

PLANNING COMMISSION MEETING
SUMMARY MINUTES
APRIL 13, 2021
7:00 P.M.

I CALL MEETING TO ORDER

Meeting was called to order at 7:00 p.m. by Chairman, Dave Okum

II ROLL CALL

Members Present: Don Darby, Tom Hall, Meghan Sullivan-Wisecup, Bob Diehl,
Steve Galster, Dave Okum

Members Not Present: Joe Ramirez

Staff Present: Carl Lamping, Building Official: Anne McBride, City Planner;
Shawn Riggs, City Engineer

III PLEDGE OF ALLEGIANCE

IV MINUTES OF THE REGULAR MEETING HELD MARCH 9, 2021

Motion to adopt minutes made by Mr. Galster. Mr. Hall seconded the motion.

Voice vote taken and the minutes were approved with a vote of 6 to 0.

V REPORT ON COUNCIL

Report on City Council presented by Mrs. Sullivan-Wisecup for the meeting held on
April 7, 2021.

VI CORRESPONDENCE - None

VII OLD BUSINESS

A. Minor Project Modification to Springrose PUD, New Fence at 471 Dorothy –
Engleman (Application # 20210099)

Mr. Lamping stated the site is unique because there are three streets that the
property fronts on. He reminded the Commission that there was a fence
approved that fronts on two street in the subdivision in August, with a 13 ft.
setback from the ROW.

Ms. McBride presented her staff report and comments. Mrs. Sullivan-Wisecup
agreed as Commission representative that this is a Minor Modification

Mr. Riggs presented his staff report and comments.

Tranel Engleman, property owner at 471 Dorothy Ln, stated it is a 4 ft. high
fence. Response from the utilities has not been received to date, but is Mr.
Engleman is pursuing. He stated he does prefer option 1 design that was
presented to Planning Commission. He clarified the fence does not go to the
street, there is approximately 7.1 ft. of yard between. That space will allow for the
trees to grow.

Mr. Okum questioned if it was the city trees in the public ROW he was referring
to. He also asked if all three streets were public streets.

Mr. Lamping asked the property owner to explain his needs for the fence.

Mr. Engleman stated there has been a lot of activity in the neighborhood, and
people walk in his yard and start playing basketball with his equipment at all
times of the day. There is no barrier or privacy. He would like a little more of a
safe area for his children. Cars do not follow the speed limit around the curb.

Mr. Galster asked for clarification about the easements and storm water on the property.

Mr. Riggs stated it is approximately 25 ft. from the curb.

Mr. Lamping stated the existing easement is not fully shown on the plans, but it is there and being crossed. The concern is that fence will be in the way when the utilities have to be worked on, and need to be removed. The city will do it's best to remove it without damage, but there is no guarantee. This is mentioned so that the property owner understands it is the property owners' responsibility to replace the fence if it needs to be removed.

Mr. Galster stated there are multiple properties with more than one front yard. He would like to decide on a good number off the curb line that can be consistently used for these properties. He doesn't feel this will be the last requested fence at these properties. Mr. Galster stated he feels it still needs to have a residential feel, and there should be consistency with all fences being off the property lines. The trees need to have space to continue to grow and prosper. He doesn't know that 7 ft. 4 in. is enough off of the curb in order to have a residential feel walking down the street. Mr. Galster feels the fence in the side yard is ok, but should not go past the back of the house. Mr. Galster questioned the approved fence and placing of it.

Mr. Lamping stated that case was different because there was a sidewalk involved and it was approved for 13 ft. from the sidewalk.

Mr. Galster likes the 13 ft. better than what is being asked of 7 ft., so there is space between the fence and the street. He feels the zoning code needs to be addressed in regards to the fencing issue. He stated the previously approved fence and their neighbor have a foot and a half gap between those fences, they cannot run a lawnmower between them. Mr. Galster feels this should have been one common fence line, on the property line. He feels the code needs to be changed to reflect sharing the common fence lines. Mr. Galster stated he was told the code currently states the fence needs to be off of the property line. Mr. Galster is in favor of the fence, he feels the 7 ft. is too close to both of the streets.

Mr. Okum asked Mr. Galster if there was a number he had in mind.

Mr. Galster stated 12 ft. or 13 ft. makes sense to him, instead of 7 ft. He feels there will be consistency with what was previously approved with these numbers.

Mr. Diehl stated he feels this will be issue after issue, and asked about the status of the Homeowners Association.

Mr. Engleman stated there hasn't been any meetings or discussions. They paid the HOA fee for the year, and did get an approval for the fence.

Mr. Darby stated he has never been a fence guy, until the residents of Springrose started coming in. He stated when it comes to Springrose he is for fences. He does feel there is a need for some uniformity. He likes that Mr. Engleman is proposing the same type of fence already approved. Mr. Darby feels that type of fence should be a standard for that subdivision, and he supports the submittal.

