

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

Planning Commission Work Session  
Wednesday, May 9, 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, Chris Pearson, Becky Hartle, Robert Dimmitt, Jack Hanson, John Sillies

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

II. **Agenda Items**

A. **Variance**

**60 North Richards Run Boulevard, Richards Run PUD, Planned Unit Development, variance from private pool setback requirements**

**Background Information**

This agenda item is an application for a variance from the setback requirements for private pools for 60 North Richards Run, a single-family residence located in the Richards Run PUD, Planned Unit Development, and is based on an application filed on behalf of the property owners, Richard and Jennifer Smith. The variance request, if approved, would allow the construction of a private pool, accessory structures, and walks as close as 6 feet to the side property line. The Planning and Zoning Code requires a 10-foot setback for private pools and their associated accessory structures and walks.

The Planning and Zoning Code provides relief from the strict interpretation of the code in Planned Unit Development such as Richards Run from the Planning Commission. Variances from the strict interpretation of the code for conventionally-zone properties (R-2, HBD, O-R for example) from the Board of Zoning Appeals.

The subject property is located near the entrance to the Richards Run PUD residential subdivision, specifically in Richards Run, Section 1, that was platted in 1997. The single-family residence on the property was constructed in 2015. Single-family residential structures are located on either side of the subject property as well as the north on the north side of North Richards Run. To the rear (south) are agricultural properties commonly known as the Lovely Farm.

Section 1272.06 of the Planning and Zoning Code establishes standards for the placement and construction of private swimming pools. Among the standards is the following:

- (b) The pool may not be located, including any walk, paved area or accessory structure adjacent thereto, closer than 10 feet to any property line of the property on which it is located.

The applicant is seeking a variance to allow construction of the pool and associated structures and walks as close as 6 feet to the side property line, a 40 percent variance from the 10-foot minimum setback for such development. The property owner has indicated that the placement of the pool in the side yard is desirable since construction in the rear yard presents added construction costs due to a topographical drop off from the rear of the home to the rear yard. The placement of the pool and associated walks and structures would comply with the side yard setback requirements for the property, as with all properties in Richards Run, Section 1: 5 feet. There is also a 5-foot drainage easement along the side yard for this property and all properties in Richards Run, Section 1.

The City is in receipt of documentation from the Richards Run Homeowners Association indicating approval of the proposed construction. The City of Springboro has notified the neighboring property owners immediately abutting the subject property of the variance request.

Formal action on this variance request may occur as soon as the May 30th Planning Commission meeting pending authorization by the Planning Commission at the May 9th work session.

### **Staff Comments**

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

1. Following May 9th work session provide a measured and scaled drawing showing the location of the proposed pool and associated walks and structures. Include property lines and other information such as the location of the residence, decks and driveways in this drawing for reference purposes.
2. No portion of the pool or associated walks or structures may cross the 5-foot drainage easement along the side property line.
3. The Clearcreek Fire District has no comments at this time.

### **Discussion:**

Jennifer Smith, property owner at 60 North Richards Run, Austin Thomas, Heatwave Pools project manager, and Paul Schearer, Heatwave Pools, were present tonight to answer questions and discuss the project.

Mr. Boron said that the property owner is coming to Planning Commission because it is a Planned Unit Development (PUD), and under the code, all variance requests for PUDs come to Planning Commission, not the Board of Zoning Appeals. He said that because of the unique lot layout, the owner wants to put the pool a closer to the side yard line than what is permitted in the code. He said that the code says 10 feet for all of the pool structure and all associated facilities including walkways, which is a blanket provision for all private pools within the City. He said the owner wanted to get it as close as 6 feet, which is why they are asking for the 40 percent variance and we saw an earlier version that had it as close as 4 feet. He said there is a shared easement between the adjoining properties, which has a 10 foot drainage easement. He said that the rear property has a significant drop-off, and makes it not as

practical to build in that location in comparison to the other. He added that the City has notified the adjacent property owners on either side of the property, and an approval from the HOA is included in the meeting materials.

Ms. Iverson asked the applicant if they had any comments or questions for Planning Commission.

The applicants had no questions or comments.

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

Ms. Hartle asked what kind of fence there would be around the pool.

Ms. Smith said there is a fence that was previously approved and half of it has been installed. She said they are waiting on the last half until pool installation. She said it is a 5-foot aluminum fence, not a privacy fence, and they are possibly planning on putting some trees along there.

Mr. Pearson asked if the fence was on or within the property line.

Ms. Smith said that it was near the property line.

Mr. Pearson asked if there were rules regarding fences in a drainage easement.

Mr. Dudas said there can be a fence in the drainage easement.

