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, Chris Pearson, Becky Hartle, Jack Hanson, Robert Dimmitt, John Sillies

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

II. Agenda Items

A. Rezoning

205 East Street, from CBD, Central Business District, to ED, Employment Center District, or M-1, Light Industrial District

Background Information

This agenda item is an application for rezoning filed by Music Limited Partnership, property owner, requesting rezoning from the current CBD, Central Business District, to ED, Employment Center District for property located at 205 East Street. The applicant has also indicated an interest in rezoning the subject property to M-1, Light Manufacturing District as well. The applicant is making the request to allow a temporary use situated on the site, Pro Automotive, a vehicle repair facility, to remain permanently on the property.

The subject property consists of six separate parcels under common ownership and is approximately 0.8 acres in area. The subject property has frontage on East Market Street, East Street, and the north-south alley running between East Market Street and East State Street. Vehicular access is from East Street and the north-south alley. The subject property includes an 11,750 square foot building that originally housed the Clearcreek Township fire department and administrative offices. The township sold the property in 1994 after relocating to their new government complex.

The subject property is currently zoned CBD, Central Business District. The CBD allows for a mix of residential, retail, office, and community, civic, and institutional uses. The CBD's purpose is to accommodate the preservation and redevelopment of the historic core of the community. The CBD covers much of the Downtown Springboro Historic District, a federally- and locally-designated historic district. While located in the historic district, the buildings located on the property are considered non-contributing to the locally-designated historic district that is protected by the City of Springboro’s Historic Preservation Code.
The applicant has requested rezoning to ED, Employment Center District. The request is primarily to accommodate the retention of an existing temporary use, Pro Automotive, to remain on the site on a permanent basis. The ED’s purpose is to provide land for business parks that combine and integrate light industrial and/or manufacturing uses with offices and similar land uses. Presently the ED is found on the west side of the community to the north and south of West Central Avenue/SR 73 on streets such as South Pioneer Drive, Pleasant Valley Drive, North Pioneer Drive, Tahlequah Trail, Hiawatha Trail, and Greenwood Lane. The applicant has also requested rezoning to M-1, Light Manufacturing District, a zoning designation that provides land for manufacturing establishments. The M-1 district can be found presently in a small portion of land that is occupied by Mound Steel, the City garage, and a portion of High Concrete’s Springboro operation.

Both the ED and M-1 allow vehicle repair facilities as a permitted use. The table below lists permitted uses in the CBD, ED, and M-1 districts.

**Permitted Use Comparison, CBD, ED, and M-1 Districts**

<table>
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<tr>
<th>CBD, Central Business District</th>
<th>ED, Employment Center District</th>
<th>M-1, Light Manufacturing District</th>
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| Most residential uses including apartments, accessory dwellings, single-family residential (attached and detached) Colleges Charitable and philanthropic organizations Private clubs and civic organizations Churches Schools Day care centers Public recreation Cultural, public uses Essential services Retail sales B&Bs Bars and taverns Offices Personal service establishments Hotels Funeral homes Restaurants Bakeies Places of assembly Kennels Technical schools Colleges Charitable and philanthropic organizations Hospitals and medical clinics Public recreation Cultural, public uses Essential services Vehicle repair, major and minor Vehicle sales and rental Offices Indoor recreation Business services Drive-ins and drive-throughs Pet day care Light manufacturing Kennels Technical schools Hospitals Public recreation Essential services Vehicle repair, major and minor Vehicle sales and repair Offices Business services Garden center Pet day care Light manufacturing Sales of products made on site Warehousing and distribution

**Source:** Table 6, Permitted Land Uses by District, Springboro Planning & Zoning Code.

The building on the site accommodates two uses, the White Dove Circle of Light and Love wellness center, and Pro Automotive, a vehicle repair facility. The wellness center has been located on the property as a legally conforming use since 2017.
Pro Automotive has been located on the subject property since November 2016 as a temporary use. Prior to that time Pro Automotive was located at the northwest corner of East Central Avenue (SR 73) and North Main Street (SR 741). The temporary land use at 205 East Street was granted by the City for a two-year permit, with a one-year extension upon request, to accommodate the relocation of the business. The relocation was needed due to the sale of the property and construction of intersection improvements in the area. Pro Automotive’s occupancy of the property is currently in the extension period.

