

City of Springboro
320 West Central Avenue, Springboro, Ohio 45066

Planning Commission Work Session
Wednesday, March 10, 2010, 7:00 p.m.

I. Call to Order

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

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

Staff: Chris Thompson, City Manager; David Montgomery, City Attorney; Dan Boron, Planning Consultant; Raj Sharma, City Engineer; Elmer Dudas, Assistant City Engineer, Lois Boytim, Planning Commission Secretary

II. Agenda Items

A. General Plan, Lytle-Five Points Office Park PUD-B, Planned Unit Development (proposed), Lytle-Five Point Road east of intersection of North Main Street/Lytle-Five Points Road, office-retail park

Background Information

This agenda item is based on a request filed by Skip Shafer, doing business as CS Five Point, LLC, for General Plan approval for an approximately 6.29-acre site located on the south side of Lytle-Five Points Road approximately 500 feet east of the intersection of Lytle-Five Points Road and North Main Street (SR 741). The property bears Sidwell No. 04081010060. This item was last discussed at the February 10, 2010 Planning Commission Work Session.

The applicant proposes to rezone the entire 6.29-acre 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. The rezoning of the property is pending before City Council at this time.

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.

Consolidated Staff Comments

Staff has categorized the comments regarding this agenda item into two lists. Comments 1-18 below represent items to make the General Plan application complete, identify development design issues requiring Planning Commission attention and errors in the provided information or where clarification is required. These comments need to be addressed as part of the review and eventual recommendation to Council of the General Plan for the proposed PUD-B.

1. Per the February 10th Planning Commission Work Session discussion, please indicate what aspects of the proposed Building Design Criteria in the design criteria booklet are intended to unify the development's building, not a base, body and cap. Examples of a unifying design criteria used in other areas of the community are a specific color palette, accent color, roof style or building material.
2. Delete references to "or other synthetic materials" in Building Design Criteria 1(C)(2) and (3) in the design criteria booklet.
3. Please indicate the manner in which substitution of the materials provided for the Building Design Criteria, Exhibit A and B, would be executed under the provisions of the General Plan.
4. At the appropriate time provide page numbers and an approved date for the proposed design criteria booklet overall. Also at the appropriate time provide staff with a pdf or other digital format of the criteria for recordkeeping purposes.
5. Applicant has been instructed to coordinate with Dan Fitzpatrick, Zoning Inspector, for compliance with the provisions of the Sign Code relative to the Sign Standards in the design criteria booklet.
6. Revise Signage Standards title page in design criteria booklet to refer to City of Springboro Sign Code, not Springboro Zoning Code.
7. Are the proposed brick and stone sign bases in the Sign Standards of the design criteria booklet intended to match those of the Building Design Criteria?
8. Regarding the landscape buffer adjacent to the east property line, Planning Commission shall determine the minimum buffer requirement under the terms of a PUD and whether the proposed 20' area is acceptable or not. Please define "close" in note #1 on the upper right portion of sheet. Also, at a minimum, provide an additional "staggered" line of landscaping along the property line as discussed at the February 10th Work Session.
9. Relative to the placement of the building on "lot 1," and in keeping with previous staff comments on the placement of the proposed day care center relative to parking and the Lytle-Five Points Road right-of-way, per the provisions of Section 1280.08(a)(1), a visual separation to be provided to effectively screen vehicle storage and mechanical equipment and outdoor storage consisting of buildings, brick or stone walls, evergreen plantings, mounding, wood fences or a combination of the above.
10. The proposed entrance door location at the northeast corner of the building is less than desirable relative to traffic circulation exiting the site.
11. Provide a total maximum building area for any one building; also indicate maximum number of stories per building.

12. Revised drawing to depict the proposed cul-de-sac as a Phase 1 improvement to the site.
13. Proposed wallpack lighting does not appear to be fully-shielded per the provisions of the exterior lighting code, Section 1271.02. The proposed lamp post lighting is permissible as a decorative lighting but the globe will need to be opaque and/or designed to not permit glare or uplighting. Staff recommends the applicant consider investigating the use of dark sky-compliant fixtures that typically comply with the provisions of Section 1271.02.
14. What would a proposed bank/financial institution drive-through look like in plan view relative to the General Plan proposed? What would the impact be on neighboring residential uses?
15. Provide a continuous sidewalk system for the development tying into the proposed sidewalk on Lytle-Five Points Road.
16. Applicant is advised to relocate fence on west side of playground to at least twenty feet (20') off property line due to proximity to the watercourse and steep terrain.
17. Applicant to provide accounting of the 45% green space that is indicated. Where are these areas?
18. The Clearcreek Fire District has no comments at this time.