Mrs. Sullivan-Wisecup questioned the submittal of a uniform fence that was previously denied by the Planning Commission. She feels the Commission needs to make a decision on what they will approve and not approve as a group. Mrs. Sullivan-Wisecup questioned if they approve a further distance back from the curb is it worse on those easements.

Mr. Riggs stated it would probably be more problematic for the utilities.

Mr. Galster commented on Mrs. Sullivan-Wisecup's question in regards to the denied uniform fence on Kemper. He stated that the fence was applied for in the front yards and not at every home. He stated they did suggest modifications.

Mr. Okum stated they realize this subdivision has very small parcels. It was part of the discussion before it was built. He is in agreement with all comments, and

believes consistency is key. He reiterated that if the public utility needs work, fence will need to come down. He feels the basketball pad could be in the public ROW area. Mr. Okum feels what they approve for this property, needs to be sensitive to the neighbor to the west, so that there is consistency. He feels that the west side portion of the fence should be permitted on the property line so that the neighbor could share the fence at the same point. He believes they need to hit a number for Valker Alley because there are not sidewalks, and it needs to be consistent. He informed the property owner that he will need to have a survey so it is set correctly.

Mr. Darby asked if staff could have an official discussion with the HOA of Springrose about becoming functional. He stated the common fence should be in the bylaws right now, along with other things.

Mr. Lamping stated there was discussion from the city of the HOA, and the HOA said they are not interested in working with the city to determine a commonality with the fences. He stated he does not believe the city can make the HOA become functional. The only thing that can be done is holding the property owners to the standards set by the city.

Mr. Darby asked if the residents would need to make something happen.

Mr. Lamping stated this discussion took place back in August with the first hearing and three property owners, including Mr. Engleman.

Mr. Galster questioned how far the basketball slab is from the curb. He feels a fence halfway between the curb and basketball area would be ok.

Mr. Lamping questioned whether it would be better to reference the trees down the street rather than the basketball court.

Mr. Galster stated he went out and looked at the property and feels between the basketball court and the curb is an ok place. He questioned if the trees are consistent and planted so many feet in.

Mr. Engleman believes it to be approximately 15 ft. from the curb.

Mr. Okum stated that would be about 7 ft. 6 in.

Mr. Galster stated 12 ft. and that would leave a little room off the basketball court. He feels that is consistent with the previously approved fence and a number he would be looking at.

Mr. Lamping stated the previous approval in August had a sidewalk. The discussion had with staff was just trying to be outside of the trees, which would be closer to the 7 ft. instead of 12 ft. He feels there could be a common dimension when there is no sidewalk and a dimension when there is a sidewalk. He believes leaving enough room to maintain the trees can give the property owner a bigger backyard.

Mr. Okum stated that 7 ft. was not enough for that tree growth. The tree will possibly be a 30 ft. tree with a dripline of 20 ft.

Mr. Galster stated he is ok with modifying it to 10 ft. and making that uniform on both sides of Valker Alley.

Mr. Okum stated if you did that to the houses that front Kemper Rd, 10 ft. would be up against their garage doors.

Mr. Hall questioned if the developer has turned the site over to the HOA.

Mr. Lamping stated the city isn't aware either way, there has not been enough information from the developer or the HOA.

Mr. Hall asked if the developer still has control of the site.

Mr. Lamping reiterated there have been no meetings, the HOA has not been functioning. He does not know who is in charge. All properties have been sold with individual owners.

Mr. Hall feels there needs to be consistency that an HOA would require. Each individual coming in will be difficult determining who is approved for what. This is something the HOA should handle as long as they conform with the code.

Mr. Lamping stated that is a true statement and the city has asked the HOA to determine that back in August 2020, and they were not agreeable to take the subject up.

Mr. Okum feels to get this right, and whether that is rules established under the Planning Commission or there are no approvals given until the subdivision is treated fairly by the HOA. He stated HOA's can be burdensome. Mr. Okum questioned if they could hold the residents to placing the fences on the property lines and not keeping space between them.

Ms. McBride stated she cannot locate the section of the code that references distance of fencing to give a variance. It can be specified that it is on the property line.

Mr. Okum stated that one person will have poles a little heavy on their side of the fence. He stated there should be shared responsibilities that an HOA would take care of. Making sure that shared fences are maintained by both parties. There needs to be consistency and address all of Valker Alley and be done with it. All residents that front Dorothy and have a rear yard on Valker know what the line will be. Mr. Okum stated that the residents need to get together and get the HOA together to be helpful to all.

Mr. Hall stated he agrees with Mr. Okum's comments, it needs to be consistent throughout the neighborhood.

