

City of Springboro
320 West Central Avenue, Springboro, Ohio 45066
Planning Commission Meeting
Wednesday, May 30, 2018, 6:00 p.m.

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, John Sillies. Absent: Jack Hanson

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

Mr. Harding motioned to excuse Mr. Hanson. Ms. Hartle seconded the motion.

Vote: Iverson, yes; Harding, yes; Pearson, yes; Hartle, yes; Dimmitt, yes; Sillies, yes. (6-0)

II. Approval of Minutes

A. March 20, 2018 Planning Commission Meeting

Ms. Iverson asked for corrections or additions to the minutes.

There were none.

Mr. Harding motioned to approve the March 20, 2018 Planning Commission Meeting minutes as submitted. Mr. Pearson seconded the motion.

Vote: Iverson, yes; Harding, yes; Pearson, yes; Hartle, yes; Dimmitt, yes; Sillies, yes. (6-0)

B. April 11, 2018 Planning Commission Work Session

Ms. Iverson asked for corrections or additions to the minutes.

There were none.

Mr. Harding motioned to approve the April 11, 2018 Planning Commission Work Session minutes as submitted. Mr. Dimmitt seconded the motion.

Vote: Iverson, yes; Harding, yes; Pearson, abstain; Hartle, yes; Dimmitt, yes; Sillies, abstain. (4-0-2)

A. May 9, 2018 Planning Commission Work Session

Ms. Iverson asked for corrections or additions to the minutes.

There were none.

Mr. Harding motioned to approve the May 9, 2018 Planning Commission Work Session minutes as submitted. Mr. Dimmitt seconded the motion.

Vote: Iverson, yes; Harding, yes; Pearson, yes; Hartle, yes; Dimmitt, yes; Sillies, yes. (6-0)

III. Agenda Items

**A. Variance
60 North Richards Run, placement of in-ground pool**

Background Information

This agenda item is an application for a variance from the setback requirements to allow the construction of a private pool 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 that are part of 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.

This item was discussed at the May 9th Planning Commission work session. At that time the Planning Commission authorized this item's placement on the May 30th Planning Commission meeting for formal approval.

Staff Recommendation

City staff recommends approval of the variance as requested for 60 North Richards Run contingent on complying with the following staff comments:

1. No portion of the pool or associated walks or structures may cross the 5-foot drainage easement along the side property line.
2. The Clearcreek Fire District has no comments at this time.

Discussion:

Richard Smith, property owner, was present to answer questions.

Ms. Iverson said that in the previous work session discussion, the question was asked if there was any response from the neighbors regarding the proposal. She said that there was one letter received from the neighbor at 50 North Richards Run, which stated that they were in support of the swimming pool variance. She asked Mr. Smith if he had any questions about the staff recommendations.

Mr. Smith said that he did not.

Ms. Hartle motioned to Approve the Variance from the setback requirements for 60 North Richards Run, subject to compliance with City staff comments. Mr. Harding seconded the motion.

Vote: Iverson, yes; Harding, yes; Pearson, yes; Hartle, yes; Dimmitt, yes; Sillies, yes. (6-0)

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 un-built portion of the subdivision at its southern end. The revisions are limited to the un-built 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.

This item was discussed at the May 9th Planning Commission work session. At that time the Planning Commission authorized this item's placement on the May 30th Planning Commission meeting for formal approval.

Staff Recommendation

City staff recommends approval of the major change to the approved final development plan for the Beck Ridge PUD-R, Planned Unit Development-Residential, contingent on complying with the following staff comments:

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, property owner, and Dan Mutzner, with Norfleet, Brown, & Petkewicz, civil engineers for the project, were present tonight to answer questions.

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

Mr. Mutzner said that there were no questions or comments.

Mr. Pearson motioned to Approve the Major Revision to the Approved Final Development Plan for Beck Ridge PUD-R, subject to compliance with City staff comments. Mr. Harding seconded the motion.

Vote: Iverson, yes; Harding, yes; Pearson, yes; Hartle, yes; Dimmitt, yes; Sillies, yes. (6-0)

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.

This item was discussed at the May 9th Planning Commission work session. At that time the Planning Commission authorized this item's placement on the May 30th Planning Commission meeting for formal approval.

Staff Recommendation

City staff recommends approval of the site plan for the Burger King restaurant, 605 West Central Avenue, contingent on complying with the following staff comments:

1. Label elevations relative to cardinal directions (north, south, east and west) and provide a graphic scale on the architectural elevations.
2. Lighting plans to comply with Chapter 1273, Exterior Lighting, of the Planning and Zoning Code.
3. 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. The Clearcreek Fire District has no comments at this time.

Discussion:

Mike Dauss, architect, was present tonight to answer questions.

Ms. Iverson asked Mr. Dauss if he had any questions or comments regarding the staff recommendations.

Mr. Dauss said that he did not.

Mr. Boron said that there were a number of staff comments, but they would be happy to work with the applicant on those issues.

Mr. Dimmitt motioned to Approve the Site Plan for 605 West Central Avenue, for the Burger King remodel, subject to compliance with City staff comments. Mr. Sillies seconded the motion.

