

**Agenda**  
**City of Springboro Planning Commission Meeting**  
**Wednesday, December 8, 2021, 6:00 p.m.**  
**Council Chambers, Springboro City Building, 320 West Central Avenue**

- I. Call to Order
- II. Approval of Minutes
  - A. November 10, 2021 Planning Commission Meeting
- III. Agenda Items
  - A. Final Approval, Revision to Approved Site Plan, 465 Victory Drive, B & E Plumbing
  - B. Preliminary Review, Final Development Plan, 765 West Central Ave., PUD, Planned Unit Development, LaComedia Dinner Theatre, construction of accessory structure
- IV. Guest Comments
- V. Planning Commission and Staff Comments
- VI. Adjournment

**Background Information, Staff Comments & Recommendations**  
**City of Springboro Planning Commission Meeting**  
**Wednesday, December 8, 2021, 6:00 p.m.**  
**Council Chambers, City Building, 320 West Central Avenue**

**III. Agenda Items**

**A. Final Review**

**Revision to Approved Site Plan, 465 Victory Drive, commercial building under construction for B&E Plumbing**

**Background Information**

This agenda item is a request for a review to an approved site plan for B&E Plumbing located at 465 Victory Drive. A site plan for the construction of a 3,605-square foot commercial building was approved by the Planning Commission, subject to staff comments, at their August 18, 2021 meeting.

Once construction commenced for the site the applicant, Ben Hood, property owner, identified an error in the site plan, specifically the placement of the building relative to the 50-foot setback on the west property line. The subject property is located in the ED, Employment Center District. The ED provides for the establishment of setback lines at the time of the site plan review process in order to provide property owners the maximum flexibility during the site plan review process. In this case the applicant is requesting that the west setback line be changed to 30 feet.

Adjacent land uses include Victory Wholesale to the east, to the south a large commercial building fronting South Pioneer Drive and occupied by Paper Systems and Trebnick Systems, to the west Total Cable Solutions, Inc., and to the north on the north side of Victory Drive, Hausfeld Classics and a commercial building owned and occupied by Sunstar along with an access drive to their campus to the north. Adjacent zoning is ED District for all adjacent properties.

**Staff Recommendation**

City staff recommends approval of the revision to the approved site plan subject to the applicant continuing to work with City staff on comments identified as part of the August 18, 2021 Planning Commission approval.

**B. Preliminary Review**

**Final Development Plan, 765 West Central Avenue (SR 73), accessory building for LaComedia Dinner Theater**

**Background Information**

This agenda item was filed by App Architecture, Englewood, on behalf of LaComedia Dinner Theater, property and business owner, located at 765 West Central Avenue (SR 73). The applicant is proposing the construction of a two-story, 16,200-square foot accessory building on the southeast corner of the 5.04-acre site. The building will be used to house costumes in a climate controlled environment and provide for other theater storage.

The dinner theater has been in operation since 1975. There is no record of the theater's original approval; that predated the City's incorporation in 1987 and our present Building Department (plans were reviewed by Warren County prior to that date). The property was rezoned to PUD, Planned Unit Development, in September 1997 to provide flexibility to the property owner to develop the property without great flexibility in light of setbacks. No record of the setback has been found by City staff. In 1999 the Planning Commission approved plans for the expansion of the theater building, and later the construction of a dormitory.

The proposed accessory building will be located in the vicinity of two accessory buildings that will be removed. The proposed building will be as close as 6 feet from the east property line and 15 feet from the south property line. These figures are similar to other buildings on the site including the main theater building relative to the east property line (less than 5 feet), and the dormitory relative to the south property line (15 feet).

Adjacent land uses include the recently completed McDonald's at 775 West Central Avenue to the northwest; on the north side of West Central Avenue the two shopping centers owned by Edwards Furniture on either side of Tahlequah Trail, the shopping center at 625-725 West Central Avenue that includes the former and newly renovated Kroger; and to the south, fronting and with access from Pleasant Valley Drive, a number of commercial and light industrial buildings including VST (650 Pleasant Valley Drive).

### **Staff Comments**

City Staff has the following comments regarding the proposed accessory structure:

1. Relocate the existing private utilities from underneath the proposed building, for safety and maintenance reasons.
2. Provide the setback from the attached external stairs to the lot lines.
3. Provide a 10-foot sanitary sewer easement along the rear property line.
4. Provide water and sewer lateral information. Water to be minimum 1" K copper with remote reader inside of building and sanitary sewer lateral to be min 6" SDR 35 or SCH 40 material at 2% slope minimum.
5. Conduct a field survey to verify all utilities, elevations and contours. Elevations and contours shall be based upon USGS datum and identify the benchmark utilized.
6. Provide the pervious/impervious change on the site due to the new building and associated construction. Storm water on the additional impervious areas to be detained.
7. The Clearcreek Fire District has no comments at this time.

The information contained in this report is based on material provided to the City of Springboro as of Wednesday, December 1, 2021 at 5:00 p.m.

# APPLICATION—SITE PLANS, SUBDIVISIONS & RECORD PLANS

## CITY OF SPRINGBORO PLANNING COMMISSION

SITE PLAN  REVISION TO APPROVED SITE PLAN  CONCEPT PLAN  PRELIMINARY SUBDIVISION  RECORD PLAN

The undersigned requests the approval identified above. Site Plan Review approvals subject to expiration provided for in Section 1284.18 of the Planning and Zoning Code. For all approvals under this application, it is understood that it shall only authorize the approval described in this application, subject to any conditions or safeguards required by the Planning Commission, and/or City Council.

RECEIVED

NOV 30 2021

PMB

Owner APPLICANT NAME: B2E Plumbing  
 Agent  
 Lessee Address 465 Victory Dr.  
 Signed Purchase  
Contract Springboro OH 45066

Telephone No. (937) 608 3374

Fax No. ( )

Email Address bhood@baudeplumbingLLC.com

PROPERTY OWNER NAME (IF OTHER): Benjamin Hood

Address: 165 Sycamore Springs Dr.  
Springboro OH 45066

Telephone No. ( ) Same

Property Address or General Location: 465 Victory Dr.

Parcel Number(s): \_\_\_\_\_ Zoning District: \_\_\_\_\_

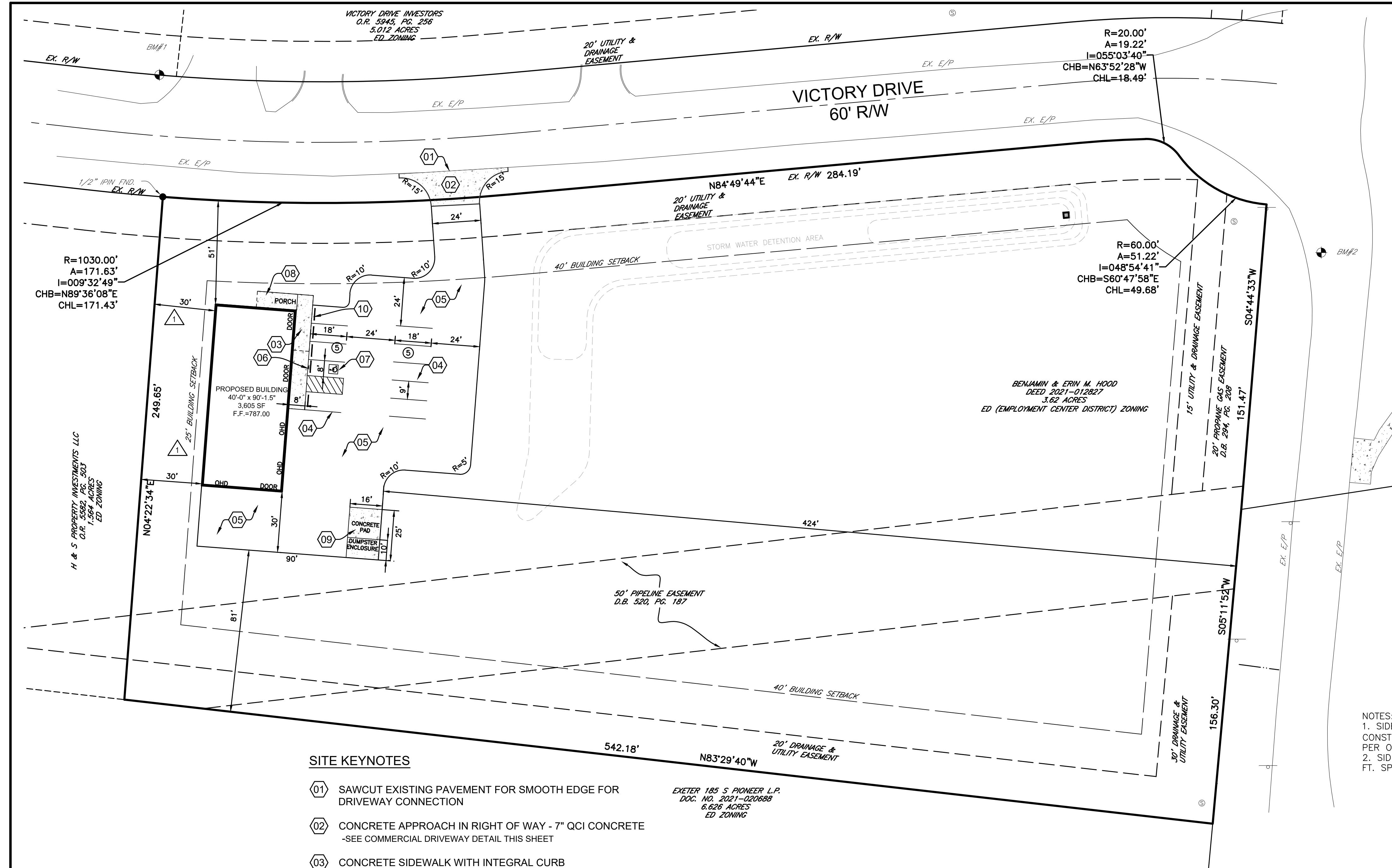
Proposed Use: Plumbing office / Shop

The applicant or representative who is authorized to speak on behalf of the request must also be present at all meetings.

