

**City of Springboro  
320 West Central Avenue, Springboro, Ohio**

**Planning Commission Regular Meeting  
Wednesday, November 10, 2010, 7:00 p.m.**

**I. Call to Order and Roll Call**

Chairperson Marie Belpulsi called the Springboro Planning Commission Meeting to order at the Springboro Municipal Building, 320 West Central Avenue, Springboro, Ohio.

Present: Marie Belpulsi, Chairperson, Hans Landefeld, Becky Hartle, David Vomacka, Chris Papakirk, Barb Gibson, Janie Ridd

Staff: Dan Boron, Planning Consultant; Elmer Dudas, City Engineer; Raj Sharma, Assistant City Engineer; Lois Boytim, Planning Commission Secretary; Alan Schaeffer, City Attorney

Ms. Belpulsi asked Planning Commission for a motion to amend the agenda to include approval of the Final Development Plan for Lovely's Farm and a sign permit for 55 North Main Street.

*Ms. Ridd motioned to amend the agenda. Mr. Vomacka seconded the motion.*

**Vote: Papakirk, yes; Gibson, yes, Ridd, yes; Belpulsi, yes; Landefeld, yes; Hartle, yes; Vomacka, yes. (7-0)**

Ms. Belpulsi asked Planning Commission for a motion to amend the agenda to include an Executive Session, under R.C. 121.22(G), after guest comments, to discuss pending litigation.

*Ms. Ridd motioned to amend the agenda. Mr. Vomacka seconded the motion.*

**Vote: Papakirk, yes; Gibson, yes, Ridd, yes; Belpulsi, yes; Landefeld, yes; Hartle, yes; Vomacka, yes. (7-0)**

**II. Approval of Minutes**

**A. October 27, 2010 Planning Commission Meeting**

Ms. Belpulsi asked for corrections or additions to the minutes. There were none.

*Ms. Gibson motioned to approve the October 27, 2010 Planning Commission meeting minutes as submitted. Mr. Landefeld seconded the motion.*

**Vote: Hartle, abstain; Vomacka, yes; Papakirk, yes; Gibson, yes; Ridd, abstain; Belpulsi, yes; Landefeld, yes. (5-0-2)**

### III. Agenda Items

#### A. Site Plan Review, west end Commercial Way, new building for Brickman Landscaping

##### Background Information

This agenda item is based on an application filed by Paul Sivak, PS Properties, to construct a 6,000 square foot building and support functions to serve as a new operations facility for Brickman Landscaping. The property is located near the western terminus of Commercial Way; the proposed site is situated immediately east of Woodhull (Woodhull fronts directly onto I-75) and south of the Dialysis Center of Dayton.

The site proposed for the landscaping operation consists of two lots totaling approximately 2.98 acres in area. The property is currently owned by the City of Springboro. The two lots—along with the entirety of Commercial Way—are zoned ED, Employment Center District. The proposed use is a permitted use of the ED District. The district also provides for Planning Commission to establish building setbacks on a lot by lot basis at the time of development through the Site Plan Review Process.

In addition to the adjacent uses mentioned above, surrounding uses to the east include light manufacturing (S&S Tool & Die) and recreation (tennis club); residential to the south in Franklin Township on properties fronting Sharts Road. The south property line for the parcel(s) marks the City of Springboro corporation line.

This item was discussed at the October 13th Planning Commission Work Session.

##### Staff Comments

1. Please coordinate with Dan Fitzpatrick, Zoning Inspector, (937) 748-6845 or [danf@cityofspringboro.com](mailto:danf@cityofspringboro.com), regarding compliance with City of Springboro Sign Code, Chapter 826 of Codified Ordinances, for any future signage package for the proposed building.
2. Please provide detail of proposed decorative fence as well as the proposed 30' wide gate.
3. Provide exterior lighting plan that is consistent with the provisions of Section 1271.02 of the Planning & Zoning Code. Lighting levels exceed minima and maxima, no calculations on average to minimum and minimum to maximum ratios are provided.
4. Provide spill containment details regarding the outdoor fuel storage tank.
5. Building setback is measured to the overhang.
6. Remove the existing ODOT type 2 curb and gutter and replace with depressed curb and gutter at both curb cut locations.
7. Water service to be 1" minimum "k" copper, 4.5' cover, with a remote reader within building. Remove water meter pit and add curb stop within 5' of the tap to the existing water main. Add additional 6" water valve prior to the fire hydrant.
8. 6" water main shall be class 52 ductile iron pipe with B-62-B American Darling fire hydrant.
9. Sanitary sewer lateral to be SDR 35 or schedule 40 with a minimum of 2% slope.
10. Provide additional information regarding the storm sewer outlet from the detention pond.
11. Signature of the owner is required on the plans.
12. Existing lots to be replatted in to one lot.
13. Building setback is measured from the overhang.
14. Dedicated additional 5' of utility easement along Commercial Way and storm sewer easements as shown through property.

