

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

**Planning Commission Regular Meeting
Wednesday, April 7, 2010, 7:00 p.m.**

This meeting is the March 31, 2010 Regular Planning Commission meeting that was rescheduled due to lack of a quorum.

I. Call to Order and Roll Call

Chairperson Marie Belpulsi called the Springboro Planning Commission Meeting to order at the Springboro Municipal Building, 320 West Central Avenue, Springboro, Ohio.

Present: Marie Belpulsi, Chairperson, Hans Landefeld, Becky Hartle, David Vomacka, Chris Papakirk, Barb Gibson, Janie Ridd
(Mr. Papakirk arrived at 7:05 p.m. following the approval of minutes.)

Staff: Chris Thompson, City Manager; Dan Boron, Planning Consultant; Raj Sharma, City Engineer; Elmer Dudas, Assistant City Engineer; David Montgomery, City Attorney; Lois Boytim, Planning Commission Secretary

Ms. Belpulsi asked Planning Commission for a motion to excuse Mr. Papakirk.

Ms. Gibson motioned to excuse Mr. Papakirk. Ms. Ridd seconded the motion.

Vote: Belpulsi, Landefeld, Hartle, Vomacka, Gibson, Ridd; all yes (6-0)

II. Approval of Minutes

A. February 24, 2010 Planning Commission Meeting

Ms. Belpulsi asked for corrections or additions to the minutes. There were none.

Ms. Ridd motioned to approve the February 24, 2010 Planning Commission meeting minutes as presented. Mr. Landefeld seconded the motion.

Vote: Hartle, Vomacka, Ridd, Belpulsi, Landefeld; all yes, Gibson; abstain (5-0-1)

B. March 10, 2010 Planning Commission Work Session

Ms. Belpulsi asked for corrections or additions to the minutes. There were none.

Mr. Landefeld motioned to approve the March 10, 2010 Planning Commission Work Session minutes as presented. Ms. Hartle seconded the motion.

Vote: Vomacka, Gibson, Ridd, Belpulsi, Landefeld, Hartle; all yes (6-0)

III. Agenda Items

A. Variance, 274 Triple Crown Circle, Richards Run PUD, Planned Unit Development, encroachment in required front yard

Background Information

This agenda item is a request filed by Jeff Wayne, Ryan Homes, seeking a variance from the setback requirements provided for in the Richards Run PUD, Planned Unit Development. In effect granting the variance would allow a single-family residence, specifically the garage overhang portion, located at 274 Triple Crown Circle to remain as constructed. As indicated in the material included in your packets, the applicant contacted the City of Springboro in early March following a mortgage survey that found that a portion of the newly constructed home, as measured from the soffit overhang, encroaches by a maximum of two (2) feet into the required front yard.

The home and property is scheduled to be sold to Brittany and Mike Chase following Planning Commission's review of this agenda item. This item was briefly discussed at the conclusion of the March 10th Planning Commission Work Session.

Under the provisions of the Planning and Zoning Code the Planning Commission, not the Board of Zoning Appeals, considers variances such as the one requested.

Consolidated Staff Comments

No staff comments at this time.

Jeff Wayne of Ryan Homes was in attendance to answer questions of Planning Commission.

Mr. Wayne explained the reasons for the request for the variance.

Ms. Belpulsi asked for comments from staff.

Mr. Boron commented that this was an honest mistake that was discovered when the mortgage did the survey. It was brought to the City's attention and the variance process is provided for in the PUD ordinance. The variance approval process will allow them to close on the property.

Ms. Belpulsi asked for question or comments from Planning Commission. There were none.

Mr. Vomacka motioned to approve the Variance for 274 Triple Crown Circle, Richards Run PUD, encroachment in required front yard. Ms. Ridd seconded the motion.

Vote: Belpulsi, Landefeld, Hartle, Vomacka, Papakirk, Gibson, Ridd; all yes (7-0)

B. General Plan, Lytle-Five Points Office Park PUD-B, Planned Unit Development (proposed) Lytle-Five Points Road east of intersection of North Main Street/Lytle-Five Points Road, office/retail park

Background Information

This agenda item is based on a request filed by Skip Shafer, doing business as CS Five Point, LLC, for General Plan approval for an approximately 6.29-acre site located on the south side of Lytle-Five

Points Road approximately 500 feet east of the intersection of Lytle-Five Points Road and North Main Street (SR 741). The property bears Sidwell No. 04081010060. This item was last discussed at the March 10, 2010 Planning Commission Work Session. Previous reviews of this agenda and other related aspects of the development of this site took place on August 12, 2009; August 26, 2009; October 14, 2009; October 28, 2009; December 16, 2009; January 27, 2010; and February 10, 2010.

