

CITY OF LEBANON PLANNING COMMISSION MINUTES

DATE: October 18, 2016

TIME: 7:00 p.m.

Members present were Richard Fair, Michael Murphy, Mayor, Amy Brewer, Kevin Glardon and Tom Miller. Absent was Pat Clements, City Manager. Also present was Samuel L. Hill, City Planner.

CONSIDERATION OF MINUTES

The first order of business was the consideration of the minutes for the meeting of September 20, 2016. Without objection the minutes were approved.

SITE PLAN – SP-16-09-01; 550 E. Main Street (KFC) – Parking Lot and Building Footprint Expansion

The next item of business was an application submitted by Mr. Jonathan Evans, on behalf of RGT Investments LLC, for the proposed expansion and site improvements to the KFC restaurant at 550 E. Main Street. After staff summarized this agenda item, Mayor Brewer commented she is glad to see this establishment is updating and remodeling their property, as you take a look at many of the restaurant chains in that area, they have all done updates. Mr. Fair asked staff if the Planning Commission can make a recommendation to the Board of Zoning Appeals that they do not provide a variance on the proposed lighting fixtures that exceed the maximum height of 20 feet. Staff replied the board may provide that as a recommendation. Mr. Fair continued, providing and extra seven feet would be out of place in that entire area. I don't have any problem with the parking modification. Mayor Brewer asked if the signage shown on the elevation drawings exceeds the maximum amount of area permitted in the code. Staff replied yes. Mayor Brewer added this should be included in the motion. Following the discussion, a motion was made by Mr. Murphy and seconded by Mayor Brewer to approve the site plan to allow the proposed expansion and site improvements to the KFC restaurant at 550 E. Main Street, subject to the following conditions:

1. All plan corrections as required in the City Planner's memo dated October 11, 2016 shall be provided on revised plans for final staff approval prior to the permit being issued for the project.
2. Approval of a modified parking plan providing a minimum of 33 off-street parking stalls.
3. A recommendation to the Board of Zoning Appeals (BZA) to deny any variance request to increase the stand-alone outdoor lighting pole fixtures height beyond the 20 feet maximum, due to the proposed increased height being inconsistent and out of character for the commercial developments within the area.
4. Landscape plan shall meet the minimum required trees and shrubs to be installed at the site.
5. Signage depicted on the plans is not approved and requires a separate application and administrative review process.

CITY OF LEBANON PLANNING COMMISSION MINUTES

DATE: October 18, 2016

TIME: 7:00 p.m.

6. All applicable permits shall be issued by the City of Lebanon and the Warren County Building Department prior to any construction activity occurring.
7. Any variation from the approved plans may require additional review and approval by the Planning Commission and/or Department of Planning and Development prior to making changes to the site.

The roll call was as follows: Mr. Fair, Yes; Mayor Brewer, Yes; Mr. Glardon, Yes; Mr. Murphy, Yes; Mr. Miller, Yes.

SUBDIVISION – Avalon Height Section 3 – 94 Burt Road

The next item of business was a subdivision plat submitted by Mr. Chris Pernice, on behalf of Monarch Homes, to consolidate two lots of record (67 & 68) along Burt Avenue. After staff summarized this agenda item, a motion was made by Mr. Miller and seconded by Mayor Brewer to recommend approval to the City Council for the Avalon Heights Section 3 subdivision plat, subject to the following conditions:

1. All plan corrections as required in the City Planner's memo dated October 7, 2016 shall be provided on revised plans for final staff approval prior to being forwarded onto the City Council for review.
2. The replat shall be recorded within sixty (60) days from the date of approval by Lebanon City Council, as listed in Section 1117.04 (a)(4) of the Subdivision Regulations.
3. A reproducible Mylar of the recorded plat shall be provided to the City of Lebanon.

The roll call was as follows: Mr. Fair, Yes; Mayor Brewer, Yes; Mr. Glardon, Yes; Mr. Murphy, Yes; Mr. Miller, Yes.