Comments 19-26 are advisory comments, comments that represent issues that need to be addressed by the developer at a later stage of the PUD approval process. They are provided here by staff to advise the applicant and the Planning Commission that in the course of the General Plan review process these issues, in this case practically all address infrastructure improvements to support the site's development, where detailed design is required later but that need to be considered now in concept.

19. The water main and sanitary sewer shall be public utilities. Provide easements accordingly. The water main, sanitary, and storm sewer are not approved as shown. The layout and design shall be reviewed at the Final Development Plan stage.
20. Dedicate the additional right-of-way along Lytle Five Points Road as shown.
21. Relocate existing catch basin at the intersection of the private road with Lytle-Five Points Road to the east side of the drive. Tie into the existing 24" storm sewer on the north side by adding a manhole.
22. Clearcreek Fire District: Provide one (1) additional fire hydrant at the intersection of the proposed private drive and Lytle Five Points Road, located on the south side of the intersection, per 2007 OFC.
23. Incorporate improvements included in December 10, 2009 memorandum from City of Springboro traffic engineering consultant's review of the applicant's traffic impact study for the development of the 6.29-acre site.
24. Provide a public access easement over the proposed private drive at Final Development Plan phase of review process.
25. Provide erosion and sedimentation control plan for during and after construction as part of General Plan approval.
26. Applicant is advised that revised Federal Emergency Management Agency mapping for Springboro may result in a change in the flood hazard boundaries for watercourses on the site.

Skip Shafer of CS Five Points LLC and John Burkhardt of Burkhardt Engineering were in attendance to answer questions of Planning Commission.

Ms. Belpulsi told Mr. Shafer that she understood that the City staff had received a revised plan that day and informed him that the only plan that would be reviewed would be the plan that was submitted on February 26th, 2010 and given to Planning Commission in their packets for review.

Mr. Shafer stated that there were no changes in the plan submitted today, only changes in the notes per staff's suggestions.

Ms. Belpulsi asked Mr. Shafer whether he had reviewed staff comments and suggested that he concentrate on the comments that he might not agree with.

Mr. Shafer stated that he had. He explained that eight of the comments have been complied with. He commented that out of the ten remaining comments, five were clarification items and five were decision items.

Staff Comment #1

Mr. Shafer asked whether item #1 was a clarification issue or a decision issue. He provided a written response to the staff comment as follows:

The unifying design criteria for the buildings in the Park in addition to the specific requirement of the base, body and cap, are as follows;

1. Building materials are limited to certain color palettes as submitted on Exhibits A & B.
2. Brick or stone building materials are required on all buildings. (1.A)
3. Accent colors must be compatible to the overall building. (1.F, 1, 3)
4. All roof colors must be a single color compatible with the building. (1.F, 4)
5. Building materials are limited to those listed in the Design Criteria Booklet.
6. All roof styles must include certain architectural elements to break up horizontal emphasis. (1,D,2)
7. All buildings in the park shall have the same unifying signage.
8. All buildings in the park shall have the same unifying lighting.
9. All buildings in the park shall have the same unifying landscape.

Ms. Gibson asked for clarification on the design criteria that "stone or brick" or "stone and brick" could be used.

Mr. Shafer stated that Item A has been changed to "stone or brick".

Mr. Vomacka questioned whether one building could be brick and one stone.

Ms. Gibson answered that that was possible, and one part of a building could be brick and one part stone.

Mr. Shafer commented that he has added a color chart for the brick and stone.

Mr. Shafer commented the he had had a meeting with Mr. Boron and Mr. Dudas and had discussed the lighting. They had agreed that the proposed decorative light posts along the road were permissible; they have a dark sky element, a cap that goes on them.

Mr. Shafer stated that the lighting was compliant with the city lighting standards.

Mr. Boron explained that Mr. Shafer would have to provide documentation, a cut sheet or some example. He explained that using the dark sky compliance standards provides standards that can be used and mimics the City standards and goals.

Mr. Shafer commented that he is fully compliant.

Mr. Boron explained that Mr. Shafer must provide documentation (the cut sheet).

Ms. Belpulsi commented that the information must be provided for the City's and the applicant's benefit so that there is no miscommunication.

Mr. Vomacka commented that the information that has been provided is for the decorative lighting; the wall packs must also be laid out.

Mr. Shafer commented that he will be compliant, that the new cut sheet will be provided. He asked when that information needed to be provided.

Ms. Belpulsi answered that all information must be submitted to Planning Commission by the due date at the end of the month in order for it to be on the agenda for approval or discussion and a vote at the next Planning Commission meeting.

Mr. Shafer commented that staff comments #4, 5, 6, 7, 11, 12, 13 and 18 were okay.

Ms. Belpulsi asked for a consensus from Planning Commission that they are satisfied with the discussion of staff comment #1. She asked whether there were any other Planning Commission comments.

