

City of Springboro
320 West Central Avenue, Springboro, Ohio

Planning Commission Regular Meeting
Wednesday, March 30, 2011, 6:00 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 (Ms. Ridd arrived at 6:30 p.m.)

Staff: Chris Thompson, City Manager; 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 excuse Ms. Ridd.

Ms. Gibson motioned to excuse Ms. Ridd. Ms. Hartle seconded the motion.

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

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

At approximately 6:05 P.M., Mr. Landefeld motioned to enter Executive Session, under R.C. 121.22(G) to discuss pending and imminent litigation whereby the City Law Director will be present and no votes will be taken. Mr. Vomacka seconded the motion.

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

At approximately 6:16 P.M. Ms. Gibson motioned to exit Executive Session; whereby, no votes were taken. Mr. Papakirk seconded the motion.

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

II. Approval of Minutes

A. February 23, 2011 Planning Commission Meeting

Ms. Belpulsi asked for corrections or additions to the minutes.

There were none.

Mr. Landefeld motioned to approve the February 23, 2011 Planning Commission meeting minutes as submitted. Mr. Papakirk seconded the motion.

Vote: Gibson, abstain; Belpulsi, yes; Landefeld, yes; Hartle, yes; Vomacka, yes; Papakirk, yes. (5-0-1)

B. March 9, 2011 Planning Commission Work Session

Ms. Belpulsi asked for corrections or additions to the minutes.

Mr. Vomacka asked that on page nine, Mr. Hingsbergen's address be corrected from 40 Stanton Drive to 48 Stanton Drive.

Mr. Landefeld motioned to approve the March 9, 2011 Planning Commission work session minutes as corrected. Mr. Vomacka seconded the motion.

Vote: Papakirk, abstain; Gibson, yes; Belpulsi, yes; Landefeld, yes; Hartle, abstain; Vomacka, yes. (4-0-2)

Ms. Belpulsi asked Planning Commission for a motion to untable the agenda item for the Revision to the Approved General Plan for The Springs PUD, Planned Unit Development.

Mr. Vomacka motioned to untable Agenda Item A, the Revision to the Approved General Plan, The Springs PUD, Planned Unit Development. Ms. Hartle seconded the motion.

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

III. Agenda Items

A. Revision to Approved General Plan, The Springs PUD, Planned Unit Development

Background Information

This agenda item is based on an application filed by Fischer Development Company, seeking a revision to the approved General Plan for The Springs PUD, Planned Unit Development. As indicated in the submittal, the applicant is proposing to revise the General Plan for a portion of The Springs PUD, as indicated in the "property boundary" on the large-size map submitted by the applicant.

The property boundary includes an area where 19 single-family homes have been completed near the southeast corner of the property along with approximately 2,000 feet of the Springs Boulevard roadway, portions of five other local streets as well as infrastructure and development amenities. A partially complete clubhouse for the subdivision is also located in this area along with a partially constructed single-family home. The property subject to this General Plan revision request is 121.46 acres in area.

The property boundary excludes The Falls area of the PUD and its 145 apartment units located on the northwest corner of the property and the "continuing care area" that is proposed to be the site of St. Mary's Catholic Church.

This agenda item was discussed at length at the November 10, 2010, December 15, 2010, January 12, 2011, February 9, 2011 and March 9, 2011 Planning Commission Work Sessions as well as the February 23, 2011 Planning Commission Meeting at which time this agenda item was tabled.

Taking into account the discussion from the March 9th Work Session, the applicant's revised plan, as outlined in their March 18th cover letter, includes a reduction of the number of new lots from 61 to 50; increases to certain lot size dimensions in areas 2 and 3; expansion of "Area 4B" and its associated standards; revision of the interpretation of the term "masonry;" increase in masonry use in Area 2; decrease in masonry use in Area 4; and reinstatement of the 40-foot open space on the south property line.