Benjamin Hood  
(Signature of Applicant and/or Agent)

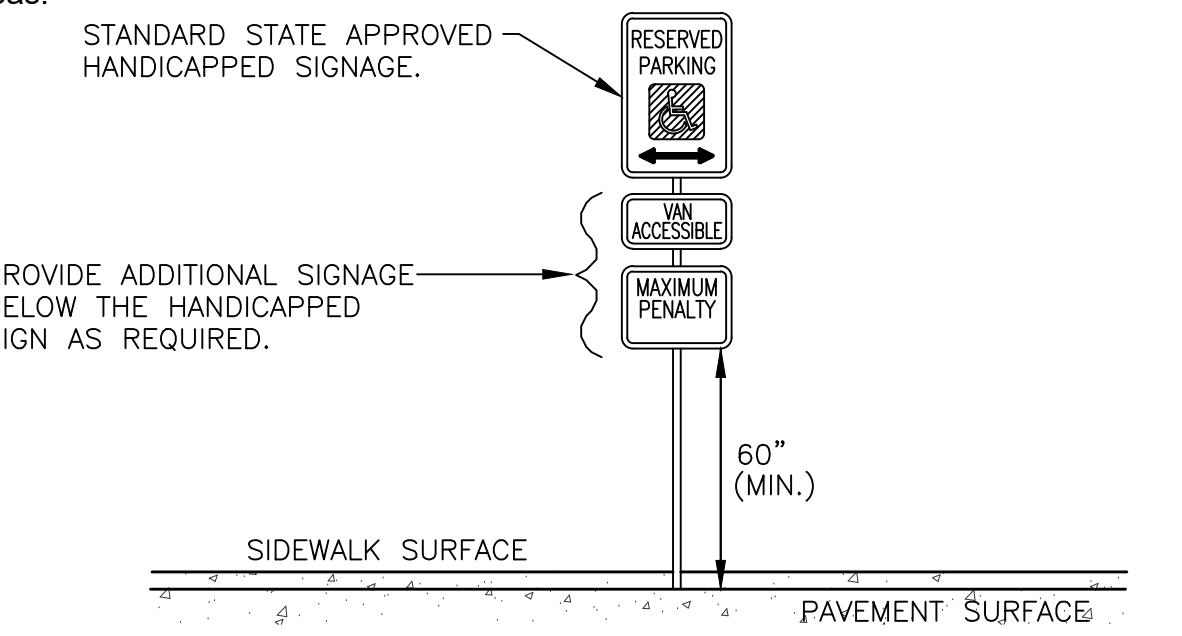
11/30/21  
(Date)

Benjamin Hood  
Printed Name



### SITE NOTES

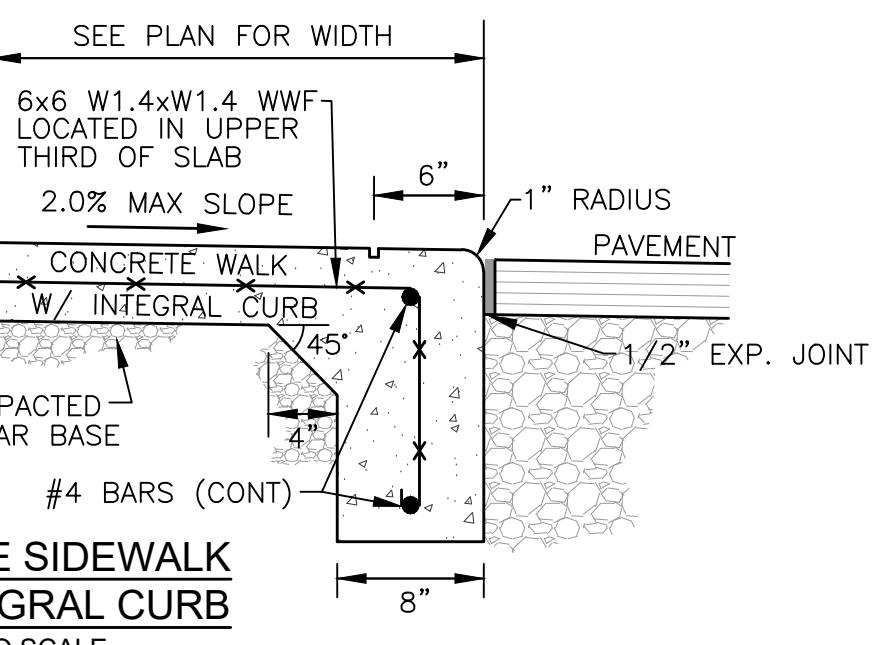
- Property line and right-of-way monuments shall not be disturbed by construction. If disturbed, they shall be reset to their original locations at the Contractor's expense by a Registered Land Surveyor.
- All construction shall comply with City and State Standards.
- Building dimensions shown on the Civil Engineering Plans are for reference purposes only. Contractor shall use the Architectural and Structural Plans for exact building dimensions.
- All site dimensions are referenced to the face of curbs or edge of paving unless otherwise noted. All Building dimensions are references to the outside face of structure.
- All sidewalks, curb and gutter, street paving, curb cuts, driveway approaches, handicap ramps, etc. constructed outside the property line in the right-of-way shall conform to all Municipal and/or State specifications and requirements.
- The Contractor shall abide by all OSHA, Federal, State and Local Regulations when operating cranes, booms, hoists, etc., in close proximity to overhead electric lines. If Contractor must operate equipment close to electrical lines, contact the local power company to make arrangements for proper safeguards.
- The Contractor shall obtain City permits for work within the road right-of-ways, including local curb cut permit, sewer and water connection permit and erosion control bond if required before the start of any activity. The Contractor shall post all bonds, pay all fees, provide proof of insurance, and provide traffic protection necessary for the work.
- All material schedules shown on the plans are for general information only. The Contractor shall prepare his own material schedules based upon his plan review. All schedules shall be verified in the field by the Contractor prior to ordering materials or performing work.
- All proposed handicap ramps and parking areas shall comply with current Federal, State, and Local Regulations.
- Proof roll building and all pavement areas. Notify Owner and/or Owner's Representative of any unacceptable areas.



NOTES:  
1. MOUNT SIGNAGE ON ROUND, GALVANIZED, METAL POST

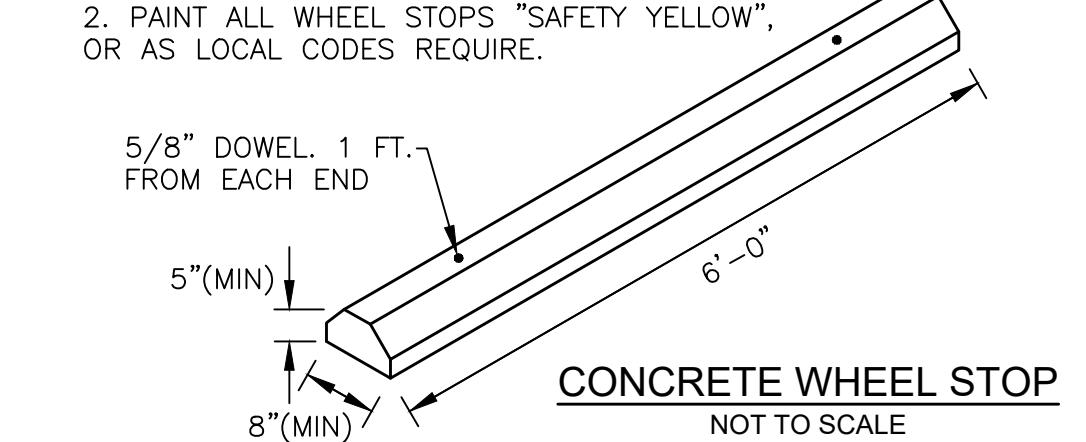
### ADA PARKING SIGNAGE

NOT TO SCALE

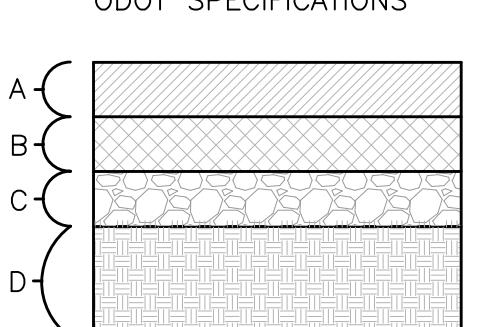


NOTES:  
1. SIDEWALK WITH INTEGRAL CURB TO BE CONSTRUCTED OF 3500 PSI CONCRETE (MIN.). PER ODOT ITEM 608 AND 609.  
2. SIDEWALK TO HAVE JOINTS NOT EXCEEDING 5 FT. SPACING IN ANY DIRECTION.

NOTES:  
1. PRE-CAST CONCRETE WHEEL STOPS SHALL BE DOELED TO PAVEMENT & LOCATED 2 FT. FROM EDGE OF OBSTRUCTION.  
2. PAINT ALL WHEEL STOPS "SAFETY YELLOW", OR AS LOCAL CODES REQUIRE.