Ms. Ridd commented that she is concerned about the metal roofs permitted under design criteria D3 fitting in with the other materials and would like metal roofs taken out.

Ms. Gibson commented that should Mr. Shafer want to allow all metal roofs; that is fine. She felt that Ms. Ridd's comment was that he is mixing roof materials, there is no unifying item.

Mr. Shafer commented that it was for small elements.

Ms. Ridd commented that that would be fine for accent materials but the design criteria permits the materials for roofs.

Ms. Hartle commented that she felt that all of the roof materials should match.

Ms. Gibson asked whether Ms. Hartle would prefer that all of the roofs be pitched or flat and all the same materials be covering them all.

Ms. Hartle answered yes.

Mr. Landefeld commented that he was okay with one material or other and was less concerned about the shapes. The roofing material should be consistent throughout.

Ms. Ridd commented that the colors could be different because the brick color could be different and accent colors will be different.

Ms. Hartle stated that she felt that the colors should all be the same and that all of the different bricks should not be allowed.

Mr. Shafer stated that he has shown examples of buildings with different styling and flair in wood and stone, metal, and flat and pitched roofs. He added that he is looking to blend in with the buildings in the area.

Ms. Gibson stated that the parameters that Mr. Shafer is setting for his development are very broad. With the number of buildings and options, there will not be any continuity.

Mr. Shafer stated that he does not want to do cloned buildings. The unification is in the color palettes (earth tones), the signage and the landscaping. He gave examples of buildings in the area.

Ms. Ridd commented that he is talking about a park spread out over many, many acres; she is comparing his development to Ledgestone, one that is less spread out.

Ms. Gibson commented that as the developer, he has the right to propose an eclectic park if that is what he wants.

Mr. Shafer pointed out that in his design criteria it states that it "shall provide the opportunity to achieve flexibility in architectural design using similar products and colors in a unified manner".

Ms. Gibson stated that she felt that a metal roof would introduce a totally different look. As much as she agreed with Ms. Hartle that she would like a unified look, she felt that that was not what the developer was after. She stated that she felt that the standing seam metal was taking it too far and would prefer that it be taken out.

Mr. Shafer asked whether it could be used as an accent, in some form as an element.

Ms. Gibson stated that she was not sure why Mr. Shafer felt that he needed to do that.

Mr. Shafer answered that he likes the looks of some of these buildings.

Ms. Ridd answered that that was fine. She took from the design criteria that each building was going to stand on its own and that it would be up to Planning Commission to decide whether or not it matches; it is all pretty vague. A plan may come to Planning Commission and they may decide that it is too much metal and does not fit in.

Mr. Shafer commented that he would change the design criteria to show that the standing seam and terner metal could be used as an accent.

Ms. Belpulsi asked Mr. Shafer whether he was comfortable with the Planning Commission's comments.

Mr. Shafer stated that he was.

Staff Comment #2

Mr. Shafer stated that most of the products are manmade products which are synthetic and he would clarify the reference.

Ms. Ridd answered that Mr. Shafer needs to take the phrase "other synthetic materials" out.

Mr. Boron agreed that the phrase needs to be taken out.

Mr. Shafer stated that brick and stone are synthetics.

Ms. Gibson commented that Mr. Shafer has listed what is acceptable, why does he need to add synthetic.

Ms. Ridd added that by adding other synthetic materials, it throws in everything.

Ms. Belpulsi commented that the staff recommendation is to have the phrase removed.

Ms. Shafer explained that he wanted to include synthetic brick and stone.

Ms. Ridd agreed that he should leave it at that.

Staff Comment #3

Mr. Shafer stated that no substitutions would be allowed, the exhibits show the allowable color palettes.

Staff Comment #8

Mr. Shafer stated that it was his understanding from the last meeting that the building shown on the site plan was at a 30' foot setback and he has moved it to a 40 foot setback. He thought that they were in agreement that a 20 foot setback for parking was acceptable. His plan was to leave the 10 foot of natural buffer instead of grading it out.

Mr. Vomacka stated that he thought that his comment last time was that Planning Commission needed to see more dense vegetation, a double row and it is needed to be shown on the map to provide a buffer for the adjacent property owners. He added that white pines are not a good tree for this area and evergreens are needed as a buffer.

Mr. Shafer answered that the building sits nine to ten feet below grade and he was trying to preserve the natural buffer as opposed to removing the buffer and replacing it with a set of trees. He stated that he felt that the natural buffer was more intense than a second row of trees. He added that he would be removing buffer to install buffer.

Mr. Vomacka stated that he thought that there was land there to build up a more dense vegetation package.

Mr. Burkhardt stated that to put another row of trees, he would have to remove the vegetation that is there. The other issue is that he is not sure how high of a mound he can build in that sort of space.