The applicant proposes to rezone the entire 6.29-acre site from the current O-R, Office-Residential District, to PUD-B, Planned Unit Development using the B-2, Local Business District as a basis. The rezoning of the property is pending before City Council at this time.

Rezoning together with General Plan review and approval are the first stage in the three-stage PUD review and approval process. Approval by both Planning Commission and City Council is required.

Final Development Plan review and approval by Planning Commission is the second stage in the process followed by Record Plan review and approval by both Planning Commission and City Council.

The site is presently vacant.

Adjacent land uses include single-family residential within the Woodland Greens subdivision both in Clearcreek Township and Springboro; undeveloped land to the south and east; and to the north common space (detention area) within the Settlers Walk PUD to the north of Lytle-Five Points Road.

Adjacent zoning includes (T)R-1, Clearcreek Township Rural Residence District to the east (both in the Springboro and Clearcreek Township portions of the Woodland Greens subdivision); O-R District to the south; B-1, Highway Business District to the west; and PUD to the north for the Settlers Walk PUD.

As indicated above, this item was last discussed at the March 10th Planning Commission Work Session. Based on that review, staff has found that the following significant site design issues discussed on March 10th have not been addressed in the General Plan revision, dated March 25, 2010, submitted by the applicant:

- The landscaping used to screen residential areas to the east, at a minimum, needs to be grouped to provide better screening (see staff comment #6 below under Consolidated Staff Comments)
- The location of Building #1 on the northwest corner of the lot has not been changed. No additional screening—building, wall or fence, evergreen plantings, mounding—has been proposed in this area (see staff comment #7 below).
- The utility pole remains as an object in the roadway at the intersection of Lytle-Five Points Road and the proposed private drive (see comment #9 below) and needs to be removed per the enclosed March 26th City of Springboro Traffic Engineering consultant memorandum. As a side note the March 26th memorandum recommends the redesign of the right-hand turn lane and taper design (see comment #9 below).
- The site impacts of a bank/financial institution are not provided on the submitted General Plan materials (see comment #12 below).
- No internal site sidewalk system has been provided (see comment #13 below).
- The proposed fencing for the playground remains in the steeply graded area along Pleasant Valley Run (see comment #14 below).

Consolidated Staff Comments

Staff has categorized the comments regarding this agenda item into two lists. Comments 1-16 below represent items to make the General Plan application more complete, identify development design issues requiring Planning Commission attention and errors in the provided information or where clarification is required. These comments need to be addressed as part of the review and eventual recommendation to Council of the General Plan for the proposed PUD-B.

