

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

**Planning Commission Regular Meeting**  
**Wednesday, June 30, 2010, 7:00 p.m.**

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

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

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

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

**II. Approval of Minutes**

**A. May 26, 2010 Planning Commission Meeting**

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

*Ms. Gibson motioned to approve the May 26, 2010 Planning Commission meeting minutes as presented. Ms. Ridd seconded the motion.*

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

**B. June 9, 2010 Planning Commission Work Session**

Ms. Belpulsi asked for corrections or additions to the minutes. Ms. Gibson asked that an error on page 5 be corrected. The sentence should read "Mr. Boron asked if there was vinyl siding in the Heatherwoode subdivision".

*Ms. Gibson motioned to approve the June 9, 2010 Planning Commission work session minutes as corrected. Mr. Landefeld seconded the motion.*

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

**III. Action Agenda Items**

**A. Revision to Approved General Plan, The Fairways PUD-R, Planned Unit Development-Residential, modification to approved dwelling design and materials**

## Background Information

This agenda item is based on an application filed by Chuck Dickerson, DBA Lifetime Development, LLC., seeking approval on a revision to the approved General Plan for The Fairways PUD-R, Planned Unit Development-Residential. The Fairways PUD-R was approved by the City of Springboro between 2002 and 2004: the Rezoning by Ordinance O-02-15 in March 2002 to the present PUD-R designation; the current General Plan by Resolution R-04-2 in January 2004. Together Rezoning and General Plan approval are the first stage in the three-stage PUD approval process.

This item was discussed at the June 9th Planning Commission Work Session.

For the purposes of background, The Fairways PUD-R, originally approved as the It's A Wonderful Life subdivision in 2000, was approved for 51 buildable single-family lots. To date 10 single-family homes have been constructed in the subdivision, most of them abutting the City of Springboro's Heatherwoode Golf Course and none of them employing the use of vinyl, aside from gutters, downspouts and windows and other trims, as a significant exterior building material. The General Plan for the subdivision was approved with a set of five home designs from Drees Homes.

As discussed at the June 9th Work Session, it is staff's understanding that, if approved, the allowance of vinyl siding in this subdivision would be first use of this material in a significant manner for property within and adjacent to the City of Springboro's Heatherwoode Golf Course. This is also in an area previously fenced and landscaped to the benefit of the homeowners in the subdivision and Heatherwoode Golf Course through a mutual payment agreement with the then Drees Company for the decorative fencing and extensive landscaping effort.

As stated in the application for a Revision to the approved General Plan, the applicant is seeking approval for the use of vinyl siding within the subdivision. In addition the applicant has submitted 17 home plans from Cristo Homes that are to replace the Drees Homes for use in the subdivision. Under the provisions of the City of Springboro Planned Unit Development Ordinance, Chapter 1272 of the Codified Ordinance, the proposed revisions constitute a major change to the approved General Plan for the PUD-R. As such the proposed revision requires the approval of the Planning Commission and City Council.

Following consideration by Springboro Planning Commission, approval by City Council is required for this and any other major modification to an approved General Plan under the provisions of the Planning & Zoning Code.

## Staff Comments

1. Please provide any updates to The Fairways PUD-R covenants & restrictions to the City of Springboro Engineering Department. Please contact Elmer Dudas, Assistant City Engineer, at [elmer@cityofspringboro.com](mailto:elmer@cityofspringboro.com) or (937) 748-4365 for more information.
2. Do the proposed Cristo Homes conflict with the terms of the approved General Plan in terms of minimum floor area, setbacks, etc.?
3. Please clarify if all seventeen (17) building plans reviewed at the June 9th Work Session or the submittal of June 17th that includes twelve (12) building plans is what is being requested as part of the General Plan revision.

Charles Dickerson and Jeff Bailey of Lifetime Development were in attendance to answer questions of Planning Commission.

Ms. Belpulsi asked for staff whether they had received the information that they needed in regard to staff comments.

Mr. Boron commented that they had not received information regarding the three staff comments; they were typical comments offered as a condition of approval or for Planning Commission discussion.

Mr. Dickerson commented that he had submitted an update to the covenants at the last Planning Commission meeting. (Mr. Dickerson had submitted a copy of the minutes from the homeowner's meeting with changes to the covenants that were recommended by Cristo Homes.)