Mr. Galster asked the applicant if he was ok with 10 ft. off of both streets.

Mr. Engleman stated he does not prefer it but if that's the approval he gets he would accept it.

Mr. Galster stated fences are going where they are not permitted. He questioned the style and manufacturer of the previously installed fence, and asked the applicant if it was the same.

Mr. Engleman stated it is the same style, but he is not sure if it is the same manufacturer.

Mr. Galster feels if there is any fencing in the PUD that this is the type of fence that it needs to be.

Mr. Engleman stated black aluminum smooth top is the type of fence allowed.

Mr. Galster believes the 10 ft. is a good number, which is what works for him. It can be made uniform in the PUD that fences along Valker need to be made 10 ft. off the curb and the same style of fencing previously approved.

Mr. Okum clarified that Dorothy Ln loops, and this is Dorothy Ln on the east side of the house.

Mr. Diehl questioned if the neighbors have talked about getting together to do something.

Mr. Engleman stated nothing official has been done, but there has been talk often regarding fences and lack of HOA.

Mr. Diehl questioned if no one wants to take the lead.

Mr. Engleman and his wife stated they do not really know how to take the lead.

Mr. Okum questioned who they are paying HOA fees to.

Mr. Engleman believes the fees are paid to Meierjohn.

Mr. Okum made sure the applicant understood that it is his responsibility and not the city's for access to easements inside the property.

Mr. Engleman stated he understands.

Mr. Okum stated there has been a standard that will be repeated for the other properties. The property with the curve will have to be dealt with if that property owner decides to put a fence in. Mr. Okum emphasized that it is really important that the subdivision gets a representative with the HOA. So that issues can be worked together.

The chair will entertain a motion to approve the following project, Minor Modification to Springrose PUD, Fence at 471 Dorothy, Case #20210099; per specifications and designs provided in our meeting packet as exhibits which were submitted by the applicant prior to the meeting and reviewed by staff. This motion includes the following conditions; staffs, our City Engineer's and City Planner's recommendations and considerations contained in their report. In regards to the fence, fence railings shall meet the following conditions. The fence shall be no higher than 4 ft. high, the design shall be option 1 as presented by the applicant. The west property line shall have the fence placed on the property line, on Valker Alley, the fence shall be 10 ft from the inside of the curb line, on the east side of the home the fence shall be 10 ft from the inside of the curb line. The fence shall not go further than the rear of the home.

Mr. Hall made a motion to approve; Mr. Galster seconded.
Secretary called the role and the motion was approved with a vote of 6-0.

VIII NEW BUSINESS

A. **** PUBLIC HEARING ****

Major Project: PUD - Preliminary Development Plan Merchant Park – 134/144 Merchant Street (Application #20210097)

Mr. Lamping presented a photo of the property and pointed out the two buildings this project includes. The project is on Merchant St. and Tri-County Pkwy. The development would like to take two parcels and make three, the zoning would be changed from General Business to Residential PUD.

Ms. McBride presented her staff report and comments.

Mr. Riggs presented his staff report and comments.

Mr. Diehl asked Ms. McBride to explain the parking situation again.

Ms. McBride stated code requires that they provide 1.5 parking spaces for each studio or one bedroom unit, and 2 spaces for each two bedroom unit. That is for all townhouses and fifty-five units of apartments.

Steve Dragon, Vandercar, 5027 Madison Rd, Cincinnati, OH 45227. Matt Walker, WP Land Company, 9352 Main St, Cincinnati, OH 45242. Co-developers of the project. Vandercar taking the lead on the apartments, and WP taking the lead on the townhomes. This project was presented conceptually and informally months ago. The last several months were spent looking at details and the market. The plan has not changed a whole lot from the concept plan. They feel this is a positive project for them, the community, and for the surrounding businesses. They are in agreement with most if not all of the staff comments. The planning report notes that a total of 3.56 acres of the site be provided as open space. That is what they show on the current plan, and are asking for some more latitude over the specific number. If they need to address additional parking they may need to lose a little bit of the green space, but are well over the 20% requirement. They are looking to be

held to a percentage even if it's 25%, rather than a specific acreage number. With regard to the street trees, he would like to point out they are not looking at removing all the trees. They would like to install a sidewalk along both of the public streets. They are assuming they would have to remove many trees, but will replace them. There isn't an issue with the comment as it stands, they will be addressing this at final submittal. They are working with Duke Energy in regards to the easement. There has been some feedback and are waiting for additional feedback from them.

Mr. Okum wanted to verify that Mr. Dragon received the most recent set of staff comments.

Mr. Dragon stated he did.

Mr. Okum stated there are standards for removal of trees and replacement. He asked if the front door of the townhomes would be facing Merchant St and Tri-County Pkwy.