For the purposes of background, The Springs PUD was originally established in January 2000 by Coffman Development as The Glennon Farm PUD through Springboro Ordinance O-00-10. A General Plan was approved for the 166-acre property in 2002 and revised in major fashion in 2005 through Springboro Resolution R-05-48. A General Plan Revision approved in 2010 Planning Commission and City Council will change the "continuing care area" at the northwest corner of Springs Boulevard and Yankee Road to a church use.

Under the provisions of the City of Springboro Planned Unit Development Ordinance, Chapter 1272 of the Codified Ordinance, the proposed church constitutes a major change to the approved General Plan for the PUD. As such the proposed revision would require the approval of the Planning Commission and City Council.

Staff recommends the Planning Commission consider this application in three broad categories based on the discussion that has taken place at the previous four Planning Commission Work Sessions and the nature of the General Plan change:

- Is the proposed change in the number residential housing units acceptable? The Springs PUD in 2005 was approved for 720 residential dwelling units including 415 dwelling units for Fischer Development's "project area" consisting of a combination of single-family detached and condominium dwelling units. At the November 10th Work Session Fischer proposed an additional 105 dwelling units in a combination of single-family detached and condominiums; at the December 15th Work Session that number was reduced to 77 additional dwelling units in combination; at the January 12th Work Session that number was reduced to 74 dwelling units; at the February 9th Work Session the number was reduced to 65 dwelling units; at the February 23rd Meeting and March 9th Work Session the number was reduced to 61 dwelling units. The number has now been reduced to 50 dwelling units. This increase is, in part, achieved by providing "stacked" condominiums on the north side of the Fischer project area and reducing the overall size of the condominium site from the 2005 development and proposing single-family residential lots on the remainder. These single-family dwelling units abut single-family residential areas in the Glenview and Manor sections of Settlers Walk.
- Is the proposed exterior materials scheme proposed by Fischer Development acceptable? Fischer Development has revised their "Housing Details and Architectural Guidelines" folder following the March 9th Work Session.
- Are the proposed changes to the layout of the subdivision—street layout, distribution of open space, common spaces and other improvements—acceptable? Based on the five Work Sessions and one Meeting and communications between meetings the applicant has made significant progress on the overall layout of the revised General Plan.

Staff Comments

The following comments are directed to the "Housing Details and Architectural Guidelines" included in the Fischer Development submittal using the proposals for Area 4 as an example:

1. Please provide a reference to the grade, and/or a vinyl sample, for that proposed in the project area overall or on a subarea basis.
2. Consistent with the applicant's redefinition of masonry following the March 9th Work Session, please indicate in the "Housing Details..." document a written clarification of what is and is not included in that figure.
3. Use the "Area 2A" standard for lots on the south side of Waterside Drive north of the Springs Boulevard roundabout.

The following comments are related to the remainder of the submittal:

1. In Area 4, increase the buffer adjacent to lot 26 on the north side of Waterside Drive from 20 to 40 feet.
2. Staff concurs that the access point's construction be triggered by the construction of the 100th dwelling within the Area 1.
3. Are sidewalks to be provided throughout the condo portion of the development as indicated in Tab 9?
4. Vacation of right of way details at the roundabout and entryway to Area 1 to be provided at a later date.
5. Which vegetation areas on the "Community Features Plan" will be retained?
6. Revised HOA documents to be reviewed by the City prior to recording. Likewise City to review proposed conservation easement language and "Housing Details and Architectural Guidelines."
7. Revisions to the approved details and plans provided by Coffman Development for specific elements or areas of The Springs PUD, for example, specific designs and layouts for the proposed clubhouse, landscaping of individual lots, common areas and boulevard, to be determined as part of the Final Development Plan stage of the PUD approval process.
8. The Clearcreek Fire District has no comments at this time.

Discussion

Todd Huss and Giles Patterson of Fischer Development Company were in attendance to answer questions of Planning Commission.

Mr. Huss recapped the history of the application. He commented that they are in concurrence with the staff comments.

