

City of Springboro  
320 West Central Avenue, Springboro, Ohio 45066  
Planning Commission Meeting  
Wednesday, May 29, 2019

**I. Call to Order**

Chairperson Becky Iverson called the Springboro Planning Commission Meeting 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. Absent: Jack Hanson and John Sillies.

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

*Mr. Pearson motioned to excuse Mr. Hanson and Mr. Sillies. Mr. Harding seconded the motion.*

**Vote: Iverson, yes; Harding, yes; Pearson, yes; Hartle, yes; Dimmitt, yes. (5-0)**

**II. Approval of Minutes**

**A. January 30, 2019 Planning Commission Meeting; March 13, 2019 Planning Commission Work Session; April 10, 2019 Planning Commission Work Session; May 8, 2019 Planning Commission Work Session**

Ms. Iverson said that the minutes could be approved all together, and asked if there were any additions or corrections to the minutes.

There were none.

*Mr. Pearson motioned to approve the January 30, 2019 Planning Commission Meeting minutes, the March 13, 2019 Planning Commission Work Session minutes, the April 10, 2019 Planning Commission Work Session minutes, and the May 8, 2019 Planning Commission Work Session minutes as submitted. Mr. Harding seconded the motion.*

**Vote: Iverson, yes; Harding, yes; Pearson, yes; Hartle, yes; Dimmitt, yes. (5-0-0)**

**III. Agenda Items**

**A. Revision to Approved Final Development Plan  
The Springs PUD, Planned Unit Development, The Falls Apartments, color change to building exteriors**

**Background Information**

This agenda item is based on an application filed by The Connor Group, property owner, seeking approval to change the exterior paint scheme for The Falls apartment complex in The Springs PUD, Planned Unit Development, that was approved at the January 30, 2019

Planning Commission meeting. After the January 30th meeting, the applicant tested the approved color scheme on a number of buildings in The Falls and found the colors to be unacceptable.

The applicant presented a revised color scheme at the April 10th work session that was reviewed unfavorably by the Planning Commission. The applicant then submitted a revised color scheme to City staff in early May that positively reflected Planning Commission's comments and was reviewed informally by Planning Commission and City staff at the May 8th work session. At that time, the Planning Commission authorized this item to be placed on the May 29th meeting agenda for formal approval.

The revised color scheme proposes a gray, similar to the existing paint color on the buildings, as the primary color (Dovetail, Sherwin-Williams color SW 7018) with a red secondary color (Riverboat, SW 2308). The same color scheme will be replicated on all existing buildings, first with a test scheme on one building, and then the remaining 13 buildings.

The Springs PUD was created in 2000 by the Coffman Development Company. The general plan for the PUD provides for a mix of housing types as well as a church/assisted living facility (ultimately developed at St. Mary's Catholic Church). The single-family and condominium portions of the development were initiated by Coffman Development and are now being developed by Fischer Development.

The 305-unit Falls Development was also developed by Coffman Development. The Connor Group purchased the apartment complex in 2018. Of the 305 units proposed for The Falls under the approved general plan for The Springs PUD, only 135 units have been completed in the form of 13 10-unit apartment buildings along with a clubhouse building/lease office that includes 5 apartments. Plans for the development of the remaining 170 units to the west have been approved by the Planning Commission, however there is no indication of plans to construct those buildings by the present owner, The Siebenthaler Company.

#### **Staff Recommendation**

City staff recommends approval of the revision to the approved final development plan subject to the following comments:

1. Contact the Planning Commission staff liaison to inspect the color scheme test when complete.
2. Provide paint chips of the proposed schemes and existing paint colors to City staff.

#### **Discussion:**

Mark Prunier, project manager with the Connor Group, was present to answer questions and discuss the project.

Ms. Iverson asked if the applicant had received the staff comments, and if he had any questions. She said at the last work session, the applicant submitted the revision with gray as the neutral, and brick red as an accent. She asked the applicant if he any questions on the staff recommendations.

Mr. Prunier said that he did receive the comments and he had no questions. He said that from the last meeting, the new color scheme seemed like it was acceptable to everyone.

Ms. Iverson asked if any Planning Commission members had any questions or comments on the additional change to the original approval.

Mr. Harding said that the colors look much better.

There was a consensus among members that the colors were better.

Ms. Iverson said there are two agenda items tonight, and she wanted to make sure that anyone who had any comments about either agenda item would have a chance to speak, so they would be hearing comments before the vote on each agenda item. She asked anyone in the audience who would like to comment before the vote, to please come to the podium.