Mr. Boron asked that Mr. Dickerson submit the complete covenants and restrictions for the subdivision.

Mr. Dickerson answered that his attorney is in the process of making the legal changes.

Mr. Boron answered that the comments stand; Planning Commission can approve the revision with the staff comment as a condition of approval.

Ms. Belpulsi asked for comments from Planning Commission.

Mr. Landefeld commented about the market price of the homes and the additional cost. He estimated that the additional cost to the homeowner would be \$10-12 per month for their house payment. He stated that he did not feel that the additional cost was that onerous. He also was concerned about the carbon footprint of the vinyl siding since it is made with PVC. He will not be voting for this proposal.

Ms. Gibson asked Mr. Dickerson whether Cristo was only looking at 25 of the 38 remaining lots.

Mr. Dickerson explained that Mr. Cristo has the interior lots under option to purchase. He added that Mr. Cristo is willing to build on the balance of the lots but does not have a contract at this time. Drees Homes still has an interest in building on those lots as well.

Ms. Gibson commented that the current look of the plat is centered on five floor plans which give it a homogeneous look. Her concern is that Cristo is offering twelve floor plans for twenty five lots and that there will be a tremendous amount of variety which will change the look of the area. She asked whether it would be possible to reduce the number of plans.

Mr. Dickerson commented that the Planning Commission could dictate the number of floor plans.

Ms. Gibson asked whether the change to vinyl siding could be only for the lots that are off the golf course.

Ms. Thompson commented that staff feels that all of the lots are visible from the golf course.

Ms. Gibson asked whether it was possible to allow this change only on the lots that are away from the golf course.

Ms. Thompson stated that restricting the change to interior lots would not prevent the appearance change that is of concern to the City.

Mr. Vomacka commented that given that this property is adjacent to Heatherwoode Golf Course, possibly the most expensive thing in the entire city; he feels that Planning Commission should be moving in the opposite direction and upgrading the quality of what is being built adjacent to that property rather than reducing it. He has a problem with going to a less expensive product. He does not see what is being requested as appropriate.

Mr. Vomacka commented that sales are beginning to pick up; he is beginning to see life in the economy.

Mr. Dickerson commented that he and Mr. Bailey have not sold a lot since March of 2007. He is well aware of market conditions. It has taken a couple of years to find a builder that was willing to come in and build in the subdivision. Cristo has a good reputation and will build to what the market will absorb. They are asking for one significant change; to allow for vinyl siding should the customer choose. They have vinyl siding in all of their other subdivisions; it bodes well for their marketing efforts.

Mr. Dickerson commented that he did not want to use vinyl siding years ago; they feel the need to offer vinyl in order to get to the market.

Ms. Ridd commented that she likes the variety of the different plans. She would prefer to keep the vinyl out of the picture.

Ms. Hartle commented that the plans are nice.

Mr. Bailey commented that the last homes that were sold were the Drees model and one home off of the golf course. These homes were discounted; the Drees model listed for over \$400,000 and sold for less than \$300,000. The market has come down, he is asking for help to move things along and still put a quality product out.

Mr. Bailey commented that once the houses along the golf course are filled in there is only a small space that can be seen. It will be closed off.

Mr. Vomacka commented that according to the Warren County website, the typical sale price for houses in that area is \$270,000 to \$350,000. Mr. Dickerson is now asking to build a \$200,000 product. He questioned that this was explained to the current residents and they felt that this would be a good deal for them.

Mr. Dickerson answered that all of the homeowners that were at the homeowner's meeting voted in favor of the changes.

Ms. Ridd commented that Planning Commission needs to remember that the City will have these homes for a long time yet. More homes can be sold by putting manufactured homes there but at some point do you go lower and lower just to sell lots. If this doesn't do it, then what?

Ms. Belpulsi commented that she had done some research about vinyl and Hardiplank. She did not find that there was much difference in the materials. The bottom line is that the price difference between the two products is negligible. She didn't believe that that was a good enough reason to

downgrade the type and quality of the home that will be built there. She stated that she didn't think that she could vote for this.

Mr. Dickerson commented that Ms. Ridd had stated that she had liked having vinyl siding and added that it was a matter of choice.