Mr. Landefeld stated that he would like to see a cross section to see what is proposed there.

Mr. Shafer stated that as the land is terraced down past the first row of trees, he could supplement another row on the down side as that is being cut. He is not sure what kind of grade it will be.

Ms. Ridd commented that the idea is that the vegetation that is there now is not evergreen, in the winter you can see right through it. She added that Mr. Vomacka's comment was aimed at getting something evergreen and denser.

Mr. Vomacka added that Mr. Shafer is talking about planting a four foot tree which is a very small tree. He commented that it would be decades before it could provide any screening. He is asking for mounding to build that up and provide some level of screening soon.

Mr. Shafer commented that in reality it would be a ten foot mound because it is below grade.

Mr. Ridd commented that maybe the cross section will help.

Mr. Shafer proposed that on the west side of the current proposed trees, adjacent to the building that they could add another row of evergreens.

Mr. Vomacka stated that that would be fine.

Mr. Vomacka asked that Mr. Shafer not stop at the bare edge of the building move it out some.

Mr. Shafer asked whether the screening could be supplemented with wood fencing. Should a fence be installed, could the setback be reduced to thirty feet?

Ms. Ridd, Ms. Belpulsi and Mr. Vomacka answered no.

Ms. Belpulsi stated that Planning Commission had agreed to a forty foot setback and she would like to see that.

Staff Comment #9

Mr. Shafer commented that Mr. Burkhardt would add a note on the General Plan that the shrubs would be identified and he reviewed that proposed landscaping.

Mr. Boron explained the background to the comment in that the best screening would be a building. That would address the screening entirely. This shows the basis of the staff comment that has been reiterated over time. There is a varying degree of screening that could be provided, but the best screening is a building and it would also address an adjacent engineering comment.

Mr. Vomacka commented that something like the arborvitae is needed along there in addition to mounding to about the level of the hood of an automobile. It would be a good improvement to screen that. However, so long as the parking lot remains on that side of the building, he can see no way that he can support this proposal. He commented that there are a lot of ways to lay that property out and move that building up to the northwest corner.

Mr. Shafer commented that he thought that the issue had been settled. The owner/operator of the day care center has expressed that he has no flexibility to move the building.

Mr. Vomacka answered that it was mentioned at the last meeting and his comment at that time was that maybe it could not be done and that maybe this was not the appropriate site for this particular facility.

Mr. Burkhardt commented that the staff comment does not refer to the placement of the building but to the screening of the building.

Ms. Ridd answered that at the last meeting it was discussed that having the building is too close to Lytle-Five Point Road and cars will be stacking in.

Mr. Shafer answered that that issue has been looked at and is not an issue.

Ms. Gibson asked if it was looked at in what official way.

Mr. Ridd stated that she does not see how, during peak times, that it will not stack.

Mr. Shafer stated that he had provided a traffic study that had addressed those issues.

Ms. Gibson answered that it was not an internal study.

Mr. Burkhardt explained that this day care center does not have drop off, parents would park and walk their children in.

Mr. Vomacka answered that the reality of the situation is that parents will pull up and let the children out.

Mr. Burkhardt answered that their rules state that the children must be escorted into the building.

Mr. Shafer commented that Mr. Fenton the owner/operator of the facility has looked at this and he is satisfied with the project. He has made the operating business decision that this plan works for him.

Mr. Boron commented that these issues are interrelated. It has been discussed having the access point as far away from Lytle-Five Points Road. The screening in this comment is related to the previous comment from the last meeting about the design and engineering of the access point. This plan, the private drive alignment, is an improvement over the previous plan that was reviewed at the February work session. It is not ideal.

Mr. Shafer commented that the operator has looked at this and if he needs to get the traffic study back in here to look at the internal traffic, he will be glad to address that.

Ms. Ridd asked how many students are in the day care center.

It was answered that there would be one hundred students.

Ms. Ridd answered that there are so few parking spaces. If there would be thirty people showing up in one half an hour, she does see where they will all park.

Ms. Hartle added that there would be twelve spots for employees.

Mr. Shafer asked for the code requirement for parking.

Mr. Boron answered that it was one per employee and stated that the calculations are on the drawing.

Mr. Shafer answered that the requirement is thirty two spaces and he has provided thirty nine spaces.

Mr. Boron commented for clarification that there was an issue with the angle of the drive that was not safe and that has been worked out with staff. This is not an ideal plan. The perfect solution would be to provide an access point as far as possible from Lytle-Five Points Road.

Mr. Shafer stated that he can have a traffic engineer look at this, but he doesn't think that this is an issue.

Mr. Boron answered that building placement has always been an issue.

Mr. Shafer stated that at the last meeting, he thought that the parking was acceptable in the front and it would be screened appropriately.