15. Remove the existing ODOT type 2 curb and gutter and replace with depressed curb and gutter at both curb cut locations.
16. How is storm water quality being provided for?
17. Provide an as-built drawing to the City of Springboro Engineering Department following the completion of the project and prior to occupancy permit.
18. Clearcreek Fire District: no comments at this time.

John Burkhardt of Burkhardt Engineering representing PS Properties was in attendance to answer questions of Planning Commission.

Mr. Burkhardt explained that they are building a new landscaping business at the west end of Commercial Way and are combining two lots in order to have an appropriate size site. He added that they have worked through the staff comments and have no problem with them. He commented that the owner and the architect were also in attendance should Planning Commission have any questions.

Ms. Belpulsi asked Planning Commission for any comments or questions.

Mr. Vomacka asked that it be clear that the external lighting, specifically the wall packs shine down and not out.

Mr. Burkhardt commented that they are clear on that.

Mr. Papakirk asked whether it would make more sense to move the forsythia row closer to the road so that the parking lot could be screened.

Mr. Burkhardt commented that their intent was to screen the site, not the parking lot.

Ms. Ridd commented that she did not feel that it was important to screen the parking in an industrial area.

Mr. Papakirk asked whether there would be a fence in the area where the row of shrubs is shown. If there would be a fence there, then it would be screened already.

Mr. Burkhardt answered that there would be.

Ms. Gibson commented that she would be more concerned with the spacing, that there would be enough space for a forsythia hedge. With Mr. Papakirk's suggestion, there would be more room.

Mr. Burkhardt agreed to work with staff on the issue.

Ms. Belpulsi asked for any further comments.

There were none.

*Ms. Ridd motioned to approve the Site Plan for the west end of Commercial Way, new building for Brickman Landscaping with the condition that staff comments are met. Ms. Hartle seconded the motion.*

Ms. Belpulsi asked for any guest comments.

There were none.

**Vote: Vomacka, yes; Papakirk, yes; Gibson, yes, Ridd, yes; Belpulsi, yes; Landefeld, yes; Hartle, yes. (7-0)**

**B. Site Plan Review, 20 Eleanor Drive, multi-purpose building for Minds In Motion school/day care**

This agenda item is a request for Site Plan Review approval based on an application filed by CESO, Inc., agent for the property owner and business owner, Minds in Motion DBA 741 Church, LTD. As indicated in the submitted materials, the property owner proposes to construct a 7,200-square foot multi-purpose building adjacent on their property located at 20 Eleanor Drive and the northeast corner of Eleanor Drive and North Main Street (SR 741).

The property on which the multi-purpose building is proposed was the site of Epiphany Lutheran Church. The operators of Minds In Motion acquired the site and building and reused it for their school/day car operation in late 2006/early 2007. Access to the 20 Eleanor Drive property is from a driveway located on Eleanor Drive.

As shown in the supplied plans, the applicant proposed to construct a 7,200-square foot multi-purpose building on a portion of the existing parking lot serving the 20 Eleanor Drive property. A 42-vehicle parking area would be constructed to the east of the existing building on the site.

Minds In Motion's other facility is located on a separate property to the north accessed from Sycamore Creek Drive. That facility's Site Plan Review was approved in July 2004. The two sites are connected by a walkway.

The property is zoned O-R, Office-Residential District, a district that permits the school use.