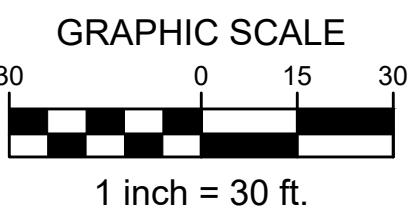


KEY  
A - 1-1/2" ODOT ITEM 441 ASPHALT CONCRETE SURFACE COURSE, TYPE 1, (448) PG64-22  
B - 3" ODOT ITEM 441 ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE 2, (448) PG64-22  
C - 6" ODOT ITEM 304, AGGREGATE BASE  
D - ODOT ITEM 204 SUBGRADE COMPACTION AS PER ODOT SPECIFICATIONS



\*PAVEMENT SECTION TO BE OWNER APPROVED.  
NO TESTING OR DESIGN WAS PERFORMED BY THE CIVIL ENGINEER IN SELECTING THIS SECTION.

ASPHALT  
"PARKING AREA" PAVEMENT  
SECTION  
NOT TO SCALE



1 inch = 30 ft.

| SITE AND PAVEMENT LEGEND |                               |
|--------------------------|-------------------------------|
| ①                        | NUMBER OF PARKING SPACES      |
| •                        | PIPE BOLLARD                  |
| ②                        | ADA PARKING SYMBOL            |
| ---                      | SIGN                          |
| ---                      | PROPOSED LIGHT FIXTURE        |
| ---                      | PAINT STRIPE AREA             |
| ---                      | CONCRETE                      |
| ---                      | ASPHALT PARKING AREA PAVEMENT |
| ---                      | BUILDING FOOTPRINT            |



Know what's below.  
Call before you dig.

SITE BENCHMARKS  
BM#1 SANITARY MANHOLE  
Elev: 788.44  
BM#2 STORM MANHOLE  
Elev: 784.95

DUMPSTER PAD  
PAVEMENT SECTION  
NOT TO SCALE

GENERAL NOTES

\*PAVEMENT SECTION TO BE OWNER APPROVED.  
NO TESTING OR DESIGN WAS PERFORMED BY THE CIVIL ENGINEER IN SELECTING THIS SECTION.

### PARKING REQUIREMENTS:

SITE IS WAREHOUSING/DISTRIBUTION

-PARKING REQUIREMENT IS 1 SPACE PER 350 SQUARE FEET OF OFFICE SPACE + 1 SPACE PER EMPLOYEE AT MAXIMUM SHIFT.

-FOR SITE OFFICE SPACE = 1,000 SQ. FT. = 4 SPACES  
MAXIMUM NUMBER OF EMPLOYEES = 2 = 2 SPACES  
TOTAL PARKING REQUIRED = 6 SPACES

-PARKING PROVIDED = 10 SPACES

### BUILDING DIMENSIONS

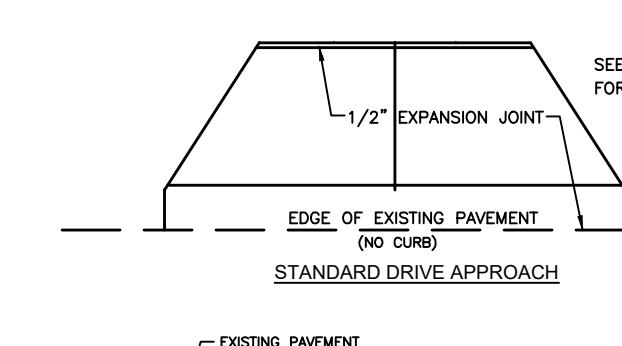
PROPOSED BUILDING AREA = 40'-0" x 90'-1.5" = 3,605 SQ. FT.

PROPOSED BUILDING HEIGHT = 23'-3 7/8" (PEAK HEIGHT)

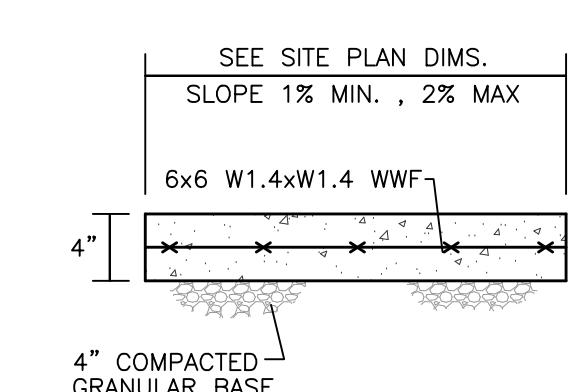
### BUILDING SETBACKS

PROPOSED BUILDING SETBACK FROM VICTORY DRIVE = 40'

PROPOSED SIDE YARD/REAR YARD SETBACK IS 40'.



GENERAL NOTES  
1. DRIVE APPROACHES SHALL NOT BE Poured MONOLITHIC WITH CURB & GUTTER.  
2. DRIVE APPROACHES SHALL BE 10' LONGITUDINALLY AND 10' TRANSVERSELY.  
3. COMPACTED GRAVEL MAY BE USED FOR LEVELING COURSE UNDER CONCRETE DRIVE APPROACH.  
4. IF ASPHALT CONCRETE PAVEMENT IS DISTURBED, THE ASPHALT SHALL BE REPLACED AS DIRECTED BY THE ENGINEER.  
5. IF CONCRETE PAVEMENT IS DISTURBED, THE CONCRETE SHALL BE REPAVED AS DIRECTED BY THE ENGINEER.  
6. ANY VARIATION FROM THE ABOVE REQUIREMENTS MUST BE APPROVED BY THE ENGINEER.  
7. CONCRETE FOR CURB, GUTTER, SIDEWALK, AND DRIVE APPROACH SHALL MEET THE REQUIREMENTS SET FORTH IN ITEM 608 (ODOT SPEC). CONCRETE SHALL MEET ASTM D-1752 SECTION FIVE OR ASHTO M153-98 SPECIFICATION.  
8. EXPANSION MATERIAL TO BE PROFLEX VINYL EXPANSION MATERIAL AND SHALL MEET ASTM D-1752 SECTION FIVE OR ASHTO M153-98 SPECIFICATION.



NOTES:  
1. SIDEWALK TO BE CONSTRUCTED USING 3500 PSI CONCRETE.  
2. SIDEWALK TO HAVE TOOLED CONTROL JOINTS NOT EXCEEDING 5 FT. SPACING IN ANY DIRECTION.

### CONCRETE SIDEWALK DETAIL

NOT TO SCALE

SITE DEVELOPMENT PLANS FOR  
**B&E PLUMBING**

VICTORY DRIVE  
CITY OF SPRINGBORO, WARREN COUNTY, OHIO

**BURKHARDT**  
ENGINEERS + SURVEYORS

28 North Chard Street | Germanotta, Ohio 45327 | Phone: 937-388-0660 | BURKHARDT.COM

Design: KZ Proj: 21.168  
Draw: RK Dwg: 21.168  
Check: KZ Tab: C2 SITE  
Scale: 1" = 30'  
Date: 09-23-2021  
Sheet:

**SITE PLAN**  
Sheet No.: C-2.0

# APPLICATION—PLANNED UNIT DEVELOPMENTS CITY OF SPRINGBORO PLANNING COMMISSION

REZONING/GENERAL PLAN

FINAL DEVELOPMENT PLAN

RECORD PLAN

VARIANCE

The undersigned requests the approval identified above. Approvals subject to expiration provided for in Chapter 1266 of Planning & Zoning Code. For all approvals under this application, it is understood that it shall only authorize the approval described in this application, subject to any conditions or safeguards required by the Planning Commission, and/or City Council.

Owner  
 Agent  
 Lessee  
 Signed Purchase Contract

APPLICANT NAME:

Timothy J. Bement

Address

615 Woodside Drive

Englewood, OH 45322

Telephone No.

( 937 ) 836-8898

Fax No.

( 937 ) 832-3696

Email Address

tim.bement@app-arch.com

PROPERTY OWNER NAME (IF OTHER): Joseph K. Adkins - La Comedia Dinner Theatre

Address: 765 West Central Ave. , Box 204

Springboro, OH 45066

Telephone No. ( 937 ) 746-4537

Property Address or General Location: 765 West Central Ave.

Parcel Number(s): PID 0420400007 Acreage: \_\_\_\_\_

PUD Category:  Residential  Retail  Office  Manufacturing  Mixed Use

If Mixed Use, Acreage in Each Category: \_\_\_\_\_

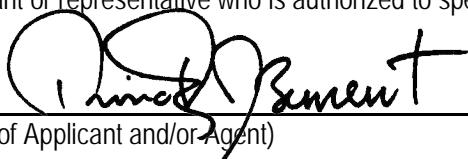
For Residential Proposed Density \_\_\_\_\_ Number of Residential Units \_\_\_\_\_

Proposed Use: Costume and Sets Storage Building - this will be replacing two existing structures

located at the southeast corner of the site. Building is two stories, 8,100 SF per floor.

Total building area is 16, 200 SF .

The applicant or representative who is authorized to speak on behalf of the request must also be present at all meetings.



