

**City of Springboro**  
**320 West Central Avenue, Springboro, OH 45066**

**Planning Commission Regular Meeting**  
**Wednesday, August 26, 2009, 7:00 p.m.**

I. Call to Order and Roll Call

Chairperson Marie Belpulsi called the Springboro Planning Commission Regular Meeting to order at the temporary Springboro Municipal Building, Council Chambers, 425 South Pioneer Boulevard, Springboro, Ohio. Ms. Belpulsi asked the Secretary to call the roll.

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

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

Ms. Belpulsi asked Planning Commission for a motion to excuse Hans Landefeld.

*Ms. Ridd motioned to excuse Mr. Landefeld. Mr. Chmiel seconded the motion.*

**Vote: Hartle, Papakirk, Gibson, Ridd, Belpulsi, Chmiel; all yes**

II. Approval of Minutes

A. July 29, 2009 Planning Commission Meeting

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

*Ms. Ridd motioned to approve the July 29, 2009 Meeting minutes as submitted. Ms. Gibson seconded the motion.*

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

B. August 12, 2009 Planning Commission Work Session

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

*Ms. Hartle motioned to approve the August 12, 2009 Work Session minutes as submitted. Ms. Ridd seconded the motion.*

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

III. Agenda Items

A. General Plan, 477-483 North Main Street, reuse of existing retail building

**Background Information**

This agenda item is a request for General Plan approval, based on an application filed by Panna Chordia, business owner, for an approximately 1.8-acre site located at 477-483 North Main Street, the former site of L&L Plumbing. The request for General Plan approval is a companion to the Rezoning recommendation made to City Council at the June 24th Planning Commission meeting. As a reminder, the proposed rezoning for the site was from O-R, Office-Residential District, to PUD-B, Planned Unit Development-Business, using permitted uses in the B-2, Local Business District, as a basis. The proposed General Plan was included in the business owner's application included in the June 24th Planning Commission meeting packet. The Public Hearing of City Council for the proposed rezoning of the site is scheduled for August 20th.

This item was discussed at the August 12th Planning Commission Work Session.

General Plan and Rezoning are collectively the first step in the three-step PUD rezoning process. Following action by City Council on these two items the applicant will be required to submit plans for the building and site as part of the second step of the PUD process, Final Development Plan.

**Staff Comments**

No staff comments at this time.

Richard Potasky of Vic Green Realty was in attendance to answer questions of Planning Commission.

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

Ms. Ridd asked if the drawing presented reflects where the new gate will be.

Mr. Potasky answered yes.

Ms. Belpulsi asked about an antenna that is currently on the property.

Mr. Potasky answered that the antenna would be removed.

Ms. Belpulsi asked if there were any questions of staff.

Mr. Boron answered that there were not.

*Ms. Ridd motioned to approve the General Plan for 477-483 North Main Street, reuse of existing building. Mr. Papakirk seconded the motion.*

**Vote: Gibson, Ridd, Belpulsi, Chmiel, Hartle, Papakirk; all yes**

B. Bicycle & Pedestrian Advisory Committee Recommendations

Ms. Belpulsi commented that the recommendations have been received from the ad hoc committee that was chosen to review the candidates. The candidates recommended by the ad hoc committee are:

John Cole  
Bryan Mahoney  
Hans Landefeld  
Jason Lewis  
Aaron Rourke  
Robert Stomel  
Sonny Thomas

Ms. Belpulsi asked if Planning Commission had any questions about the recommendations.

Mr. Chmiel asked Mr. Papakirk as a member of the committee if he had any comments.

Mr. Papakirk commented that there were eleven candidates and that all were qualified and had a passion about the committee. He felt the response was fantastic.

Ms. Gibson also commented on the diverse experience of the candidates.