There was no response.

*Mr. Harding motioned to Approve the Revision to the Approved Final Development Plan for The Falls apartment complex for the color change on the buildings, subject to City staff comments. Ms. Hartle seconded the motion.*

**Vote: Iverson, yes; Harding, yes; Pearson, yes; Hartle, yes; Dimmitt, yes. (5-0-0)**

## **B. Planning & Zoning Code Text Amendment**

**CBD, Central Business District, amendment to allow minor vehicle repair facility as a permitted use**

### **Background Information**

This agenda item is an application filed by Music Limited Partnership requesting an amendment to the text of the Planning & Zoning Code to allow minor vehicle maintenance facilities as a permitted use in the CBD, Central Business District. This item was on the April 10th Planning Commission work session agenda, however the discussion planned for that meeting was postponed. This agenda item was discussed at length at the May 8th Planning Commission work session

The CBD was established in the Planning & Zoning Code, as revised in 2015, to allow 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 overlays the six-block portion of South Main Street extending from Central Avenue (SR 73) to just south of Mill Street, as well as property on adjoining side streets including East Mill Street, West Mill Street, East Factory Street, and East Market Street. The CBD can also be found on property fronting East Central Avenue from East Street to just east of East North Street, and a small node on the 200 block of East Market Street.

The CBD's design and development standards were crafted specifically to the design pattern of the Historic District. Setbacks are smaller than other business districts, reflecting the existing development pattern, and permitted residential development densities are higher than in most other areas of the community. The CBD also differs in

that it allows a mix of residential, office, retail, and community/civic/institutional uses including the following:

- Most residential uses—apartments accessory dwellings or granny flats, single-family residential (attached and detached)
- Colleges
- Charitable and philanthropic organizations
- Private clubs and civic organizations
- Places of worship
- Schools
- Day care centers
- Public recreation
- Cultural, public, and municipal uses
- Essential services and utilities
- Retail sales (indoor)
- Bed & Breakfasts
- Bars and taverns
- Offices
- Personal service establishments
- Hotels, motels, and inns
- Funeral homes
- Restaurants without drive-throughs
- Bakeries and confectionaries
- Places of assembly

In addition, the following accessory uses are permitted when associated with a permitted use listed above:

- Accessory structures
- Farmer's markets and Roadside stands
- Food trucks
- Home occupation (when tied to a residential use only)
- Outdoor storage
- Outdoor dining
- Seasonal sales

The requested use, minor vehicle repair facilities, as well as other light manufacturing-type uses, are not currently listed as a permitted use in the CBD. The use, as defined in the Planning & Zoning Code (Chapter 1290), separates the use into the following subcategories:

Vehicle Repair, Minor and Major: "Vehicle repair, minor" and "vehicle repair, major," mean the following:

"Minor vehicle repair" means engine tune-ups; servicing of brakes, air conditioning, exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repair activities that do not require any significant disassembly or any storing of vehicles on the premises overnight.

"Major vehicle repair" means engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service; steam cleaning; undercoating and rust

proofing; painting; welding; and similar services that normally require significant disassembly and possible storage of vehicles on the premises overnight.

Minor vehicle repair facilities are currently permitted in the ED, Employment Center District, and the M-1, Light Manufacturing District. The ED can be found on the Official Zoning Map of the City of Springboro on the west side of the community to the north and south of the West Central Avenue (SR 73) corridor west of Clearcreek-Franklin Road. Properties zoned ED do not front on West Central Avenue but are located on Sharts Road, Pleasant Valley Drive, South Pioneer Drive, North Pioneer Drive, and other side streets in the area.

The applicant commented at the May 8th Planning Commission work session that the text amendment was limited to minor vehicle repair facilities.

The absence of minor vehicle repair facilities from the CBD is a reflection of the City's Land Use Plan, adopted by City Council in April 2009. The plan 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 land in the CBD as well as areas on East Street that are zoned R-2, Low Density Residential District. 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.

Any newly sited minor vehicle repair facility would need to comply with the zoning district design and development standards (setbacks, building height, etc.) for the site on which it is proposed, specific design and development standards for the use, and other design and development standards covering such topics as lighting, landscaping and screening, signage, off-street parking, and more. Typically, those issues are addressed in the course of a business application for a certificate of zoning compliance and/or the City's site plan review process.