In addition to the property to the north mentioned above, adjacent uses to the east include single-family residential lots located on Robinglen Court; this area is zoned R-1A, Low Density Residential Transitional District. A storm water retention area and residential uses to the south fronting Eleanor Drive and zoned O-R District. To the south and west is St. Paul's Episcopal Church and Page's Carpet, both located on the west side of North Main Street and zoned B-2, Local Business District. To the northwest is an area zoned O-R District also on the west side of North Main Street.

This item was discussed at the October 13th Planning Commission Work Session.

**Staff Comments**

1. Please coordinate with Dan Fitzpatrick, Zoning Inspector, (937) 748-6845 or [danf@cityofspringboro.com](mailto:danf@cityofspringboro.com), regarding compliance with City of Springboro Sign Code, Chapter 826 of Codified Ordinances, for any future signage package for the proposed building.
2. Please provide plans for all building elevations in order to provide maintain a record copy of the Site Plan Review approval for future reference. The small-size elevations enclosed in advance of the November 10th packet are not to scale.
3. No documentation to date has been provided to indicate building populations that are generating the need for the proposed 42-car parking lot proposed for the site.
4. Proposed exterior lighting plan need to be revised consistent with Section 1271.02 of the Planning & Zoning Code. Specifically lighting levels are below the minimum permitted (0.4

- foot-candles) near the proposed multi-purpose building and the average/minimum and maximum/minimum calculations exceed the standard. Also please note that all exterior lighting (e.g., wallpacks, canopy) to comply with Section 1271.02 standards.
5. Please indicate plans for a dumpster building materials on submitted plans/drawings.
  6. Please provide planting information, in tabular form, indicating species, size and number for proposed landscaping. Also match information on small-size, rendered "sheet 3 of 4" to large-size, black and white version.
  7. Dedicate storm sewer easements as determined by the City of Springboro Engineering Department.
  8. Provide storm water detention design and storm sewer calculations and details.
  9. Provide proposed on site grading and spot elevations throughout the paved areas every 25'.
  10. Dedicate 35' Public Access Easement along SR 741.
  11. Provide water service size. Water service to be 1" minimum "k" copper, 4.5' cover, with a remote reader within building. Remove water meter pit and add curb stop between back of curb and existing sidewalk.
  12. Maintain a minimum of 4.5' cover over sanitary sewer. Lateral to be SDR 35 or schedule 40 with a minimum of 2% slope.
  13. Provide Nyoplast basin details. How is water quality being provided?
  14. Signature of the owner is required on the plans.
  15. Provide an as-built drawing to the City of Springboro Engineering Department following the completion of the project and prior to occupancy permit.
  16. From the Clearcreek Fire District: please indicate the location of an additional fire hydrant within the parking lot.

David Oaks of CESO, Inc. was in attendance to answer questions of Planning Commission.

Mr. Oaks commented that he had sent staff supplemental information in response to the staff comments. He added that he doesn't have issue with the staff comments and will address them with staff.

Ms. Belpulsi asked for questions or comments from Planning Commission.

Mr. Vomacka commented that the lighting plan that was provided does not comply with the regulations.

Mr. Oaks agreed that he would address the staff comment.

Mr. Vomacka commented on the landscape plan; he asked about the phasing concept.

Mr. Oaks answered that they had looked at phasing at one time. The landscape plan was in its entirety, there was no phasing.

Mr. Vomacka asked about the trees shown in the parking lot.

Mr. Oaks explained that they were existing trees and islands would be built around them. They would be trying to place the islands to save the significant trees.

Mr. Vomacka asked what kind of deciduous trees they would be using. He stated that he assumed that they would be using ornamental trees in the front of the building and asked for shade trees in the back of the lot.

Mr. Oaks commented that he has not received that information from Fulmer's Landscaping but would provide it to City staff. He added that the trees that they are trying to save are shade trees.

Ms. Gibson asked whether additional elevations had been received in response to staff comment #2.

Mr. Oaks commented that the information is being prepared. The north and south elevations and the east and west elevations mirror each other. The elevations will be provided for the records.

Ms. Gibson commented that the plans indicate a 5" reveal on Hardiplank, vertical.