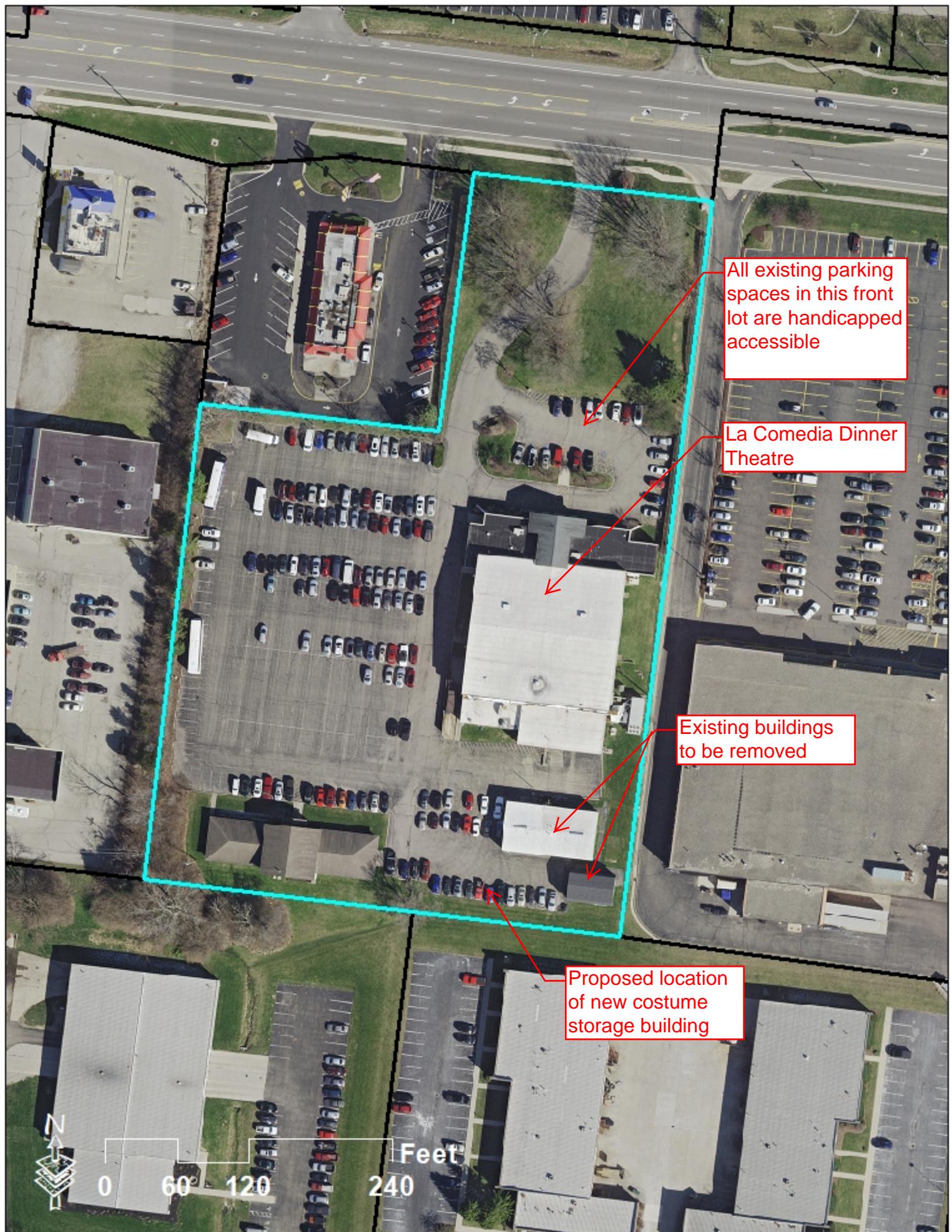
(Signature of Applicant and/or Agent)

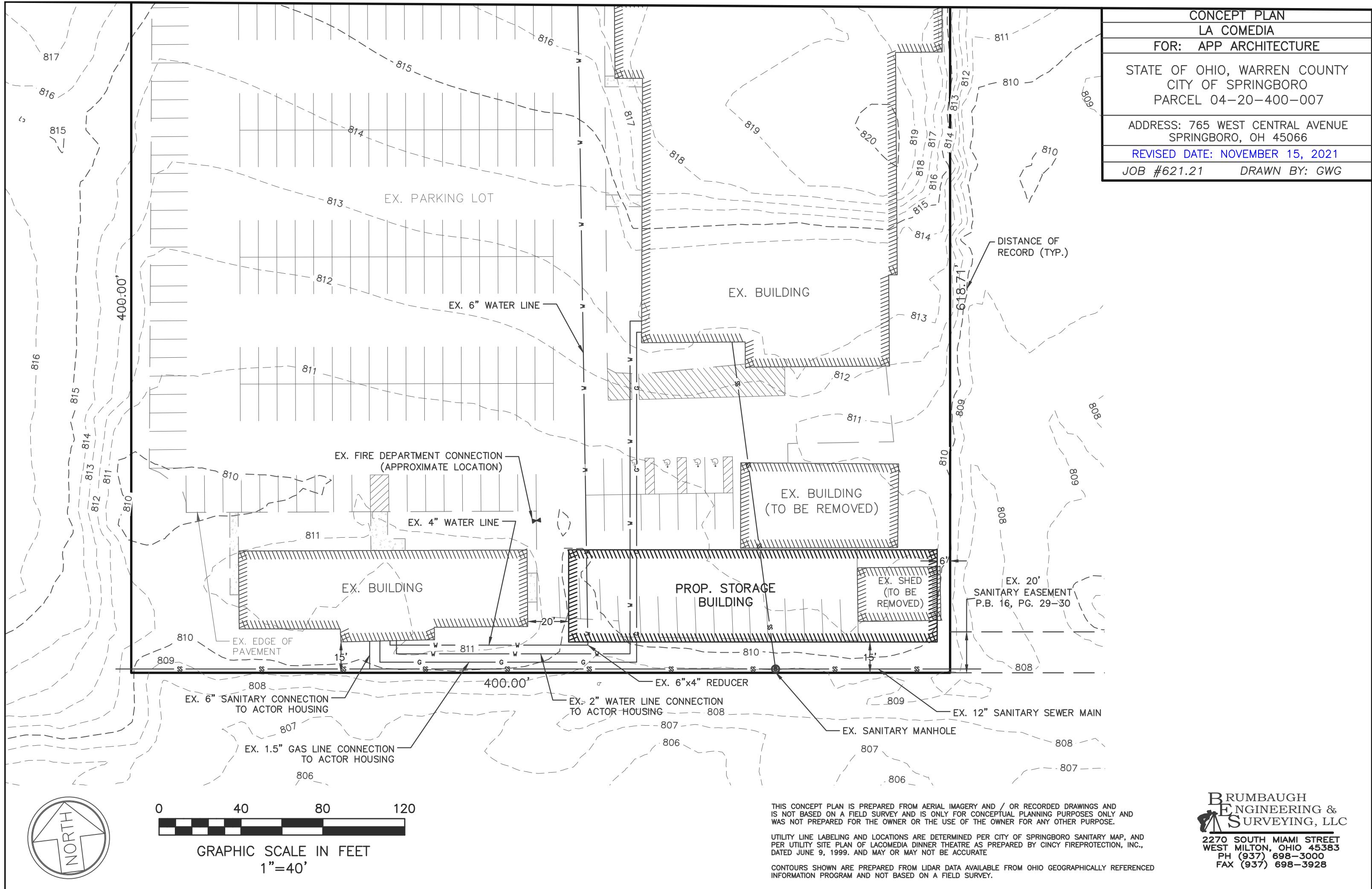
11/29/2021

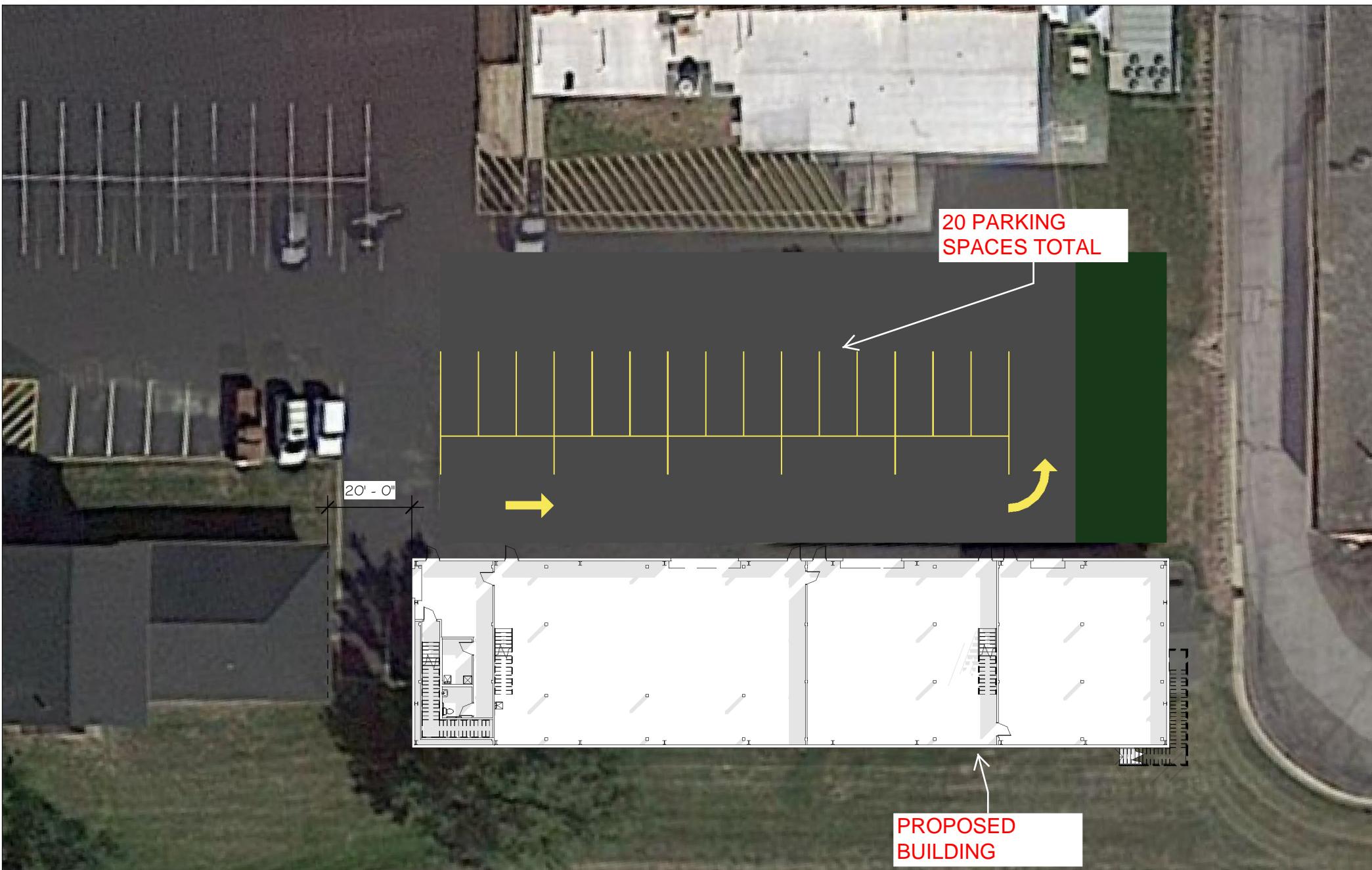
(Date)