1. Please revise Building Design Criteria to incorporate statement, per March 10th Planning Commission Work Session discussion, that no substitution of the materials will be permitted under the provisions of the General Plan.
2. At the appropriate time provide page numbers and an approved date for the proposed design criteria booklet overall. Also at the appropriate time provide staff with a pdf or other digital format of the criteria in final approved and complete form, for recordkeeping purposes.
3. Applicant has been instructed to coordinate with Dan Fitzpatrick, Zoning Inspector, (937)748-6845 or danf@cityofspringboro.com, for compliance with the provisions of the Sign Code relative to the Sign Standards in the design criteria booklet.
4. For item #1 under landscaping requirements in the Building Design Criteria revise text to as follows: "1. Foundation shrubs 18 to 24 inches in height and spaced 5 feet apart shall be planted along each building elevation fronting a roadway; shrubs 18 to 24 inches in height and spaced 5 feet apart shall be planted along each building elevation fronting a parking lot." Remainder of item #1, list of plants and exception to remain.
5. As indicated in the March 10th Work Session comments, revise Building Design Criteria to indicate proposed brick and stone sign bases in the Sign Standards to match building materials proposed elsewhere in the booklet. Applicant to propose specific match.
6. Regarding the landscape buffer adjacent to the east property line, Planning Commission shall determine the minimum buffer requirement under the terms of a PUD and whether the proposed is acceptable or not. Per the Planning Commission March 10th Work Session discussion, the grouping of screening vegetation is recommended for the eastern perimeter.
7. Relative to the placement of the building on "lot 1," and in keeping with previous staff comments on the placement of the proposed day care center relative to parking and the Lytle-Five Points Road right-of-way, per the provisions of Section 1280.08(a)(1), a visual separation to be provided to effectively screen vehicle storage and mechanical equipment and outdoor storage consisting of buildings, brick or stone walls, evergreen plantings, mounding, wood fences or a combination of the above. As discussed at the March 10th Work Session, what is proposed does not address the standard.
8. The proposed entrance door location at the northeast corner of the building is less than desirable relative to traffic circulation exiting the site.
9. Per the March 10th Planning Commission Work Session discussion and supported by the March 26th City of Springboro Traffic Engineering Consultant memorandum (enclosed), remove utility pole and concrete island in the private drive approach. Also from the March 26th memorandum the right-hand turn lane and taper needs to be redesigned.
10. Revised drawing to provide notation that the proposed cul-de-sac as a Phase 1 improvement to the site. Cul-de-sac to be built to City standard.
11. Regarding proposed lighting hardware, for compliance with the provisions of the exterior lighting code, Section 1271.02, provide manufacturer and model information.
12. What would a proposed bank/financial institution drive-through look like in plan view relative to the General Plan proposed? What would the impact be on neighboring residential uses?
13. Provide a continuous sidewalk system for the development tying into the proposed sidewalk on Lytle-Five Points Road.
14. Applicant is advised to relocate fence on west side of playground to at least twenty feet (20') off property line due to proximity to the watercourse and steep terrain.
15. Revise drawing to indicate adjoining property zoning as (T)R-1, not PUD-R.

16. The Clearcreek Fire District has no comments at this time.

Comments 17-23 are advisory comments, comments that represent issues that need to be addressed by the developer at a later stage of the PUD approval process. They are provided here by staff to advise the applicant and the Planning Commission that in the course of the General Plan review process these issues, in this case practically all address infrastructure improvements to support the site's development, where detailed design is required later but that need to be considered now in concept. As with the 16 comments listed above, comments #17-24 need to be addressed as part of the review and eventual recommendation to Council of the General Plan for the proposed PUD-B.

17. The water main and sanitary sewer shall be public utilities. Provide easements accordingly. The water main, sanitary, and storm sewer are not approved as shown. The layout and design shall be reviewed at the Final Development Plan stage.
18. Dedicate the additional right-of-way along Lytle Five Points Road as shown.
19. Relocate existing catch basin at the intersection of the private road with Lytle-Five Points Road to the east side of the drive. Tie into the existing 24" storm sewer on the north side by adding a manhole.
20. Incorporate improvements included in December 10, 2009 memorandum from City of Springboro traffic engineering consultant's review of the applicant's traffic impact study for the development of the 6.29-acre site.
21. Provide a public access easement over the proposed private drive at Final Development Plan phase of review process.
22. Provide erosion and sedimentation control plan for during and after construction as part of General Plan approval.
23. Applicant is advised that revised Federal Emergency Management Agency mapping for Springboro may result in a change in the flood hazard boundaries for watercourses on the site.

Ms. Belpulsi reminded Planning Commission that this item had been tabled at the January 27th, Planning Commission meeting and asked for a motion to remove the item from the table.

Mr. Vomacka motioned to remove from the table and consider for action the General Plan, Lytle-Five Points Office Park PUD-B, Planned Unit Development (proposed) Lytle-Five Points Road east of intersection of North Main Street/Lytle-Five Points Road, office/retail park. Ms. Hartle seconded the motion.

Vote: Vomacka, Gibson, Ridd, Belpulsi, Landefeld, Hartle, all yes; Papakirk, abstain (6-0-1)

Skip Shafer of CS Five Point, LLC, John Burkhardt of Burkhardt Engineering, Pat Fenton of Rainbow Child Development Center and Richard Oaks of Oaks Engineering were in attendance to answer questions of Planning Commission.

Ms. Belpulsi asked Mr. Shafer whether he had reviewed the staff comments and to comment on those staff comments that he did not agree with.

Mr. Shafer explained as background that this General Plan has five buildings on it with 48,000 square feet. It is proposed to be completed in two Phases; Phase I would be completed once it is approved, a day care center and Phase II would follow depending on market conditions.