*Ms. Gibson motioned to recommend to Council that the candidates selected be appointed to the Bicycle & Pedestrian Advisory Committee. Ms. Ridd seconded the motion.*

**Vote: Belpulsi, Chmiel, Hartle, Papakirk, Gibson, Ridd; all yes**

IV. Non-Action Agenda Items

- A. Rezoning & General Plan, Lytle-Five Points Road, O-R, Office-Residential District to PUD-B, Planned Unit Development-Business

**Background Information**

The intention of this agenda item is to provide the applicants, in a work session-type format in which no action is requested and no action is anticipated, an opportunity to receive feedback from the Planning Commission and Staff and to clarify for the applicant the direction provided by Planning Commission at the August 12th Planning Commission Work Session.

Staff has included in your packets the same materials that were distributed prior to the August 12th Work Session. Also the enclosed draft August 12th Work Session meeting minutes.

The following text appears verbatim from the background information and staff comments from the August 12th Planning Commission Work Session.

This agenda item is based on a request filed by Skip Shafer, doing business as CS Five Point, LLC, for Rezoning and General Plan approval for an approximately 1.35-acre site located on Lytle-Five Points Road approximately 500 feet east of the intersection of Lytle-Five Points Road and North Main Street (SR 741). The applicant proposes to rezone the site from the current O-R, Office-Residential District, to PUD-B, Planned Unit Development using the B-2, Local Business District as a basis. Only the following B-2 District uses are proposed for the 1.35-acre parcel: banks and financial institutions,

with our without drive-through facilities; public schools, private schools and daycare centers; and all other uses permitted in the O-R District.

The applicant has approached the Planning Commission about this site previously. At the August 13, 2008 Planning Commission Work Session an agenda item appeared regarding Rezoning/General Plan approval for a 6.29-acre site that included the 1.35-acre site that is on the August 12, 2009 agenda. The applicant has provide a courtesy site plan of long-range plans for the remaining 4.95 acres from the August 2008 plan however the focus of the review at this time is the Rezoning and General Plan for a 1.35-acre parcel as indicated in the application.

A copy of the meeting minutes from the August 13, 2008 Planning Commission meeting is included in your packets.

The proposed site for the PUD-B is presently zoned O-R, Office-Residential District. The O-R District allows single-family residences, home occupations, studios, offices, churches, schools, playgrounds, parks and community centers, greenhouses, agricultural uses, civic clubs and organizations and animal hospitals and veterinary clinics. The purpose of the Rezoning and General Plan approval application is to allow the development of a day care facility on the site as well as other uses as indicated above.

Day care facilities are a permitted use in the following zoning districts: B-1, Highway Business District; B-2 District, B-3, Central Business District; B-4, Destination Business District; RBD, Residential Business District and ED, Employment Center District.

Banks and financial institutions are permitted uses in the B-1 District, B-2 District, B-3 District and B-4 District as well as the O-1, Office District.

Rezoning together with General Plan review and approval are the first stage in the three-stage PUD review and approval process. Approval by both Planning Commission and City Council is required. Final Development Plan review and approval by Planning Commission is the second stage in the process followed by Record Plan review and approval by both Planning Commission and City Council.

The site is presently vacant.

Adjacent land uses include single-family residential within the Woodland Greens subdivision both in Clearcreek Township and Springboro; undeveloped land to the south and east; and to the north common space (detention area) within the Settlers Walk PUD to the north of Lytle-Five Points Road.

Adjacent zoning includes (T)R-1, Clearcreek Township Rural Residence District to the east (both in the Springboro and Clearcreek Township portions of the Woodland Greens subdivision); O-R District to the south; B-1, Highway Business District to the west; and PUD to the north for the Settlers Walk PUD.

