

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

**Planning Commission Regular Meeting
Wednesday, February 11, 2009, 7:00 p.m.**

This meeting is the January 28, 2009 Regular Planning Commission meeting that was rescheduled due to weather conditions. The regularly scheduled work session of February 11, 2009 was canceled due to lack of agenda items.

I. Call to Order and Roll Call

Chairperson Marie Belpulsi called the Springboro Planning Commission Meeting to order at the temporary Springboro Municipal Building, 425 South Pioneer Boulevard, Springboro, Ohio.

Present: Marie Belpulsi, Chairperson, Jim Chmiel, Hans Landefeld, Chris Papakirk, Barb Gibson, Janie Ridd, Absent: Becky Hartle

Staff: Chris Thompson, City Manager; Dan Boron, Planning Consultant; Raj Sharma, City Engineer; Lois Boytim, Planning Commission Secretary

Ms. Belpulsi asked Planning Commission for a motion to excuse Ms. Hartle.

Ms. Ridd motioned to excuse Mr. Hartle. Mr. Landefeld seconded the motion.

Vote: Papakirk, Gibson, Ridd, Belpulsi, Chmiel, Landefeld; all yes

II. Appointment of Planning Commission Chair, Vice-Chair

Mr. Chmiel moved to appoint Ms. Marie Belpulsi as Planning Commission Chairperson. Mr. Papakirk seconded the motion.

Vote: Gibson, Ridd, Belpulsi, Chmiel, Landefeld, Papakirk; all yes

Ms. Ridd moved to appoint Mr. Hans Landefeld as Planning Commission Vice-Chairperson. Ms. Gibson seconded the motion.

Vote: Ridd, Belpulsi, Chmiel, Papakirk, Gibson; all yes, Landefeld; abstain

III. Approval of Minutes

A. December 17, 2008 Planning Commission Meeting

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

Ms. Gibson motioned to approve the December 17, 2008 Planning Commission meeting minutes as submitted. Ms. Ridd seconded the motion.

Vote: Belpulsi, Chmiel, Landefeld, Papakirk, Gibson, Ridd; all yes

B. January 14, 2009 Planning Commission Work Session

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

Mr. Landefeld motioned to approve the January 14, 2009 Planning Commission Work Session meeting minutes as submitted. Mr. Chmiel seconded the motion.

Vote: Landefeld, Papakirk, Ridd, Belpulsi, Chmiel; all yes, Gibson; abstain

IV. Agenda Items

- A. Revision to Approved General Plan, Village Park Planned Unit Development-Mixed Use, office component
- B. Revision to Approved Final Development Plan, Village Park Planned Unit Development-Mixed Use, Phase 1 of office component
- C. Record Plan, Village Park Planned Unit Development-Mixed Use, Phase 1 of office component

Background Information

This general background information is applicable to agenda items A-C.

These three agenda items are collectively related to a request submitted by Greg Martin of Village Park Office Commons, LLC, property owners and developers, for approval on a revision to an approved General Plan for The Village Park Planned Unit Development-Mixed Use (PUD-MU) office component, Phase One. The Village Park PUD-MU is located on the southwest corner of North Main Street (SR 741) and Pennyroyal Road; the phase 1 portion of the office component is located on the southwest corner of the proposed Village Park Drive and Gardner Road.

The General Plan and the Final Development Plan (Phase One) for the office component were approved by the Planning Commission on January 30, 2008. The approved General Plan has a total of 280,000 square foot of office space for a total of 15 office buildings ranging in size from 8,000 to 22,000 to 32,000 square feet. A total of 134,000 square feet of office in five (5) buildings is located on the north side of Village Park Boulevard; 146,000 square feet of office in ten (10) buildings is located on the south side of Village Park Boulevard.

The purpose of these three agenda items is administrative in nature: the developer has indicated that they intend to subdivide the office component in a different manner than previously approved. The locations and sizes of the approved office buildings will remain the same, however, the buildings will be a part of an overall office condominium development. This change has revised Phase One of the office general plan from being one 5.72-acre lot, into five (5) separate lots ranging from 0.97 acres to 1.41 acres. The five (5) buildings in phase one total 49,000 square feet of office space. This General Plan amendment is considered a minor change; as such no City Council action is required. These lot changes have been reflected in the Phase One (A) General Plan, (B) Final Development Plan, and (C) Record Plan.