Mr. Oaks answered that the architectural feature is a brick ledge with vertical and horizontal Hardiplank above it in a couple of tones to break up the facade.

Ms. Gibson stated that she would have a problem moving ahead with this item for a couple of reasons; the incomplete landscape plan and the comments from the Planning Commission that they wanted this building to have a campus feel, tied to the existing building. She asked whether staff had received any material samples.

Mr. Boron answered no.

Mr. Oaks answered that it is their commitment and intention to match the brick colors on the existing structures on either side.

Ms. Ridd agreed that they do not have enough to on, as far as the exterior. She stated that she feels that what she is looking at does not have the matching feel that they are looking for.

Ms. Gibson stated that she does not have a problem with the footprint of the building. She is concerned about the exteriors. She agreed with Mr. Vomacka that they needed more detail on the landscaping plan. She stated that it is not unusual for the Planning Commission to approve a plan with the landscape plan to come back at a later date, but she is concerned with the exterior. This building will have a large presence on St Rt 741.

Mr. Boron asked whether it was the materials or the massing. He asked whether the materials could be presented to Planning Commission at a later date along with the landscape plan.

Ms. Gibson answered that it was the materials. She stated that she understands that they are not going to be able to mirror the design of the existing building. She stated that because they are not going to be able to use the same materials and match the pitch of the roof, it is important for Planning Commission to see how they are going to blend the buildings.

Ms. Ridd commented that she has no problem with the footprint. She stated that Planning Commission could request that the materials and elevation be addressed when the plans and materials are available.

Mr. Papakirk commented that it would be no different than coming back to staff with the landscape plan and elevations. It would just mean coming back to Planning Commission.

Mr. Oaks commented that he would like to work with staff. He understands that they would like to match the existing building. The materials are as indicated on the plan, the brick and Hardiplank. As far as matching the materials, he will work with staff.

Mr. Papakirk commented that he understands he would like Planning Commission to see the architectural elevations.

Mr. Boron commented that they would be using the same material in different shades. Should the Planning Commission approve the material, could the applicant bring the color board to the next Planning Commission meeting for approval? This would allow the applicant to get started on other aspects of this development.

Ms. Gibson asked that, trying to keep these buildings in the same feel, that the brick treatment be at the same height as on the church.

Mr. Landefeld commented that photographs of the existing buildings would help.

Mr. Papakirk asked whether they could start construction because the building footprint doesn't change.

Mr. Boron answered that it is his understanding that construction will be in 2011 but other aspects of the project will be worked on including financing. Approval would allow them to move forward on those decisions, including construction plans and the elevations and landscape plans could be brought to the next meeting.

Mr. Oaks agreed that a contingent approval would allow them to move forward.

Ms. Belpulsi asked for any further comments.

There were none.

*Ms. Gibson motioned to approve the Site Plan for 20 Eleanor Drive, multi-purpose building for Minds In Motion school/day care with the condition that staff comments are met and the upon approval of the landscaping plan, the elevations and the building materials. Mr. Landefeld seconded the motion.*

Ms. Belpulsi asked for any guest comments.

There were none.

**Vote: Hartle, yes; Vomacka, yes; Papakirk, yes; Gibson, yes; Ridd, yes; Belpulsi, yes; Landefeld, yes. (7-0)**

**C. Final Development Plan, Village Park PUD-MU, Planned Unit Development-Mixed Use, retail component, new Wright-Patt Credit Union**

This agenda item is a request for Final Development Plan approval, filed by Wenco Construction, New Carlisle, to construct a 4,952-square foot Wright-Patt Credit Union within the retail portion of the Village Park PUD-MU, Planned Unit Development-Mixed Use. The proposed site of the credit union is southwest of the corner of North Main Street (SR 73) and Village Park Drive. Specifically the site immediately south of the Fifth/Third Bank branch; immediately to the south is the retail building that includes Grater's Ice Cream shop.

As indicated above the site along with the entirety of the Village Park development is zoned PUD-MU. Rezoning to that category was effective September 2004 and is subject to a General Plan that includes design criteria for the retail portion of the PUD that defines the North Main Street frontage to the development. A pattern book to guide the specific details of the design and development of the retail area within the PUD-MU was approved by Planning Commission in 2006. Both documents have been provided to the applicant.

