

**CITY OF WEST CARROLLTON
PLANNING COMMISSION
June 7, 2018**

Members Present

Dominic Rinaldi
Rebecca Lucas
Roger Gibson
Kim Hagerman
Douglas Fields

Members Absent

Staff

Greg Gaines, Director of Planning and Community Dev.
Connie Lewis, Planning Secretary

City Council Liaisons

Leanne Nash

City Council Members

Leanne Nash

Mr. Rinaldi called the meeting to order at 6:00 p.m. Following the Pledge of Allegiance, the roll call was taken with all members present.

APPROVAL OF AGENDA

Mr. Rinaldi noted a proposed change to the agenda to add Decision Items 7.c – meeting schedule. Mr. Gibson made motion with a second by Mr. Fields to amend the agenda. The motion was unanimously approved.

APPROVAL OF MINUTES

Mr. Rinaldi asked if there were changes or corrections to the minutes of the meeting of May 3, 2018. There being none, and Mrs. Lucas made a motion with a second by Mr. Gibson to approve the minutes as written. The motion was unanimously approved with Mrs. Hagerman abstaining.

PUBLIC HEARINGS

CU-18-2, 347 W. Central Ave. (Automobile Repair and Detailing)

Mr. Rinaldi explained the procedures for conducting a public hearing and opened the public hearing. Mr. Gaines was sworn in for testimony.

Mr. Rinaldi asked if proper public notice of the application had been given. Mr. Gaines said that a legal notice was published in the Miamisburg-West Carrollton News on May 17, notices were mailed to abutting property owners on May 10, and a sign was posted on the property.

Mr. Rinaldi asked if any Commission members had any ex-parte communications to disclose, including letters, phone calls, e-mails, site visits, and conversations, which might influence their decision on this case. Mrs. Lucas stated she drove by property, and Mr. Gibson remarked that he walked by the property.

Mr. Rinaldi asked if any Commission members had any potential conflicts of interest that might jeopardize their ability to render an unbiased decision on the application. Commission members disclosed none.

Mr. Gaines presented the staff report dated May 31, 2018, which was entered into the official record as Exhibit 1.

Mrs. Lucas asked for confirmation that the three buildings were on one lot and Mr. Gaines confirmed.

Mrs. Hagerman asked if the conditional use was only for the front building. Mr. Gaines stated his understanding was that it was only the commercial building but perhaps Mr. Hunley could explain his plans.

Mrs. Hagerman commented that the requirement of six parking spaces was generic and open-ended as written, and does not specify where the spaces should be. Mr. Gaines suggested the statement "as approved by the City" could be added to the condition and staff could work with Mr. Hunley on the best location for the spaces. Mr. Fields asked if the distance from the existing spaces to the building is known and if it would violate fire codes. Mr. Gaines stated that the language requiring approval by the City would allow staff to address that issue as well.

Kraige Hunley, 341 W. Central Ave., was affirmed for testimony.

Mrs. Lucas asked if all buildings had a separate address. Mr. Hunley stated that the storage building is addressed 343 W. Central.

Mr. Fields asked where vehicles awaiting repair would be parked. Mr. Hunley stated they would be parked in front of the residential building (341 W. Central) and could be parked in the area behind 347 W. Central. Mrs. Lucas commented that the area in front of the residence is visible from the street. Mr. Hunley replied that the vehicles in front of the residence would not be inoperable and "look like junk". The vehicles in obvious disrepair would be parked behind the business and not visible from the street. Mrs. Lucas asked Mr. Gaines to read the condition relating to storage of vehicles. Condition 3 states, "All vehicles related to the business shall be stored within the building or in designated parking spaces" and condition 11 states, "No vehicles in an obvious state of repair, nor equipment and materials related to the business, shall be visible from the public view".

Mrs. Lucas asked Mr. Hunley if his understanding was that any vehicle parked in front of the house would not be in obvious state of disrepair and would not be a vehicle related to the business. They would only be cars in good repair. Mr. Hunley said that was correct. She asked Mr. Hunley how many vehicles he anticipated being parking in front of the residence and he said there would just be a couple of vehicles. Mr. Hunley stated that two spaces could also be used for customers' cars in the front corner of the lot near the sidewalk. Mrs. Lucas said that concerned her because they would be in the public view. Mr. Hunley stated that there would be no vehicles in obvious disrepair parked in the front.

