

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

Planning Commission Work Session
Wednesday, February 14, 2018, 6:00 p.m.

I. Call to Order

Chairperson Becky Iverson called the Springboro Planning Commission Work Session to order at 6:00 p.m. at the Springboro Municipal Building, Council Chambers, 320 West Central Avenue, Springboro, Ohio.

Present: Becky Iverson, Stephen Harding, Jack Hanson, Robert Dimmitt, Chris Pearson, John Sillies. Absent: Becky Hartle

Staff: Dan Boron, Planning Consultant; Elmer Dudas, Development Director; Chad Dixon, City Engineer; Amy Brown, Planning Commission Secretary

II. Agenda Items

**A. Preliminary Subdivision Plan
2426 West Factory Road, proposed single-family residential subdivision**

Background Information

This agenda item is an application for preliminary plan approval through the City of Springboro's subdivision review and approval process included in Chapter 1242 of the Planning & Zoning Code. This application was filed by Associate Construction, Inc., Carlisle, and proposed the development of a single-family residential subdivision on a 9.0-acre site located at 2426 West Factory Road. The working title of the subdivision is Sawgrass Pointe.

The property has frontage on West Factory Road and is located between the West Factory Road intersection with West Market Street to the west and its intersection with Catalpa Drive to the east. The subject property is situated between the Royal Oaks Park subdivision to the east and the Spring Park subdivision to the north and west. A vicinity map is included on the second sheet of the submitted preliminary plan. An aerial photograph of the subject property and surrounding land is included in the meeting materials as well.

The subject property is zoned R-2, Low Density Residential District, a zoning designation that permits single-family residential development at the rate of 4 dwelling units per acre on lots with a minimum size of 9,000 square feet. The R-2 District also allows public, semi-public uses such as churches and other compatible land uses. As proposed the subdivision includes 23 single-family residential lots ranging in size from 9,150 (lot #10) to 20,4668 (lot #17) square feet. The average lot size is 11,920 square feet. Lots 24 and 25 have been reserved for the subdivision's storm water retention system. The proposed development density of the subdivision is 2.55 dwelling units per acre.

The preliminary plan proposes the dedication of two public streets. The primary road, Sawgrass Pointe Court, accesses the site from West Factory Road to the south and terminates in a cul-de-sac . A secondary road extends the existing Kesling Drive in the Royal Oaks Park subdivision westward from its current terminus near McVey Court and terminates in a cul-de-sac as well.

Adjacent land uses include single-family residential development. To the east is the Royal Oaks Park subdivision. Section 13 of Royal Oaks Park includes 26 lots developed on 7.36 acres for a development density of 3.53 dwelling units per acre. Section 13 includes McVey Court and the end of the Paw Paw Court cul-de-sac. To the north and west are Sections 1 and 2 of the Spring Park subdivision which collectively were developed at a density of 3.1 dwelling units per acre and includes lots on Roundtree Court, West Market Street, Creekview Court and Twincreek Court. To the immediate west of the subject property is a single family residence not included in either the Royal Oaks Park or Spring Park subdivisions. To the south are large properties on the south side of West Factory Drive.

Adjacent zoning includes R-2 District to the east (Royal Oaks Park) and north and west (Spring Park). To the southeast is PUD-R, Planned Unit Development-Residential, a zoning designation corresponding to the Swope property also known as the undeveloped Twin Creek subdivision. To the southwest are two properties zoned R-1, Estate-Type Residential District. The R-1 allows single-family residential development at the rate of 2 units per acre.

Preliminary plan review is the second stage in the subdivision review process that includes (1) concept plan, (2) preliminary plan and (3) record plan. Preliminary plan review and approval follows concept plan review and approval which takes place between the applicant and City staff, focusing on compliance with the City's subdivision regulations that manage the manner in which private property is developed (the design of streets and lots, connections to other development, etc.) as well as compliance with zoning code requirements (minimum lot sizes, setback, etc.). Approval of the preliminary plan by Planning Commission may take place at a regular business meeting following review at a work session. That may take place as soon as the March 28 Planning Commission meeting. No City Council review is required. Following preliminary plan review and approval a record plan may be submitted by the application for review and approval by the Planning Commission and City Council.