Ms. Ridd answered that she does love her vinyl siding, but at the time the Hardiplank was not used around here at all. She wasn't sure that she would make that decision now.

Mr. Dickerson commented that the customer should be able to make that decision on their own instead of being told that they had to use the product.

Ms. Ridd answered that she does not think that she would choose the vinyl again over the Hardiplank.

Mr. Dickerson commented that many people would prefer to choose not as a matter of price but of convenience; not to have to repaint every few years.

Ms. Belpulsi asked for any further discussion. There was none.

Mr. Boron commented that Planning Commission would be making their recommendation to Council on the approval of the revision to the approved General Plan; for the replacement of the floor plans from the Drees plans to the twelve Cristo plans and for the material choice.

Ms. Thompson suggested that Planning Commission make their recommendations as two separate motions since there are two issues.

It was decided that there would be two motions for amendments to the General Plan.

Mr. Papakirk asked the applicant whether he was okay with the change to two motions.

Mr. Dickerson answered that Cristo Homes prefers to be able to offer a variety of products including vinyl siding. He does not know whether he will say in the subdivision without the option of vinyl siding. Mr. Dickerson does not know until he poses the question to him. He has the option to purchase the lots; he is not required to purchase the lots.

*Ms. Ridd motioned to recommend to Council approval of the revision to the approved General Plan for The Fairways PUD-R, Planned Unit Development, modification to approved dwelling design, the twelve plans that were submitted by Cristo Homes. Ms. Hartle seconded the motion.*

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

*Ms. Ridd motioned to recommend to Council approval of the revision to the approved General Plan for The Fairways PUD-R, Planned Unit Development, modification to approved building materials. Mr. Vomacka seconded the motion.*

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

Mr. Boron commented that both motions would be forwarded on to Council; one with a positive recommendation and the second with a negative recommendation. He will advise the applicants on the City Council schedule. The item should be on their schedule in mid July or early August.

**B. Revision to Approved Final Development Plan, Marketplace at Settlers Walk PUD, Planned Unit Development , Phase 2 Building, exterior displays**

Background Information

This item was previously reviewed at the February 10th Planning Commission Work Session and is based on a request for a revision to an approved Final Development Plan, submitted by Melissa DeHart, representative for The Marketplace at Settlers Walk, for outdoor displays associated with the Ace Hardware store located in the Phase 2 building of The Marketplace at Settlers Walk. The hardware store suspended operations earlier this year.

The proposed use is not subject to Planning Commission's review; the proposed retail use is consistent with the approved General Plan for The Marketplace at Settlers Walk PUD; what is subject to review is the proposed display area and the manner in which these areas are screened.

The Phase 2 building for The Marketplace at Settlers Walk was approved by the Planning Commission on July 26, 2006. At that time a reference to a "display area" was included in the site plans for the development along the sidewalk immediately in front of the building that now houses the Ace Hardware store, veterinary clinic and other tenants. The applicants were directed, based on staff comments, to delete references to the display and present to Planning Commission details on the appearance of the displays would do and be managed. To date no additional information has been provided on this issue.

This item was last discussed at the June 9th Planning Commission Work Session.

**Staff Comments**

1. Applicant to obtain a Certificate of Zoning Compliance from Dan Fitzpatrick, Zoning Inspector, prior to change of the new tenant occupying the space. Mr. Fitzpatrick is reachable at (937) 748-6845 or [danf@cityofspringboro.com](mailto:danf@cityofspringboro.com).
2. Signage not subject to review by Planning Commission, however signage on the side (south) elevation is not permitted as it does not have frontage onto a right-of-way and existing signage on the building already meets the maximum allotted per code. Please coordinate with Dan Fitzpatrick, Zoning Inspector, for more information regarding the City of Springboro Sign Code.
3. Please clarify, as discussed at the June 9th Planning Commission Work Session, if sales event are is to be housed in a tent.

John Roll of Roll & Associates and Melissa DeHart of The Marketplace at Settlers Walk were in attendance to answer questions of Planning Commission.

Mr. Roll explained one issue at The Marketplace has been outdoor displays. The owners of West Chester Lawn & Garden will be moving into the Ace Hardware space and would like to have seasonal outdoor displays and special events.