Mr. Huss reviewed the changes that were made to the application in response to the most recent work session. The density has been further reduced by 11 lots resulting in a net increase of 50 lots over the 2005 Plan. Area 3 has been reduced by 6 lots, Area 2 by 2 lots and the Model Court by 3 lots. Area 4B will include added ranch plans. They have redefined masonry to include only brick and stone and the minimum masonry percentages have been adjusted. The guidelines will be governed by minimums only; any references to averages have been removed. The minimum masonry percentage in Area 2 has been increased to 25% and in Area 4 revised to 70%. The forty foot wide open space along the south property line has been extended to match the existing open space.

Mr. Huss commented that this has been a long process on a large and highly visible, sensitive project; he thanked Planning Commission and City staff for their time and efforts. He stated that

through the process they have made a significant number of changes and reached a point of solid compromise. He requested a favorable recommendation of Planning Commission.

Joe Trauth of Keating, Muething & Klekamp, legal counsel for Fischer Development Company, commented they have studied the City of Springboro Land Use Master Plan and the update of 2009. They feel that they have complied with that plan. They are attempting to comply with the character and architecture of the completed homes and also the surrounding subdivisions and apartments. They are complying with stringent self imposed architectural guidelines and request a favorable recommendation.

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

Mr. Papakirk asked about the differences between the plan submitted to Planning Commission in their packets and the one Mr. Huss was referenced at tonight's meeting.

Mr. Huss explained that it is because the cul-de-sac has been shortened and the open space increased.

Mr. Vomacka asked for clarification about the number of lots that were removed from the street behind Stanton Drive.

Mr. Huss reviewed the plans and commented that the lot width has been increased to 70 feet.

Mr. Boron commented that on the south side one lot has been removed, on the north side, a net change of zero because one lot has been taken from the cul-de-sac. Two lots in Area Two have been removed.

Ms. Ridd arrived at 6:30 p.m.

Mr. Landefeld asked about the twenty foot setback on the west side and the forty foot setback on the south side and whether they were conservation easements.

Mr. Huss explained that there were conservation easements on the west side. On the south side there is open space. There is a difference in ownership and maintenance.

Ms. Gibson commented that they usually don't go into detail about the plans but since they have been provided, she expressed her concern about the Bridgetown which is in Area 2 and the fact that it is just a little over 1300 square feet. Since Fischer's focus is on diversity and they have 84 lots in that area, what is the possible quantity of that particular floor plan?

Mr. Huss stated that he expects it to be relatively proportionate.

Mr. Patterson commented that they have standards that state that they cannot build the same plan next to each other or across the street from each other. There are also elevation overlays.

Ms. Gibson commented that in Area 2A they have floor plans that are also in Area 4. She asked whether they could also be in Area 2.

Mr. Patterson answered that they could be but that he does not intend to offer them there. They would be offered in Area 2A and in Area 4 in order to meet the ranch requirements.

Ms. Gibson asked why he would not want to offer them in Area 2. She stated that she would prefer to see one of them there as opposed to the plan that is 1300 square feet.

Mr. Patterson answered that it is a matter of too many plans which can hinder choice. He explained that they are from a different product lines which he only wants to offer in Area 2A.

Ms. Gibson asked about certain plans that do not show a garage and asked whether they were side entry garages.

Mr. Patterson answered yes; they are called J drives and have an interior entry.

Mr. Huss commented that the plans under Area 2A are not included in the masonry minimum percentages for Area 2; they are in Area 4.

Ms. Gibson asked whether the Model Court would have one floor plan from Area 4C and one from 3B.

Mr. Huss answered that that was correct.

Ms. Gibson asked about the first floor brick wrap in 4C, 3A, 3B and 2A. If it is as portrayed on their elevations, she does not see it as a first floor brick wrap because it does not go up to the first floor; it ends at the windows; it would be a partial brick wrap.