In addition to conventional zoning requirements, any proposed use will need to address the issue of historic preservation. The CBD corresponds to much of the Downtown Springboro Historic District, a federally- and locally-designated historic district (note: since the two districts mostly share a common boundary, they will be referred to in the singular in the remainder of this document). The historic district protected structures through the Historic Preservation Code as administered by the Architectural Review Board through the certificate of appropriateness (COA) process. The historic district designation provides for a mechanism to review exterior changes to historic, referred to as protected properties in City code, ranging from painting schemes to additions, material changes, or demolition. Changes to vacant property are also subject to COA review and approval. As it relates to this text change request, changes to the exterior of most properties in the CBD would also be subject to the requirements of the Historic Preservation Code. An exhibit is included in the meeting materials depicting the boundaries of the historic district.

This item was discussed at the May 8th work session at which time the Planning Commission authorized this item to be placed on the May 29th Planning Commission agenda for formal action in the form of a recommendation to City Council. Only City

Council may formally amend the text of the Planning & Zoning Code in the form of an Ordinance. As mentioned earlier in this report, at that work session the applicant indicated that the request would be for a minor vehicle maintenance facility. Until that point, discussions were on the generic term that includes major vehicle maintenance facilities.

Following Planning Commission's recommendation, City Council will set a public hearing on the Ordinance, post a notification in the local paper and on the City website. The text change Ordinance would need to be approved by City Council following three readings of the Ordinance.

### **Staff Recommendation**

City staff recommends denial of the request to amend the Planning & Zoning Code to add minor vehicle maintenance facilities to the list of permitted uses in the CBD, Central Business District. The denial recommendation is based on the request not being consistent with the recommendations of the 2009 Land Use Plan for the City of Springboro, specifically Policy Area #13, Historic Core, preferred land uses.

City staff has the following comments regarding the requested Planning & Zoning Code text amendment:

1. Applicant to indicate how the proposed text 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 in the CBD, a district specifically designed to correspond to the historic core of the community?
2. Assuming an amendment to the Planning & Zoning Code text is approved, the applicant is advised of the following review and approval necessary prior to the use being approved:
  - a. All permitted uses are subject to compliance with the design and development standards for the district in which they are situated;
  - b. General Planning & Zoning Code provisions such as lighting, landscaping and screening, off-street parking, and more will need to be complied with; and
  - c. A certificate of zoning compliance will need to be applied for; and
  - d. The proposed use will need to comply with the City's site plan review process.
3. The Clearcreek Fire District has no comments at this time.

### **Discussion:**

Todd Music, property owner and project manager for Music Limited Partnership, was present this evening to answer questions and discuss the proposal.

Ms. Iverson asked the applicant if he had received the staff comments, and if he had any questions.

Mr. Music said that he did receive them, and he had no questions at this time.

Ms. Iverson asked if Planning Commission members had any questions or comments, and said they had been over this several times in work sessions.

Mr. Harding said there is no new information to come out from what has been discussed in the last couple of meetings.

Ms. Iverson asked Mr. Boron if he had any comments.

Mr. Boron said that the only new information is the set of comments that were received from Scott and Betsy Reeve which were reflected in the minutes that were approved from the May 8th Planning Commission Work Session. He said they were sent shortly following that meeting, and they were included in the record. He said all the material is roughly similar, and the staff comments are pretty much the same from the Work Session on May 8th with the exception of updating some information, which is the clarification of this being a minor vehicle repair facility. He said otherwise it is exactly the same as what has been seen before on two occasions.

Ms. Iverson said that like the other agenda item, they want to take guest comments before a vote is taken. She asked if any guests that would like to be heard, please come to the podium and state their name and affiliation.

Kerry Sutton, business owner of Pro Automotive and applicant, said that they didn't understand when and why the request was changed to minor vehicle repair. He said it was only noted in the most recent agenda item. He said it was casually mentioned at the last meeting, but it has always been both major and minor vehicle repair. He said it always had been stated and shown in all the documentation and for the first time they are seeing it changed to just minor. He said he wanted to make sure it was more of just a clerical error rather than a hidden agenda.

Ms. Iverson said that she was sure there was no hidden agenda, and asked Mr. Boron to address the major and minor.

Mr. Boron said that he wasn't sure what the applicant means by hidden agenda. He said it came directly from a comment that Mr. Sutton and his son made in the course of the May 8th work session. He said that he was sorry if Mr. Sutton disagreed, but at the May 8th Planning Commission work session, staff asked for a clarification of the two, and it was stated minor, so that is the reflection of that meeting.