These three agenda items were reviewed at the January 14th Planning Commission Work Session. A formal recommendation to City Council is requested at this time. Three (3) separate motions will be required corresponding to the three agenda items listed herein.

Staff Comments—Record Plan Only (Agenda Item C)

1. Remove the signature blocks as shown for the City Manager, Planning Commission, City Council, and City Engineer, and replace with the following:

City Approvals

Approved by Council and the Municipality of Springboro this ___ day of _____, 2009.

Mayor

Attest – Clerk of Council

City Engineer

2. Public roads to be dedicated prior to final approval of this plan by city council. Provide plat book and page number.
3. Provide association documents for review and approval. These documents are to be recorded prior to final approval by city council.
4. Add note stating that all lots shown herein are included in the association as recorded in OR __, PG__.
5. Add a note stating the maintenance responsibility of the ingress/egress easement area as well as all of the landscaped areas.
6. Final occupancy permit will not be provided for any lot until its recorded condo record plan is submitted.
7. Add the correct city notes to the title sheet, to be provided by the engineer's office.
8. Add the following note to the title sheet:

Obligations

Village Park Offices Phase 1 situated in Section 15, Town 2, Range 5 City of Springboro, Warren County, Ohio is subject to that certain DECLARATION OF COVENANTS, CONDITIONS & RESTRICITONS & RESERVATION OF EASEMENTS FOR VILLAGE PARK recorded at BOOK 4084 PAGE 608 of the Records Records of Warren County, Ohio, including, without limitation, the duties and obligations of the property owners for the care, maintenance, landscaping and upkeep of certain boulevard islands as set forth in said DECLARATION.

Greg Martin of Village Park Office Commons, LLC was in attendance to answer questions of Planning Commission. He introduced another of the partners, Roy Smith.

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

Mr. Martin explained that no, all items had been discussed at the work session.

Ms Belpulsi asked for questions or comments from staff.

Mr. Boron explained that there were three actions required by Planning Commission. Only the Record Plan would be recommended to Council for approval. The other two items are approvals of revisions.

Ms Belpulsi asked for questions or comments from Planning Commission or staff. There were none.

Ms. Ridd motioned to approve the Revision to the Approved General Plan, Village Park Planned Unit Development-Mixed Use, office component. Ms. Gibson seconded the motion.

Vote: Ridd, Belpulsi, Chmiel, Landefeld, Papakirk, Gibson; all yes

Ms. Gibson motioned to approve the Revision to the Approved Final Development Plan, Village Park Planned Unit Development-Mixed Use, Phase 1 of office component. Ms. Ridd seconded the motion.

Vote: Belpulsi, Chmiel, Landefeld, Papakirk, Gibson, Ridd; all yes

Ms. Ridd motioned to recommend to City Council approval of the Record Plan, Village Park Planned Unit Development-Mixed Use, Phase 1 of office component with the condition that staff comments are met. Ms. Gibson seconded the motion.

Vote: Ridd, Belpulsi, Chmiel, Landefeld, Papakirk, Gibson; all yes

Mr. Boron commented that this item would be on the City Council agenda for the February 19th meeting.

- D. Application for Rezoning, 2748 Pennyroyal Road, Clearcreek Township (T)R-1, Rural Residence District, to Springboro R-1, Estate-Type Residential District

Background Information

This agenda item is a request submitted by the South Centerville Congregation of Jehovah's Witnesses, Inc., property owner, to rezone the parcel of land at 2748 Pennyroyal Road from the current Clearcreek Township (T)R-1, Rural Residence District, to City of Springboro R-1, Estate-Type Residential District. The property—approximately 3 acres in area—is located on the north side of Pennyroyal Road west of the intersection of Pennyroyal Road and Evergreen Drive. Frontage and access to the site is from Pennyroyal Road. The proposed rezoning request would allow for the reuse of the existing building as a church/religious institution.

As indicated in the application, the proposed rezoning based on a request of the City of Springboro and is consistent with the policy of removing township zoning categories within the municipal corporation boundaries. This matter was discussed when the congregation proposed construction of their new church; the site plan for the church was approved at the January 30, 2008 Planning Commission meeting.