Timothy J. Bement

Printed Name







Schematic Site Plan - option 3

1" = 30'-0"



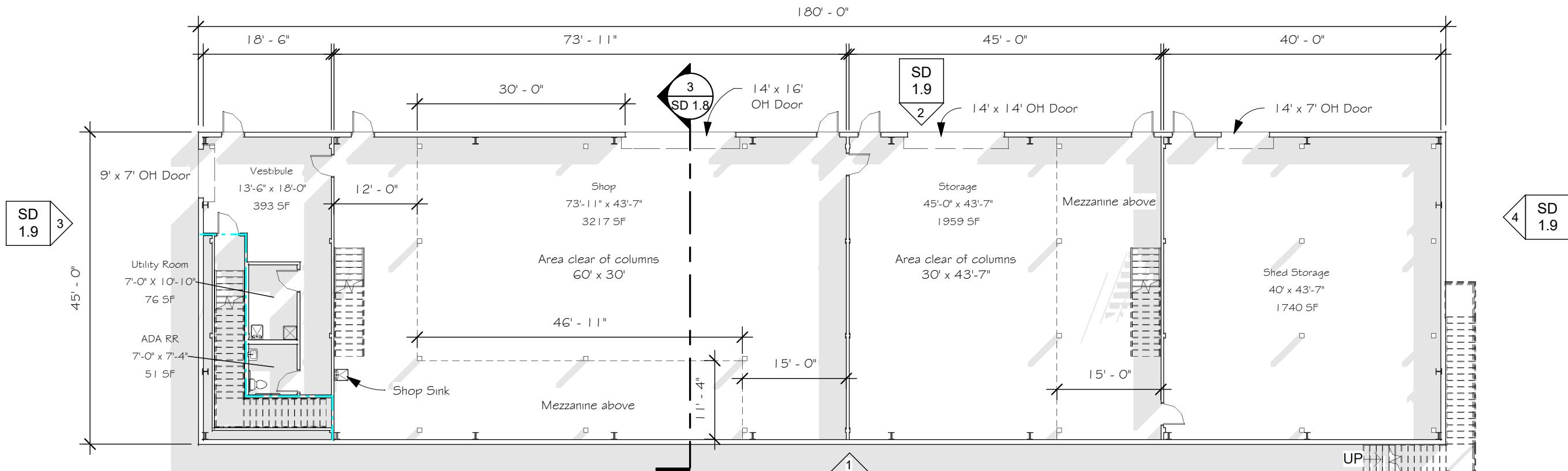
La Comedia Dinner Theatre  
Multipurpose Storage Building

Option 3 - Site  
Scale: 1" = 30'-0"  
11/24/2021

SCHEME SD 2.0



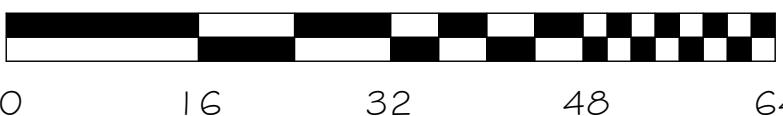
2 3D opt 3 section



1 Level 1 - option 3  
1/16" = 1'-0"



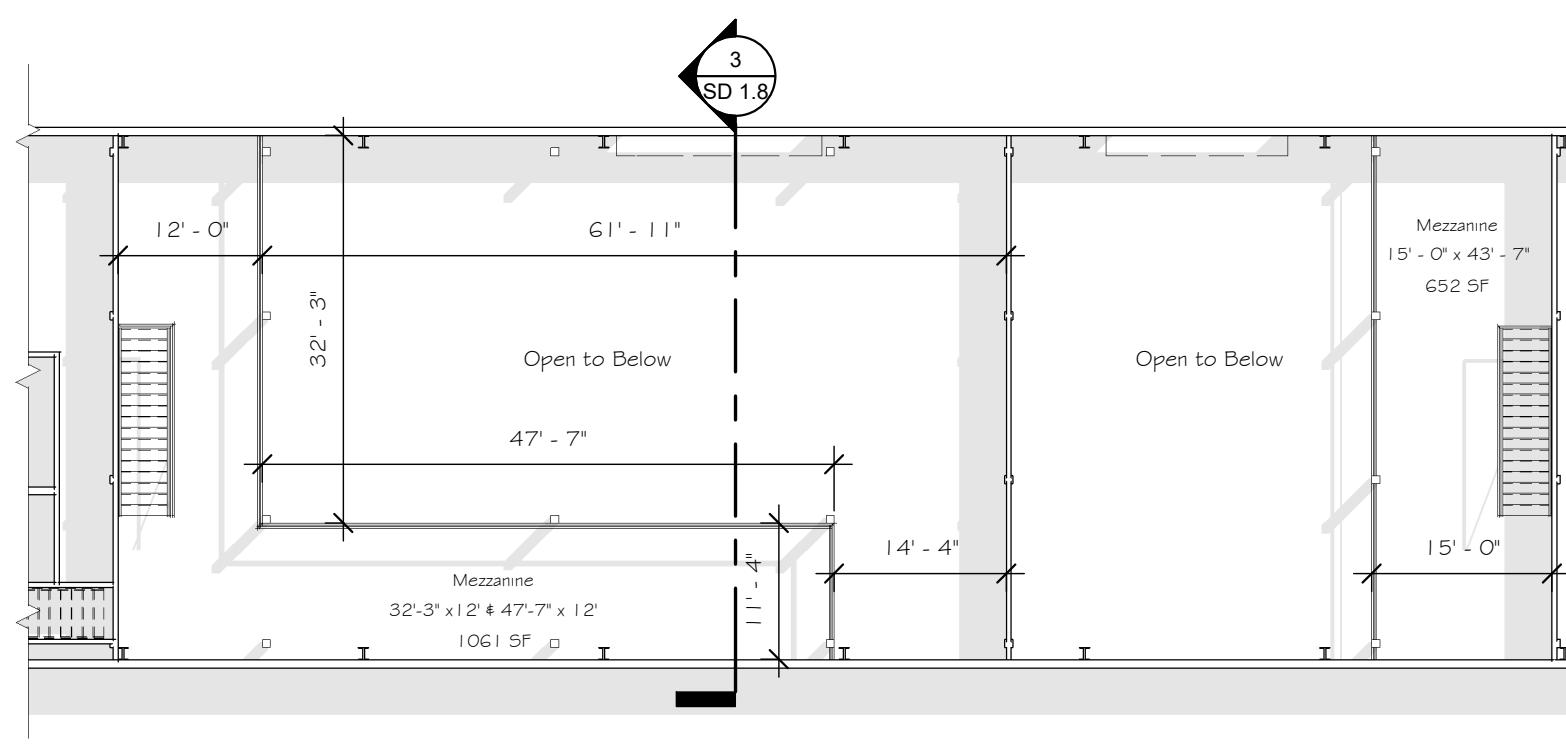
GRAPHIC SCALE



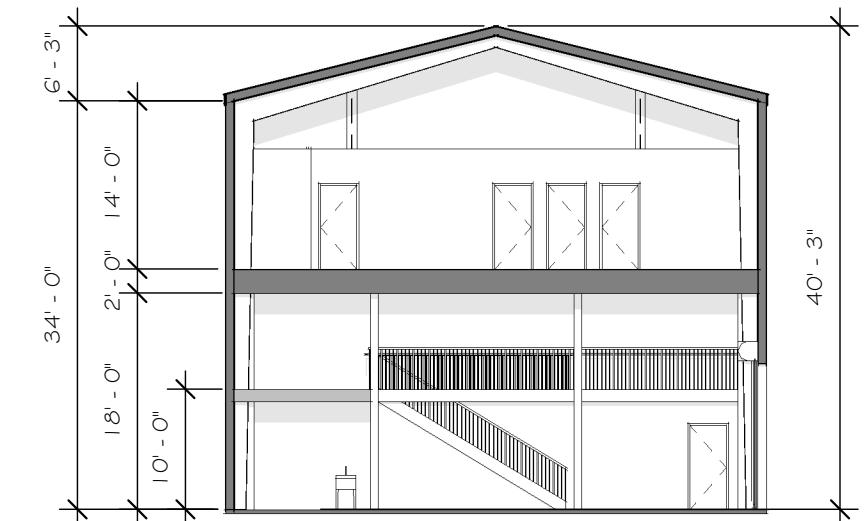
La Comedia Dinner Theatre  
Multipurpose Storage Building