Mr. Sutton asked who stated that.

Mr. Boron said that was his son, or him in the course of the meeting.

Mr. Sutton asked if they needed to go to the video.

Ms. Iverson said that there are minutes.

Mr. Boron said that it is reflected in the minutes.

Mr. Sutton said that he disagreed with the minutes.

Ms. Iverson asked for comments from Law Director Alan Schaeffer.

Mr. Schaeffer said that there was a difference of opinion here. He said that the fact that it should include major as well as minor, and that is the clarification the applicant would like to have noted. He added that regardless of what the difference of opinion might be, nothing stops this group from considering this to include major repair as well as minor repair.

Mr. Sutton said that is all they are asking for, and they have always been on the same page about major and minor for the work being done there. He said this was approved on a temporary basis for three years, and it has always been in the major and minor category. He said to his memory, Mr. Music, not his son, casually mentioned in a comment that they are doing minor repair, and Mr. Sutton said that he took exception to that, but let him continue to talk. He said it was at that point he first heard him say minor only and thought that should be clarified. He said that he has clarified other things where there has been a textual or clerical error. He said that nobody stopped that meeting, and said that we were only talking minor now. He said they did not make an about face, so it's hard for him to accept right now that that wasn't intentional. He said that Mr. Boron is defending that it was changed to minor, and there is a line in the minutes where it says Mr. Music mentioned a request for minor. He said he didn't know that Mr. Music said request, but that minor repair would be done. He said he would look in the minutes for that right now, but that is the first time that was even commented on at the May 8th Planning session, and it was in the context of we are doing minor auto repair, and not making noises. He said that the text amendment was limited to minor vehicle repair facilities, and he didn't think those words were used at all, that we were trying to change the text to minor only.

Ms. Iverson said with that being said, she asked Mr. Boron if the Board considers major as part of the application, would that change anything.

Mr. Pearson asked what that would entail, because he remembered body work being discussed, and he thought he recalled someone saying no body work or paint.

Mr. Sutton said that the majority of the major category is body work, but in quoting the minutes, minor includes engine tune-ups, servicing brakes, air-conditioning, exhaust, similar servicing or repairs that do not require any significant disassembly or storing of vehicles on premises overnight. He said they're not talking about that, and major means engine and transmission, rebuilding and general repairs. He said they do get involved with engine repair, and they do keep cars overnight whether it's for parts availability or whether it's for a replacement motor to come from the warranty company, and they've said that since the first meeting. He said they comply with the first sentence in major, but they don't have any interest in doing any steam cleaning, undercoating, rustproofing, or welding, and they've said that from the beginning. He said he didn't know how to make their request clearer within those two, and if the Board makes it a condition to not to do any body work, then that's fine. He said they have openly said they are not in the body shop business and have no desire to do that, but they don't fit neatly into one or the other.

Mr. Schaeffer asked Mr. Boron about the minutes on page three below the area that was being quoted, it starts out minor vehicle repair currently permitted in the ED with references throughout, and asked if that would that be the same language for major.

Mr. Boron said that mostly yes, with the exception of major repairs are allowed in districts that are more industrial in nature, which would be the M-1.

Mr. Schaeffer said that would not be germane to what we are hearing tonight.

Mr. Boron said, correct.

Mr. Schaeffer said that the minutes are replete with references to minor and major, and there's no need to take additional testimony simply because of this difference of opinion. He said if that is how



the applicant wants this matter to be decided upon, he didn't see any reason why this body couldn't move forward.

Mr. Pearson said that the motion could just reflect that he is requesting major and minor.

Mr. Boron asked Mr. Schaeffer if they should ask Planning Commission to amend the agenda item to reflect both.

Mr. Schaeffer said that there should be a notation made that this discussion occurred, and state that there is a difference of opinion. He said they don't want to stand in the way of what the applicant is desiring. He said the minutes are replete with references to minor and major, there is no additional testimony that is being offered, and they are prepared to go forward tonight.

Ms. Iverson asked Mr. Sutton if that would be satisfactory to what his dispute was.

Mr. Sutton said yes, and he didn't want to take any collateral damage that they could only be considered for possibly approving this would allow them to do body work. He said he didn't know how to insulate his request from that.

Ms. Iverson said that the code is pretty clear, and if Mr. Sutton is asking for that to be a text amendment, it comes all as one.

Mr. Sutton said that hypothetically the Board approves this, can it be approved with the caveat that no body work is to be done, because if that's the case, that's fine.