Staff Comments

City staff identified the following comments for this agenda item at this time:

1. Development to comply with R-2 District design and development standards including but not limited to setbacks, height, lot coverage, frontage, minimum lot size, etc.
2. Architectural plans to comply with Section 1264.06, Development Standards for Single-Family Detached Dwellings, provisions including exterior building materials, appearance conforming to neighborhood surround development and garage placement/design. Applicant encouraged to provide proposed home designs at the February 14 work session.
3. Indicate if subdivision will use development entry signage. Such signage to comply with development identification signage provisions, Section 1281.07(c) and construction signage provisions in Section 1281.07(a).
4. The following landscaping will need to be provided as part of the proposed development in accordance with Chapter 1280, Landscaping, of the Planning & Zoning Code.

1. Landscape Buffer. Provide a 10-foot buffer between the proposed subdivision and adjoining residential property to the east, west and north. Landscaping within the buffer to be provided at the rate of 1 tree per 40 linear feet of property line. The buffer to consist of trees, shrubs and earthen mounds, decorative fences and masonry walls in combination. The only development permitted within the buffer aside from landscaping are sidewalks and bicycle paths. The buffer may be secured by an easement.
2. Roadway Landscaping. Landscaping shall be provided along West Factory Road at the rate of 1 shade or evergreen tree per 40 feet of right-of-way frontage, 1 ornamental tree per 100 feet of right-of-way frontage and 1 shrub per 5 feet of right-of-way frontage.
3. Natural Vegetation Preservation. Existing site vegetation greater than 4 inches diameter at breast height shall be noted pre-development. Such trees, if retained, shall be credited for landscaping required as part of Chapter 1280 and indicated in a-b and d herein..
4. Site Landscaping. One tree shall be provided on the site at the rate of 1 tree per 3,000 square feet of site area.
5. Roadway and utility design to meet City specifications.
6. Development activities in the floodway/floodplain areas shall comply with City Ordinance Chapter 1448, Flood Damage Reduction.
7. Choose a different cul-de-sac name for "Kesling Drive".
8. Add note stating lots #1 & 23 shall not have driveway access to Factory Road.
9. Create an HOA to maintain the open space/detention areas
10. The Clearcreek Fire District has no comments at this time.
11. City staff reserves the opportunity to comment on plans submitted following the October 11 work session.

Discussion:

Ruth Campbell, engineer at Wyco Consulting, and Ryan Morris, developer and builder with Associate Construction, were present to answer questions.

Ms. Iverson asked Mr. Boron to summarize the project.

Mr. Boron informed Planning Commission that letters were sent out to all property owners that have lots that abut the subject property, and about 27 letters were sent out. He said this property is 9 acres and also includes property to the south on the Factory Road right of way. He said there are 23 lots proposed, with 25 lots on the map, but 2 of those lots are proposed to be detention ponds. He said that the density is 2.5 dwelling units per acre, which is below the maximum density which is permitted in the R-2 District. He said no zoning change is anticipated or requested and all lots meet the minimum requirements for the R-2 District. He added that this is a little different from most cases that Planning Commission sees in that this would be the second step of the subdivision approval process, as if they already did rezoning and we are now in site plan review. He said what follows is record plan.

Ms. Iverson asked if there were any questions or comments from the applicant.

Ms. Campbell said there was only one item that she wanted to address which was if a sign was intended, and she said that they would like to put up a small monument sign, and it would go into one of the two areas owned by the Homeowners Association. She said that would be one of the two detention

pond areas, probably the one further to the east, unless there is a problem or other suggestions on how we could handle that.

Ms. Iverson asked Mr. Boron for a definition of a monument sign.

Mr. Boron said it would be a monument, or tombstone type sign, and staff is happy to work with the applicant on what is permitted by the zoning code, and sign ordinance. He said this was just a question up front because this is a little bit different from the normal review process where we would see that.

Ms. Campbell said that was her only comment in response to staff comments.

Ms. Iverson asked if any Planning Commission members had any comments.

Mr. Harding said that he has seen their product before, and he asked about the style of homes that would be in the subdivision.

Mr. Morris distributed to Planning Commission members a handout showing renderings of the home styles and said that their goal is to keep the price point at \$275,000 to \$350,000. He said in order to control pricing, there would be some siding and the developments in Timber Ridge and Eagle Ridge in Carlisle are comparable. He said the market is very strong now for this type of product. He said the intention would be to come in and develop all of this at one time, and it would probably be a 2 to 3 year project.

Mr. Harding asked if the road would be put in first.