In addition to the uses listed above, adjacent land uses include to the east retail uses associated with the Marketplace at Settlers Walk; that development is zoned PUD as part of the larger Settlers Walk development. To the west, on the west side of Gardner Drive, is undeveloped land that is part of the office component of the Village Park PUD-MU.

This item was discussed at the October 13th Planning Commission Work Session.

### **Staff Comments**

1. Show handicap access ramps on sheet C.1
2. Proximity of exit drive from drive-thought to pedestrian sideway from Gardner Drive to North Main Street.
3. Lighting plan needs to be revised to match provisions of Section 1271.02 (Exterior Lighting) of the Planning and Zoning Code AND match to the provisions of the Village Park retail area pattern book. Plans need to verify use of high-pressure sodium, pole heights and calculations for minimum/maximum and average to minimum ratios.
4. Please coordinate with Dan Fitzpatrick, Zoning Inspector, (937) 748-6845 or [danf@cityofspringboro.com](mailto:danf@cityofspringboro.com), regarding compliance with City of Springboro Sign Code, Chapter 826 of Codified Ordinances and Village Park PUD-MU retail pattern book, for any future signage package for the proposed building. Please note that the proposed signage on the Gardner Road frontage may be no closer than 8' from the right-of-way.
5. Verify that area along S.R. 741 on northeast corner of site does not retain water.
6. Please indicate design of proposed gate for dumpster.
7. Show existing 16" water main.
8. Raise catch basin elevation to not exceed 6" ponding.
9. Plans to have signature of the owner or duly authorized officer.
10. Elevation and contours to be based upon USGS datum.
11. Show the existing inspection ports and 4" cleanouts for the underground detention.
12. Locate water lateral shutoff 5' from behind curb.
13. Provide an as-built drawing to the City of Springboro Engineering Department following the completion of the project and prior to occupancy permit.
14. Clearcreek Fire District: no comments at this time.

Dean McGillivray of Wenco, Inc. representing Wright Patt Credit Union was in attendance to answer question of Planning Commission.

Ms. Ridd commented that she would be abstaining from any discussion on this item and from the vote on this item.

Ms. Belpulsi asked whether Mr. McGillivray had any questions regarding the staff comments.

Mr. McGillivray answered that he had no objections.

Mr. Landefeld asked whether the landscaping would be irrigated.

Mr. McGillivray answered that it was not as proposed.

Mr. Landefeld commented that after the last couple of summers that a lot of the landscaping in the residential and commercial areas has not survived. It does not make much sense to put it in if it is not going to survive. He asked to put in a request that it be sprinkled.

Mr. Papakirk commented the there are ways to do temporary irrigation to get the plants to the point that they are established.

Mr. McGillivray commented that they could put a maintenance contact on the landscape package.

Mr. Landefeld commented that that is fair.

Ms. Belpulsi asked for any further comments.

There were none.

*Ms. Gibson motioned to approve the Final Development Plan for Village Park PUD-MU, Planned Unit Development, retail component, new Wright-Patt Credit Union with the condition that staff comments are met. Ms. Hartle seconded the motion.*

Ms. Belpulsi asked for any guest comments.

There were none.

**Vote: Vomacka, yes; Papakirk, yes; Gibson, yes, Ridd, abstain; Belpulsi, yes; Landefeld, yes; Hartle, yes. (6-0-1)**

**D. Revision to Approved Final Development Plan, Settlers Walk PUD, Planned Unit Development, northeast corner Remick Boulevard and Farr Drive, proposed Southwest Church**

This agenda item is a request for approval of a revision to the approved site plan, as submitted by Michael Weinberg of Decker & Associates, Architects, for Southwest Church, located at 150 Remick Drive in the Settlers Walk Planned Unit Development. The site is located on the northwest corner of Remick Boulevard and Farr Drive immediately east of the Coffman YMCA.