Mr. Shafer stated that staff comments #1, 2, 3, 4, 5, 10, 11, 15 and 16 were okay with the developers. He added that seven comments need to be addressed; three of the comments regarded the child care business in the Phase I portion of the development; #7, 8, and 14.

Staff Comment #7

Mr. Fenton stated that he interpreted the comment as a buffering, landscaping issue.

Ms. Ridd commented that it also refers to the placement of the building on the lot.

Mr. Shafer commented that the comment states that the plantings, fences, walls or combination of the above be included in the plan for the child care center. It was discussed at the last Work Session and some board members had questions about whether it was sufficient. There have been changes made to the plan to indicate the variety and species of the landscaping as it pertains to the screening of the parking lot to the adjacent street. He stated that he felt that the landscaping meets the City's requirements, spacing landscaping about five feet apart along the front of the parking lot area. He added that there are additional shade trees being planted along the road frontage.

Ms. Gibson stated in regard to the screening, that he has done a reasonably good job taking care of it directly on to the property, but for cars coming eastbound, the west side of the parking lot needs to have some shielding; at least a third of the way up.

Mr. Fenton agreed to do that and asked whether she would like him to follow the same standards as in front.

Ms. Gibson answered yes.

Mr. Vomacka expressed his concern that the placement of the building that far from the road, placing all of that parking near what is effectively a residential neighborhood is not an appropriate way to design this area. It has been mentioned dozens of times and there has been virtually no change.

Mr. Fenton responded that he has twenty three years experience with sixty five buildings which are all similar in nature to this one. The reason for that is for the safety feature.

Mr. Vomacka stated that if the plan is unsafe then he does not feel that this is the appropriate General Plan for this property.

Mr. Fenton asked Mr. Vomacka to explain what he feels is unsafe about the building.

Mr. Vomacka answered that Mr. Fenton stated that it has to be this way or it is not safe and he is saying that it is not appropriate and does not fit with the area.

Mr. Fenton explained that the building has a fence completely around it with the exception of the front door for safety reasons. He asked where Mr. Vomacka would like him to put the parking from a safety standpoint. He commented that there is residential to the east but to the west and north there is commercial. He explained that the staff would park on the north side and the parents would park and bring their children in. He did not know what is not safe about that.

Mr. Vomacka answered that Mr. Fenton had stated that it would not be safe to change. He had proposed to keep all of the playground and entrances, but to move all of the parking and the primary entrance to the back of the facility and also suggested moving the entire parcel to the back of the property.

Mr. Fenton stated that someone had suggested moving the parking to the rear of the building, sliding the entire building forward and putting it twenty feet from the road. He commented that parents would have to park in the rear and walk 250 feet with their child. With the building being thirty feet from Lytle Five Points Road, he felt that that was dangerous.

Mr. Boron commented that he has spoken to Mr. Fenton about the issue and that is not what staff and members of Planning Commission are asking. What Mr. Fenton is suggesting is that he move the parking but not the entrance. What Planning Commission is asking for is for the entire site or the site plan for the day care center to be reconfigured to address the concern which has been raised which is that the building needs to be screened by a combination of all of the list of uses that are in staff comment #7. The concern can also be addressed by reconfiguring the lot. He asked whether Mr. Fenton is tied to the lot corners on this property as proposed for the Phase I.

Mr. Fenton stated that he was.

Ms. Belpulsi asked whether there were any further comments. There were none.

Staff Comment #8

Mr. Fenton explained that it has taken them twenty plus years to design the building over time; moving the front door would disturb the entire building.

Ms. Gibson asked whether the building could be flipped; she understood that the interior corridors would also have to be flipped. She stated that they would like to have the door further from the drive entrance, the ingress/egress.

Mr. Fenton answered that it was possible; he would have to redesign the playground.

Staff Comment #14

Mr. Fenton commented that the fence was placed at ten feet to allow for more playground space, if the board would prefer twenty feet then that would be okay.

Mr. Shafer stated that he would address staff comments #6, 9, 12 and 13 which related to the rest of the development.

Staff Comment #6

Mr. Shafer stated that the comment is regarding the east property line. Originally the setbacks were twenty feet for the buildings and ten feet for the parking lots and he has doubled that per the Planning Commission's suggestions. Buildings now have a forty foot setback and parking is at a forty foot setback because the plan shows future spaces that it was suggested that he do away with that are not required. This plan is at a maximum build out which will probably not be built to this capacity.