Existing land uses for the vicinity of 205 East Street are consistent with the residential-commercial-office mixed use pattern found in the historic district. Single-family residential uses can be found to the north on the north side of East Market Street, to the east on the east side of East Street, and a single-family residence, 255 East State Street, immediate to the south on the north side of East State Street.

On the west side of the north-south alley, commercial uses may be found on the south end of the block facing South Main Street (SR 741) at 230, 240, and 250 South Main Street, residences at 210 and 220 South Main Street, and a residential/commercial building at 200 South Main Street.

A small commercial building occupied by a office may be found at 35 East Market Street. An aerial photograph shows the development pattern in the immediate vicinity of the subject property.

With the exception of the building on the subject property, 35 East Market Street, 80 East Market Street, and 220 East Street, all properties in the vicinity of the subject property are contributing structures to the locally-designated historic district.

Adjacent zoning consists of CBD to the south (255 East State Street) and west on the west side of the north-south alley. R-2, Low Density Residential District, may be found to the north and east. A vicinity map with the adjacent zoning pattern is included in the meeting materials. The R-2 district allows residential development at a density of four units per acre, schools, churches, as well as other uses.

The Springboro Land Use Plan, adopted by City Council in April 2009, includes recommendations for the long-range development of the community. It is divided into 16 policy areas that make specific recommendations for smaller portions of the community that are grouped together because of proximity, land use patterns, date of development and other general characteristics. Policy Area #13, Historic Core, includes the subject area and most of the historic district as well as adjoining residential areas. Preferred land uses identified in the plan include office, retail, restaurants without drive-throughs, detached and attached residential dwellings, accessory apartments, and public and semi-public uses such as schools and churches. An excerpt of the Land Use Plan is included in the meeting materials.

To accommodate the temporary relocation of Pro Automotive to the subject property in 2016, the need to adhere to all number of development standards normally associated with vehicle repair facilities was waived. Others were included in the agreement between the City and Pro Automotive allowing the temporary use and to protect adjoining properties. Should the use be permitted through the rezoning process, all design and development standards for vehicle repair facilities would need to be complied with.
Following the Planning Commission's discussion at the March 13th work session, the Planning Commission may authorize this item to be placed on a future Planning Commission regular meeting agenda for formal approval in the form of a recommendation to City Council. Only City Council may formally amend the Official Zoning Map of the City of Springboro in the form of an Ordinance. Following Planning Commission’s recommendation, City Council will set a public hearing where all property owners located within 300 feet of the subject property would be notified. A rezoning request would need to be approved by City Council following three readings of the Ordinance to amend the zoning map.

Staff Comments

City staff has the following comments regarding this agenda item:

1. Indicate how the proposed rezoning complies with the 2009 City of Springboro Land Use Plan, Policy Area #13, Historic Code, preferred land uses. What in this application warrants the City to depart from its approved Land Use Plan to permit this use on this site at this time through rezoning?
2. The site plan for the property, in the event the rezoning is approved to allow the use on the property, may require modification to comply with design and development standards for the proposed use as well as general design and development standards for all uses such as screening, lighting, etc.
3. City staff reserves the opportunity to provide comments regarding this application at a later date.
4. The Clearcreek Fire District has no comments at this time.

Discussion:

Kerry Sutton, owner of Pro Automotive, Taylor Sutton, owner of Pro Automotive, and Todd Music, property owner and project manager for Music Limited Partnership were present this evening to answer questions and discuss the project.

Ms. Iverson said that Planning Commission members received the applicant’s submission materials, and asked Mr. Boron to give a summary of the application.

Mr. Boron gave a brief description of the subject property and surrounding zoning, the Land Use Plan recommendations for the site, information about the historic district, information that was included in the packets provided to Planning Commission before the meeting.

Mr. Dimmitt asked when the Historic District was created why it was extended out on just a couple of properties instead of the whole side of East Street.

