PLANNING COMMISSION
Regular Meeting
Tuesday, July 28, 2015

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, Bill Etson, Robert Muzechuk, and Jim Briggs. Also present were City Manager Greg Horn, Municipal Attorney Scott Liberman, Economic Development Director Nathan Cahall, Planner Mark Yandrick and Assistant Clerk of Council Julie Weaver.

APPROVAL OF MINUTES

No additions or corrections were noted for the Planning Commission meeting of June 30, 2015.

MOTION: Mr. Briggs made a motion to approve the minutes of the Planning Commission meeting of June 30, 2015, as distributed. Ms. Amy Korenyi-Both seconded the motion. The motion passed, 6-0-1, with Mr. Durham abstaining.

OPENING STATEMENT

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

PUBLIC HEARINGS

Application P-2015-0034: Variance for A Second Ground Sign at Cheddar's Casual Café
5341 Cornerstone North Boulevard
Applicant: Rod Snyder, Snyder Signs, Inc.

Mr. Yandrick presented the staff report for the request by Mr. Snyder of Snyder Signs for a second ground sign on the Cheddar's site at 5381 Cornerstone North Boulevard in a B-PD zoning district. Mr. Yandrick used a diagram, an aerial view and a map to locate the site at the northeast corner of Wilmington Pike and Feedwire Road. He noted staff would approve color, lighting and materials for the signs; the role of the commission was to determine whether a second ground sign was justified. Staff felt the triple frontage lot along two major streets and the size of the lot were significant factors. He said staff would not object if Planning Commisison wanted to permit ground signs on both the Wilmington Pike frontage and the Feedwire Road frontage, but staff was not in favor of a ground sign along Cornerstone North Boulevard. The Planning Department recommended approval with the following two conditions:

1. The two ground signs shall be restricted to the frontages along Wilmington Pike & Feedwire Rd. No ground signs would be permitted along Cornerstone North Blvd.

2. The final placement of the signs shall be approved by the City Planner, for the most appropriate fit among the mounding and landscaping of the development.

Mr. Durham asked about wall signage, because trading signage had been typical of the decisions of the Planning Commission. He also asked that the conditions be made clear that one sign would be permitted along Wilmington Pike and one sign along Feedwire Road. Mr. Cahall said he believed wall signs were planned for the east and south frontages and agreed Planning Commission could name where each type of sign could be located. After further checking, Mr. Yandrick said the wall signs were shown on the north and south facades. Mr. Durham asked to see the full sign package prior to making a decision on the signage.

Mr. Clark opened the public hearing and closed it when he saw no speakers come forward.

MOTION: Mr. Durham moved to table consideration of the application until more information on the total sign package was available. Mr. Briggs seconded the motion. The motion passed, 7-0. Mr. Liberman, as a point of reference, stated that the case would be continued to the next meeting, August 25, 2015.

OLD BUSINESS

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

Mr. Cahall announced that the applicant had requested that the application be tabled to the next Planning Commission meeting.

MOTION: Mr. Briggs made a motion to remove Application P-2015-0032 from the table. Mr. Von Handorf seconded the motion. The motion passed 7-0.

Mr. Durham asked for discussion of the issues making compliance with the UDO difficult. Mr. Cahall voiced staff concerns that the size of the truncated lot was not large enough to accommodate the restaurant without variances for drive-thru storage capacity, drainage, grading and bufferyards. Moving the property line farther to the west had been suggested.

Mr. Durham noted that if the lot line were to be moved farther west, the tenant for the residual remnant lot would struggle with the same issues. Mr. Cahall agreed that utilization of the remnant lot would be limited.

MOTION: Mr. Durham made a motion to table Application P-2015-0032, the Major Site Plan for a Panda Express, to the August Planning Commission Meeting to allow more time for staff to work with the applicant. Mr. Briggs seconded the motion. The motion passed unanimously.

Application P-2015-0038: Record Plat at 2601 E. Alex-Bell Road
Applicant : John Burkhardt, Burkhardt Engineering for the Martin Development Group

Mr. Cahall reported that, after seeing the staff recommendations on the resubmittal, the applicant had asked that the application dividing the parcel at White's Corner into three parts be tabled. Mr. Cahall said the new submission had not included enough change to mitigate the concerns voiced by staff and Planning Commission. Staff was willing to continue to work with the applicant.

Mr. Durham noted the issues of access, signage and the viability of the third lot.

MOTION: Mr. Durham made a motion to table Application P-2015-0038 to the Planning Commisison meeting on August 25, 2015. Ms. Korneyi-Both seconded the motion. The motion passed 7-0.

Applicaton P-2015-0040: Replat for the Commons at Yankee Trace
The Area between Stansel Circle and Yankee Street,
Applicant: Greg Smith, Oberer Residential Construction, Ltd.

Mr. Cahall announced that the applicant had requested this agenda item for the replat of the Commons at Yankee Trace be tabled, because legal counsel was not available for the current meeting and Oberer Residential Construction had concerns about the conditions recommended by staff.

Mr. Durham stated uneasiness over the lack of a plan for the remainder of the parcel. He did not feel it was in the best interest of the City to allow the replat without some idea about what would happen to the remnant. Having three private stubbed streets was unacceptable for the residents of the area. Mr. Cahall agreed the City wanted to protect the residents.

MOTION: Mr. Durham made a motion to table Application P-2015-0040 to the Planning Commission meeting on August 25, 2015. Mr. Briggs seconded the motion. The motion passed 7-0.