Option 3  
Scale: 1/16" = 1'-0"  
11/24/2021

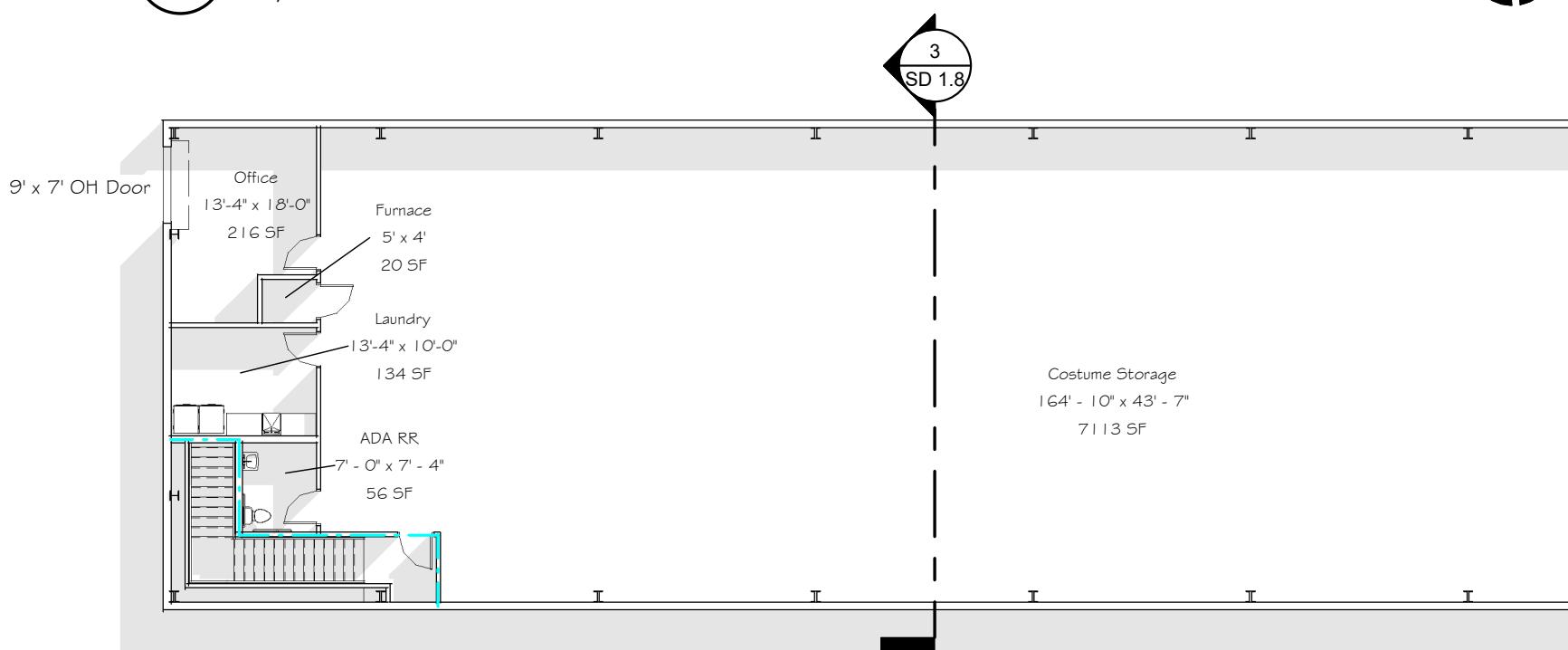
SCHEME SD 1.7



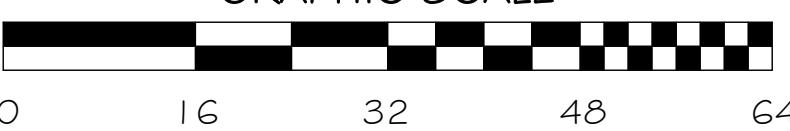
2 Mezzanine - opt 3  
1/16" = 1'-0"



3 34' Building Section  
1/16" = 1'-0"



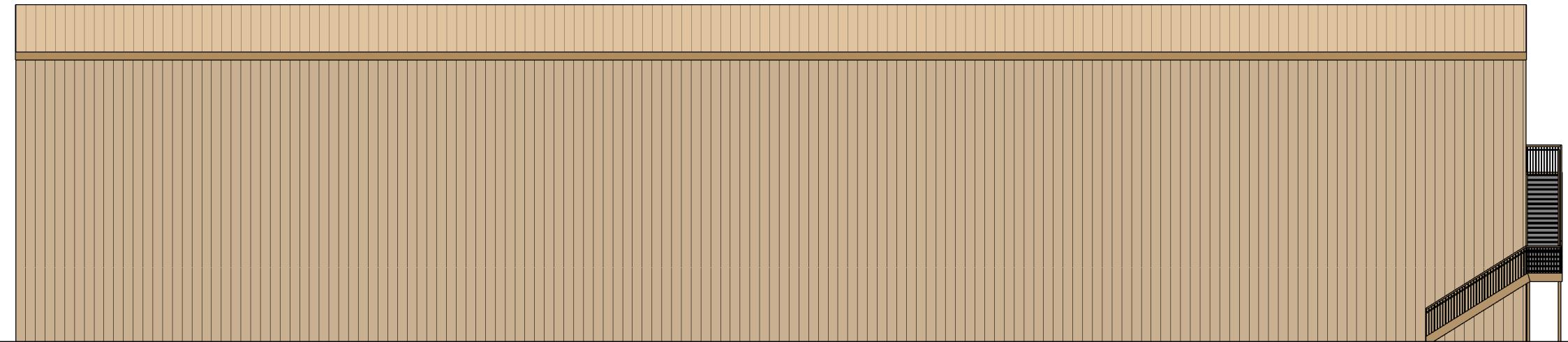
1 Level 2 - option 3  
1/16" = 1'-0"



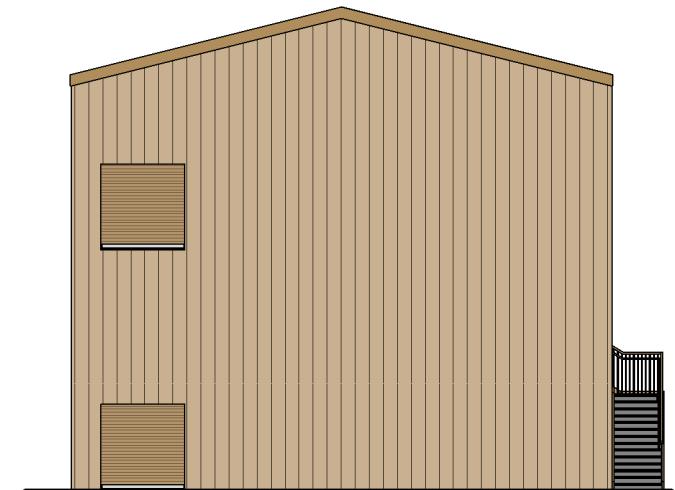
La Comedia Dinner Theatre  
Multipurpose Storage Building

Option 3  
Scale: 1/16" = 1'-0"  
11/24/2021

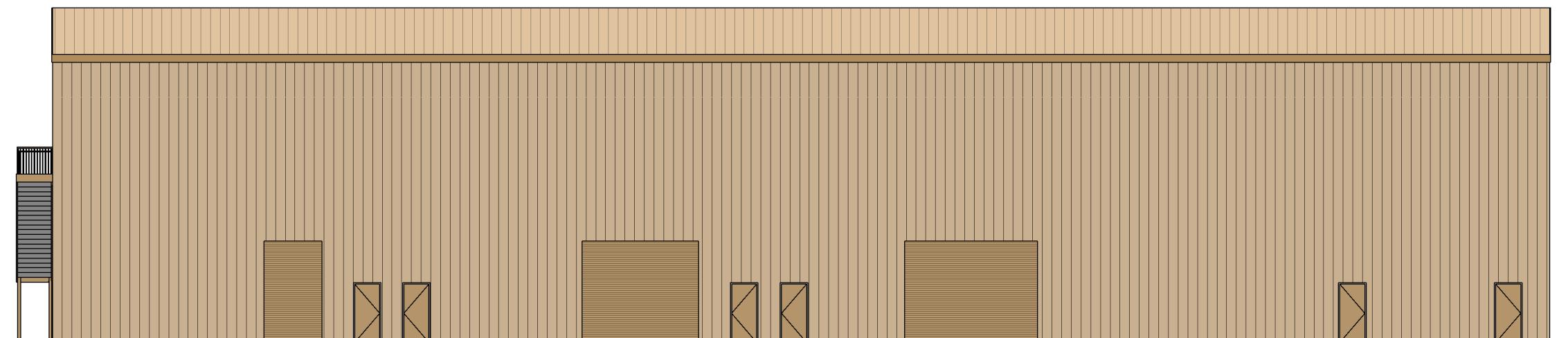
SCHEME SD 1.8



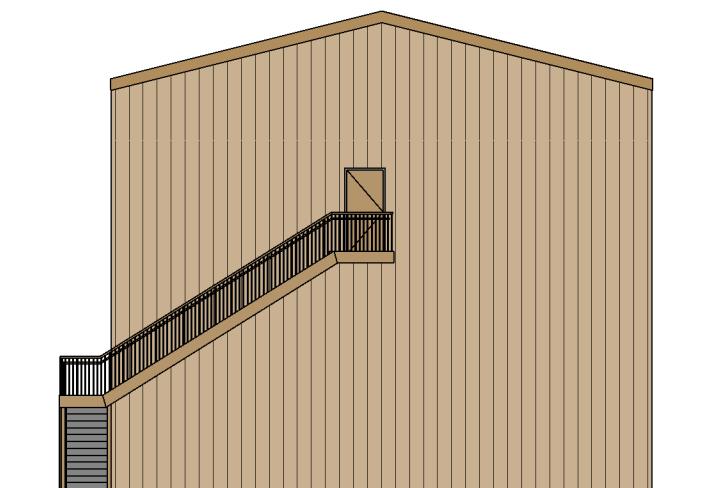
1 North  
1/16" = 1'-0"