Mr. Roll added that Ms. DeHart has outlined some rules that she proposes for the entire shopping center. He reviewed the rules for the special events, including the definition of a special event, the

limit of twelve events per year not to exceed two a month for a maximum of three days. He added that what is on display for the special events would be taken in every night.

Mr. Roll presented a plan showing locations for the outdoor displays and explained the types of equipment that would be displayed. He explained that the total square footage of display would be 150 square feet facing S.R. 741 and 100 square feet facing Lytle-Five Points Road.

Ms. Ridd asked what the frontage would be for a tenant with 15,000 square feet.

Mr. Roll answered about 70-75 feet.

Ms. DeHart commented that Dorothy Lane Market would have more than 100 square feet; they are being permitted to maintain their current display. She added that tenants will less than 15,000 square feet will be permitted a small freestanding display.

Ms. Gibson questioned Mr. Roll about the measurement of the display space.

Ms. Ridd commented that the space he puts the equipment in, footprint of the space, should be the measurement.

Ms. Gibson commented that the 150 square feet would be the measurement of the items even if they are spread over the 100 feet of frontage.

Mr. Roll explained that through work session discussion, he thought that the Planning Commission was looking for a limitation on the actual display space.

Ms. Ridd commented that the limitation needs to be put in terms of the actual space area.

Mr. Papakirk commented that he likes the way Mr. Roll has it, he can see that if Planning Commission gives him one square footage footprint, down the road it could be crammed with as much stuff as possible.

Mr. Roll commented that he wants to set a precedent that they are not cramming stuff in, but selectively putting stuff out.

Mr. Landefeld asked whether it was their intention to limit the events to certain days of the week.

Ms. DeHart answered that no; the events could be Tuesday, Wednesday, and Thursday.

Ms. Ridd asked that banners be added to the items excluded in outdoor displays.

Mr. Boron commented that they are not allowed per the sign ordinance.

Mr. Vomacka asked that balloons be added to the list.

Mr. Boron commented that the sign code would also cover that.

Ms. Ridd asked that the special events be limited to a maximum of fourteen parking spaces. She also asked that it be noted that any tents would be taken in every night unless it is a drive in trailer.

Ms. DeHart commented that the event could be for the whole center; that is not very much room. It is the center's intent that everything will be taken in every night.

Mr. Vomacka asked for clarification that the tent would be a popup tent and not a large circus tent.

Ms. DeHart answered that it would be a small tent since it would be taken in every night.

Mr. Vomacka asked about how the events at Dorothy Lane Market would fall under the 12 per year limitation.

Ms. DeHart answered that that does not count because it is not in the parking lot.

Mr. Vomacka asked that the bullet point stating that the display would not hinder pedestrian access be changed to explicitly include ADA access.

Ms. DeHart agreed.

Ms. Belpulsi asked whether certain areas would be available to reserve for the special events.

Ms. DeHart answered no; they would position the events in places that do not take up a lot of the front parking.

Ms. Belpulsi asked about the limitation to fourteen parking spaces that Planning Commission requested.

It was discussed that this limitation was specific to Ace Hardware; the need for a size limit was discussed.

Mr. Boron asked whether the plan presented was to be used as cross reference.

Ms. Ridd commented that it did not need to be the same fourteen spaces; there needs to be some size limit.

Ms. DeHart commented that if all of the tenants were involved, what difference the number of spaces made.

Ms. Ridd answered that it was because of the parking problem.

Mr. Vomacka commented that The Pointe Shopping Center's most successful weekend of the year is when they have a lot of outdoor displays and parking is at a premium.

Ms. Ridd agreed as long as they are willing to take the tent down.

Ms. Belpulsi asked whether any of the tenants could use the allotted dates per year.

Ms. DeHart answered that she has an application; they have to provide the dates and who they are going to bring in and what the event is for. That application is then approved.

Mr. Papakirk asked about the signage for the shopping center.

Mr. Roll answered that he has met with staff and a master signage package will be presented to Planning Commission at another date.

Mr. Boron asked that the comments be reviewed for clarification. Planning Commission asked for clarification on the following issues; the tents must be removed every night, there will be no balloons and the sidewalks must be kept ADA compliant.

Mr. Landefeld asked that the plans for the displays be included in the record.