Mr. Morris said that the roadways would go in first, and then they would break ground on housing. He said it is probably a 3 to 4 month development project before the housing would start. He said since they are the developer and the builder, they would go straight into the building once the developing was done. He said they would start off with market homes first.

Mr. Boron asked if they anticipated one or two models.

Mr. Morris said that they don't really do a furnished model. He said that probably a third of the development would be market homes to keep them on the MLS and they sell well in Springboro.

Mr. Harding asked if they would be able to control the construction traffic and have it coming out to West Factory instead of Kesling into the residential neighborhood.

Mr. Morris said that their goal is to try and make Factory Road the main entrance for everything, and to draw people in that way. He said he was sure they could barricade Kesling off without a problem, and that would be preferred for them as well.

Mr. Pearson asked if there were any plans to do anything with the piece of land on the other side of Factory Road, since that is part of the property.

Mr. Morris said that they do not have any affiliation with the other property there, and that was just part of the parcel. He said that property would just be graded, seeded, strawed, and ultimately owned and maintained by the Homeowner Association.

Mr. Pearson asked about the name change of the cul-de-sac.

Mr. Dudas said that the drive on a cul-de-sac should be a court instead of a drive. He added that it has come up in the past, and they are trying to stick with that.

Ms. Campbell said they were ok with renaming it.

Ms. Iverson asked if this would go in front of City Council, or stay at Planning Commission since there would be no rezoning.

Mr. Boron said that during the preliminary plan phase, this is all reviewed by Planning Commission. He said that there will be an interim step where staff will be involved, construction plan review phase, and that will be between Mr. Dudas and the applicants. He said Council will see it when it becomes record plan, and Planning Commission will see it first, and then it goes to Council, and that is to record the property and also the dedication of right of way. He said this preliminary plan would need to be reviewed and approved by the Planning Commission at a regular meeting, so depending on accepting the comments, this could be on the agenda as soon as the end of March. He added that staff is happy to work with the applicant on the comments.

Ms. Iverson said at this point, if the applicant works with staff on these comments, we could see them on the agenda at the end of March.

Mr. Boron said that the comments made by staff in relation to landscaping, those are items that would be worked on during the construction plan phase because there is some overlap that staff is requesting on a buffer. He said some of that coincides with a utility easement, which a buffer can't coincide with. He said that staff is also recommending anything over 4 inch be marked because you can get credit for that as part of your requirement for landscaping on the site, and that could even include the landscaping on the other side. He added that we do have site, border, and roadway landscaping requirements. He said if Planning Commission is comfortable with it, this item could be on the agenda at the end of March. He said it is tentatively scheduled for Wednesday, March 28, but the date may change.

Ms. Campbell asked if staff would be looking for a second submittal incorporating the items that are in the comments, and asked what would be the date for submittal.

He said that will not change even if the meeting date changes. He recommended the applicants stay for the guest comments portion of tonight's meeting to see if there were any comments from adjoining property owners, and hear what they would have to say.

D. Planning & Zoning Code Text Amendment Amendment to Sign Code

Discussion:

Ms. Iverson asked Mr. Boron to outline some of the changes that would be made.

Mr. Boron said that this goes back to the discussion we had on a very brief basis back in September 2017 regarding a change that City staff requested related to signs in the Town Center District. He said that recent U.S. Supreme Court case law renders portions of our sign code unconstitutional, and also the lay of the land with the active construction project going on right now in the Town Center district. He said there have been signs removed on a temporary basis which are going to be reinstalled on the

southwest corner of the intersection, and there have been questions about what signs can go back on those sites. He said some of those signs were grandfathered in, but when they came down, they technically lost their grandfathered status. He said there have also been requests for electronic message signs, and to allow electronic message signs for the entire community to display multiple colors, not just the background/foreground color. He said because of a recent U.S. Supreme Court case, if one regulates signs by their, you are getting into a First Amendment issue. He said moving forward you should only regulate them based on the manner of construction and other details.

Mr. Pearson said we can't limit based on the style of the sign or technology of the sign.

Mr. Boron said we can regulate the technology, but not the content contained in the technology. He said we can still control the animation, and he talked at length with our attorney about that. He said if it has the appearance of changing, we can control that too, and that is important because of animated signs and signs that change appearance are an issue for distracted driving. He said it was about the prohibition of the message being continued on the second panel which could lead to distraction. He said that is something that came from a model ordinance that we used for our basis, and he talked to our attorney about that and we can maintain that limitation, because it's not getting into our content neutrality problem.