The *Springboro Land Use Plan*, adopted in April 2009, through Policy Area #3 the encompasses the 1.35-acre site, also entitled the "North SR 741 Corridor Policy Area," recommends convenience retail; personal service; retail (less than 75,000 square feet); restaurants; office; residential; public park and open space; all uses and services to be conducted in a building and structure; drive-through/in facilities shall be in a location approved by the Planning Commission; public and semi-public uses. Policy Area #3 extends well beyond the 1.35-acre site and includes the non-residential areas of the Settlers Walk PUD; the Village Park PUD-MU; the Easton Farm; and land to the southeast of the corner of North Main Street and Lytle-Five Points Road.

## Staff Comments

1. Please provide a larger and scalable version of "Map #1" to determine setback for the proposed 1.35-acre parcel subject to Rezoning.
2. Please indicate proposed open space areas for proposed PUD.
3. Proposed 8" water main to be public. Install two additional 8" valves at its connection with 12" water main. Move the fire hydrant, next to Lot 1, to the east side of the proposed private road.
4. Provide 10' wide easement on both sides of the proposed water main up to the south property line.
5. Is the proposed sanitary sewer public or private? If public provide 15' wide easement on both sides of the proposed sanitary sewer.
6. Dedicate additional right-of-way as shown.
7. Relocate existing catch basin at the intersection of the private road with Lytle-Five Points Road.
8. Provide a public access easement over the proposed private drive.

*It is noted for the record that due to a conflict of interest, Mr. Papakirk did not take part in any discussion of this Non-Action Item.*

Skip Shafer of CS Five Point, LLC and Pat Fenton of Rainbow Child Development Center were in attendance to answer questions of Planning Commission.

Mr. Boron reviewed the history of the project. He commented that the project was discussed at the Planning Commission work session on August 12, 2009 for the rezoning of 1.35 acres of the 6.29 acre site. This item had been before Planning Commission about a year ago for rezoning of the entirety of the site. He explained that the question at hand is the nature of the rezoning, the next steps in the rezoning and the need for discussion about traffic studies. He stated that he felt that the consensus of the Planning Commission was that the rezoning of the entire property using the same zoning category was what Planning Commission was in favor of. He stated that he contacted Mr. Shafer to offer him a chance to have a work session discussion in order to have this item move forward at the next work session.

Ms. Belpulsi asked Mr. Shafer what he would like to discuss about this property.

Mr. Shafer explained that he has taken the approach to split off 1.35 acres to allow for the day care center because of the issue that the current zoning allows for schools, but not day care centers. He added that he is asking for the rezoning to allow for a day care center and a financial institution. He stated that he has included the concept plan for the remaining parcel. He stated that to rezone the whole property to allow for a day care seems self defeating. He added that if he rezones the whole property, he would be adding some uses that are not currently allowed. He stated that the other issue was a discussion with the City engineer on the placement of the road.

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

Ms. Ridd stated that she would like to see the plans for the entire parcel. She commented that that would find the road and place the day care center. She stated that he could include all of the uses of the OR zoning plus banks and day care centers.

Mr. Chmiel asked if the reason for the rezoning was to add the uses of financial institutions and day care centers because they are not included in the current zoning.

Mr. Shafer answered that he wanted to do a lot split to create a site plan for the use of a day care center which isn't included in the current zoning.

Mr. Chmiel explained that Mr. Shafer may run into the same need with the remainder of the site. He commented that his concern is that he will need to return to Planning Commission for another split and Planning Commission would be changing the zoning to meet specific needs, spot zoning. He commented that he would like to see the site zoned in one way, possibly under the PUD zoning. He commented that the PUD zoning gives the developer and Planning Commission flexibility in laying it out and is more beneficial to the developer.

Mr. Shafer stated that he is satisfied with the current zoning and is concerned that he may need to come back with a use that is not allowed under the PUD zoning.

Ms. Ridd commented that the PUD zoning will allow the same uses, plus day cares and banks. She agreed that it gives Mr. Shafer much more flexibility, especially for Mr. Fenton's lot. She asked what would happen if Planning Commission decides the road needs to be somewhere else and he is stuck in one corner.