Mr. Boron said that because the properties were determined to be contributing structures, and they contributed to the overall nature of the district, and others didn’t, there are some areas that were missed.

Mr. Dimmitt said that these subject buildings were not contributing.

Mr. Boron said, correct, these are not contributing however they are still in the Historic District.

Mr. Kerry Sutton said that to be clear, this is area thirteen, not three.
Mr. Boron said, correct, it is policy area thirteen in the Land Use Plan. He reviewed preferred land uses in the plan, as well as a comparison of the list of uses that are permitted in the districts that are subject to this request, M-1, Central Business District CBD, Central Business District, and ED, Employment Center District, and gave examples of where these districts can be found in Springboro. He summarized the zoning process and how the zoning map could be amended. He concluded saying all property owners within 300 feet of the subject property were notified of the meeting.

Mr. Pearson asked how the business got to be in this position, and asked what entity of the City approved this business moving to this location.

Mr. Boron said the business was allowed as a temporary use by the City Manager’s office in order to have the business vacate the property at the northeast corner of State Routes 73 and 741. He said the property was already purchased, and there was a December 2016 deadline to get Pro Automotive off the corner so that construction could begin at the end of 2016. He said that everyone understood this to be a temporary use, and not permitted, and was allowed to continue for a two-year period with a one-year extension through the City Manager’s office.

Mr. Harding commented that we are up on the one-year extension period.

Mr. Boron said, correct.

Mr. Pearson said that the extension was requested through the City Manager’s office.

Mr. Boron said, no.

Mr. Music said that it was granted through the City Manager’s office for the one-year extension.

Mr. Boron said that there was no signed agreement between the City and the property owner and they are now in the third year.

Mr. Music said that there was never a question that it was temporary. He said that the prior owner of Pro Automotive is no longer here and these folks are now the owner. He said there have been numerous changes in the pieces of the puzzle, including City Administration, which makes it a little more challenging, and he appreciated that Mr. Boron has been the constant.

Mr. Boron said that he, Chris Pozzuto, previously Assistant City Manager, and the current City Manager were also involved in the temporary use discussion.

Mr. Sillies asked if the City owned the building, and then sold it to Mr. Music.

Mr. Boron said, no.

Ms. Iverson said there were staff comments, and the biggest question raised by staff was how this proposed rezoning complies with the Land Use Plan that Mr. Boron just summarized for policy area thirteen. She said they need to discuss this because it does go against the Land Use Plan.

Mr. Music said his father participated in the Land Use Plan process in 2009. He said it is difficult to have foresight with a building like this that presents numerous oddities. He said it belonged to the township and was first built for the purpose of what it’s now being used for, which is maintenance of vehicles.
said the business owners are operating in good faith, and he told them he would stand behind them to try and have them avoid starting over in another location. He said he didn’t think what he is asking for is something that changes the intended use of something that existed prior to the plan. He commented on how Grismer Tire [on North Main Street] came into existence even after this building was being used by the township, so there is a little bit of a grandfather clause that is being allowed for Grismer that isn’t necessarily being applied to or considered for this building. He said they are willing to be in compliance with whatever the requests and recommendations from Planning Commission would be. He said they are open to looking at a potential restaurant or craft brewery to make it more of an appealing destination in the evenings to offset some of the use of the building. He said they would be able to assist in any way to make it look visually appealing, and they have no intention to cause it to look unkempt or derelict.

Mr. Harding asked what was in the building before Pro Automotive came in.

Mr. Music said that Rusmer Carpet was in the building with a commercial store front, and used the back half where Pro Automotive is now, as warehousing. He said that would not have been in compliance based on CBD zoning, but that took place prior to the CBD change, and by that time, Rusmer had vacated. He said that prior to that, it was used as storage, by an auctioneer, and by a lawn care company.

Mr. Harding said that one of the issues that he sees is that this is a request for spot zoning, and what does that do for every other property owner that all could potentially request different zonings for each property.

Mr. Music said that he agreed, and it does possibly open up a potential precedent. He said the other spot zonings for M-1 are the City maintenance building, which is south and east of the property, and the other one is the processing plant for the sewage.