Mr. Pearson asked if there is something regarding safety about contrast, so if there are green letters on a yellow background, and I'm colorblind, I might not be able to see it, but it is also very low contrast, and might be difficult to discern. He said on road signs that is covered by law.

Mr. Boron said it can't look like a government sign, and we do have limitations on signs that don't draw their attention to them, also appear to be government signs. He said that issue hasn't come up relative to contrast, and they can look into the contrast. He said that was the initial intent, to add this very high contrast sign that you could read easily.

Ms. Iverson asked for the name of the Supreme Court case.

Mr. Boron would get that information out to Planning Commission members.

Ms. Iverson asked if there were any questions or comments from Planning Commission members.

Mr. Pearson said that the Town Center district already has many trans-illuminated signs, and while he is not a fan of the electronic signs, he thinks that's the way of the future. He added that he understands why we would want to limit signs in the Historic district, and there we already have some trans-illuminated signs. He said that Nationwide Insurance at 405 South Main has a nice looking sign, but it is illuminated, and he isn't sure if it's grandfathered in.

Mr. Boron said it's not grandfathered. He said that it's an enforcement issue, and thanked Mr. Pearson for bringing it to our attention.

Mr. Pearson said that it isn't his intention to get rid of it, and he could see limiting the digital signs in the Historic district, but there are already neon signs in various windows.

Mr. Boron said that the City does sweeps to proactively and positively remind property owners what is permitted. He said it is the number one zoning code enforcement issue within the City, not just in this area of town. He said we have a lot of grandfathered signs that aren't permitted, and the minute it comes down, it's no longer permitted.

Ms. Iverson asked if the Architectural Review Board has anything to do with zoning of the signage or if it is just at the Planning Commission level.

Mr. Boron said that the Architectural Review Board reviews the signs in the Historic District and the Town Center District, and we will ask them for advice as we go through the process.

Ms. Iverson asked if this could be another item that we could potentially pass at the end of this month or would it be that soon.

Mr. Boron said that we could, yes. He added that the topic of having electronic message signs within the Historic District is a concern, but he thinks the way that we regulate them, we still have provisions in place that can help.

III. Guest Comments

Ms. Iverson invited guests to approach the podium, give their names and addresses for the record and make their comments. She asked them to address their comments to the Chair.

Kenny Wysong, 105 McVey Place, asked when the project on West Factory Road would be proposed to begin.

Ms. Iverson said it would first have to be voted on, which at the earliest would be the end of March, and the project could start as early as end of March or early April.

Mr. Wysong said it is a peaceful neighborhood, and he is concerned about all of the traffic. He said he can't see that many houses back there, and they will be crowded on that property. He asked what a setback is.

Ms. Iverson deferred to Mr. Boron who stated that a setback is the area between a property line and the point at which a building is located, the wall of the building. He said that we measure setbacks from an overhang, front setbacks measured from back of the sidewalk, and we have side setbacks and rear setbacks. He added that they are the same setbacks that are found in the Royal Oaks and Spring Park subdivisions.

Mr. Wysong said he had a very bad experience last summer with the installation of curbs, drive aprons, and sidewalks in his neighborhood. He said that there was construction equipment left everywhere, piles of sand and gravel at the end of the street, construction vehicles that leaked fluid, and workers left trash in the street. He said that he can't imagine what a 3 year active construction site will be like in that neighborhood. He said there was a fire hydrant installed in the middle of that dead end street, and he had concerns about the installation, and now it will have to be removed. He also was concerned about the construction affecting his property with the extension of the sidewalk. He mentioned that there is a catch basin on his property that was replaced last year due to water pooling around it, and he had concerns about the construction affecting that. He added that \$300,000 homes don't seem to be a good fit in the area.

Kim Strahl, 45 Heather Glen, spoke about the Streamside subdivision plan, and asked for an update on the progress of the project.

Ms. Iverson asked Mr. Boron if he had been working with the applicant, and when would be the next time they would come back.

Mr. Boron said that City Council approved this item at the January 4th City Council meeting, subsequent to that there was a 30 day period after the rezoning of the property became effective on February 4th. He said that, as of today, we have not heard from the property owner regarding any subsequent development steps. He said that the next step would be coordinating with us on a final development plan, where you would see much more detail showing the actual street location and property lines. He said we have only seen the concept provided by the property owner and their consultants.

Mr. Strahl said that the ball is in their court, and asked if there a suggestion for when to come back to a meeting or is it possible to receive an email if it comes back on the agenda.