Ms. Gibson agreed that Planning Commission needs to look at this as one parcel. Her concern is that the development be done piecemeal. Another concern is the congestion this may cause and would like the uses to be pinned down for the entire property now. She added that it would benefit his current client as well as future customers to be able to go anywhere on the property and to accomplish a safe ingress and egress through the development.

Mr. Shafer asked what the issue is with the driveway.

Mr. Boron commented that the driveway has not been reviewed by the engineers. The project was not reviewed by engineering because the plan was tabled a year ago at the client's request. The driveway issue was discussed at the August 12<sup>th</sup> work session; with Mr. Boron discussing with Mr. Shafer what the steps were with the engineering department for approval. He added that further discussions about the zoning have trumped any discussion about the driveway until the zoning issue is resolved. The issue is whether Planning Commission, instead of seeing zoning on one portion of the site, could legally require zoning of the entirety of the site.

Mr. Boron explained the location of the driveway has not been examined yet; the steps involved in having the driveway approved include a traffic study by Mr. Shafer and a review by the City's consulting engineer.

Ms. Ridd commented that it was in the minutes that it was brought up at the meeting a year ago with no decision being made.

Mr. Shafer commented that he thought that they were here tonight to review the engineering study.

Mr. Boron explained that that may have been the initial discussion, but subsequent discussions with the City Manager and the City Attorney have changed those plans. The driveway location has not been determined or reviewed by engineering. Issues such as capacity of the site, land use and the site distance issue needs to be resolved.

Mr. Shafer commented that the issue has been looked at in great detail. It was determined that that was where he wanted that access road. If engineering issues determine that it is not in the proper place, then that would need to be looked at.

Ms. Gibson asked if the desire for that location was based on any engineering and if it was determined by a traffic engineer that the location was safe and the best layout for the property.

Mr. Shafer answered that yes, it was.

Ms. Belpulsi asked if his study was based on the traffic from the proposed day care center or of the whole development.

Mr. Shafer answered that it was just for the day care center and four general office buildings.

Ms. Belpulsi commented that this is a challenging lot; with access onto Lytle-Five Points Road. She stated that she agreed with her colleagues that the entire parcel needs to be rezoned. The parcel needs to be developed safely for his clients and the residents of Springboro.

Mr. Schaeffer commented that what is being said is that by rezoning the entire parcel, there would still be the same O-R uses plus the day care center and bank that is desired. This is simply putting a PUD overly on top of it. So really, nothing changes. In fact, under the PUD, the development of the balance of the property that is under O-R is enhanced.

Mr. Shafer commented that the only enhancement is the wider array of uses.

Mr. Boron disagreed, stating there are additional enhancements including: setbacks being distributed over the entirety of the site and signage and uses being projected elsewhere.

Mr. Shafer commented that it complicates the process of getting this particular lot approved because the Planning Commission would be looking at specifics for the other buildings and setbacks.

Mr. Boron disagreed, explaining that Mr. Shafer has shown more than he needs to show as far as a general plan.

Ms. Gibson explained that even though the zoning goes through as one unit, the site plan could be done for just the 1.35 acres. She added that map #2 that was included in the packet could be used as the general plan.

Ms. Thompson commented that the PUD allows flexibility for the Planning Commission and the developer should the plan need to be altered.

Mr. Fenton agreed that PUD gives the developer flexibility in things such as setbacks.

Ms. Ridd added that it also applies to green space; he could have all of the green space on his lot.

Ms. Thompson added that it helps the developer; he could fulfill the requirement of the PUD for green space for the entire site on one lot.

Mr. Fenton agreed, stating that he needs less landscaping, more green space.

Mss. Gibson added that it gives Planning Commission the basic information needed to go to the traffic engineer with what may be on the property, the uses and density. That is the information that is needed to decide where and whether it is a safe egress. By choosing a driveway that services these 1.35 acres, it may be a disservice to the rest of the property.