Mr. Boron answered that he has discussed this with Mr. Shafer and that that was not what he had taken from the Planning Commission meeting and on listening to the minutes.

Ms. Belpulsi commented that the problem is how busy Lytle-Five Points Road is and stacking five or six cars is too much for how short the street has been designed. She asked whether the operator has a similar situation at his other locations. She stated that she has never been in favor of this. She sees the suggestions that Mr. Vomacka has made as a win-win. She doesn't understand why the operator would object to that.

Mr. Shafer explained that the playground is entirely fenced and answered that he does not want to create an office park with a playground along the street.

It was explained that the playground would be on three sides of the building with multiple accesses to that playground.

Mr. Vomacka commented that he is not asking that the playground area be reduced; he is asking that the building be moved.

Mr. Shafer stated that if the option is to put the playground in the front, he cannot do that. He commented that there are other properties in the area with parking in the front.

Ms. Hartle stated that that is not the point, the point is the congestion.

Ms. Gibson stated that she prefers that the building be closer to Lytle-Five Points Road, she does not have a problem with the building location, she does have concerns with the entrance being that close. She had thought that after the last meeting that Planning Commission had asked Mr. Shafer to see what he could do about moving it back.

Mr. Shafer answered that he did move it back.

Ms. Gibson answered that she is on the fence about whether it is far enough back.

Mr. Shafer stated that it sounds like a traffic engineer needs to study this to address the safety issue.

Ms Gibson commented that Mr. Shafer is talking about the amount of traffic for the day care center; he is proposing another four or five buildings that will bring in other traffic at the beginning and end of the work day at the same time that people would be dropping off their children. All that would need to be taken into consideration as far as what the stacking problem might cause.

Mr. Shafer answered that he has all of that data; it is available. He needs to have the traffic engineer address the issue.

Ms. Gibson commented that the data was for the Lytle-Five Points area; maybe it can be factored in to the internal rotation.

Mr. Shafer answered that it could; there was a question about which way the cars would go so that analysis has already been completed.

Ms. Gibson asked that he look at the ingress and egress for Lot One.

Mr. Shafer answered that he would defer to the traffic engineer to look at that and provide the information that would show that it is not a safety issue.

Mr. Vomacka commented that that was just a piece of it. He stated that he thought that the traffic study for Lytle Five Points Road was incompetent.

Ms. Gibson stated that she would like to see someone with some expertise tell her that that will work and will not stack up back on to Lytle.

Mr. Boron summarized that if Planning Commission receives a traffic study that this is not a safety concern and accepts that study's consequences, is the building location acceptable or would Planning Commission like to see the building moved up regardless.

Ms. Ridd stated that it was okay as long as he can tell her that there will not be stacking at peak hours as people are waiting for a place to park when they see somebody backing out.

Mr. Landefeld stated that he could accept the location.

Ms. Gibson stated that if the parking stays here, she is not sure that the screening is extensive enough. She would like to see what her view would be as she is coming eastbound on Lytle Five Points Road to see whether there needs to be some kind of screening on that side.

Mr. Shafer answered that it is solid woods there.

Ms. Gibson answered that that could all be gone by the time he finishes the development.

Mr. Vomacka commented that Mr. Shafer would be driving heavy equipment around; he doesn't expect any trees to remain.

Ms. Gibson stated that she would like to see something on the plans unless he can prove that the terrain blocks it.

Mr. Shafer commented that the woods are not on his property so he would not be removing them.

Ms. Gibson answered that the next people might. She needs to know what will be planted along that west side; clarification on the fact that he will be blending arborvitae and taxus, she does not see the two blending together.

Mr. Burkhardt answered that it was an either or.

Ms. Gibson answered that arborvitae would be a better choice.

Mr. Boron asked Mr. Shafer whether it was a question of just not changing it or being unable to change the building location. He stated that there were other factors that can be fixed to provide a site plan that may address the comments of some Planning Commission members which is to move the private access drive to make this site comply with the desires of the Planning Commission. In the end, a casualty may be the building indicated on Lot Two, but that may be an outgrowth of what is needed to address the siting and internal safety issues.

Ms. Ridd asked whether he was referring to moving the driveway.

Mr. Boron commented that all of the remedies have not been exhausted. The desire is to have something that addresses the idea to have the building closer to the road. He added that the comment is not intended to make the process difficult; it is in the City code. Staff put the comment in because other developments have been asked to provide the same level of screening if not more. The applicant indicated that other developments adjacent to the property have parking in the front, but not to the degree which is all of it. That is the nature of the staff comment. He felt that this is not the only solution to the problem.

Mr. Shafer stated that he is not looking to redesign the site. The site plan that has been submitted has been gone over time after time. The issue that is being looked at is whether the parking should be in front of the building.