Mrs. Lucas said she would like to confirm that the six spaces be required. Mr. Rinaldi commented that he believed that Mr. Hunley would find a way in coordination with the City to provide six spaces as required.

Mr. Fields expressed his concern about the vehicles requiring considerable repair, which will be parked behind the building, would be properly stored to prevent leaking of fluids into the ground. Mr. Hunley confirmed he would take measures to prevent that.

Mrs. Lucas asked Mr. Hunley to explain how much of the building would be utilized for the business. Mr. Hunley stated he would use the main building, the middle bay, and two bays in the rear.

Mr. Gibson asked if the business would be the same as previous uses. Mr. Hunley confirmed that auto repair has been the use for many years and he was continuing that use.

Mr. Fields asked if there would be a dumpster. Mr. Hunley stated he had a dumpster on wheels that would be rolled out of the building for trash collection and would not be kept outside.

Mrs. Hagerman asked if he would have any employees. Mr. Hunley stated he is the sole proprietor and hiring employees in the future would depend on the cash flow.

Mrs. Hagerman asked if there was a ventilation system in the building. Mr. Hunley stated that there is no functioning fan system inside but said there is a system to pump fumes outside. The doors will be open during warm weather and fans will be running. Mrs. Lucas asked Mr. Gaines if that would meet the requirements for ventilation. Mr. Gaines replied that the condition of approval is worded "as approved by the City", so the Chief Building Official would provide his opinion as to whether this requirement is met. Mrs. Lucas asked Mr. Hunley if he would have any reservations if more were required for a ventilation system. Mr. Hunley stated he would do what the City required. Mr. Rinaldi commented that city staff would be able to address the issue and believed that it should not deter the decision of the Board. Mr. Fields said that he believed what Mr. Hunley plans to provide is standard for this type of business.

There were no public comments in favor of or in opposition to the application. The Board had no further questions, and there being no further comments Mr. Rinaldi closed the public hearing.

Mrs. Lucas made a motion to approve the resolution with the stated conditions and amended condition number 16 with the additional language to read, "as approved by the City". There was a second by Mr. Gibson. The motion was unanimously approved, with Mrs. Lucas stating that her reason for approval was that the applicant had no issues with the conditions set forth.

DECISION ITEMS

CC-18-1, 731 E. Central Ave. (Wendy's Remodel)

Mr. Rinaldi asked if any Commission members had any potential conflicts of interest which might jeopardize their ability to render an unbiased decision on the application. Commission members disclosed none.

Mr. Rinaldi asked if any Commission members had any ex-parte communications to disclose, including letters, phone calls, e-mails, site visits, and conversations, which might influence their decision on this case. Mrs. Lucas stated that she had paid special attention as she drove through the lot.

Mr. Gaines presented the staff report dated June 1, 2018, which was entered into the official record as Exhibit 1.

Mrs. Lucas asked Mr. Gaines for clarification regarding the number of Junipers on the landscape plan and asked if it should be 11 rather than 110 as shown. Mr. Gaines stated that the Junipers are small but stated that if it were an error they would not be held to that number.

Jessica Luchak and Marc Brundige of Linear Architecture were present representing the applicant.

Mr. Gibson asked how long the project would take to be completed. Ms. Luchak stated that construction should take about one month from issuance of the permit.

Mrs. Lucas stated that she appreciated the cooperation in this project. Mr. Fields agreed and liked the flexibility exhibited by the City and the applicant.

Mr. Fields asked if construction would hinder traffic on Bowman Lane. Ms. Luchak and Mr. Brundige stated that the construction equipment would be housed on the lot and the only hindrance would be if sidewalk repair is needed. Ms. Luchak confirmed that the store would remain open during construction but limited to the drive-thru.

Mrs. Hagerman asked if they oversee the construction. Ms. Luchak and Mr. Brundige stated that the general contractor and the owner would have oversight, but they could be consulted.

Mrs. Lucas asked if there was any reservation on the owner's part regarding the flexibility required. Mr. Gaines stated that the owner was an active participant in the process.

Mr. Fields stated he was glad to see the handicapped parking moved to near the door. He then asked if there would be two signs in the front. Ms. Luchak stated that the ground sign will remain with the new logo being installed, and the directional signs will be removed.