Ms. Iverson said that they are pretty far up away from this location.

Mr. Music said, yes, they are.

Mr. Boron clarified that those aren’t spot zoning in the sense that they are supported by the Land Use Plan, so it may be zoned different, but that isn’t spot zoning.

Mr. Music said, correct, but the Land Use Plan was written while they existed and continued the intent of that to continue to function as they were, and was incorporated into the Land Use Plan. He said this is an odd building, and when the Land Use Plan was written, you can’t really predict who would come along and do something creative or useful that would fall within the category.

Ms. Iverson said that in speaking to what the use of the building was prior, what drove the change to the Historic District was a desire at that time, despite what the past uses were, to bring this area into a certain importance.

Mr. Boron said that he could go back and refer to the old zoning code, because the change is not as severe as it may seem. He said that the CBD was originally called B-3, that allowed, accommodate, and encourage future expansion of the historic core, it allowed for a variety of business, residential, institutional, public, semi-public, and other related uses, which more or less mimics what we see here today. He said that the zoning district actually dates back to 1976 while the township was still occupying the building. He said the list of uses was reorganized to reflect the Land Use Plan, with the recommendations of 2009 and some newer thinking. He added that industrial was never permitted, but
there may have been some industrial activities that existed before and were allowed to continue, but they were not spelled out here. He said the change was not as drastic as it may seem, and the residential R-2 is exactly the same.

Mr. Music said that he was uncertain what he should ask for because of the category of it. He said they are strictly auto repair and maintenance of vehicles. He said you could have a homeowner doing the same thing out of their garage possibly on East Street. He said they haven't had any noise complaints filed, and there has not been any friction indicated thus far.

Ms. Iverson said that the other thing she wanted to consider is if the business owner decides to move somewhere else the building is rezoned something different.

Mr. Sillies said that this building is a misfit, and a lot of past sins just keep piling on. He said these new business owners shouldn't be penalized, but if you change the zoning, it's there forever. He said he didn't know if there was another solution versus the rezoning.

Mr. Dimmitt said that when you rezone it, it opens it up to a lot of other uses that we may or may not want in the future.

Mr. Harding said that he assumes that the Suttons knew when they bought the business that the location was temporary.

Kerry Sutton and Taylor Sutton both said that they knew.

Mr. Harding said that when he read the contract, part of it actually said if the previous owner sold the business, the contract was immediately terminated, so technically it should have terminated when the new owners took over. He asked how long have they had the business.

Mr. Taylor Sutton said since December.

Mr. Music and that was all started before the ownership officially changed.

Mr. Kerry Sutton said that Taylor worked for the previous owner, Joe Davis.

Mr. Pearson asked if they had looked at other places.

Mr. Music said that one of the commitments they are willing to potentially look at is a long term lease, as much as five years. He said they have been here in town for years, and have been significant contributors to the local business community.

Mr. Harding said that he appreciated that, and he understands it is hard work trying to start out. He said they just had a business owner that was looking into other areas, and none fit. He said they had to go to an area that fit the business, because they said no to all the other areas.

Mr. Music said in that case, they were in a location where they desired to be somewhere else. He said he was not sure what their motivation was, but he thought they wanted a higher visibility to get the kind of business that he wanted. He said that the Suttons just want to stay.

Mr. Harding said that if someone is looking for a place for an auto repair to go, and they are looking closer to town, we are telling them there are no areas right here, because this other area is where it is zoned for. He said whoever is looking for an auto place, it has to be in those zoned areas.
Ms. Iverson said that you said you have until November to make this change.

Mr. Music said, correct, and that's why we wanted to get them an opportunity to consider other options if we knew how this was going to come out.

Mr. Boron said that before this move happened, and before the property was purchased, looking at sites in many places all around town, this site never came up as a site. He said this business did not have a certificate of zoning compliance because it's not permitted by zoning. He said we were actively looking for a site and Mr. Davis' preference was to look at a site that he owned, because he wanted to be able to sell the business and the property together. He said this was not the site that we looked at, until the very end when push came to shove, and Mr. Davis needed to be off the corner by Christmas 2016.