Ms. Ridd answered that should Planning Commission feel that all avenues has been explored, then they have to say no.

Mr. Boron stated that the better solution is to have an up or down vote by Planning Commission, with or without a traffic engineer analyzing the site.

Mr. Shafer stated that he would move forward with having a traffic engineer look at the safety of this issue. He wants to make sure that it complies with that end of it. There are a lot of ways to develop the site. He stated that he felt that he has a right to develop his site and he feels that it is being done in a safe manner and it meets or exceeds all of the City guidelines.

Mr. Boron commented that he has a right to develop the property once the zoning has been changed. To this date, the zoning has not been changed.

Mr. Shafer answered that he would develop a plan very similar to this under the current zoning if he can't proceed with this plan.

Mr. Boron commented that the plan would not be approved with a day care center or bank.

Ms. Belpulsi commented that the plan would not proceed with a day care center or bank which is why the Planning Commission tried to accommodate him with the PUD zoning.

Mr. Shafer stated that he is not looking to change this plan.

Staff Comment #10

Ms. Ridd stated that she does agree with staff comment #10, the door just screams dangerous to her.

Mr. Boron had a conversation with Mr. Fenton, the day care operator who claims that that is their plan which has been on there for some time.

Mr. Shafer stated that the door location has always been there, for two years.

Mr. Burkhardt stated that Mr. Fenton will take it under advisement, but that it is the location he has it on all of his day care centers.

Ms. Ridd asked whether Mr. Fenton had a facility locally that Planning Commission could look at.

There is a proposed location on Clio Road, but it is not under construction yet. Other locations are in northern Ohio and Michigan.

Staff Comment #14

Mr. Shafer stated that this was discussed at the last meeting. This plan does not show any of the allowable uses under O-R. He would be back before Planning Commission with any change to allow the different types of developments.

Ms. Belpulsi stated that the concern was that should there be a bank that it would be butting up to the residential area. For the record, Planning Commission would like to express their concern and that location would be looked at very closely.

Mr. Shafer commented that the construction of the bank would probably be much less that what currently is shown. It may be much less impact; many banks are four thousand square feet.

Ms. Gibson commented that he has to worry about the flow of the drive thru; people come in to drive thrus usually at night for the ATMs. Planning commission is going to be interested in where that drive thru is and how it impacts the neighboring area.

Mr. Shafer agreed, he understands that that is the purpose of a PUD.

Ms. Gibson stated that she appreciated his comment that he realizes that any proposal would be subject to Planning Commission approval but she hopes that he understands that that is where the comments are coming from for the proposal on Lot One. There are members of the Planning Commission who are not pleased and don't think that that is an appropriate layout and use of the area for Lot One. She stated that Mr. Shafer's response is, but that is what my customer wants and this is the way it has to be. She added that he may run in to the same comments when he brings a bank to Planning Commission and states that it has to be here and Planning Commission may say that it doesn't work in that spot for that particular impact to the neighbors.

Ms. Gibson stated that it may work on Lot One and may work on Lot Two. There may be situations which the board may not be pleased about and have problems with it fitting in with the neighborhood.

Mr. Shafer answered that he thinks that that is the purpose of the PUD approval process, so that they may have an opportunity to take a look at it and see if it does in fact impact the area.

Ms. Belpulsi stated that she wanted Mr. Shafer to know that it is a concern and did not want it to come as a surprise should Mr. Shafer get a customer with a bank and they come before Planning Commission and it may not be easy or what the customer wants.

Mr. Shafer stated that he understand that this was the purpose of the approval process.

Mr. Boron states that the point is that the possibility that the building may be five thousand square feet or twenty five hundred feet lends itself to the reduction of that size and the width of that lot and the redesign of the site. It is Mr. Shafer's prerogative to present and Planning Commission needs to evaluate it in due course. The site does not lend itself to the banking institution because of what the Planning Commission members have indicated. The driveway can be moved and he does not feel that all of the avenues have been examined.

Ms. Ridd asked if he was saying that the building could be smaller and the driveway could be moved.

Mr. Boron answered that the bank would be smaller.

Mr. Shafer stated that he would not know until a plan had been developed. He added that it was the same as any PUD that applies for a modification of a plan because they have a different proposal.

Staff Comment #15

Mr. Shafer indicated that there are sidewalks for each particular building. He looked at other day care centers and there are no sidewalks that go to the roads. There is a shopping center that should have more traffic and it does not have sidewalks.

Mr. Boron explained that site has not been developed and when it is developed it will have sidewalks.

Ms. Ridd asked why he does not want a sidewalk.

Mr. Shafer stated that he is consistent with the area and does not propose to put sidewalks in. He is not sure what the comment for sidewalks is for.