Mr. Boron said that the drainage easement is a valley or a swale that just needs to be maintained clear. He added that a fence would be appropriate here.

Mr. Dimmitt asked if the neighbors were contacted, and did they have any comments.

Mr. Boron said the neighbors were contacted and there was no feedback.

Mr. Hanson clarified that the decking around the pool needed to be 6 feet.

Mr. Boron said that the decking and any structure needs to be 6 feet.

Ms. Iverson asked if that includes concrete too.

Mr. Boron said, yes.

Ms. Iverson said that this item could come back for a final vote at the last Wednesday of the month.

Mr. Boron agreed that it could. He added that as a condition of approval, we would need more refined drawing, and he confirmed that the applicant would like to pursue activity on the site between now and the May 30th.

Mr. Thomas said, yes. He added not to break ground, but they would like to bring materials to the house so that everything could be laid out and staked off.

Mr. Boron said that we would accept that, as long as you have everything as far as you can pursue it without the approval of the Planning Commission or Building Department.

Mr. Dimmitt said that it concerns him that there is no comment from the neighbor. He asked if there was a certain amount of time given for them to respond.

Mr. Boron said that the neighbors would be notified of the meeting on May 30th also.

Ms. Hartle asked how they were notified.

Mr. Boron said by letter.

Ms. Smith said the neighbors were excited by the progress of the pool. She added that they are friends with their neighbors on both sides and they have a good relationship.

Mr. Boron suggested that it may be helpful to forward a letter, or give contact information to get in touch with them, especially the one side.

Ms. Smith agreed.

**B. Major Revision to Approval Final Development Plan  
Beck Ridge PUD-R, Planned Unit Development-Residential, revision to approved  
residential subdivision**

**Background Information**

This agenda item is an application for a major revision to the approved final development plan for Beck Ridge PUD-R, Planned Unit Development-Residential, and is based on an application filed by Charles Robbins, owner and developer. The major revision centers on the unbuilt portion of the subdivision at its southern end. The revisions are limited to the unbuilt portion of the subdivision will, it is anticipated, be platted in the near future as Beck Ridge, Section 3.

The Beck Ridge PUD-R, Planned Unit Development-Residential, subdivision was approved by the City of Springboro in 2006 as a 50.25-acre, 92-lot residential subdivision with 45 percent open space using the conservation development model. Section 1 and 2 of Beck Ridge have been platted and are in active development at this time.

The reason for the minor revision request is two-fold. First, in the course of developing construction drawings and a record plan for the undeveloped portion of the subdivision, the applicant learned that a number of proposed lots (88-90 on the submission major revision request) do not comply with the subdivision's minimum lot area requirements. Second, the developer plans to re-grade lots 75-77 so that they will be raised out of the flood plain. This would require some sloping between the proposed lots 75-77 and the adjacent Saddlebrook Farm, located in Clearcreek Township, properties to the east. To negotiate the sloping the developer is proposing to extend a reserve area (part of Reserve Area E) to provide space between lots 75-77 and the adjoining subdivision. This would necessitate the undeveloped portion of the subdivision to pivot westward.

Collectively the requested revisions would not increase the number of lots in the subdivision. The proposed revision would result in a slight increase in the amount of open space in the subdivision from 22.63 acres to 22.93 acres.

Final development plan is the second stage of the three-step PUD approval process. This application is defined as a major changes to an approved final development plan since it results in a change to the location of common space and right-of-way, albeit small. Major revisions to final development plans require the approval of the Planning Commission; no action is required of City Council.

Formal action on the major revision request may occur as soon as the May 30th Planning Commission meeting pending authorization by the Planning Commission at the May 9th work session.

### **Staff Comments**

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

1. Application to comply with final development plan submission requirements defined in Section 1266.12 of the Planning and Zoning Code.
2. Application to comply with Chapter 1448, Flood Damage Reduction, of the City of Springboro Codified Ordinances.
3. The Clearcreek Fire District has no comments at this time.

### **Discussion:**

Charles Robbins, RoMcGo Properties, and Dan Mutzner, Norfleet, Brown, and Petkewicz, civil engineers for the project, were present tonight to answer questions and discuss the project.

Ms. Iverson said that her understanding was approved by City Council in 2005, and this will only effect the undeveloped portion of this development. She asked Mr. Boron for brief summary.

Mr. Boron said that there was an error in the layout or in the course of laying out Phase 3. He said that Phase 1 and Phase 2 have been recorded, and largely developed. He said that regarding Phase 3 at the bottom of the hill, they encountered the lots not meeting the minimum lot requirements that were provided in the final development plan approved in 2006. He said that what is needed at this point is to make sure that the lots meet the minimum standards, and in the course of that effort, they were starting to run out of space and there was also an issue with a flood hazard area. He said that trying to raise lot 75 through 77 in order to negotiate a grade change between properties, we need a buffer.