Ms. Iverson said that Mr. Davis had plenty of notice to move.

Mr. Music said that in order to accommodate Mr. Davis, they invested approximately $15,000 on the interior of this building to make sure that it was compliant as much as possible to any of the building code that was necessary to allow him to continue to operate.

Mr. Kerry Sutton said that the lot has been repaved, and they are amenable to anything, including fashioning the building into what it looked like in the past in a historically pleasing way. He said they probably would have looked elsewhere other than the feeling that there is a lot that works about this property. He thought the first concern would have been about noise, and it doesn't seem to be a problem, and there is no record of any dissention there. He added that they have taken measures to remain as quiet as they can. He provided background on he and his family, Taylor's career, and his diagnostics business. He said they are not asking for special treatment. He said they are interested in staying for the long term.

Mr. Pearson said that there was a concern about noise from people who live at 255 East Street through comments that were sent in advance of tonight's meeting.

Mr. Kerry Sutton said that he never saw those, but nothing was ever reported to the police. He added that they are concerned about any noise complaints.

Mr. Boron provided the Suttons with a copy of the response letters from neighbors.

Mr. Pearson said that the other staff comment regarding making modifications to comply with the design standards, he didn't really know what the design standards are for such a business.

Mr. Boron said that the City Manager's temporary approval outlined specific things that can and can't happen. He said that if approved they would be like a brand new business coming into Springboro, issues like lighting, landscaping, and signage would all need to be complied with. He added that the screening of the vehicles, and the excess materials would have to be taken care of as part of this. He said that the effect of the zoning would be to invalidate the existing use that is there on the property now as permitted. He said it may have the effect of closing out other options that exist currently on property, or that have always existed on the property.

Mr. Taylor Sutton said that he has no intention of doing any body work or vehicle sales.

Mr. Pearson said that if we do this rezoning, two existing businesses would be kicked out.
Mr. Music said there is only one other business in the building, which is a type of wellness center.

Mr. Boron said that they may or may not be effected by a change.

Mr. Music said that there was no one in the other portion of the building.

Ms. Iverson said that there is a concern about spot zoning, and asked if there was a way to write a contract stating if they were to move, or change business, then this would revert back.

Mr. Boron said, no.

Mr. Harding said that once you zone, you zone.

Mr. Dimmitt said that there really is no other solution and no way to keep them there, but rezoning.

Mr. Kerry Sutton asked what a variance would look like.

Mr. Boron said that a variance would allow for the use to continue, and we don’t do use variances. He said it would take our Planning Commission and City Council out of the land use regulation process, which would also involve public meetings. He said that the Board of Zoning Appeals (BZA) looks at very specific things dealing with property limitations, such as sites that are too small, or setbacks not working, in which the property can’t be used from a physical layout.

Mr. Music said that from a business owner standpoint, he would hate to see them go because it’s working right now. He said he has to look at the overall investment, and what we have put into it. He said that commercial buildings are notorious for longer periods of vacancies than residential properties. He said that if they have to leave, and if he doesn’t have someone on hold or ready to go, he is back to square one for a period of time where there is not a tenant paying for him to be able to maintain the property as well as he can.

Ms. Iverson said that we have to look at past situations where this hasn’t been allowed. She said we do have the opportunity to help if the desire is to relocate, and it might give Mr. Music a chance to get another tenant too.

Mr. Harding said that maybe the City Manager and administration could possibly instead of saying eight months is a drop dead date, and the applicant is trying to actively find something else, they could give a six month extension, but that would be something the City Manager would have to approve.

Mr. Boron said that he could communicate those thoughts with the City Manager.

Mr. Pearson said that he was not a fan of changing zoning, and he understands that the building was actually built for that. He said that we now have the Historic District there, and he agrees that the building doesn’t fit.

Ms. Hartle, asked if they knew in December that this was a temporary space and they would have to move.

Mr. Taylor Sutton said, yes.
Ms. Iverson said that she knows the City works very hard to help in these situations when it comes to finding a different location, and zoning is just not something we can change.