Adjacent land uses include Clearcreek Chapel to the north; the access drive to Clearcreek Chapel to the east along with large-lot single-family residential; large-lot single-family residential to the west; and single-family residential to the south (Royal Springs subdivision).

Adjacent zoning includes Clearcreek Township (T)R-1 to the north, east and west; and (T)R-1 and R-2, Low Density Residential District to the south.

The *Springboro Comprehensive Land Use Plan* does not address this property.

This item was reviewed at the January 14th Planning Commission Work Session. A formal recommendation to City Council is requested at this time.

Staff Comments

No staff comments at this time.

Mr. Boron reviewed the two applications for Pennyroyal Road rezoning for the Planning Commission. The two properties are adjacent and the sites of the Kingdom Hall of Jehovah's Witnesses and Clearcreek Chapel. Both applicants were approached as part of the Site Plan Review and asked to comply with staff requests to rezone their properties. The applications are being handled by staff but have been received from the property owners. He added that there would be no change in the listed permitted uses. Staff recommends that Planning Commission recommend Council approval.

Ms Belpulsi asked for questions or comments from Planning Commission.

There were none.

Ms. Ridd motioned to recommend to City Council approval of the Rezoning, 2748 Pennyroyal Road, Clearcreek Township (T)R-1, Rural Residence District, to Springboro R-1, Estate-Type Residential District. Mr. Chmiel seconded the motion.

Vote: Landefeld, Papakirk, Gibson, Ridd, Belpulsi, Chmiel; all yes

- E. Application for Rezoning, 2738 Pennyroyal Road, Clearcreek Township (T)R-1, Rural Residence District, to Springboro R-1, Estate-Type Residential District

Background Information

This agenda item is a request submitted by the Clearcreek Chapel, property owner, to rezone two parcels of land at 2738 Pennyroyal Road from the current Clearcreek Township (T)R-1, Rural Residence District, to City of Springboro R-1, Estate-Type Residential District. The proposed rezoning includes 20.2 acres of property (based on information available at the time and according to incorrect Warren County records City Staff indicated at total of 13.2 acres at the January 14th Work Session. The property proposed to be rezoned (see enclosed exhibit) includes an 18.008-acre parcel with frontage onto Pennyroyal Road, and an adjoining 2.001-acre parcel. The frontage to the 18.008-acre parcel is located on the north side of Pennyroyal Road west of the intersection of Pennyroyal Road and Evergreen Drive. The proposed rezoning request would allow for the reuse of the existing building as a church/religious institution.

As indicated in the application, the proposed rezoning based on a request of the City of Springboro and is consistent with the policy of removing township zoning categories within the municipal corporation boundaries. This matter was discussed when the congregation

proposed the construction of an addition to the structure; the site plan for the church was approved at the July 30, 2008 Planning Commission meeting.

Adjacent land uses include large-lot residential to the east and south within the City of Springboro corporate limits; I-75 to the west within Clearcreek Township; and undeveloped land to the north within the City of Springboro.

Adjacent zoning includes (T)R-1, Clearcreek Township Rural Residence District to the east and south; and ADD-1, Austin Development District 1 to the north. Land to the west, encompassing the I-75 right-of-way, is zoned Clearcreek Township SR-1, Suburban Residence Zone

The *Springboro Comprehensive Land Use Plan* does not address this property.

This item was reviewed at the January 14th Planning Commission Work Session. A formal recommendation to City Council is requested at this time.

Staff Comments

No staff comments at this time.

(Comments by Mr. Boron regarding this item are included under Item D)

Ms Belpulsi asked for questions or comments from Planning Commission.

There were none.

Ms. Ridd motioned to recommend to City Council approval of the Rezoning, 2738 Pennyroyal Road, Clearcreek Township (T)R-1, Rural Residence District, to Springboro R-1, Estate-Type Residential District. Mr. Papakirk seconded the motion.

Vote: Gibson, Ridd, Belpulsi, Chmiel, Landefeld, Papakirk; all yes

- F. Application for Rezoning, 8300 Country Club Lane, Clearcreek Township (T)R-1, Rural Residence District, to PUD-MU, Planned Unit Development-Mixed Use

Background Information

This agenda item is a request submitted by David Pike and Bob Grant, Pike Legal Group PLLC, Louisville, Kentucky, agents for the property owners, Sycamore Creek Country Club, to rezone two parcels of land at 8300 Country Club Lane from the current Clearcreek Township (T)R-1, Rural Residence District, to PUD-MU, Planned Unit Development-Mixed Use. The property proposed to be rezoned (see enclosed exhibit) includes a 14.296-acre parcel (Sidwell No. 04084700020) and a 0.442-acre (Sidwell No. 04084700030). These two parcels represent the only portion of Sycamore Creek Country Club within the Springboro municipal corporate boundaries.