3 East  
1/16" = 1'-0"



2 South  
1/16" = 1'-0"



4 West  
1/16" = 1'-0"

#### GRAPHIC SCALE



0 16 32 48 64

#### La Comedia Dinner Theatre Multipurpose Storage Building

Option 3 - Elevations  
Scale: 1/16" = 1'-0"  
11/24/2021

SCHEME SD 1.9

**City of Springboro**  
320 West Central Avenue, Springboro, Ohio 45066  
Planning Commission Meeting  
Wednesday, November 10, 2021

**I. Call to Order**

Vice-Chair Chris Pearson 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: Chris Pearson, Vice-Chair, Robert Dimmitt, Steve Harding, Mike Thompson, Mark Davis and John Sillies. Absent, Becky Iverson

Staff Present: Dan Boron, City Planner; Chad Dixon, City Engineer, Ann Burns, Planning Commission Secretary.

*Mr. Harding motioned to excuse Ms. Iverson. Mr. Davis seconded the motion.*

Vote: Sillies, yes; Dimmitt, yes; Harding, yes; Pearson, yes; Davis, yes; Thompson, yes. (6-0)

**II. Approval of Minutes**

**A. September 9, 2021 Planning Commission Minutes**

Mr. Pearson asked for corrections or additions to the minutes. There were none

*Mr. Harding motioned to approve the October 13, 2021 Planning Commission minutes. Mr. Thompson seconded the motion.*

Vote: Sillies, yes; Dimmitt, yes; Harding, yes; Pearson, yes; Davis, yes; Thompson, yes. (6-0)

**III. Agenda Items**

**A. Final Approval, Final Development Plan, Advanced Drive PUD, Planned Unit Development, commercial building**

**Background Information**

This agenda item is a request for final approval of a final development plan for the construction of a speculative commercial building on the west side of Advanced Drive in the Stolz Industrial Park. The subject property is located approximately 600 feet northeast of the terminus of Advance Drive. The proposal was submitted by Cincinnati Commercial Contracting, property owner and developer.

This item was reviewed on a preliminary basis at the October 13, 2021 Planning Commission meeting at which time the Planning Commission authorized this item to be placed on a future meeting agenda for formal action.

The applicant is proposing to construct a one-story, 20,000-square foot flexible space commercial building for a future user. The plan for the site provides for expansion at a future date and subject to Planning Commission review. No address has been assigned for the property at this point in time; addresses are

typically not assigned by the Engineering Department until further into the site development process. The proposed commercial building will be located on 2.64 acres of undeveloped land; the property owner plans to develop their remaining 12.685 acres of undeveloped land as soon as practicable.

The subject property has frontage on Advanced Drive. Adjacent land includes other properties in the Stoltz Industrial Park are occupied by the following businesses: to the north Hanover Products at 125 Advanced Drive, to the northeast Alfonse Haar at 130 Advanced Drive, to the east and southeast Advanced Interiors at 240-250 Advanced Drive, and to the south A-1 Mechanical at 235 Advanced Drive. The subject property also borders to the west undeveloped property in Franklin Township with frontage and access provided from Sharts Road to the west.

The subject property is zoned PUD, Planned Unit Development, and is part of the Advanced Drive PUD that coincides with the Stoltz Industrial Park. The Advanced Drive PUD was created in 1997 to accommodate light industrial development of the area in collaboration with the Stoltz estate. The remainder of the estate is now Clearcreek Park. The PUD zoning designation permits the use of the property for office and light industrial development. Land to the west in Franklin Township is zoned Franklin Township R-1, Rural Residence District.

### **Staff Recommendation**

City staff recommends approval of the site plan for the proposed has the following comments:

1. Parking supply may need to be adjusted when end user is identified.
2. Revise landscaping plan to address the following:
  - a. Indicate all existing vegetation 4 inches DBH or larger to remain on site for credit against requirements of Chapter of the Planning and Zoning Code. This may reduce the number of plantings required as described below.
  - b. For landscaped buffer required on north, provide 3 additional trees (9 provided, 12 required); for landscape buffer to south provide 4 additional trees (8 provided, 12 required).
  - c. Indicate long-range plans for the west end of the property in light of buffering requirements and credit that may be provided by existing vegetation.
  - d. Provide 38 trees for site coverage requirement based on estimated 2.64-acre site. See also (a) above.
3. Revise lighting plan to address photometric analysis which exceeds 10:1 maximum to minimum ratio. Average to minimum ration is now compliant as is revised photometric analysis complies with City standards.
4. Construction requirements within the existing pipeline easement area to be worked out with pipeline companies.
5. Adjust dumpster location or proposed property line to south to provide 15-foot separation from property line.
6. Remove the offsite water line lateral alternative.
7. Remove random text on the bottom left side of Sheet C-3.1.
8. Identify Benchmark.
9. Final revised and approved site plan shall be submitted to include all comments by staff and planning commission, and to have signature of the owner or duly authorized officer and stamped certified by a professional engineer.
10. An "As Built" drawing showing as built location and elevations of all improvements shall be submitted prior to the issuance of an occupancy permit.

11. Please be aware that the Clearcreek Fire District utilizes the provisions from the Ohio Fire Code and the Ohio Building Code and that all fire hydrant components shall meet those of the City of Springboro Water works.
12. All test of safety Fire and Life safety systems shall be scheduled through the Springboro Building Department 48 hours prior to testing. The Building department will contact the Clearcreek Fire District and advise us of date and time for testing. A Clearcreek Fire District representative will witness all testing.
13. The Clearcreek Fire District will require the purchase and installation of a Knox Box at the main entrance of the facility before the completion of the building.
14. A fire extinguisher plan must be submitted to the fire district. Placement and installation must be done prior to final building inspection.

**Discussion:**

Mr. John Westheimer, Cincinnati Commercial Contracting, were present to discuss their application.

Mr. Westheimer stated that they have reviewed the staff comments and staff recommendations and have no problem complying with all requirements.

Mr. Harding stated that this was reviewed at last month's meeting and feels it is a fairly standard plan.

Mr. Pearson asked for a motion to approve the Final Development Plan for Advanced Drive PUD, Planned Unit Development commercial building.

*Mr. Sillies motioned to approve. Mr. Harding seconded the motion.*

**Vote:** Davis, yes; Sillies, yes; Dimmitt, yes; Pearson, yes; Harding, yes; Thompson, yes (6-0)

**B. Final Approval, Record Plan, 95 West Central Avenue (SR 73), Reilich Development Plat, dedication of right-of-way**

**Background Information**

This agenda item was filed on behalf of the owners of the Foreign Exchange vehicle repair facility currently under development at 95 West Central Avenue (SR 73). The proposed record plan was a condition of the site plan review approval by Planning Commission at their September 8, 2021 meeting. As a part of the approval, a record plan is required to dedicate right of way along West Central Avenue/SR 73, along with a 10-foot utility easement. The total acreage of the site is approximately 1.9307 of which approximately 0.1012 acres are in the right of way. Following review by the Planning Commission, approval of the record plan by City Council is required.

**Staff Recommendation**

City Staff recommends Planning Commission to approve a recommendation to City Council to approve the record plan for the Reilich Development Plan with the following conditions:

1. Warren County is reviewing the plat; revise accordingly if there are any comments.

**Discussion:**

Mr. Chris Hinkel from Dryden Builders was present to discuss the record plan. He stated that he has reviewed all the staff comments and recommendations and is agreement with them.

Mr. Boron noted that this record plan was a condition of approval for the development plan for Foreign Exchange. This item will be forwarded onto City Council with a recommendation for approval

Mr. Thompson asked for clarification that this dedication of right of way is a technicality that needs to be completed for the project.

Mr. Boron explained that new subdivisions include the right of way as part of the record plan process. On state routes and some older county roads, they are subject to a highway easements.

Mr. Pearson asked for a motion to approve the Record Plan, 95 West Central Avenue (SR 73), Reilich Development Plan, dedication of right of way.

*Mr. Harding motioned to approve. Mr. Davis seconded the motion.*

**Vote:** Sillies, yes; Dimmitt, yes; Pearson, yes; Harding, yes; Davis, yes; Thompson, yes (6-0)

**C. Final Approval, Rezoning, 110 East Mill Street, from M-2, Heavy Manufacturing District, to CBD, Central Business District**

**Background Information**

This agenda item is a request filed by Rodney & Jennie Charlton, property owners, to rezone approximately 0.575 acres of land located at 110 East Mill Street. The property houses the Charlton's business, Charlton Taxidermy.