Vote: Iverson, yes; Harding, yes; Pearson, yes; Hartle, yes; Dimmitt, yes; Sillies, yes. (6-0)

D. Record Plan

1325 Lytle-Five Points Road, Clemens Development Company Plat, commercial subdivision

Background Information

The enclosed submittal is for a record plan for Clemens Development Company, the future site of the Beehive Assisted Living Facility. It is located at 1325 Lytle-Five Points Road approximately 700 feet east of the intersection of West Lytle-Five Points and North Main Street (SR 741) and includes 2 lots on approximately 10.134 acres. The rear property line of lot 1 has been relocated to allow the building set back required. Approximately 0.2963 acres of right of way is being dedicated along the frontage to Lytle-Five Points Road as well as all easements. Upon Planning Commission approval it will proceed to City Council for review and approval.

Staff Recommendation

City staff recommends approval of the record plan for the Clemens Development Company plat, contingent on the following staff comments:

1. Revise city approvals to be city standard approval block.
2. Provide easement for water main along 35' access easement and into lot 2.
3. Add lot numbers 1 and 2.
4. Add City of Springboro as the first utility name under the dedication statement.
5. Revise easements as necessary to include the water main field changes.
6. Submit to Warren County for review.
7. Add the following notes general notes:
 - a. Roof drains, foundation drains, or other clean water connection to the sanitary sewer system are prohibited
 - b. No person shall install any pump, pumping devise, apparatus, or other such system for discharging sump pump effluent into the public right of way without approval of the city engineer.
 - c. Back flow prevention devices shall be installed per city ordinance 0-90-36
 - d. The detention pond, storm sewers, private drive, common areas shall be maintained by the Clemens Development Company Association (or other name if need be) as recorded in Official Record _____, Page_____.
8. Submit association documents for review and approval. Documents are to be recorded prior to the recording of the record plan.
9. Provide the floodplain limit on the record plan based upon the new floodplain study.
10. The Clearcreek Fire District has no comments at this time.

Discussion:

Mr. Dudas said that he would be speaking on behalf of Clemens Development Company, aka Beehive Homes, and said that this record plan is a requirement for creating the two lots and associated easements required for the development. He said this goes before Planning Commission, and then to Council for approval.

Ms. Iverson asked if the applicant had a chance to review this as well.

Mr. Dudas said, yes, but he has not heard back from them. He said he is assuming everything is fine, since we didn't hear anything from them.

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

Mr. Sillies said that there was a lot of concern originally from the HOA in that area, and asked if this affected them at all.

Mr. Dudas said that the developer has to create an association, and maintain the detention basins and the road, which is one of the requirements of the sight.

Mr. Pearson asked for an explanation of the record plan term.

Mr. Dudas said that it is another word for plat. He said Warren County uses the word plat, and record plan is our wording for plat.

Mr. Boron added that this is necessary for the creation of easements, or in this case we are also asking for the dedication of right of way. He said that from the comment of Mr. Sillies, the adjoining HOA was notified of this meeting taking place, and he received no response. He added that they are aware of the developing of the rear of the property, and this just allows for the creation of the second lot.

Mr. Harding motioned to Approve the Record Plan for 1325 West Lytle Five Points Road, subject to compliance with City staff comments. Mr. Pearson seconded the motion.

Vote: Iverson, yes; Harding, yes; Pearson, yes; Hartle, yes; Dimmitt, yes; Sillies, yes. (6-0)

E. Record Plan

Meadow Acres Subdivision, Section 2, residential subdivision

Background Information

The enclosed submittal is for a record plan for Meadow Acres Subdivision Section 2. It is located at the west end of Westminster Way, east of Clearcreek-Franklin Road. It is currently a 4.166 acre lot in Meadow Acres subdivision, originally recorded in 1954, and is zoned R-2. The section is a lot split of lot #13, and creating two lots of approximately 2.0 acres each. No new roads or right of way is being created with the record plan. Upon Planning Commission approval, it will proceed to City Council for final review and approval.

Staff Recommendation

City staff recommends approval of the record plan for the Clemens Development Company plat, contingent on the following staff comments:

1. Add a 20-foot water line easement to encompass the fire hydrant and hydrant valve to be placed at the west end of Westminster Way.
2. Submit to Warren County for review.
3. The Clearcreek Fire District has no comments at this time.

Discussion:

Mr. Dudas said that he is representing the applicant to summarize the item. He said this is a basic lot split on an over 4 acre lot that runs from Clearcreek-Franklin Road to Westminster Way. He said the owner wants to split the lot right down the middle, and in this case, this lot was platted back in the 50s, so this would be considered a re-plat. He said another subdivision record plan needs to be done to create the two lots. He added that there will be no new roads or improvements, and access would be on both Clearcreek-Franklin and Westminster Way, but there would be no cut-through for either lot.

Mr. Boron said that this lot was originally intended to have an extension that would go through for a third entrance to Tamarack, and that is no longer the case.

Mr. Dimmitt motioned to Approve the Record Plan for Meadow Acres Subdivision, Section 2, subject to compliance with City staff comments. Ms. Hartle seconded the motion.

Vote: Iverson, yes; Harding, yes; Pearson, yes; Hartle, yes; Dimmitt, yes; Sillies, yes. (6-0)

IV. Guest Comments

There were no guest comments.

V. Planning Commission and Staff Comments

Mr. Boron said he anticipates having agenda items for the next work session on Wednesday, June 13. He said he will notify Planning Commission.


VII. Adjournment

Mr. Harding motioned to adjourn the May 30, 2018 Planning Commission Regular Meeting at 6:15 p.m. Mr. Pearson seconded the motion.

Vote: Iverson, yes; Harding, yes; Pearson, yes; Hartle, yes; Dimmitt, yes; Sillies, yes. (6-0)



Becky Iverson, Planning Commission Chairperson



Dan Boron, Planning Consultant



Amy Brown, Planning Commission Secretary