The Site Plan for a 23,971-square foot church facility was approved by Planning Commission, contingent on compliance with a number of comments, at the October 31, 2007 Planning Commission meeting (that approval followed an approval on March 28, 2007 meeting). As indicated in the submitted drawings the proposed "phase 1" of the church property has been reduced in size from 23,971-square feet to 12,392 square feet. A second phase originally proposed in 2007 is not included in this submittal; the applicant has been advised to provide a summary of the new phasing plan and what the "build out" of the site will resemble at the conclusion of all phases of construction. Other changes include revised elevations including the elimination of all windows on the east elevation (facing Farr Drive) as well as site plan revisions affecting the location of parking, dumpsters and landscaping.

Staff will provide a copy of the October 31, 2007 plan for the purposes of comparison.

## Staff Comments

1. Later phases of construction subject to review by Planning Commission prior to construction respective phases. Please coordinate with City staff at the appropriate time to initiate the review/approval process.
2. Please provide information regarding building populations that are generating the proposed amount of off-street parking indicated in the plan.
3. Please provide dumpster design plans including gate.
4. Please submit lighting plan consistent with the provisions of Section 1271.02 (Exterior Lighting) of the Planning and Zoning Code.
5. Applicant to coordinate with City staff on the compliance with conditions of approval of March 2007 Final Development Plan concerning exterior lighting, utility infrastructure, erosion control, parking lot and driveway design details, survey benchmarking information and other information.
6. Provide an as-built drawing to the City of Springboro Engineering Department following the completion of the project and prior to occupancy permit.
7. Clearcreek Fire District has no comments at this time.

Dave Weinberg of Decker & Associates was in attendance to answer questions of Planning Commission.

Ms. Belpulsi asked Mr. Weinberg whether he had any questions about the staff comments.

Mr. Weinberg stated that he will provide additional information to address the comments with staff; he has no further questions.

Ms. Belpulsi asked for questions or comments from Planning Commission.

Mr. Vomacka commented that they have not revised the landscaping plan to be consistent with what is across the street. He asked whether a lighting plan was received.

Mr. Boron commented that there is a staff comment in regard to the lighting plan which staff has not seen. This was a revision to an approved plan from 2007; a revised plan will be submitted that shows the smaller site and the smaller footprint of the building. It will be reviewed relative to the exterior lighting ordinance.

Mr. Weinberg commented it would be reduced by one light pole, four bollards and three wall packs.

Mr. Vomacka asked whether the wall packs would be directed to shine down.

Mr. Weinberg answered yes.

Mr. Weinberg commented that he has a letter from the Coffman YMCA pertaining to the lease agreement regarding the parking.

Mr. Boron commented that this was approved in March of 2007 with a major revision in October of that same year. Staff is asking the applicant to resubmit some of the materials in order to have a record copy and a complete set of plans that reflect the smaller building and smaller site impact. The staff comments were dealt with in March and October of 2007; they are being asked to reflect a smaller site and move forward.

Ms. Belpulsi asked for any further comments.

There were none.

*Ms. Ridd motioned to approve the revision to the Approved Final Development Plan, Settlers Walk PUD, Planned Unit Development, northwest corner Remick Boulevard and Farr Drive, proposed Southwest Church with the condition that staff comments are met. Ms. Gibson seconded the motion.*

Ms. Belpulsi asked for any guest comments.

There were none.

**Vote: Ridd, yes; Belpulsi, yes; Landefeld, yes; Hartle, yes; Vomacka, no; Papakirk, yes; Gibson, yes. (6-1)**

#### **E. Record Plan, Arter Subdivision, Lookout Street at West Mill Street**

This agenda item is a request for Record Plan approval for the combination of three tracts of land into one lot. The lots are located at the southeast corner of the intersection of Lookout Street and West Mill Street.

The northern end of Lookout Street was realigned in 2008 during the West Mill Street Roadway Improvements Project. This realignment created a 0.0493 acre tract and an area of right-of-way along Lookout Street that is no longer needed. The City is in the process of vacating the right-of-way and granting the land to the neighboring property to the east, Linda M. Arter. After City Council approves the granting of the 0.0493 acre tract and the vacated right-of-way, the record plan will then be forwarded to city council for final approval. The lot being created will contain 0.5540 acres.

This record plan is currently under review and will be revised appropriately prior to city council's final approval.

Elmer Dudas, City Engineer, reviewed the record plan for Planning Commission.

Mr. Vomacka asked who would own the property.