Mr. Shafer commented that he has proposed to create a ten foot natural buffer because of the number of trees in that ten-foot area are larger trees. He commented that there is a grading issue of approximately nine or ten feet from the existing grade on the east property line to get to the finished floor of the building. He commented that the building will sit below the grade to the east.

He commented that the PUD zoning talks about allowing for flexibility to create buffer areas and natural buffer areas.

Mr. Shafer stated that he has agreed to leave the natural buffer and start cutting after ten feet. He would incorporate cedar trees at the edge of that ten-foot area. He will incorporate six foot evergreens along that side with a second row.

Ms Belpulsi asked for questions or comments from Planning Commission.

Mr. Vomacka asked that Mr. Shafer delete white pines from the list of potential trees in that area; they don't grow well. The others are fine.

Ms. Ridd agreed and suggested another spruce.

Mr. Shafer referred to the cross cut that was included in that packet and questioned what benefit a six foot tree would be with the grading going down and being so far away from the first set of trees. He suggested installing it on the neighbor's property to serve as better screening. He commented that a six foot evergreen would grow quickly but he wasn't sure, down slope, what benefit it would be to the neighbors, if he is going to retain the ten foot natural buffer.

Staff Comment #9

Mr. Shafer stated that this comment has two issues; the utility pole and the right hand turn lane as asked his traffic engineer, Richard Oaks to address the issue.

Ms. Belpulsi stated that Planning Commission has his report, she wasn't sure that there was much else to say. Mr. Oaks doesn't see that it is a safety issue (regarding the utility pole).

Mr. Shafer stated it is an issue because Mr. Oaks standing differs from the City's traffic engineer's opinion. He would like to discuss the issue.

Mr. Oaks stated that regarding he does agree with most of the findings of Mr. Knebel. Regarding the north bound right turn to Lytle-Five Points Road, it will be extended to the south a full lane width wide for fifty feet and tapered.

Regarding the utility pole, Mr. Oaks stated that the clear distance from the back of the existing curb to the face of the utility pole is twenty seven inches. The Federal Highway Administration requires a minimum of twenty four inches from the face of curb to the face of the pole.

Mr. Oaks stated that the design needs to be revised and he will do that to make sure that he has a similar minimum distance, a minimum of thirty inches from the back of curb to the face of the pole.

Ms. Ridd commented that the issue with the pole is not clearance, but A; the aesthetics, right in the middle of an access which is a look she would not want and B; the number of accidents at ingress/egress and now there is a pole involved. She agrees with Mr. Knebel that it is an object in the road that should not be there.

Mr. Vomacka commented that ODOT will not let the City plant any trees in the medians in town due to the safety hazard.

Mr. Oaks commented that trees and fixed objects are two different entities. Trees produce the notched effect when the trees grow up and out and overhang the roadway. He commented that twenty four inches is the standard for utility poles.

Ms. Belpulsi asked for a comment from Mr. Sharma, the City Engineer.

Mr. Sharma stated that the ODOT standard says that the minimum distance from the face of the curb to the pole is twenty four inches, but that is along the road. Here the pole is at an intersection.

Ms. Gibson agreed. Here traffic is approaching the pole. Coming northbound the driver is making a decision to go to the left or right of the pole. Here traffic is going into the pole and that is the part of the design that bothers her.

Mr. Oaks commented that the added right turn drop off will give more distance for the traffic to separate at the northbound approach.

Ms. Belpulsi stated that they can agree to not agree on this item.

Mr. Shafer commented that he would not be eliminating the pole; he would be moving it to the side of the driveway. This is the same plan that he had presented originally, but he simply had a turn in the drive. The request was to straighten the road. He has done that. The City requires one in and one out. He wanted to create two exits. He is handicapped because in order to have this third lane he needs to create the island.

Mr. Shafer stated that he feels that proper curbing and low level landscaping would make it attractive.

Mr. Shafer stated that it is no more dangerous with this island; there are utility poles along Lytle Five Points Road.

Ms. Gibson commented that traffic would be turning into this pole. The twenty four inch standard is based on a passing of the pole rather than an approach to the pole.

Ms. Gibson asked whether the island could be enlarged.