Mr. Sillies asked if they really liked the location, or would it be better on 73.

Mr. Kerry Sutton said that it was cozy, but there is a lot of space inside the building. He said that with future improvements, they really hoped they could stay. He said that anything else on 73 would be more expensive, and they can keep that cost structure down where they are.

Mr. Sillies said that there is still the same problem with the building, with it not fitting in the Historic District. He said he hoped the property owner would find something to do with it, and not let it decay.

Ms. Iverson said that she wanted to give an opportunity for anyone else who hasn't had a chance to speak up to make comments. She said at this point we have to decide the next steps if we are going to consider this at the next meeting.

Mr. Music said that he didn't think the Suttons would have agreed to purchase the business had they not also had conversations prior to that agreement stating that they would go through this process. He said Mr. Boron had vocalized to them that there would be a reluctance from the Commission to ever do any type of spot zoning, so there's not been any question about the possible direction that this might take. He said he liked where the shop is because it's not in a high traffic spot, and they could do things cosmetically if there were any concerns in that regard. He said that his father has a little bit of a reputation as a landlord in certain situations, but this is the changing of the guard, and he feels like they have some things to make up for. He said that the business in that location makes sense because of the nature of the building without having to come up with something else at great expense.

Mr. Pearson said that he didn't think the issue is whether or not we don't want a vehicle repair shop there, because he kind of agrees with Mr. Music. He said it's in a good location, and doesn't appear to be junky, or have a lot of stuff around it. He said that the unfortunate fact is if we allow a zoning change that allows the use to continue, that sets a precedent that this can happen almost anywhere else up and down this street.

Ms. Iverson said that they love business, and respect what you're trying to do. She said that is not at all what is at issue here, and it does make the City want to help with relocation.

Mr. Sillies asked if they approve spot zoning, and someone came in later and wanted to do the same thing, isn't it true that this precedence would not be relevant to future decisions.

Mr. Boron said that they look at them on individual basis, based on the merits of each case. He said he didn't want to discount what Mr. Pearson just said, but each case has to be looked at differently. He said that it would still be spot zoning in this individual case because of what the Land Use Plan says relative to the zoning request.

Mr. Kerry Sutton asked what were the last 5 spot zones that were approved going back 10 years.

Mr. Boron said, none. He said this would be a zoning change to allow specific uses that is not supported by some kind of documentation, whether it's the Land Use Plan or other activity. Mr. Kerry Sutton said that he understood they are never going to fit in every category. He said the historic core policy area, the policy area commonly identified by long-term residences, and the identity of Springboro being the original plat, with that area having a historic character intimate scale creates a
strong sense of place. He said they are not against that, and feels like they could be made to fit there in some of those aspects.

Mr. Music said that he wouldn't approach the commission if he didn't feel these were the right reasons, and he believes there have been people who have attempted to abuse this process. He said that Mr. Boron pointed out that if they go through this process and it was decided to leave it as is, they couldn't come back for a minimum of two years and ask for any changes. He said he understood that and he is taking a chance either way. He said that he believed in this process, and thanked everyone for the amount of time that they put into these things for the sake of the City.

Ms. Iverson said that the next steps would be the applicants would come back for a vote, and technically our next meeting would be next Wednesday. She asked Mr. Boron what would be required to submit for that meeting, or if they would need more time for the April meeting.

Mr. Boron said that decisions are typically made at formal meetings, which are usually on the fourth Wednesday of each month. He said the March meeting has been moved up to Wednesday, March 20th, and if Planning Commission would want to move forward with this, it could be on that agenda. He said he would want to have the meeting minutes provided for members He said that members would be well served by seeing the record, so the next meeting would be on Wednesday, April 24th with the same issues on the table, and the same staff comments.

Mr. Dimmitt said that we don't vote here, but in his personal opinion, he would like to see them be able to stay there, but he doesn't want to grant a zone change to do it. He said without another solution, he would be more than likely to vote it down.

Mr. Pearson said that he was feeling the same way.

Mr. Harding asked if going through a formal vote, and receiving a no decision would prevent the applicant from coming back for two years regarding any change to the property. He also asked if the applicant withdraws, it would basically allow him to come back any time.