Mr. Dudas answered that it would be owned by Linda Arter.

Mr. Landefeld asked whether there was an established criterion for when a property is vacated; it goes back to the owner.

Mr. Dudas answered that yes, it does.

Ms. Gibson asked whether Planning Commission would be approving the Record Plan to City Council pending their move to vacate the property.

Mr. Dudas explained that once it is vacated, the City would have to vacate a right-of-way and City Council would have the final approval.

Ms. Belpulsi asked for any further comments.

There were none.

*Ms. Gibson motioned to recommend to City Council approval of the Record Plan for Arter Subdivision, Lookout Street at West Mill Street. Ms. Ridd seconded the motion.*

Ms. Belpulsi asked for any guest comments.

There were none.

**Vote: Belpulsi, yes; Landefeld, yes; Hartle, yes; Vomacka, yes; Papakirk, yes; Gibson, yes; Ridd, yes. (7-0)**

#### **F. Final Development Plan, Lovely Farm**

This agenda item is a request for Final Development Plan approval, the second-stage of the three-step Planned Unit Development (PUD) approval process, of a 3,108-square foot addition to Lovely Farm market located at 330 East Central Avenue (SR 73). The application was filed by Robin Lovely-Dowd, property and business owner. The existing market building is approximately (see comment #2 below) 6,768 square feet in area. The addition is located on the east side of the existing building

The property was rezoned to PUD effective March 1998.

Adjacent land uses to the north and east include the open space/agricultural and residential portions of the PUD. To the south the Fieldstone subdivision that is zoned R-2, Low Density Residential District and the Richards Run Business Park PUD-MU, Planned Unit Development-Mixed Use, to the southwest.

This item was on the October 13th Planning Commission Work Session agenda and at the conclusion of the review of this agenda item it was determined that formal review and approval could occur at the November 10th formal business Meeting. Based on the comments below, particularly item #1, staff recommends that this item be on the November 10th Work Session agenda so that the questions raised in the staff comments can be address prior to formal approval.

#### **Staff Comments**

1. The base mapping used is incorrect and needs to be based on correct as-built information particularly relative to existing parking areas, right-of-way and property lines. Please show existing property line between farm market and residential lot to the west. Drawing A1.0 needs to indicate areas of proposed pavement (parking and drives) as well as proposed building locations accurately.
2. All proposed parking and driveway areas to be constructed of asphalt or other non-gravel surface.
3. Based on the proposed addition eight (8) additional off-street parking spaces will need to be provided.
4. Please clarify the provision of water and sewer to proposed building addition.
5. Please indicate if any exterior building lighting is proposed. If so it will need to comply with Section 1271.02 (Exterior Lighting) of the Planning and Zoning Code.

6. Dedicate 60' of right of way along the north side of SR 73.
7. Dedicate 35' Public Access Easement along SR 73.
8. Clearcreek Fire District has no comments at this time.

Robin Lovely-Dowd of Lovely's Farm Market was in attendance to answer questions of Planning Commission.

Ms Belpulsi commented that this item has been discussed at tonight's work session and is recommended for action at this formal session.

Ms. Belpulsi asked Ms. Lovely-Dowd whether she had any further comments.

Ms. Lovely-Dowd did not.

Ms. Belpulsi reviewed the wording of the motion; *"A motion to approve the Final Development Plan for the Lovely Farm with the condition that staff comments are met expect for the dedication of the sixty foot right-of-way and the thirty five foot public access easement, applicant agrees to dedicate the sixty foot right-of-way north of St Rt 73 during any future building construction."*

Ms. Gibson asked whether the phraseology meant that the dedication would occur when Ms, Lovely-Dowd builds again or should it be when the road is widened.

Mr. Dudas answered that if the road comes first then the dedication would occur.

Ms. Ridd asked whether the motion should include Ms. Lovely-Dowd building or any future road construction.

Ms. Gibson asked whether need for the road widening would be determined by the State of Ohio. She does not want Ms. Lovely-Dowd to be surprised by the state or another entity coming in and wanting that dedication and easement.

Ms. Lovely-Dowd answered that that would be beyond her control.