Mr. Boron answered that the proposed sidewalk system is inadequate. As staff liaison to a committee that was recently established to promote bicycle and pedestrian access and connectivity, he feels it is his ethical requirement to state that this plan does not meet the spirit of what the member of Planning Commission's comment was.

Mr. Landefeld stated that the sidewalk needs to be connected to the sidewalk on the street frontage. It forces a pedestrian to walk in the driving lane in the street.

Mr. Shafer asked why his development is so much different than everyone else.

Ms. Ridd explained that it is because he is coming in later than everyone else. She explained that Planning Commission is trying to start and they have to start somewhere.

Mr. Boron explained that Village Park has a spine system. He also commented that Mr. Shafer is asking for mixed use development. He explained that Planning Commission under a PUD has the

right to request in negotiation with the developer, requirements over and above the minimum requirements. What is required in addition to a sidewalk along Lytle Five Points Road is something that provides an internal system. Planning Commission is not asking for double sidewalks along both sides of the road, he is asking for something more adequate than connecting parking lots and not forcing pedestrians including handicapped users to walk on roads.

Mr. Boron explained that Planning Commission needs to start somewhere in redressing the situation.

Mr. Vomacka commented that it is Planning Commission's responsibility to ask for the sidewalks.

Mr. Boron explained that in 2009, the City adopted a bicycle friendly advisory report that outlined a host of policies. He does not think that it is too much to ask.

Ms. Gibson commented that report came after the other sites that Mr. Shafer is citing.

Mr. Shafer commented on the limitations of the property including the frontage.

Ms. Gibson suggested putting the pedestrian path through the forty foot easement. She explained that are ways to do it.

Ms. Gibson commented that Mr. Shafer's citing of other sites that don't have it is answered by the fact that the City has new focus since 2009 when those developments had already been completed.

Mr. Shafer commented that he will take it under advisement.

Staff Comment #16

Mr. Shafer asked Mr. Boron whether he has spoken to Mr. Fenton about the issue.

Mr. Boron commented that the fence would be on very steep terrain.

Mr. Burkhardt commented that there would be a retaining wall there.

Mr. Shafer stated that Mr. Fenton indicated that he does not want to lose the space but would consider moving the fence line over if it was something that needed to be done.

The retaining wall and fence line were reviewed. The fence would be ten foot off of the property line and right up against the retaining wall.

Mr. Boron explained that the fence was being asked to be moved due to the contours of the land.

Mr. Shafer explained that when the building was moved playground area was lost and Mr. Fenton is trying to compensate.

Mr. Boron commented that Planning Commission needs to see the plans with the contours shown.

Ms. Gibson asked if there was a safety issue with a fence on top of a retaining wall.

Mr. Burkhardt answered that they would have to make it work from an engineering design stand.

Staff Comment #17

Mr. Burkhardt asked whether Mr. Boron was asking how he calculated the green space.

Mr. Dudas explained that he would like to confirm the numbers. He commented that Mr. Burkhardt would send him those numbers.

Ms. Gibson stated that she would like to see what they consider green space. She would like to see green space with areas that have mass to them not just space between asphalt and the building.

Ms. Belpulsi asked whether Planning Commission had any other questions or comments.

Mr. Landefeld commented that should Mr. Shafer run the pedestrian access along the east side of the property and it doesn't connect to anything that will not be adequate, it must connect to the buildings. Typically, if there is parking adjacent to a building, there should be sidewalk along the perimeter of the building. If it ties into that then it meets the intent.

Ms. Ridd commented that someone walking should get anywhere in the complex.

Ms. Belpulsi asked about the island at the entrance to the property with a utility pole in it. She would like to see the utility pole removed.

Mr. Shafer stated that he wanted to work around the telephone pole. He had the traffic engineer look at it and there is no safety issue.

Mr. Dudas asked whether he could put barrier curb around it.

Mr. Burkhardt answered that they will curb.

Ms. Belpulsi stated that she would like to see it removed; she felt that it is dangerous.

Ms. Belpulsi asked Mr. Shafer whether he had any questions for Planning Commission.

Mr. Shafer asked about EIFS. He has noticed other buildings that have EIFS below eight feet.

Ms. Ridd answered that that may not be part of the building; Mr. Shafer had talked about it as part of the base of the building.

Mr. Boron explained that EIFS is not allowed above the pedestrian grade. He commented that the buildings that he is describing may have been completed before enactment of the current code. There have been references to design standards that are being used as an argument for approving this to a different standard that applied at a different time. The City's code has been evolutionary and gradually revised over time. Some of Mr. Shafer's examples are not examples that are germane today. It is important to let Planning Commission members know that.

Mr. Shafer asked if it could be used above eight feet.

Mr. Boron reviewed that design standards ordinance for Mr. Shafer.