Mr. Boron said, yes, that was correct.

Ms. Iverson asked if anyone else had any comments or opinions.

Mr. Sillies said that it is zoned wrong, and in his opinion, the building does not belong in the Historic District. He said it: was his opinion to fix the zoning, and deal with the spot zoning issues as they go down.

Mr. Dimmitt said that if you were to rezone it, to him, it would be an R-2, because that kind of fits geographically.

Mr. Kerry Sutton asked what the procedure would be if something is deemed to be zoned wrong.

Ms. Iverson asked that the Land Use Plan that is driving it.

Mr. Boron said that the Land Use Plan is currently 10 years old, and we are intending to update our Land Use Plan beginning in 2020.
Mr. Kerry Sutton said that one alternative may be some type of extension that gets them into the realm of that date to look and correct the zoning on the property.

Mr. Harding said that would start in 2020, but asked how long it takes before it's adopted.

Mr. Boron said that it could probably take two years to complete, involving public meetings and feedback.

Mr. Kerry Sutton said they are really not that far from righting a situation and living in some type of a temporary type thing if that's the right place for us. He said they are good for the community, and asked what the procedure would be.

Mr. Hanson said that would go back to the City Manager.

Mr. Boron said he anticipated that the Land Use Plan would be at least a 12-month process, which takes us into 2021, with a 2022 adoption.

Mr. Kerry Sutton said that everybody agreed that Mr. Davis needed three years to find a new place, but they don't think it should take that long. He said they don't even want a new place, but they are in the same general time span, and asked if they would be able to operate in good faith towards that.

Mr. Pearson said that this is a permitted use type issue, not a land use issue.

Mr. Boron said that the Land Use Plan does not change the code, but it changes the list of permitted uses, or recommendations for preferred uses.

Ms. Iverson said that she was serving on Council when this originally happened, and she knows that Mr. Davis had plenty of opportunity to relocate. She said there was an urgency for him to relocate, and we got here in good faith by the City saying they gave plenty of notice, but he did not move, so the City found a temporary spot, and it could have been that he wasn't given anywhere to go.

Mr. Kerry Sutton said that there is no question that the City did help Mr. Davis.

Mr. Boron said that he would not be more than happy to give the City Manager the feedback that he has received, but he cannot guarantee than an extension that goes into 2022 will be given, and he can't guarantee that it would go into 2021. He said that he would anticipate it would be at most 12 months from today, and that's based on the direction from the City Manager.

Mr. Harding said that from the agreement in paragraph 7, it says it should be terminated already. He said there isn't a written contract of the original extension, so they should get with the City Manager and get something documented.

Mr. Music said that he handwrote the extension on the side, and then he signed, but it wasn't actually an official document.

Mr. Harding said that item needs to be cleaned up, because if there is a little bit of an extension granted, you know where you stand, and can start working from there.

Mr. Kerry Sutton said that they have to take one path or the other, and if the decision is to relocate, then they would have to take time to find something. He said if there are aspects that need to be explored further, he doesn't know that they are going to be working to move at the same time.
Mr. Harding said that he would want to keep the zoning the way it is.

Ms. Iverson said that the options are to keep it as it is, and they would reject the request, which would mean the applicant would have to move. She said if they approve it, and the applicant is able to stay, it would still have to go to Council.

Mr. Boron said that the recommendation goes to Council, whether it's positive or negative, is how Council has to act on it. He said that we would have to get with Mr. Music on the notion of a prohibition of another application.

Ms. Iverson confirmed that Mr. Boron would be speaking with the City Manager.

Mr. Boron said, yes, he would talk to him, and asked Mr. Music if he wanted to be on the agenda for April 24th for a formal recommendation, given what he has heard from most of the table.

Mr. Music said, yes, because it may give members time to reconsider all of the options and issues that were discussed this evening. He said that if it was a no vote, prior to going to City Council, they could pull the application after that meeting.

Mr. Harding said that April 24th would be the vote.

Ms. Hartle said you would have to withdraw before April 24th.