Mr. Oaks stated that they would make the island as big as they can. The critical dimension is on the west side of the pole.

Ms. Belpulsi asked for any other comments. There were none.

Staff Comment #12

Mr. Shafer stated that this item had been addressed in the work session. It is a hypothetical question. This plan does not show a bank drive thru. Under a PUD, he would come back to Planning Commission to change that. He will meet all PUD requirements, but he does not know whether a bank would come forward at some future time.

Mr. Boron commented that the staff comment arose out of a public comment from the public hearing before Council. Theoretically there could be a bank or financial institution at the northeast corner. Mr. Boron stated that he has walked the site and he has seen the proximity of the property line to the residents. This is very close proximity with lights and twenty four hour traffic. The

neighbors raised legitimate concerns. The PUD provides for Mr. Shafer to put a bank there. The comment from February 10th meeting asked what it would look like. Mr. Shafer provided a notional concept but the issue is relative to the office that is shown, a bank would have greater impact.

Mr. Shafer answered that he cannot answer a hypothetical. He commented that the O-R zoning allows for twelve issues, under the PUD-B, he is asking for six.

Ms. Gibson stated that she wants to make sure that Mr. Shafer realizes that under the PUD, any site plan that he brings before the Planning Commission would be scrutinized as to how it fits and how it affects the neighbors.

Mr. Shafer commented that a PUD creates flexibility for the City and the developer. It creates a wider range of uses. In this case, it has created a narrower range of uses. With Planning Commission's recommendation, he has eliminated any uses that they found offensive. He does not think that a bank with a drive thru would be offensive, it would depend on how it would be developed.

Mr. Vomacka commented that Mr. Shafer has a shorter list of uses with the proposed PUD; the impact of those uses is greater than the impact of the O-R which is specifically designed to have minimal impact to the adjacent properties.

Staff Comment #13

Mr. Shafer commented that he did not feel that a sidewalk was appropriate along the road. One of the suggestions was to put a sidewalk on the east side of the property. Due to the grading issue, the sidewalk will not work well there. He commented that this is a business park and not a retail establishment. From a safety standpoint he does not feel that he wants to have a sidewalk running into a business park; there is no benefit; these are destination businesses. He stated that he has agreed to have a sidewalk along the frontage of the property.

Mr. Landefeld commented that just because he has a difficult situation on the east side of the lot and that did not appear to be a workable solution does not relieve him of the responsibility of being a good neighbor. This site is being developed for people and people live adjacent to the site; there is a strong likelihood that those people will want to walk there. We need to accommodate that use.

Mr. Shafer stated in closing that he would request that Planning Commission approve this General Plan. He stated that he felt that the plan meets or exceeds all of the City's requirements for a PUD and an O-R currently. This development once built out of 48,000 feet will be an \$8 to \$8.5 million development and will produce about \$147,000 in real estate taxes per year, 10-12 jobs at the day care center and 40-50 jobs for the entire project.

Ms. Belpulsi commented that this has been a very long road and she appreciates that Mr. Shafer worked with staff as best he could. She added that she appreciates his time and wishes him good luck.

Ms. Belpulsi asked for any further Planning Commission comments.

Ms. Gibson asked staff for clarification that should this General Plan be approved, that any specific item on the plan would come to Planning Commission as a Site Plan for review.

Mr. Boron answered that regardless of the disposition of the motion, positive or negative, the General Plan would go to Council at the next available meeting. The next step for all of these comments if they are accepted and Planning Commission can line item any out, any recommendation goes with the condition that all staff comments including the advisory comments being met. Those comments would be tied to the plan's approval by Council formally in the form of a resolution. The Planning Commission's meeting minutes would be forwarded to Council at the next opportunity. The developer and his successor would be bound to fulfill those requirements, if approved and forwarded on to Council as a Final Development Review.

Ms. Belpulsi asked for any guest comments regarding the General Plan.

Bud Hunter of 1859 West Tamaron Court commented that he met with Mr. Shafer last year and questioned whether Mr. Shafer would be financially able to complete the project. He pointed out examples where he felt that what Mr. Shafer may say one day he does not say the next day.

Mr. Hunter reviewed and questioned the calculations of the profile that was presented by Mr. Shafer. He commented that once the grading begins, the existing trees will be damaged. He pointed out that the honeysuckle that Mr. Shafer has referred to would not be adequate screening. Mr. Hunter commented that on the west side of the property Mr. Shafer will have to do a lot of grading. There is a natural spring and a creek on the west side of the property which will have significant erosion.