Ms. Iverson said that we do post the Planning Commission agenda, but she would be happy to email that as well. She said that her understanding is the earliest we could possibly see them is if they meet the deadline of March 2 for our next work session.

Mr. Boron said that we have made a commitment to contact all three HOAs as items come up in the future.

Mr. Strahl was concerned about the lack of available parking for the homes of the potential development. He was also concerned about the clearing of the property. He said that he realizes the benefit of clearing the space, but there are a lot of trees and brush with a lot of privacy along the property lines, and he hopes that is maintained.

Ms. Iverson said that it was her understanding that owners have a right to do what they want with the trees on their property related to the plan.

Mr. Boron said that was correct, but they will need to landscape the property and we advised them what they have on the site provides them with some credit relative to the landscaping requirements from the City for buffering an adjacent subdivision. He added that it would behoove them to maintain and preserve that, but we have not seen anything to date from them in the way of landscaping.

Joe Westendorf, 35 Dunnington Court, was concerned about the privacy along the property line for the Streamside subdivision plan. He would like to see the trees and overgrowth maintained as much as possible so it continues to give privacy for both sides.

Scott Hensley, 775 West Market Street, spoke about the Sawgrass Pointe proposal, and said he was the only one affected on two sides. He said he bought this house in June 2016, and the main selling point was having privacy behind them. He said shortly after they moved in, construction began on the Victory Wholesale warehouse, so for the first 5 to 6 months there, they had to listen to all of the construction. He said with the proposal of this plan, he is looking at 3 ½ years out of his first 5 years here of construction traffic. He said he doesn't understand why you would want to put \$300,000 homes right in the middle of a community where the average value is about \$150,000. He said it would destroy the property values of the existing structures around it.

Ms. Iverson asked if the square footage of the proposed homes is comparable to the surrounding homes already there.

Mr. Boron said he would get the average home size for the surrounding properties immediately adjacent on either side of the subject property.

Mr. Morris from Associate Construction said that the homes would be a minimum of 1,500 square feet, with it going up to 2,200 square feet at the most. He said they are not building homes that are twice the size of the surrounding neighbors. He said that costs are rising, and no homes are being produced anymore for \$150,000. He said it would ultimately increase everyone's property values. He said it was already zoned with a stub street that would eventually be developed at some point.

Mr. Boron asked if that number range was just on first and second floors.

Mr. Morris said that the ranch homes will be a minimum of 1,500 square feet on the main level and the 2,000 square feet square feet would be in the two-story homes. He said they are currently building in Carlisle, and these homes sell very well at a very favorable price point.

IV. Discussion on Appointment of Officers for 2018 – Chair and Vice Chair

Following a discussion among Planning Commission members Mr. Harding made a motion to nominate Becky Iverson to remain as Chair and Chris Pearson to become Vice Chair.

Mr. Boron said they were not technically voting tonight, but that voting would take place at the next meeting.

V. Planning Commission and Staff Comments

Mr. Boron requested of members Planning Commission consider moving the meeting set for Wednesday, March 28th to Wednesday, March 21st.

Mr. Harding asked if that meeting could be on Tuesday, March 20th instead.

There was a consensus among members to have the March Planning Commission meeting on Tuesday, March 20, 2018 at 6:00 p.m.

There was discussion among members about cancelling the February meeting if there was only one item on the agenda.

Mr. Boron said that he could talk to the City Manager, but the Planning Commission could also vote on officers and approve the backlog of minutes at that meeting on Wednesday, February 28.

Mr. Pearson said that he would not be able to attend the Work Session on March 14.

Mr. Boron said that we would be having a very busy year this year. He said that in addition to this ordinance, the entire sign code needs to be revised to address some things that just came out of the U.S. Supreme Court decision, which is Reed v. Town of Gilbert. He said we will also be looking at the PUD ordinance. He said it was revised in 2015 along with the Planning and Zoning Code, but some things need to be fixed. He added that the Land Use Plan will need to be updated as well. He said that was adopted in 2009, and has been used as a basis for making recommendations to City Council. He said that is something we would like to initiate in the last quarter and into the new year.

VI. Adjournment

Ms. Iverson adjourned the Wednesday, February 14, 2018 Planning Commission Work Session at 6:55 p.m.



Becky Iverson, Planning Commission Chairperson



Dan Boron, Planning Consultant



Amy Brown, Planning Commission Secretary