Mrs. Hagerman asked if they had been involved in the property line issue. Ms. Luchak stated the owner agrees that the dedication of that right-of-way to the City should be made, and they are continuing the process to rectify the property line issue.

The only comments by the Board were to thank the applicant for working with the City.

Mr. Gibson made a motion to approve the application with a second by Mr. Fields. The motion was approved unanimously with the following comments: 1) Mr. Fields commented that he was impressed with the application and believed the project would enhance the city; 2) Mr. Gibson stated he was also happy to see the remodel; 3) Mrs. Hagerman agreed with the previous comments; 4) Mrs. Lucas stated she had no reservations with the stated conditions.

SP-18-2, 1287 Redbluff Dr. (Multi-Family Residential Construction)

Mr. Rinaldi asked the Commission if there were any potential conflicts of interest that may jeopardize their ability to render an unbiased decision on the application. Commission members had none.

Mr. Rinaldi asked the Commission if there were any ex-parte communications to disclose, including

letters, phone calls, e-mails, site visits, and conversations, which may influence the decision on this case. Mrs. Lucas and Mrs. Hagerman both stated that they drove by the property.

Mr. Rinaldi asked Mr. Gaines to present the staff report, which was entered into the record as Exhibit 1. Mr. Gaines presented the highlights of the report.

Mrs. Hagerman asked for information on the Owl Creek widening. Mr. Gaines stated the widening is done for flood purposes to allow some surrounding properties to be removed from the floodplain.

Mrs. Lucas asked Mr. Gaines to show the locations of Owl Creek and the detention pond. She asked if the detention pond must be fenced and Mr. Gaines stated that it did not.

Mrs. Lucas asked whether this lot was always vacant and it was confirmed that it had never been developed. She then asked if there was a single-family structure in the area and it was determined to be a group home.

Mrs. Hagerman asked for clarification regarding parking. It was noted that the garages are two-car garages and that there appears to be no guest parking. Mr. Gaines stated that the Fire Department has made suggestions regarding their access to the property for emergencies.

Mrs. Hagerman asked where the trash would be placed for collection. Mr. Gaines stated Mr. Ali could address the question.

Mr. Fields returned to the parking question, stating that the only apparent location for guest parking is on the curve on Redbluff Dr., which could cause a traffic problem. Mr. Rinaldi stated that he felt that it was not much different from any other neighborhood.

Mir Ali, owner of the property, stated that he manages 15 four-family properties on Redbluff, there is parking allowed on both sides of the street, and it is wide enough for parking on both sides with good traffic flow. He often sees parking for parties with no problems.

Mrs. Hagerman asked if he would monitor the parking. Mr. Ali said that they do monitor and have a camera system.

Tom Dusa, site engineer, commented that the driveway is 20 feet wide and there will be plenty of room for vehicles and emergency equipment.

Mrs. Hagerman asked about trash collection. Mr. Ali stated that all of the units have the City-provided trash carts that will be rolled to the curb for collection. The carts will be kept on the back of the property or in the garages. Mrs. Hagerman said her concern is that the tenants will keep the containers in the front yard. Mr. Gibson stated that he thought it would be a code enforcement issue. Mr. Gaines suggested that another connection to the sidewalk could be provided if the question is convenience for the tenant. Mrs. Lucas said she agreed that a sidewalk in the back would be a good idea.

Mrs. Hagerman commented that she liked the addition of the clearstory windows to provide more light into the units.

Mrs. Lucas asked again for clarification about sidewalks around the building. It was confirmed that the sidewalk at the back of the building stops at the edge of the building and is not extended to the street. The trash totes would not be stored behind each unit, but would be required to be kept in the garage or in the back area so that they are not visible from the street.

Mr. Fields asked if Mr. Ali could foresee flooding behind the garage. Mr. Dusa said that the detention behind the garage is natural grading. He said the garage as an accessory building does not have the same requirements as the main building. The building with the units was elevated. Mr. Fields asked if drainage tile had been considered. Mr. Dusa said that underground drainage tile had been planned for drainage from the gutters. He said the size of the detention basin is adequate, but the problem is the creek. Mr. Gaines said that the Chief Building Official would be certain to apply all of the requirements during the inspection process. Lora Sebald, architect for the project, commented that each previous project done on Redbuff had built the pad of the garage at an elevated level to prevent flooding. Mr. Ali said that water has never flooded the other garages on Redbluff. Mr. Dusa stated that a channel in the back has an opening that water could not back up and the size of the detention basin is in a better position to control the water.