Ms. Iverson said that there are several staff comments, and asked the applicant if there were any questions or comments.

Mr. Mutzner said that they intend to comply with everything.

Mr. Boron said that this would be on at the end of the month for final approval. He said that this is a major change, although it is minor item that is being changed, it will be pivoting the development to the west. He added that because of that, there is a provision in the code that says for the Phase 2 final development plan if there is any movement or any change in the open space, it's considered to be a major change. He said they are actually giving more open space by a ½ acre, and that is the necessity of coming back to Planning Commission. He said this doesn't have to go to Council.

Ms. Iverson asked if anyone had any other questions or comments.

Mr. Harding confirmed that the lot sizes will match, and they are not taking out lots.

Mr. Boron said it will be the same density with the same number of units. He confirmed that Phase 3 may be coming for Record Plan approval soon.

Mr. Mutzner said that it would be very soon.

Ms. Iverson said if there were no other questions or comments, this item would be on the agenda at the end of the month.

Mr. Boron said that there are a couple of property owners here tonight that had a couple of questions about this item, and the applicant may want to stick around to hear whatever comments they may have during the guest comments section.

**C. Site Plan Review**  
**605 West Central Avenue, exterior changes to Burger King restaurant**

**Background Information**

This agenda item is an application for site plan review approval for the existing Burger King restaurant located at 605 West Central Avenue. The request is based on an application filed by Dauss Architects, Anderson, Indiana. As indicated in the submitted materials, the existing restaurant is being remodeled by the property owner, SAJAKS Properties, LP, Grove City, Ohio, to provide for ADA improvements and to upgrade the building design to comply with corporate design standards. There is no expansion proposed as part of this proposal. The restaurant is a permitted use in the HBD, Highway Business District, in which the property is located.

The site plan review process is triggered by any change to the exterior of a non-residential building exceeding 30 percent of any elevation. In this case this standard is being met on all four elevations.

Formal action on this site plan review approval may occur as soon as the May 30th Planning Commission meeting pending authorization by the Planning Commission at the May 9th work session.

**Staff Comments**

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

1. Architectural plans to comply with Section 1262,04, Non-Residential Building Design Standards, of the Planning and Zoning Code.
2. Label elevations relative to cardinal directions (north, south, east and west) and provide a graphic scale on the architectural elevations.
3. Lighting plans to comply with Chapter 1273, Exterior Lighting, of the Planning and Zoning Code.
4. Please coordinate with City staff on compliance with Chapter 1281, Sign Code, of the Planning and Zoning Code. Sign code review and approval is not part of the site plan review process.
5. The Clearcreek Fire District has no comments at this time.

**Discussion:**

Mike Dauss, Dauss Architects, was present tonight to answer questions and discuss the project.

Mr. Dauss said that this store was originally built in 1978, and they are bringing it up to the new image. He said that you have probably seen those remodels around the area, as well as the new stores that are all in the new image. He said in the process when a franchisee does this, they have to bring everything up to current ADA standards. He said the last time this would have been touched was in 1998, and the ADA standards have changed since then. He said there will be very little site work, and this has to do mostly with maintenance. He said there will be one little change for ADA access to get you to the front door. He added that they are adding a vestibule to the store, and to meet Burger King standards, they have to pull it forward, because that's the way Burger King wants it to look.

Mr. Pearson asked if that means it comes out a little bit further into the parking lot.

Mr. Dauss said that instead of being set back, behind where the building juts out, where the restrooms are, Burger King wants all the entrances to be forward, and in this case, that means we have to bring it out 5 feet. He said that the building will change its image, and the blue roof will be gone and replaced with a flat roof. He said it will be a much smoother and more modern image. He said the windows will stay the same across the front, a vestibule will be added to the inside of the building, and it will be a new element where the vestibule comes out. He said that all of the old diagonal siding will get new brick and new efface, as well as new efface above the windows where we take the sloped roof off. He added that all of the canopies will go to a flat canopy look.

Ms. Iverson asked what the ADA requirements were.

Mr. Dauss said that the ADA requirements that will be addressed will be the parking spaces themselves, and there will be restriping. He said the sidewalk will be flat and even with the existing pavement, and the ramp portion will be in the direction of the sidewalk. He said they will maintain 2 percent grade at the front door. He said there will be improvements to the restrooms, and they will be changed to the current standards. He added that the ordering station in the back will go to the digital menu boards.

Mr. Harding asked if the drive through lane stays the same, would the flow of the parking lot be the same?