Mr. Huss answered that the elevations correctly portray the wrap.

Ms. Belpulsi asked whether there were any further questions from Planning Commission.

There were not.

Before opening the meeting to guest comments, Ms. Belpulsi read a statement as follows; "As has always been the case, the Planning Commission values public input in all of its deliberation. The Fischer/Springs matter is no exception and your expressed comments, questions and concerns have been helpful. Within the last thirty-six hours the City has received a letter from an attorney stating that he represents Miller Valentine and fifteen property owners in The Springs at Settlers Walk. In that letter, he has requested that the City take certain action to "avoid the potential for future litigation". The City takes such threats very seriously. Now that this matter has escalated to the parties being represented by counsel and threats of litigation, the Planning Commission will not entertain any discussion nor is it able to respond to any questions that may be part of any potential future litigation. Accordingly, she asked that they limit their comments that they wish to make and not present their comments in the form of a question as the Planning Commission will not be able to answer them in this forum."

Guest Comments

Ron Woeste, 178 Winding Creek Drive, commented that he has attended every meeting except the first one and is the appointed resident representing The Springs. They have expressed the same concerns that relate to the 2005 PUD regarding density, building materials, architectural characteristics, square footage, roof lines, dimensional shingles, and a garage for every condo. His neighbors in Settlers Walk have expressed their distaste in the proposed changes as well. They agree with the commissioner who has brought up an increase in the side yard space between the two story homes. Since all of the lots in this community were designed and plotted for single story

patio homes, they do not feel that they have made acceptable progress to meet their needs and the needs of their neighbors and community. They believe their tax base, their schools, this neighborhood and the surrounding neighbors will suffer. They have tried to work with the builder with limited success. They believe that many of the requirements of the 2005 PUD are reasonable. When Fischer purchased the property, they knew the terms of the 2005 PUD. This plan does not follow the Land Use Master Plan. They have not followed the good neighbor policy in notifying the neighbors in Washington Township. This is not a distressed property. They, the residents of The Springs, have talked to other large builders who given the opportunity would purchase and develop this property with the requests they have asked for. This reinforces that their requests are not unreasonable. Different price points can be done without sacrificing looks. Fischer does offer a selection of homes and options that could meet their requests. They have been left with no other choice but to engage in legal action. He asked that the Planning Commission not approve this revision and not advance this to City Council.

Richard Cormier, 10 Cascade Court, president of Sycamore Springs Homeowner's Association, asked about a meeting that would take place prior to Council taking a vote.

Ms. Thompson commented that she thought that he may be speaking of the opportunity for guest comments at the April 7th City Council meeting. Because the item was tabled, the item did not appear on the Council agenda in March. Should this item proceed to a vote tonight, there would be an opportunity for guest comments at the April 7th Council meeting. The item would then be voted on at the April 21st City council meeting which will also be held April 7th.

Mary Kaspar, 465 Woodstream Drive, read a portion of an e-mail that she sent to the City:

Springboro, as you well know, has an income tax as well as a property tax for its residents. We thought long and hard about where we would settle, since we are empty-nesters, earn a good wage, and had the luxury of settling just about anywhere we wanted. We chose Springboro; and as a result, this municipality has received around \$50,000 in total taxes from us without the costly burden of educating our children (since our children are grown & gone and already college-educated). We suspect some of our neighbors have also paid similar sums to the city of Springboro.

There is clearly a demand for nice quality, mixed residential construction with adequate garage parking, nice finishes and reasonable density. Look at the success of Winding Creek on State Route 48 while in a difficult market. Also look at Soroya Farms across the street from Winding Creek. The location of The Springs is superior to both those communities. In our opinion, the main difference is that Coffman built his project underfunded and never finished the amenities first.

We understand from prior meetings we've attended that the city of Springboro currently has 1900 developed lots. Adding additional lots and more density only increases the likelihood of lower-priced homes, translating into lower property and income taxes generated, while at the same time resulting in an increase in residents requiring additional services from the city—all while generating a considerably lower tax base.