Ms. Iverson said that she didn't think so, but she would defer to Mr. Boron and Mr. Schaeffer. She said that she wanted to restate what was said in prior meetings that anything this body would approve would be for the entire district. She said they can't take exception, and it would apply for the whole district. She said if the applicant is asking for major and minor, then any uses under those two would be permissible in any part of this district.

Mr. Sutton said that would be asking them to totally change their business.

Mr. Harding said they are not saying the applicants have to go be a body shop.

Mr. Sutton said he meant they would have to change their business and only do a third of the business to be in compliance with the minor, and turn away work.

Ms. Iverson said that they can vote tonight as Mr. Schaeffer had recommended to include the word major, as the minutes had supported. She said they could still do that tonight, and it would not affect what the applicant is saying.

Mr. Sutton said that he understood that, and the point he was trying to make in making that decision, if the Board didn't want to see body work being done there, they might decline to vote for this. He said that means they are bearing the weight of perhaps people not wanting body work to be done, and they are not asking to do that.

Ms. Iverson said that she understood his concern. She said that asking the Board to add on a text amendment without going through the Land Use Plan process, that is the risk you take. She asked Mr. Sutton if there was anything else he would like to add.

Mr. Sutton said, no, not at this time.

Ms. Iverson asked if there were any other comments from Planning Commission members. Seeing none, she said she would do as Mr. Schaeffer recommended to ask for a motion to approve this to be voted on, and add into this the major and minor vehicle repair. She said they did have a discussion on it, and the minutes to support it. She asked if there were any other guest comments.

There was no response.

Ms. Iverson asked for a motion to Approve the Planning and Zoning text amendment code change, adding both major and minor vehicle language repair facilities to the list of permitted uses in the CBD, Central Business District, subject to compliance with city staff comments.

*Mr. Dimmitt motioned to Approve the Planning and Zoning Code Text Amendment Change, to add both major and minor vehicle repair facilities to the list of permitted uses in the CBD, Central Business District. Ms. Hartle seconded the motion.*

**Vote: Iverson, no; Harding, no; Pearson, no; Hartle, no; Dimmitt, no. (0-5-0)**

#### **IV. Guest Comments**

There were no guest comments.

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

Mr. Boron said that barring the withdrawal of the application, it will automatically be referred onto the City Council, which next meets on June 6th. He said at that time, City Council will receive communication regarding what transpired tonight, and at their discretion, they may set a public hearing. He said they would advise the applicants when that public hearing would be set, possibly as soon as July 18th, at which time the public hearing and the first reading would take place. He said it would involve three readings of the ordinance, and following that, if approved, it would be an action that could take effect 30 days after the third reading. He said that given the fact that it was a negative vote, City Council would have to approve it in a super majority fashion, which means five votes instead of the normal four.

Ms. Iverson said that to clarify, the first possible public hearing is July 18th as the first reading, and then the second and third would bring us to August 15, and that would be as far as this would go.

Mr. Schaeffer confirmed that the public hearing was always when they do the first reading.

Mr. Boron said, correct, and it would be as early as July 18th. He said he would talk it over with the Clerk of Council and the City Manager during the staff meeting tomorrow, and he believed that is the next available City Council meeting for that to take place.

Mr. Schaeffer asked the applicant if they understood what was being said here. He said that Planning Commission was voting no on the application, and they are a recommending body to City Council. He said whether they voted yes or no, it still goes to City Council for final action. He said as it was a no vote, if City Council is going to overturn Planning Commission, they have to have a super majority. He said if they had voted yes, City Council would only need four votes. He said that the first date that this can be heard in front of City Council was July 18, and at that meeting they will do a first reading, and also have public hearing. He said that would be the opportunity for the

applicant to present to City Council, and they would go through two more readings before they would vote on it.

Mr. Sutton asked if that would take them to the middle of September.

Ms. Iverson said it would be to August 15th because that would be the third reading. She thanked Mr. Schaeffer for his clarification, and asked Mr. Boron if he had anything else.

Mr. Boron said the next meeting for Planning Commission would be a Work Session on June 12. He said he anticipated two agenda items, and there would be a staff text recommendation.

### Adjournment

*Mr. Harding motioned to adjourn the May 29, 2019 Planning Commission Regular Meeting at 6:21 p.m. Mr. Pearson seconded the motion.*

**Vote: Iverson, yes; Harding, yes; Pearson, yes; Hartle, yes; Dimmitt, yes. (5-0-0)**

  
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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