Ms. Belpulsi asked Mr. Hunter whether he had any other issues with the potential uses or whether he was more concerned with the grading and screening.

Mr. Hunter commented that he feels that the site does not fit a day care center or a bank. The view from the adjacent property would be of the roof of the bank. He has spoken about the traffic in that area. The projection of the traffic from the Austin Pike exit and Village Park will add to the traffic. He commented that the pole is not aesthetically pleasing; he feels that it is a line of sight issue, a safety issue.

Mr. Vomacka asked Mr. Hunter whether he was suggesting that he agreed with Mr. Shafer that he could move some of the trees up onto his property instead of on the slope.

Mr. Hunter answered no. There is twenty five feet from the property line to Mr. Van Maldeghem's house, there is not enough room. On his property you would have to plant the trees on the driveway. He would be willing, but where you need the screening, there is not enough space.

Ms. Gibson asked Mr. Hunter about Mr. Shafer's suggestion that he take out the natural vegetation and put his planted screening there.

Mr. Hunter answered that there is no natural screening there. He has tried to plant spruces and hemlocks there but the soil is very sandy there.

Paul Van Maldeghem of 1860 West Tamaron Court commented that the existing trees on his property provide screening to Lytle Five Points Road and not to the proposed development. The only existing buffer now is some honeysuckle.

Mr. Van Maldeghem expressed environmental concerns about the natural spring on the west side of the property.

Ms. Ridd commented that because of the slope the screening is going to be an issue. She doesn't see how adding as much screening as they want at the bottom, how that is going to help the neighbors. They would see the roofs of the businesses. She asked Mr. Van Maldeghem if he could do anything he wanted, what would it be.

Mr. Van Maldeghem answered that his objection all along has been the footprint proposed in this General Plan, that it is too much. It is supposed to be proposed as an O-R theme, but as PUD-B. There is too much frontage. He would redo the entire General Plan and bring a drive in more to the east with only one building on frontage and more in the back.

Mr. Burkhardt rebutted Mr. Hunter and explained that the cross cut slope cross section was taken along the front of the two front buildings. There is not thirty feet of fall across the property; there is only twenty feet from the east property line to the west and less as you go to the back of the property. That is why he chose to bring the grade down ten feet of the east side and up ten feet on the west side. On the west side, they are close to the property line and have chosen to do part of the slope as a retaining wall. As far as addressing the spring, he is aware that he will have to do that. Anything that he does along the corridor to that creek will have to go through the EPA and the Corps of Engineers have already looked at that preliminarily with his environmental engineer.

Ms. Belpulsi asked for any final questions or comments from Planning Commission.

Mr. Vomacka motioned to approve the General Plan, Lytle-Five Points Office Park PUD-B, Planned Unit Development (proposed) Lytle-Five Points Road east of intersection of North Main Street/Lytle-Five Points Road, office/retail park with the condition that all staff comments are met. Ms. Ridd seconded the motion.

Vote: Landefeld, Gibson, Ridd; yes, Belpulsi, Hartle, Vomacka; no, Papakirk; abstain (3-3-1)

Ms. Belpulsi commented that the outcome of the vote would be forwarded on to the City Council for their consideration.

Mr. Boron asked the clerk to confirm the tally.

Ms. Boytim answered that the vote was three yes, three no and one abstention.

Mr. Boron stated for the record that the motion has failed and will be forwarded to the City Council as a non-approved General Plan. The General Plan will be heard at the City Council meeting of Thursday, April 15, 2010 at 7 pm.

IV. Guest Comments

There were no guest comments.

V. Planning Commission and Staff Comments

Mr. Boron informed Planning Commission that there were three items proposed for the April 17, 2010 Planning Commission Work Session.

VI. Adjournment

*Ms. Ridd motioned to adjourn the April 7, 2010 Planning Commission Regular Meeting at 8:20 P.M.
Mr. Landefeld seconded the motion.*

Vote: Hartle, Vomacka, Papakirk, Gibson, Ridd, Belpulsi, Landefeld; all yes

Marie Belpulsi, Planning Commission Chairperson

Dan Boron, Planning Consultant

Lois Boytim, Planning Commission Secretary