Ms. Iverson asked what the deadline for submission would be for April 24th.

Mr. Boron said the submission deadline for April 24th would be the April 5th.

Mr. Hanson said that assuming they come back and even if they pull it after the next work session, at that point, then the option would be to go to the City Manager, but if they get an extension, the clock starts now.

Mr. Harding said that the clock has already started, and the extension to make sure you clean that agreement up, because it is only supposed to go to November.

Mr. Hanson said that he is saying if they come back in April then, and it would be no, if they get a 12 month extension, then that 12 month clock would start in April.

Mr. Boron said he is not sure the extension would be that long, and he would be talking to the City Manager tomorrow.

Mr. Music said to clarify, they would have to resubmit in April to be on the agenda.

Mr. Boron said that first, there are two zonings requested, ED and M-1, and asked if they still want to leave those on the table.

Mr. Music said that he hadn't heard any clarification among the committee which would be the preferred direction, because both of those categories include auto repair.
Mr. Hanson said he could never see anyone going M-1 on that, and said they were looking at ED at best. He said you know you already have three no votes, and he said he would be abstaining from any vote because he has done business with the applicant several times.

Ms. Iverson said that she wanted to have them stay in Springboro and do business. She added that they have to always look at what the current zoning and land use dictates, because we are a community, and we have to be sensitive to the people that come before us and since.

Mr. Boron said he is not sure what changes would occur between now and then, but the applicant is welcome to make them.

Mr. Music said that he would scribble M-1 off the original application.

Ms. Iverson asked if Mr. Boron would provide information regarding what would happen to the surrounding properties if they changed the zoning to ED, because that would be good for Planning Commission to take into consideration. She said that she wanted to make sure everyone would be clear on the ramifications if they voted to approve ED rezoning.

Mr. Boron said that he could provide that information.

III. Guest Comments

Ms. Iverson asked if any guests would like to speak, to please come up to the front, and state their name and address for the record, and reminded them that no votes would be taken this evening.

Betty Bray, 200 South Main Street, said this business is a lot quieter than the firehouse was, and she didn’t even know they were there until last year. She said that she is closer than 255 East Street, and she doesn’t hear any noise. She said she would rather have this business there than having an empty building sitting there. She said that it sat empty a long time before they came in. She added that if it is a bad fit now, and their agreement is up, why wasn’t it a bad fit when they were put down there.

Mr. Pearson said that he would rather have them in there, but it just doesn’t fit. He added there are lots of uses that that building could fit.

IV. Planning Commission and Staff Comments

Mr. Boron said that since this item will not be coming back on March 20th, and there are no other items on the agenda, that meeting may be cancelled. He added that he needed to speak with the members that are planning on attending the upcoming Planning Commission training before they leave tonight.

Mr. Music said that if Ms. Brown completes the minutes from tonight, is there any possibility that the meeting could take place next Wednesday.

Mr. Boron said that he wanted to make sure that Planning Commission has the meeting minutes in their hands. He said we would have to ask Planning Commission if they would be willing to receive the meeting minutes as part of the packet at a later time. He said the minutes would have to be done in a day and a half, and that would be problematic. He said the only other possibility would be to extend the time in which the packet goes out, and the packet would be received Monday evening, but we’re now into a 90 minute meeting.

Ms. Iverson said that she didn’t know how much would change from now until next Wednesday.
Mr. Music said that it would just give them 30 more days in their favor to move on whatever the decision would be.

Ms. Iverson said that she thought the straw vote tonight gives them an indication of what the vote would probably be next week, even though it is not anything official.

Mr. Boron said that staff is comfortable having the meeting on March 20th if Planning Commission wishes.

Ms. Hartle said that she may not be able to attend next week, but she would let Mr. Boron know.

Mr. Boron said that there may be a very late packet, and this would be the only item.

V. Adjournment

Ms. Iverson adjourned the Wednesday, March 13, 2019 Planning Commission Work Session at 7:35 p.m.

[Signatures]

Becky Iverson, Planning Commission Chairperson

Dan Boron, Planning Consultant

Amy Brown, Planning Commission Secretary