The proposed rezoning is based on a request of the City of Springboro and is consistent with the policy of removing township zoning categories within the municipal corporation boundaries.

The only proposed use under the terms of the proposed PUD-MU rezoning is outdoor recreation, a land use consistent with the use of surrounding property owned by the country club. At present the two parcels are heavily wooded with generally uneven terrain and crossed by Richards Run. A portion of one hole on the golf course (three tee boxes) are located on the site. Access to the site is through the main entrance to the country club from Lytle-Five Points Road and Country Club Lane to the northeast.

Adjacent land uses include large-lot residential and portions of the golf course to the east, both within Clearcreek Township; common space within the Richards Run subdivision in the City of Springboro to the south; the Sycamore Heights (Sycamore Creek Drive) development in the City and portions of the golf course in the township to the west; and the gold course, tennis course and clubhouse, all in Clearcreek Township, to the north.

Adjacent zoning includes (T)R-1, Clearcreek Township Rural Residence District to the east and north; PUD to the south (Richards Run subdivision); and (T)R-1 and R-1 to the west.

The *Springboro Comprehensive Land Use Plan* references City ownership of the property that has not been the case since 2003. Zoning Initiative NE-7 states “*Landlocked 14 acre parcel of land owned by the City. If not use for supplemental sanitary sewer facilities could be a passive park connected by a Greenway Corridor.*”

This item was reviewed at the January 14th Planning Commission Work Session. A formal recommendation to City Council is requested at this time.

Staff Comments

1. Attach an Exhibit A to the Rezoning Application that limits permitted uses on the subject properties to the following use—outdoor recreation facilities.

Mr. Boron reviewed the application for the Country Club Lane rezoning for the Planning Commission. He explained that the property (located in the City of Springboro) is a portion of the property owned by Sycamore Creek Country Club. The property has no legal frontage and is a wooded site. The recommendation to Council would include an Exhibit limiting the uses to outdoor recreation facilities.

Ms Belpulsi asked for questions or comments from Planning Commission.

Ms. Ridd questioned the permitted uses under outdoor recreation could it be hunting or skeet shooting?

Mr. Boron explained that any General Plan would be subject to Planning Commission review, the members would review the specific use at that time.

Ms. Thompson added that other City ordinances would come into play should hunting be considered as a potential use.

Ms. Gibson questioned the location of the property in order to assess any possible conflict of interest.

Mr. Boron confirmed that there was no conflict.

Mr. Landefeld motioned to recommend to City Council approval of the Rezoning, 3800 Country Club Lane, Clearcreek Township (T)R-1, Rural Residence District, to PUD-M with the condition that staff comments are met. Ms. Gibson seconded the motion.

Vote: Ridd, Belpulsi, Chmiel, Landefeld, Papakirk, Gibson; all yes

V. Guest Comments

There were no guest comments.

VI. Planning Commission and Staff Comments

Mr. Boron reminded the Planning Commission members that the Land Use Master Plan Open House has been rescheduled to Tuesday, February 17th at the Heatherwoode Clubhouse.

Mr. Boron added that the public hearings for the three rezonings recommended by the Planning commission at tonight's meeting would be held before the City Council meeting, Thursday, March 19th 2009.

Ms. Thompson reported that the City Council approved the Bicycle Friendly Action Plan. A citizen advisory committee will be formed as a subcommittee of the Planning Commission to work with staff to advise City Council on this plan.

VII. Adjournment

Mr. Landefeld motioned to adjourn the February 11, 2009 Planning Commission Regular Meeting at 7:22 P.M. Ms. Gibson seconded the motion.

Vote: Ridd, Belpulsi, Chmiel, Landefeld, Papakirk, Gibson; all yes

Marie Belpulsi, Planning Commission Chairperson

Dan Boron, Planning Consultant

Lois Boytim, Planning Commission Secretary