Mr. Dauss said that the constraints of the site dictates those things, and there just isn't a lot of room around there. He said that the shopping center has changed from when this was all built, but the access and cross access agreements all still apply, and to change parking would require approval through them.

Mr. Harding asked if changing the front takes away any other parking spots, or mess up any requirements the City has with regard to how many parking spots per building code.

Mr. Boron said, no it would not.

Mr. Dauss said that the ADA requires that if you have a public sidewalk around a building, you have to make access go all the way to that public way, and so we are showing some sidewalk work outside of the right of way on Central, which is more doable than the other side of the building.

Ms. Iverson asked the applicant if he had any further questions about the staff comments.

Mr. Dauss said that on the architectural plans, the section that is referred to as non-residential building design standards, there is a requirement for a tri-part design approach to the elevations. He said that they have a base and a midsection, but it suggests some sort of cornice at the roof, and asked if they need to do more.

Mr. Boron said a little heavier treatment on the piers for that portion of the comment.

Mr. Dauss confirmed that is just for the towers themselves.

Mr. Boron said yes, just for the towers. He added that we had an original submittal that was received before the deadline, which is why this is on tonight's meeting agenda. He said that there was a resubmit based on some feedback from their corporate office, so staff's comment was in part making sure that we covered everything with respect to that architectural standard, since we had a short amount of time to review those plans.

Mr. Dauss said that he did bring 6 copies of revised elevations. He said that there was a comment about the lighting, and in this particular case, all of the site lighting as far as poles are concerned are part of the overall development. He said he didn't know if there was anything they needed to provide on that. He said he can provide cut sheets on the up/down decorative lighting on the sides, and the lighting that is under the canopy are simple LED, and not visible. He said they don't have control over the site lighting, and there are three pole lights around the site, but they are all part of the original shopping center development, and run out of their panel.

Mr. Boron said that comment was made reflecting the limited amount of time that staff had to look at it, and also to the architectural lighting on the building. He said it is only reflecting what's changed on the site, and not the site lighting. He added that there is architectural standard, and staff would be happy to work with the applicant on that.

Mr. Boron said that staff is willing to work with applicant, and if Planning Commission is comfortable with that, this item could be on for a vote at the end of the month. He added that this is before Planning Commission even though the site plan is not changing, because the building has been changed 100% on the exterior. He said it triggers the architectural review that is embedded in the site plan, and it meets all the provisions of the current architectural standards, except for that one, and staff will be happy to work with them on that.

### **III. Guest Comments**

Ms. Iverson asked if any guests would like to speak, please come up to the front, and state their name and address for the record. She added to please limit comments to three minutes.

Larry Beaudry, 18 Louise Drive, said that he understands what is going on with Beck Ridge, but it doesn't seem logical to say that the open space will be bigger. He said that using the same boundaries of the subdivision, and moving the road, with the adjustment of the three lots, it doesn't make sense that there would be additional open space.

Mr. Mutzner said that there are two access strips that run between Montgomery Lane and the park, and those access lanes were never included as part of the original calculations. He said that by adding that strip on the east side next to Saddlebrook Farms, some additional open space was gained even though you are losing some space to the west.



Mr. Beaudry said that he was also concerned about there being no access to the retention pond in the future, and confirmed that there will be another retention pond added.

Mr. Robbins said, yes.

Mr. Beaudry said that we will need access to those two ponds, eventually.

Mr. Mutzner said that there will be two access roads that are now included in this section 3.

Mr. Beaudry said there is one on Montgomery Lane, but asked if there was enough room for equipment.

Mr. Mutzner said there will be enough room, and the City will have access.

Mr. Boron said that there are two access points from the park, and now there will be third space in between the phase 3 and farm property, and there will be space for maintenance of the ponds.

Mr. Robbins said that the numbers weren't calculated correctly in the past, and there will be a cut-through.

Lynne Collins, 195 Montgomery, HOA President, asked if the cut-through will be in the same place it is now, because that is currently wide enough to accommodate equipment. She added that she was present tonight to make sure she knew what was going on.

Mr. Robbins confirmed that the cut-through will be in the same place.

## V. Planning Commission and Staff Comments


Mr. Boron said in addition to these three items tonight, he anticipates having two more items for the agenda for the meeting on the May 30th.

Mr. Hanson said that he would be out of town on the 30<sup>th</sup>.

## VI. Adjournment

Ms. Iverson adjourned the Wednesday, May 9, 2018 Planning Commission Work Session at 6:37 p.m.

  
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Becky Iverson, Planning Commission Chairperson

  
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Dan Boron, Planning Consultant

  
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Amy Brown, Planning Commission Secretary