*Ms. Ridd motioned to approve the revision to the approved Final Development Plan, Marketplace at Settlers Walk PUD, Planned Unit Development, Phase 2 Building, exterior displays with the Planning Commission and staff comments. Mr. Vomacka seconded the motion.*

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

### **C. Record Plan, East Mill Street, right-of-way dedication**

#### Background Information

This agenda item is a request for Record Plan approval for the dedication of right-of-way for a portion of East Mill Street from west of Mound Park Drive to east of Richards Run. Roadway improvements are currently underway on East Mill Street, which include new sidewalks, curb and gutter, storm sewer and a new bridge. The right of way is being dedicated due to these improvements. A total of 1.47 acres are being dedicated with this record plan. Staff is currently reviewing the record plan, and all comments will be resolved prior to approval by City Council.

Raj Sharma, City Engineer reviewed the plans for the Planning Commission and offered to answer any questions. There were none.

*Ms. Ridd motioned to recommend to Council approval of the Record Plan, Right-of-Way Dedication for East Mill Street. Ms. Hartle seconded the motion.*

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

## **IV. Non-Action Agenda Items**

### **A. Discussion, Review of Planned Unit Development, Chapter 1272 of Planning & Zoning Code**

This agenda item was introduced at the May 26th Planning Commission Meeting and discussed at the June 9th Work Session.

Staff is recommending that Planning Commission use this meeting to initiate a review of the Planned Unit Development (PUD) Ordinance, Chapter 1272 of the Planning & Zoning Code, discuss a number of issues and problems with the implementation of the present ordinance and to outline a schedule for meetings this summer in order to formulate a recommendation to City Council on text amendments.

Mr. Boron commented that staff is looking for direction on the current PUD ordinance. Staff has many items that they can work on and is looking for feedback from the Planning Commission. The areas that staff will be looking at is; specifics as to the content of General Plans and Final Development Plans could be, the timing or manner in which Planning Commission sees and recommends to Council General Plans and rezonings and other items that deal with the mechanics that staff must deal with in the matter in which PUDs are brought from Planning Commission and implemented through staff and Council approval.

Staff will meet with the City Attorney to review some of these items. Staff hopes to have recommendations for the July 28th Planning Commission meeting.

Ms. Gibson asked whether they would be taking action at that time.

Mr. Boron answered that it would be brought to Planning Commission for an initial review. Staff hopes to have the recommendations by the end of the summer.

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

## **B. Discussion, Review of Township Zoning within Corporate Boundary**

This item was introduced at the May 26th Planning Commission meeting and discussed at the June 9th Work Session.

Staff is also recommending that Planning Commission devote time during the June 9th meeting to continue the discussion on resolving the issue of township zoning within the corporate boundaries. As many of you know historically the City of Springboro annexed property but did not initiate rezoning to manage that property's use or development under the terms of the City of Springboro Planning & Zoning Code. For the past few years City Staff has been directing property owners at the time Planning Commission action—on a Site Plan Review, lot split or similar regulatory action—to initiate rezoning in order to help reduce the volume of township-zoned property within the City.

Mr. Boron commented that this item is more on the back burner but will be addressed as applicants bring in cases and concurrent with the PUD ordinance review.

## **V. Guest Comments**

There were no Guest comments.

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

Mr. Vomacka asked Planning Commission to consider starting the meetings at 6:00 pm instead of 7:00 pm.

Planning Commission discussed the issue and will start the meetings at 6:00 pm on a trial basis. The Clerk of Council will be notified to make any necessary changes.

Mr. Boron reviewed the potential items for the next Planning Commission work session.

Mr. Boron and Ms. Thompson informed Planning Commission about The Springs subdivision and the potential issues that Planning Commission may be dealing with.

Ms. Belpulsi asked staff to provide Planning Commission with a map of the property; a General Plan map showing what was approved and an aerial showing what has been built.

**VII. Adjournment**

*Ms. Hartle motioned to adjourn the June 30, 2010 Planning Commission Regular Meeting at 8:19 P.M. Mr. Landefeld seconded the motion.*

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

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Marie Belpulsi, Planning Commission Chairperson

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Dan Boron, Planning Consultant

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Lois Boytim, Planning Commission Secretary