Ms. Kaspar continued by saying that they are empty nesters. They didn't want a neighborhood that you guys are trying to turn their community into and they are not happy with it. They want to keep the 2005 PUD as it is.

Jim Snelgrove, 45 Clearsprings Drive, commented that they do not object to growth. They object to the plan that increases the density. The density is going to increase and the original plan called for another road that has been eliminated. He doesn't want his street to become an onramp for new development. He has been told that the City of Springboro is not responsible for the school system but he realizes that by increasing the density in order to put in low priced homes, we are putting a strain on the school system. They have already suffered a drop in rating; he has two granddaughters in the Springboro school system and he is concerned. He is concerned about property values. Real estate is location, location, location; they have location now in Settlers Walk and The Springs. He will not be happy if someone pays twenty five percent of what he paid and they are right next door. They are hoping to be long term residents of Springboro. He read the Strategic Master Plan and commented that it is a vision for Springboro, and it discusses streetscape designs, open space planning and continuity in residential areas. He doesn't see \$100,000 home beside a \$400,000 home as continuity in residential areas. They are hoping that Planning Commission rejects the change to the plan.

Jim Fenwick, 810 Waterwood Way, president of property management of Miller Valentine Group, commented that Miller Valentine has one of the most significant investments in the Settlers Walk area having purchased out of distress The Falls at Settlers Walk over the course of the last year and a half. His community has over 137 apartment homes with direct access and attached garages. They have a lot in investment options in today's economy and they love Springboro. It was a place that many of his partners, associates and employees call home. They are excited about the opportunity to invest in Springboro. As a developer, they always try to work with the community within the existing PUD. It is not unusual in today's environment to come across an asset that is viewed as distressed but that does not mean that the community's standards and expectations should be diminished. Springboro is a desirable place to live, work and invest in. He suggested strongly that we maintain the original 2005 PUD. This is what we need to do to protect Miller Valentine's investment and the investment of the homeowners who entrusted the City of Springboro with their decision as to where to live. They counted on each and every one of you to honor the commitment that you made when the PUD was set up to begin with. Their purchase was based on that PUD.

Nathalie Bennett-Wenning, 30 Rustic Brook Court, commented that she agreed with the last two gentlemen. She reiterated the density. She does not like it at all. She appreciates that Fischer has worked to bring it down but she thinks that 50 more than the original PUD is still way too much. She feels that it is way too excessive for her and her family and the investment that they have made. The changes are not acceptable.

Joanne Letsche, 445 Clearsprings Drive, commented that she moved to Springboro as a widow in 2006. She bought into a quality of life and a lifestyle that is no longer being offered. She feels that she is being robbed of the choices that she has made and her retirement income. The choices that she has made are being negated by new decisions that will change the structure and the intrinsic qualities of the development. She believes that there should be more ranch and patio homes. She requested that Planning Commission consider not approving the proposals as they stand now.

Tom Kitts, 135 Winding Creek Drive, commented that they had a development that was approved and was going to enhance Springboro and the people who lived here. It didn't include a vinyl ghetto. It didn't include packed housing, no garages. It was planned for empty nesters who would have a quality of life that they wanted. A developer comes in, gets a fire sale on this and instead of saying here's a plan, I can do something, corporate greed takes over. He stated that they see this as a depressed property which is a falsehood. The property is a good property; the plan was a good plan. It rankles him that the people who are citizens of the community that he lives in are

going along with the game of the corporate greed. It upsets him that as a citizen of Springboro, he is pleading for his life with people who should be looking out for the other citizens that live in this community. They should have rejected from the word go anything that deviated from the original PUD because it was something that Springboro could be proud of. He defied them to be proud of this in ten years.

Ms. Belpulsi asked for further guest comments.

There were none.

Ms. Belpulsi asked for a motion.