Application P-2015-0035: Record Plan for Cornerstone North, Phase III, the Village Center
Applicant: Robert Hall, Oberer Land Developers

Mr. Cahall gave the staff report for the record plan for Cornerstone North, Section Five, for the village center area. The plat divided approximately 13 acres into four lots along Cornerstone North Boulevard, north of Shoppes I and extending eastward to the tree preservation area along the creek. The plat included the dedication of rights-of-way for Wilmington Pike and the extension of Cornerstone North Boulevard, both public streets. Mr. Cahall noted the plat was consistent with the Final Development Plan recently approved by City Council. The Engineering Department had recommended only minimal changes and was in the process of reviewing the construction documents for the public improvements. The Planning Department recommended approval, subject to the following four conditions:

1. A 10' utility easement is requested along the north property line of Lot #1, on Lots 2 & 3 parallel to Village Center Drive, and along the perimeter of Lot #4 (Per Dayton Power & Light).

2. Other utility easements accommodating wet and dry utilities shall be provided in cooperation with the requisite utility and the City Engineer.

3. Final construction documents for all public improvements shall be furnished to and approved by the City Engineer prior to recording of this plat.

4. A guarantee of construction and installation of improvements shall be provided in accordance with UDO Article 9.17.

Mr. Cahall explained the conditions, with special attention given to the easements requested by DP&L.

In response to a question from Mr. Clark, Mr. Cahall said the leg for the parking lot was included, in spite of the fact that Council had upheld Planning Commission's recommendation to limit the number of parking spaces east of the village center, at this time.

Mr. Durham stated his dislike of the uneven footprint of the eastern edge of the plat. For the longterm, he preferred straight lines from easily recognizable positions, rather than curves and jogs. Mr. Cahall stated that the owner wanted to delinieate property that might be taken care of by a park district or a mainentance association. He pointed out the owner was the same on both sides of the lines at this point, but agreed that might not always be the case. Mr. Durham stated that he was not inclined to recommend approval to the City Council.

Mr. Clark opened the floor for public comment and the applicant, Mr. Robert Hall of Oberer Land Developers, 3475 Newmark Drive, Miamisburg, stated the plat followed the eastern boundary of the Phase III Development Plan along the western side of the tree preservation area. He went through the shapes step by step showing how the outline fit with the concept plan for the village center, the amphitheater and the parking lots. He said straight lines would cross several areas/elements that should be inclusive.

Mr. Durham requested to see the proposed improvements for both sides of the boundary line before accepting the record plan as currently drawn. He asked about tabling the application to the August meeting. Mr. Cahall explained that specific buildings would not be approved until the submittal of major site plans, so further information would not be readily available. Mr. Hall asked for the display of the Phase III Final Development Plan and stated the tree preservation area, building placement and proposed improvements within the park had dictated the line segments and curves.

Mr. Durham asked Mr. Hall whether either of the two buildings driving the eastern lines of the plat were in the planning stage, because he did not want to limit users too strictly to the current proposal. He wanted to maintain flexibility. Mr. Hall said the Oberer representatives were working with a proposed end-user on schematic designs; it was not the Oberer group's intent to further subdivide the lot.

Discussion continued. When Mr. Durham asked the reason for the setting the record plan at such an early stage of the development, Mr. Hall stated that rights-of-way were needed for roadway improvements on Wilmington Pike and for the extension of Cornerstone North Boulevard. He also said, in order to minimize variances, the developer was setting some building envelopes and general perameters to be in agreement with the requirements of the newly adopted Final Development Plan for Phase III. Mr. Durham asked if it was possible to accomplish what was needed for the rights-of-way without platting Lot 4. Mr. Hall asked for time to think over the option and requested opinions of other Planning Commission members. Mr. Etson said he was in favor of keeping options open on the east boundary for future flexibility. Mr. Hall argued that the Final Development Plan fit this area and that the FDP was dictating buildings in certain

positions. Mr. Durham did not want to hold up the developer, but did not want to box in future development too tightly.

Thinking through his options, Mr. Hall asked for approval of Lots 1, 2, and 3 and then questioned if a plat for Lot 4 could move through the Planning Department at the same time as a major site plan, so that tenants could move forward quickly when ready. Mr. Liberman responded that those two applications were frequently processed together and pointed out the rezoning of the area could not be effective until late October, at the earliest. Mr. Liberman agreed that the current application could be amended to exclude Lot 4 with the applicant's permission. Mr. Hall stated agreement so that the developer could proceed in a timely fashion with the needed rights-of-way for roadway construction.

Mr. Von Handorf added that including the parking area that had not yet been approved as a boundary line was problematic. For that reason, he, too, was in favor of excluding Lot 4 from the recommendation for approval. Mr. Hall reiterated that he did not envision changes to the boundaries, when the plat for Lot 4 was resubmitted.

Mr. Clark closed the public comment.

MOTION: Mr. Durham made a motion to recommend to Council the approval of Application P-2015-0035, the record plan for Cornerstone North, Section 5, subject to the condtions of staff as noted above and with the addition of Condition 5 to exclude Lot 4 from the current approval. Mr. Briggs seconded the motion. The motion carried with a vote of 7-0.

COMMUNICATIONS

Mr. Cahall announced that the Planning Department had received an Application for a Preliminary Development Plan for The Villas at Chardonnay Drive. He said it would probably be on the agenda for August 25, 2015.

Mr. Briggs pointed out the installation of a bright red panel and lighted "M" on the front façade of the McDonald's along Far Hills Avenue near North Village Drive and shared pictures of the sign.

Mr. Clark invited Planning Commission members to a work session with City Council and Mr. Locke of Ryan Homes that would be held in Council Chambers on Monday, August 3, 2015, starting at 6:30 p.m.

ADJOURNMENT

Mr. Clark stated that the next regularly scheduled meeting of the Planning Commission would be on August 25, 2015, beginning at 7:30 p.m. and adjourned the meeting at about 8:25 p.m.

Paul Clark

Mr. Paul Clark
Chair of the Planning Commission