There were no further questions from the Board.

Mr. Gibson made a motion to approve the application with a second by Mr. Fields. The application was unanimously approved with Mrs. Lucas stating that her reason for approval was the applicant's agreement to the conditions presented in the resolution.

Approval of Amended Meeting Schedule

Mr. Gaines advised that he would like to amend the 2018 meeting schedule because he will be at a conference during the October 4, 2018 meeting, and suggested that meeting be cancelled and October 18 tentatively be scheduled if any applications are received for that month.

There was a motion by Mr. Gibson to approve the 2018 amended meeting schedule, and second by Mrs. Lucas. Voice vote was unanimous for approval.

DISCUSSION ITEMS

Report by the Director

Mr. Gaines stated that the Farmersville-West Carrollton Road study is underway. The study is being conducted by OHM to look at a portion of the Comprehensive Plan that recommends residential development on the south side of Farmersville-West Carrollton Road. This was an issue when Barrett Paving wanted to purchase property for mining purposes and claimed the Comprehensive Plan recommendation for residential use is not appropriate for that area. The market research portion of the study is wrapping up. OHM will be performing its land use and zoning analysis and hopes to have that completed within the next few weeks. The results of the study will determine if the Comprehensive Plan should be amended. The six-month moratorium for all development in the area expires on June 19, and on June 12 City Council will consider extending the moratorium to allow the study to be completed.

Culyers' Auto Repair on E. Dixie Drive has been purchased by the City and is scheduled to be demolished on June 22. The property will remain green space. Mr. Gibson asked if the gas tanks were going to be removed and Mr. Gaines said that the last he heard, the tanks would not be removed because there will be no construction on the property.

Mr. Gibson asked if there was an update on the Fraser property or the Carrollton Plaza demolition. Mr. Gaines said that he did not have new information. He said that he did not believe that Bernstein's Catering has moved yet.

Mr. Gibson said he noticed that the former RedRock restaurant property on E. Dixie Dr. is for sale. Mr. Gaines said that he did not know the reason for the owners abandoning their plan to build a retail strip center on the property.

Mr. Gibson stated that an exit from the bike path onto N. Alex Rd. would be a nice addition to the bike path. Mr. Gaines said that several years ago the City was awarded a grant from Miami Valley Regional Planning Commission for a bike path from that location to the YMCA on S Alex Road. Due to the economy at that time, City Council had to pull the application because the City lacked funding for the local match. Mr. Gaines said he is still interested in that project.

Mr. Gibson also said he appreciated the Commission's concern regarding trash toters at the project on Redbluff Dr. because it is a problem in the community.

Mrs. Lucas asked for information on the Fraser property. Mr. Gaines said Mike Lucking, Economic Development Director, has been working with someone who has interest in the property.

Mrs. Lucas asked for an update of Carrollton Center study. Mr. Gaines said that the City had submitted two CDBG grant applications, one of which was for enhancements to Carrollton Center to refresh the area.

Mrs. Hagerman asked if the city would maintain control of the water tower if the Fraser property were developed. Mr. Gaines said that the plan designates the water tower as public space. However, there is still some debate on the future of the water tower. He commented it could depend on how the property is developed.

Mr. Gibson asked if the school has sought any input on construction of a new school. Mr. Gaines said he met with Board of Education staff recently to preliminarily discuss grant money from the State and to coordinate with the city.

Briefing by City Council Representatives

Leanne Nash said she was glad to see that there continues to be a way to resolve the right-of-way issue on Bowman Lane, and was happy to see the remodeling of Wendy's.

Ms. Nash stated that she had a concern that bicyclists are not observing the traffic laws.

Unscheduled Business

There was no unscheduled business.

Next Meeting

The next Planning Commission meeting is scheduled for July 5, 2018, at 6 p.m.

COMMENTS BY THE AUDIENCE

There were no comments by the audience.

ADJOURNMENT

There being no other business, there was a motion by Gibson and second by Mrs. Lucas to adjourn the meeting at 8:16 p.m. The vote was unanimous to adjourn.

Chair *Donna K. Kovalicki* Secretary *Wynne Z. Gibson*
Date *9/6/18* Date *Sept 6, 2018*