This small property is located in two zoning districts. The western portion of the property, a 50-foot by 150-foot lot, 0.172 acres in area, is zoned CBD, Central Business District, a zoning designation that includes most of the Springboro Historic District including all of South Main Street and East Mill Street to the midpoint of the Charlton property. The east portion of the property is zoned M-2, Heavy Manufacturing District, a zoning category that extends to the north and east to include lands occupied by Mound Steel, High Concrete, the City of Springboro Service Department garage, and other businesses. The eastern edge of the property is proximate to Richards Run. Please see the enclosed zoning and aerial vicinity maps in the meeting materials.

The fact that the property lies within two zoning districts came to light this summer. It appears that the eastern portion of the property was zoned to M-2 upon annexation sometime before 1992; the north-south division line between CBD and M-2 was the Springboro corporation line according to the 1962 zoning map. County records indicate that the existing building on the site was built in 1976. The zoning of the 0.575-acre eastern portion of the property created an orphan zoning designation that did not reflect the existence of a body of water, Richards Run. Given M-2 development standards, this portion of the property cannot be developed legally under this designation.

Multiple zoning designations on a property is permitted, however in this case the multiple designations potentially limit the use potential of the property, in particular the east half, in the event the property is sold.

Charlton Taxidermy may continue as a business on the entire property, even with another owner; and on the eastern portion of the property as a nonconforming use with limitations since the use is not permitted in the M-2.

Those limitations include a prohibition on expansion and rebuilding after a catastrophic loss. The rezoning request is preemptive to the potential sale of the property in the near future.

Adjacent land uses include an apartment building to the west. Beyond that single-family residential uses can be found to the northwest in the Springboro Historic District. To the east and northeast is the Mound Steel operation on the east side of Richards Run. To the south on the south side of East Mill Street is Springboro Baptist Church and a Duke Energy transformer station.

The 2009 Springboro Land Use Plan makes recommendations for the future development of the community and is used by City Council, the Planning Commission, and City staff to make zoning decisions. It includes recommendations within 16 policy areas that are based on proximity, development characteristics including land use and the age of construction or development. In this case the CBD/M-2 boundary also coincides with the boundary of Policy Area #13, Historic Core to west, and Policy Area #14, South Richards Run Corridor to the east. Policy Area #13 recommends development that is consistent with the requested rezoning, however Policy Area #14 does not. It can be reasonably argued that the requested zoning change is a logical extension of the existing retail-residential-office-community use development pattern of South Main Street and East Mill Street within Policy Area #13, and not that of Policy Area #14.

### **Staff Recommendation**

City staff recommends approval of a recommendation to Springboro City Council to amend the Official Zoning Map of the City of Springboro and rezone the eastern 0.575-acre portion of the property from M-2, Heavy Manufacturing District, to CBD, Central Business District.

City staff will also recommend to the steering committee developing the update to the land use plan that the boundary of Policy Areas #13 and #14 be moved to the east to follow the east property line of this property.

### **Discussion:**

Rodney and Jenny Charlton, of 2865 Quail Field Drive, Lebanon, were present to discuss his rezoning application for 110 East Mill Street.

Mr. Boron reviewed the background and history of the property. He explained that it was recently discovered this past summer that the property lies within two zoning districts. Mr. Boron explained that this is the cleanest way to resolve the issue as well as allow the potential buyer to operate and rebuild should there ever be any kind of fire or loss to the property. He also noted that all neighboring properties within 300 feet were notified of the rezoning. Mr. Boron stated that staff is also recommending that policy area 13 be changed in the next master plan to include this property.

Mr. Pearson stated this seems to be a logical fix to correct the zoning issue, and it will be forwarded to Council.

Mr. Pearson asked for a motion to approve the Rezoning of 110 East Mill, M-2, Heavy Manufacturing, to CBD, Central Business District.

*Mr. Harding motioned to approve. Mr. Davis seconded the motion.*

**Vote: Sillies, yes; Dimmitt, yes; Pearson, yes; Harding, yes; Davis, yes; Thompson, yes (6-0)**

Mr. Boron stated that the applicant will be notified in writing of the public hearing schedule.

**D. Final Approval, Rezoning, 1360 South Main Street (SR 741), from PUD-R, Planned Unit Development-Residential, to R-1, Estate-Type Residential District**

**Background Information**

This agenda item is based on an application filed by Nathan Arndts, property owner, seeking approval to rezone the 2.53-acre parcel located at 1360 South Main Street (SR 741) from the existing PUD-R, Planned Unit Development-Residential, to R-1, Estate-Type Residential District. The property includes a single-family residence and an out building. The property was acquired by Mr. Arndts and his family earlier this month.

The property was the subject of rezoning in 2017-2018 to the current PUD-R. PUD rezoning also includes approval of a general plan, and in this case the rezoning and general plan together allowed for the development of a 7-lot residential subdivision. The former property owner was unable to execute the general plan in the form of an approved final development plan, the second step in the three-step PUD development process, within the one-year timeframe required by code. Two six-month extensions were applied for and approved by the Planning Commission, however the general plan expired in 2019 when the final development plan was not applied for. As a result the site is zoned PUD without benefit of a general plan.

City staff was contacted by Mr. Arndts in October about the existing zoning, his family's plans for the property, and their options under Planning and Zoning Code. They had no interest in redevelopment of the property and filed an application to rezone the property back to the R-1 District. The R-1 District allows for residential development at the rate of two dwelling units per acre on lots no less than 20,000 square feet. The R-1 District also allows as permitted uses churches, schools, golf courses, bed and breakfasts, and accessory uses and buildings.

Adjacent land uses include single-family residential to the west, north and south and to the east the Heatherwoode Golf Course (10th tee). The residential portions of Heatherwoode were developed at a density of 2 units per acre (215 lots on 104.4 acres) and 56 percent open space including the portion of Heatherwoode Golf Course east of SR 741. The volume of open space is higher considering the part of the golf course west of SR 741 and smaller open spaces within the residential part of the development. Adjacent zoning includes PUD to the north, east and west corresponding the Heatherwoode golf course and adjoining residential development and R-1 District to the west. Please see the enclosed zoning and aerial vicinity maps in the meeting materials.

The 2009 Springboro Land Use Plan makes recommendations for the future development of the community and is used by City Council, the Planning Commission, and City staff to make zoning decisions. It includes recommendations within 16 policy areas that are based on proximity, development characteristics including land use and the age of construction or development. This property is included in Policy Area #16, Heatherwoode. The policy area recommends residential development up to 6 dwelling units per acre when large areas of open space are provided, as well as parks, public uses such as schools, and semi-public uses such as churches.

**Staff Recommendation**

City staff recommends approval of a recommendation to Springboro City Council to amend the Official Zoning Map of the City of Springboro and rezone 1360 South Main Street/SR 741 from PUD-R, Planned Unit Development-Residential, to R-1, Estate-Type Residential District.

**Discussion:**

Mr. Nathan Arndts, 1360 South Main Street was present to discuss his rezoning application.

Mr. Boron reviewed the background and staff recommendations. He explained that this rezoning goes back to 2017, when the area was approved as a seven-lot subdivision on a 2.53 acre parcel, as part of a PUD, Planned Unit Development. Mr. Boron explained that after the two-year sunset provision expired, the general plan was vacated. The seller assumed that the zoning also reverted back to R-1, which is not the case. Mr. Boron further explained that the current buyer of the property intends to use it as a single family residence.

Mr. Arndts confirmed that this will be their family home and they plan to stay for a long time, hopefully forever, and want to ensure that it can be rebuilt if there was any kind of catastrophic loss.

Mr. Dimmitt asked for clarification on what the benefit is to the homeowner to have the zoning changed.

Mr. Arndts stated that the current zoning restricts him from building any additional out buildings or other changes to the property because of the lack of setbacks.

Mr. Boron noted that 42 properties as well as HOAs were notified by mail of the rezoning request and will be invited to attend any public meetings.

Mr. Pearson asked for a motion to approve the Rezoning, 1360 South Main (SR741), PUC-R, Planned Unit Development-Residential, to R-1, Estate-Type Residential District.

*Mr. Harding motioned to approve. Mr. Dimmitt seconded the motion.*

**Vote:** Sillies, yes; Dimmitt, yes; Pearson, yes; Harding, yes; Davis, yes; Thompson, yes (6-0)

**IV. Guest Comments**

There were none.

**IV. Planning Commission and Staff Comments**

Mr. Boron stated that next Planning Commission meeting is scheduled for December 8th and the deadline is Friday, November 19, 2021.

Mr. Boron also announced that an open house is scheduled for Tuesday, December 7<sup>th</sup> at Heatherwoode to review the Master Plan and provide an opportunity to comment. The open house runs from 6:00 to 8:00 p.m.

Mr. Pearson shared an e-mail from Ms. Iverson noting her support of tonight's agenda items.

## Adjournment

*Mr. Harding motioned to adjourn the November 10, 2021 Planning Commission Meeting at 6:30 pm  
Mr. Davis seconded the motion.*

**Vote: Sillies, yes; Dimmitt, yes; Pearson, yes; Harding, yes; Davis, yes; Thompson, yes (6-0)**

---

Becky Iverson, Planning Commission Chairperson

---

Dan Boron, Planning Consultant

---

Ann Burns, Planning Commission Secretary