Ms. Gibson motioned to approve a recommendation to City Council for the revision to the Approved General Plan for The Springs PUD, Planned Unit Development with the condition that staff comments will be complied with. Mr. Vomacka seconded the motion.

Ms. Belpulsi asked for any further comments from Planning Commission.

Ms. Ridd stated that she has made it known at every meeting her feeling about the density. As she has thought about this even more in the last few weeks, she came to the realization that while they started out this process hoping that they were going to do something really positive for The Springs because of the condition; the boarded up homes, the boarded up clubhouse, trying to get some activity started. It has become more and more evident that they people around there don't want that, they are perfectly happy with it the way that it is and if they don't have to sell a home in there in the next few years. It saddens her that people think that a \$200,000 home is a ghetto home because that is what her home is and it would look fine in their neighborhood. It has vinyl on it. It saddens her that a neighborhood is like that. She is glad that she does not live there. She does not see why it is up to Planning Commission to save it if it is not what they want.

Ms. Belpulsi thanked Fischer Homes for working with the Planning Commission and the citizens who have been active in the process. She stated that the main responsibility of Planning Commission is to take the project on its own merit. She thinks that that is what Planning Commission has done. The density issue from her perspective has come a long way; they have cut it in half, increased the open space, and created protection for some of the houses that are already there by creating a pod atmosphere. She reminded everyone that the next step will be at the Council meeting.

Vote: Papakirk, yes; Gibson, no; Ridd, no; Belpulsi, yes; Landefeld, yes; Hartle, no; Vomacka, no. (3-4)

Mr. Boron commented that the result of the vote is a negative recommendation being forwarded to City Council. It is his understanding that it will be read at the City Council meeting of Thursday, April 7th.

The next order of business was taken up after the majority of those in the audience for the meeting left the meeting room.

B. Planning and Zoning Text Amendment, Section 1264.15(b), ED, Employment Center District, Permitted Uses Generally

Mr. Boron commented on the text amendment. He explained that City Council is considering a revision to the business regulations section of the code not to prohibit but to regulate a new use which is emerging in Ohio which is internet gambling at a café. Part of that review will go to City Council for a second reading April 7th with a waiving of the third reading. As part of that review there is a second half which is in the Planning and Zoning Code which establishes provisions to allow this use as a permitted uses under the ED, Employment Center District. This recommendation adds this use to the permitted list. In the course of reviewing this with the City's legal counsel, they found a problem with a similar type of use, sexually oriented businesses, which are also permitted under the ED District and were inadvertently omitted from the permitted uses.

Mr. Boron explained that they will be setting a public hearing.

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

Mr. Landefeld asked whether there were any of these gambling cafes in the area.

Mr. Boron answered that it is his understanding that there exist some in Springfield and elsewhere in the state. They are anticipating that this will be addressed by the State Attorney General in the next few months. In the interim, the City needs the regulation to limit them. He reiterated that this does not prohibit them. They are permitted in a very prescribed way, as with the sexually oriented businesses.

Mr. Schaeffer and Ms. Thompson explained the types of cafes that the regulation would control and how they operate.

Ms. Gibson asked how confident they are that the phrasing of the regulation will control the cafes.

Mr. Schaeffer answered that this is the best possible; the City is looking to State legislation to fix the problem.

Ms. Ridd motioned to approve a recommendation to Council for a Planning and Zoning Text Amendment, Section 1264.15(b), ED, Employment Center District, Permitted Uses Generally. Mr. Vomacka seconded the motion.

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

IV. Guest Comments

There were no further guest comments.

V. Planning Commission and Staff Comments

There were no Planning Commission and Staff Comments.

VI. Adjournment

Mr. Vomacka motioned to adjourn the March 30, 2011 Planning Commission Regular Meeting at 7:16 P.M. Ms. Hartle seconded the motion.

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

Marie Belpulsi, Planning Commission Chairperson

Dan Boron, Planning Consultant

Lois Boytim, Planning Commission Secretary