0032: Major Site Plan, Panda Express at 5381 Cornerstone North Boulevard
Applicant: H.C. Klover, Architect

Mr. Rodney reported on the application for a Panda Express restaurant with 56 seats and 6 employees per shift. He noted the cross access easement, the triple frontage, the landscaping, its location at a major entry to the development, grading issues, parking, traffic circulation, an inadequate stacking lane for the drive-thru, an unapproved materials palette, landscaping problems and failure to meet ADA standards for accessibility. He showed pictures of a variety of Panda Express buildings located across the region. Because of its size, the site needed to be coordinated with the adjacent parcel. Staff recommended tabling the application to give the representatives time to revise the submission.

Mr. Etson asked if it would be possible to reconfigure the drive-thru queue length to be in compliance. Mr. Rodney said it was doubtful, as currently designed, and referred him to the architect.

Mr. Clark asked for comments from the applicant, and Mr. Vu Le of H.C. Klover, Architect, said he agreed to table the application to allow time for problem-solving between staff and the developer. He stated that the small lot was a challenge and that the drive-thru queue would not accommodate more than six cars using Centerville's formula. Eight were required. He said his clients might or might not acquiesce to the request to use one of the older-style buildings with materials more compatible with the Centerville palette.

Mr. Chris Conley of Oberer Real Estate Division stated he had had conversations with the applicant to encourage a design more in keeping with the UDO.

Mr. Clark closed the public comment.

MOTION: Mr. Briggs made a motion to table the Major Site Plan application for Panda Express to the Planning Commission meeting on July 28, 2015. Ms. Korenyi-Both seconded the motion. The motion passed 6-0.

Because of the lateness of the hour, Mr. Rodney shared no communications.

Mr. Clark stated that the next regularly scheduled meeting of the Planning Commission would be on July 28, 2015, beginning at 7:30 p.m. and adjourned the meeting at about 11:40 p.m.

Paul Clark

Mr. Paul Clark
Chair of the Planning Commission