Mr. Dragon stated that is the front door.

Mr. Okum stated on the original plans there were balconies shown on the apartments, but he did not see that on the revised plans. This is preliminary plan review and this motion will be referred to City Council for their consideration. The motion that Planning Commission makes will be tied to what City Council interprets and says at their meeting. Mr. Okum asked if there was a dramatic shift in how the office buildings would be handled.

Mr. Dragon stated there were a few changes, they do want to incorporate some balconies and patio areas. When the investigation began on the exterior of the buildings; a great number of penetrations to create more balconies was likely to be infeasible, too costly, and to much of a danger to create water damage over time.

Mr. Okum stated he noticed parallel parking behind the units. He questioned the functionality of those spaces.

Mr. Dragon stated there are a half dozen space in the rear of the 144 building that are parallel spots. They front a 24 ft. drive aisle. One side has 90 degree parking the other has parallel parking.

Mr. Okum questioned a parking field for residents.

Mr. Dragon stated the area being looked at is a private alley, the rear of a townhome building. There are driveways to garages and a surplus area dedicated to guest parking.

Mr. Okum stated it is preliminary, not a final development plan. He stated he is just trying to get a feel for how this is going to go.

Mr. Walker stated it is a new concept in design. It is widely used concept when doing an alley approach and having parallel parking in the driveway to the unit. They have gone from a one car garage unit to a two car garage unit on the townhomes. The parking requirements are more than met with the additional parallel spots. They are not considered in part of the parking count.

Mr. Galster asked if the representatives for the site currently own the property.

Mr. Dragon stated they do not currently own it.

Mr. Galster stated he drove the site and noticed about ten or more evergreens that were cut and laying in the parking lot behind the open field between the two buildings. This is why he questioned if they owned the property, and if they started making changes.

Mr. Dragon stated they have not done anything to the site.

Mr. Okum pointed out they mulched the property.

Mr. Galster stated there hasn't been much change since last meeting. He feels the townhomes seem denser than what he envisioned. He feels the footprint will change because he doesn't think the buildings were wide enough to fit a two car garage.

Mr. Walker stated the buildings are laid out to match the packet. The new design is less dense and has given room to manage the property better. They could fit in more parking spaces and provide room for the dumpsters that they didn't have a specific space for.

Mr. Lamping stated there were new submittals received after the packets went out to Planning Commission.

Mr. Okum stated the commission is looking at a set of plans that is a little different than what is displayed on the screen.

Mr. Walker clarified that the footprint is still the same the internal use is a little different.

Mr. Okum stated the zoning code requires two car garages. He stated that is the intent of the applicant.

Mr. Okum opened up the floor to the public to address the Planning Commission in regards to this development. Let the record show that no one has come before this commission regarding this development. There were no public comments.

Mr. Diehl asked if they have done this type of project before.

Mr. Dragon stated this is a new concept in their market that they have not done before.

Ms. McBride suggested that if the applicant would like additional leeway on the 3.56 acres that they are proposing, the Planning Commission could say 30% that is 3.2 acres which would give them additional leeway. She also stated 28% would be 3 acres, and the code requires 20%.

Mr. Hall asked about experience with this type of development and where that development is located.

Mr. Dragon responded by stating specific to this kind of use they do not have experience. They have done residential and market rate apartments similar to the product that will be offered in Oakley Station in Oakley and Summit Park in Blue Ash. They have extensive experience in commercial construction.

The chair will entertain a motion to approve the following project, Merchant Park at 134/144 Merchant St, Case #20210097; per specifications and designs provided in our meeting packet as exhibits which were submitted by the applicant prior to the meeting and reviewed by staff. This also excludes responses by the applicant that are not addressed in the staffs comments and considerations. Except for the applicant shall provide two car garages on all the townhomes as stipulated. By this approval Planning Commission is referring this to the City of Springdale City Council for consideration. This motion includes the following conditions; staff, our City Engineer's and City Planner's recommendations and considerations contained in their report. As this is a PUD this shall require a review by our staff and law directors for covenants as necessary. There shall be provided by the applicant an open space area of 28%, or 3 acres shall be established on the site.

Mr. Galster made a motion to approve; Mr. Hall seconded.

Secretary called the role and the motion was approved with a vote of 6-0.

- IX DISCUSSION - NONE
- X CHAIRMAN'S REPORT - NONE
- XI ADJOURNMENT

Mrs. Sullivan-Wisecup moved to adjourn. Mr. Galster seconded.
Meeting was adjourned with a voice vote of 6-0.

Respectfully submitted,

_____, 2021 _____
Dave Okum, Chairman

_____, 2021 _____
Robert Diehl, Secretary