Mr. Schaeffer commented widening the road and the sixty foot dedication would be a take issue. That public entity would negotiate with Ms. Lovely-Dowd.

*Ms. Ridd motioned to approve the Final Development Plan for the Lovely Farm with the condition that staff comments are met expect for the dedication of the sixty foot right-of-way and the thirty five foot public access easement, applicant agrees to dedicate the sixty foot right-of-way north of St Rt 73 during any future building construction. Mr. Vomacka seconded the motion.*

**Vote: Papakirk, yes; Gibson, yes, Ridd, yes; Belpulsi, yes; Landefeld, yes; Hartle, yes; Vomacka, yes. (7-0)**

#### **G. Sign Permit, 55-85 North Main Street, Dr. Annette Callejo, DDS**

Mr. Boron commented that this agenda item was discussed at the Work Session earlier in the evening. The applicant is seeking approval of a sign package for the former Goodwill Building that will be reused as a dental office and tenant retail space. Approval of the sign package is necessitated since the property is located in the Town Center Overlay District.

Ms. Belpulsi commented that this application had gone before the Architectural Review Board and was approved on November 8th.

Ms. Belpulsi asked for questions or comments from Planning Commission.

Ms. Hartle asked about the number of tenants that would be sharing the sign and the number of empty bays in the building.

Ms. Ridd answered that they would have to share that space

Mr. Vomacka commented that the question was asked at ARB and they were happy with it as it is.

Ms. Belpulsi asked for any further comments.

There were none.

*Ms. Ridd motioned to approve the Sign Permit for 55 North Main Street. Mr. Vomacka seconded the motion.*

Ms. Belpulsi asked for any guest comments.

There were none.

**Vote: Papakirk, yes; Gibson, yes, Ridd, yes; Belpulsi, yes; Landefeld, yes; Hartle, yes; Vomacka, yes. (7-0)**

#### **IV. Guest Comments**

There were no Guest comments.

At this time, Ms. Belpulsi asked for a motion, at the request of the City Attorney, to enter into executive session to discuss pending litigation.

*At approximately 7:40 P.M., Mr. Vomacka motioned to enter Executive Session, under R.C. 121.22(G) to discuss pending litigation. Mr. Landefeld seconded the motion.*

**Vote: Hartle, yes; Vomacka, yes; Papakirk, yes; Gibson, yes, Ridd, yes; Belpulsi, yes; Landefeld, yes. (7-0)**

With no objections, Planning Commission exited Executive Session at 7:53 P.M.; whereby, no votes were taken.

#### **V. Planning Commission and Staff Comments**

Ms. Boytim confirmed that Mr. Vomacka, Mr. Landefeld and Mr. Papakirk would be registered for the Planning and Zoning Workshop on December 3, 2010.

Planning Commission discussed sending the packets electronically. Mr. Vomacka, Ms. Hartle, Ms. Belpulsi, and Mr. Landefeld preferred an electronic packet. Ms. Gibson and Mr. Papakirk preferred a paper packet.

Ms. Ridd asked about the plan reviews

Mr. Boron explained that there will be paper copies of any plans available at each meeting. He does not expect Planning Commission members to print this information at home. The purpose is to reduce the burden on the applicants of the expense of printing seventeen copies.

Mr. Papakirk suggested limited plans to 11"x17" copies, which are still workable but less expensive.

Ms. Ridd preferred a paper copy for the plans.

Mr. Landefeld stated that an electronic packet is okay as long as it is formatted to allow him to print off a copy at home.

Ms. Ridd commented that packets that do not include drawings can be sent to her electronically.

Mr. Vomacka suggested sending everyone their packets electronically and then paper packets to those who prefer them so they can see how it works.

## VI. Adjournment

*Ms. Ridd motioned to adjourn the November 10, 2010 Planning Commission Regular Meeting at 7:57 P.M. Mr. Vomacka seconded the motion.*

**Vote: Papakirk, yes; Gibson, yes, Ridd, yes; Belpulsi, yes; Landefeld, yes; Hartle, yes; Vomacka, yes. (7-0)**

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Marie Belpulsi, Planning Commission Chairperson

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Dan Boron, Planning Consultant

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Lois Boytim, Planning Commission Secretary