Mr. Shafer asked for a clarification whether it was six feet or eight feet.

It was determined that it was eight feet.

Ms. Belpulsi stated that the intention is to have this item on the agenda for the Planning Commission meeting at end of the month for the Planning Commission to vote on. She asked Mr. Shafer to have all of his materials ready. She asked staff to extend the deadline to accommodate Mr. Shafer.

Mr. Boron stated that the deadline would be expended to Wednesday, March 17th.

Mr. Shafer asked if he could get the information to staff earlier to get some comments back.

Mr. Boron answered that it would be great. What he cannot accept is comments the day before the packets go out and being asked to distribute them to Planning Commission.

Ms. Belpulsi suggested that Mr. Shafer get information to staff earlier.

Ms. Thompson commented that Mr. Shafer has received the comments from Planning Commission and that there would not be an exchange between staff and the developer. Mr. Shafer has heard from Planning Commission and they are the authority. Mr. Boron has shared with Mr. Shafer what Planning Commission wants him to change on the General Plan. If there is a point of clarification, staff can help him with that. There will be no debate on the issues.

Mr. Shafer stated that he will get the plans to Mr. Boron.

III. Guest Comments

Paul Van Maldeghem of 1860 West Tamaron Court presented Planning Commission with pictures of the tree line along the property line to show that there is no buffer.

Mr. Maldeghem commented that the purpose of O-R zoning is to create a buffer between residential and office buildings with the office buildings being residential in nature.

Bud Hunter of 1859 West Tamaron Court commented on the grading that would be needed on the property and stated that he felt that is was unsafe to put a day care center on the west side of the property due to the twenty foot drop off to a creek at the edge of property. He felt that the erosion of the creek could be severe and it would not be long before the fence would be in the creek.

Mr. Maldeghem presented concerns and comments of the Settlers Walk and Woodland Greens neighbors. He stated that the applicant has habitually presented the same General Plan throughout the rezoning application process; there have been no significant changes or modifications to the plan in order to address the comments or concerns of the City and adjacent property owners. He stated that he has not seen a compelling reason for the zoning change; it provides no unique benefit to the City and could have a negative impact on the neighboring businesses. He stated that the property is suitable for the current zoning, O-R as a buffer between the B-1 and the residential areas. Should the rezoning be approved, he knows of no other B-2 style property that is immediately adjacent to residential in the City without some planned or natural buffer.

Mr. Vomacka commented that the rezoning is no longer an item before the Planning Commission. They are only reviewing the General Plan.

Mr. Maldeghem commented that the objection is that there is no natural buffer. There are a number of serious objections to the current slightly modified General Plan that it is not residential in nature, the magnitude of the buildings that he feels do not comport with the O-R theme which is a primary tenant of the planning criteria of the property given its location, the plan is not given suitable or acceptable screening or setback and the plan does not address the grading toward the creek (there have been no drainage or water flow studies conducted). Landscaping, screening related to building structure has not been addressed and that there have been no assurances that the beneficial use and enjoyment of the adjacent residential properties would not be significantly impacted. He asked whether buffer screening would be required prior to property grading and building construction. Privacy of residential properties would be negatively infringed since there is no natural buffer or barrier. He asked Planning Commission members to walk that east property line to see the point he is trying to make.

Mr. Maldeghem commented that the adjacent properties have been incorrectly labeled as PUD-R when they are TR-1 (township zoning).

Mr. Maldeghem stated that there is no evidence that the developer is adequately capitalized. By the way the process is going, he can infer otherwise. He is concerned that the project will be professionally completed especially given its magnitude without negatively impacting the adjacent residential property owners. He does not want it to end up as another bankrupt project. The applicant has habitually presented inadequate plans that he feels does not meet the zoning requirements. He hopes that Planning Commission would not pass on to Council for vote an inadequate or unacceptable General Plan.

Mr. Maldeghem stated that in his professional experience the footprint of the child center is inadequate. There is too much stuff trying to be jammed on to the property. In his informal discussions with an environmental lawyer, there are a number of issues that need to be addressed regarding the creek.

Mr. Maldeghem concluded by stating that he does not feel that there is any rational basis for the rezoning. Though the previous comprehensive plan, he feels that it is properly zoned and that the General Plan that is before the board does not meet the zoning requirements given the property's location

IV. Planning Commission and Staff Comments

Ms. Gibson stated that she would not be able to attend the March 31st Planning Commission meeting. She also wanted to make sure that the Planning Commission members were aware of the MVRPC Going Places seminar March 17th.

V. Adjournment

Ms. Belpulsi adjourned the Wednesday, March 10, 2010 Work Session at 8:45 P.M.

Marie Belpulsi, Planning Commission Chair

Dan Boron, Planning Consultant

Lois Boytim, Planning Commission Secretary