Mr. Boron added that the approval process takes the same amount of time for the 1.35 acres, as for the entire property. The next step in the process would be the same, Phase I of a multi phase development. He offered to provide examples of how other land has been developed.

Mr. Shafer asked, in rezoning the whole parcel, what other types of uses would fit into the property.

Ms. Thompson explained that there is a land use plan; any uses would need to be consistent with the policy area. She added that the location of the driveway is a huge concern, this is a congested area. Without an idea about the potential uses, how can a traffic study be conducted? The traffic study is critical to the City.

Ms. Belpulsi agreed that it is critical that there is safe ingress and egress to the property.

Mr. Fenton reviewed the peak hours of higher traffic congestion.

Ms. Thompson commented that the City does not want to ask Mr. Shafer to take more time or effort than he needs to. She stated that she feels as a group that the Planning Commission cannot rezone a piece of a parcel. She added that time wise and flexibility wise, Mr. Shafer gains. Should Mr. Shafer come in next week with a plan for another two acres, he would have to start all over again. She added Mr. Shafer has every right to petition for either option; a PUD or O-R zoning.

Mr. Chmiel suggested that Mr. Shafer meet with Mr. Boron or Ms. Thompson to discuss the other uses that could be allowed under the PUD zoning. He added that this is the time to work this out.

Ms. Thompson agreed that they could work out the size of the building and the list of possible uses.

Mr. Shafer commented that he wanted to keep it simple; he did not want to ask for lot of uses.

Ms. Thompson answered that the problem was not the uses, but in the rezoning of a piece of the property.

Ms. Belpulsi cautioned that in deciding the list of uses that traffic generation is kept in mind. That would be very important in the Planning Commission deliberations. The applicant should be given some guidance into the amount of traffic that would be generated and the time of day it would be generated.

Mr. Shafer commented that Ms. Gibson mentioned that she had received the traffic study which addressed the four office buildings.

Ms. Gibson answered that yes, she did have the study, but that it did not mention the location of the entryway. She did not see where this particular traffic study makes a determination of the drive location. She also commented that the proposed office buildings would generate less traffic than the day care center.

Mr. Shafer asked what the next step would be for the rezoning.

Ms. Thompson answered that he could appear at the next work session after working with staff to determine the list of possible uses.

Ms. Belpulsi added that he should appear with proposed uses and his zoning request and any engineering study for roads. After a formal Planning Commission recommendation, the application would go on to Council. Council would then set a public hearing.

Mr. Boron commented they could appear at the September 9<sup>th</sup> Planning Commission work session and potentially at the September 30<sup>th</sup> Planning Commission meeting for approval.

Mr. Chmiel commented that they would be on the same schedule if they were seeking approval of the whole or part of the parcel. The rezoning would still need to go to Planning Commission and Council for formal approval.

Ms. Thompson cautioned Mr. Shafer can move forward but that the approval would be conditional on the results of the traffic study.

Mr. Boron reviewed with Mr. Shafer a possible time line for approval; a September 30<sup>th</sup> approval by Planning Commission, on to Council for the setting of a public hearing in November and Possible approval by Council in December.

Ms. Gibson explained that Mr. Shafer could bring the site plan to Planning Commission concurrent with Council reviewing the rezoning. Planning Commission could not approve the site plan until Council approves the rezoning.

Mr. Shafer asked if there were any other comments from Planning Commission regarding the day care center operation that should be addressed.

Ms. Belpulsi answered that there was not.

V. Guest Comments

There were no guest comments.

VI. Planning Commission and Staff Comments

There were no Planning Commission and Staff Comments.

VII. Adjournment

*Ms. Ridd motioned to adjourn the August 26, 2009 meeting. Ms. Gibson seconded the motion.*

**Vote: Ridd, Belpulsi, Chmiel, Hartle, Papakirk, Gibson; all yes**

Ms. Belpulsi adjourned the meeting at 7:59 P.M.

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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