SUBDIVISION – Old Fort Drive In Theater Section 2 – 764 Columbus Avenue

The next item of business was a subdivision plat submitted by Mr. Rob Humason, on behalf of Pittman Real Estate Holdings of Ohio, LLC, to subdivide two lots of record into three new lots at 764 Columbus Avenue. After staff summarized this agenda item, Mr. Fair indicated he had a concern as it appears lot 8172 does not have frontage/access along a public road...I'm not sure that even permitted, to dedicate a lot without frontage. Staff replied, 8172 has frontage along Deas Drive. Mr. Fair indicated he did not see that at first. Okay, I got it. That clears my concern. Staff indicated at one point the plan was to obtain the remnant parcel to the south adjacent to the area where Southline Drive dead-ends; however, they were unable to acquire the parcel. The property owner can still extend Deas Drive to provide access should the property be developed. Following the discussion, a motion was made by Mrs. Brewer and seconded by Mr.

CITY OF LEBANON PLANNING COMMISSION MINUTES

DATE: October 18, 2016

TIME: 7:00 p.m.

Glardon to recommend approval to the City Council for the Old Fort Drive In Theater Section 2 subdivision plat, subject to the following conditions:

1. All plan corrections as required in the City Planner's memo dated October 7, 2016 shall be provided on revised plans for final staff approval prior to being forwarded onto the City Council for review.
2. The replat shall be recorded within sixty (60) days from the date of approval by Lebanon City Council, as listed in Section 1117.04 (a)(4) of the Subdivision Regulations.
3. A reproducible Mylar of the recorded plat shall be provided to the City of Lebanon.

The roll call was as follows: Mr. Fair, Yes; Mayor Brewer, Yes; Mr. Glardon, Yes; Mr. Murphy, Yes; Mr. Miller, Yes.

MAP AMENDMENT – Rodenbeck Property – Southeast corner SR 63 & Glosser Road – Map Amendment (I-1 to GC)

The next item of business was a map amendment application submitted by Mr. James A. Pandzik, on behalf of P.A. Rodenbeck & Associates, to rezone the 10.3-acres of vacant land at the Southeast corner of SR 63 & Glosser Road from I-1 to GC. After staff summarized this agenda item, Mayor Brewer asked if the staff could identify the potential car dealership looking to rezone the property. Staff replied at this time the applicant has chosen not to disclose this information due to a deal not being 100% certain. Mayor Brewer replied I totally understand. Mr. Murphy stated I agree with the staff analysis. I pulled the comprehensive plan to look at regardless of the potential use, it is logical and I pulled it out to look at those node locations. So, I agree with pretty much everything that you stated. Following the discussion, a motion was made by Mr. Miller and seconded by Mayor Brewer to provide a favorable recommendation to City Council for approval of the map amendment.

The roll call was as follows: Mr. Fair, Yes; Mayor Brewer, Yes; Mr. Glardon, Yes; Mr. Murphy, Yes; Mr. Miller, Yes.

OTHER BUSINESS

The next item of business was an appointment to the CBD & N. Broadway Master Plan Steering Committee Representative. Mayor Brewer indicated all of the members on the board would do a good job on the steering committee; however, she wanted to nominate Mr. Michael Murphy if he is interested. A motion was made by Mayor Brewer and seconded by Mr. Glardon to nominate Mr. Murphy as the Planning Commission's representative on the steering committee. Mr. Murphy indicated he would be pleased to participate on the steering committee.

CITY OF LEBANON PLANNING COMMISSION MINUTES

DATE: October 18, 2016

TIME: 7:00 p.m.

The roll call was as follows: Mr. Fair, Yes; Mayor Brewer, Yes; Mr. Glardon, Yes; Mr. Murphy, Yes.

Mr. Fair wanted to bring an issue to the Planning Commission regarding an email that staff sent to the board members on 13 October 2016 regarding a site plan or a modification for a resident in Lebanon. What staff was asking is if the Planning Commission would approve this over the phone basically is what I thought. Mayor Brewer replied. Staff added, the email was seeking guidance on whether or not the board would provide staff the authority based on the fact that the modification was occurring on a third story deck that could not be seen from street level which seemed minor from that perspective. If the modification was located on the first or second floor of the building and could be seen from the street level, staff would have brought the application to the board for review and approval. That was the rationale behind the question. Mr. Fair indicated, what the letter says is based on the code, this is defined as a major modification and requires the review and approval by the board. Based on that, if it's in the code, I do think we should have reviewed this. Whether or not we, I'm not talking to staff I am talking to the board members....whether or not we could or could not see it, the City Council has given us this code that we need to follow. Now there are times that we have different opinions on what the code says and I can understand that that's happened quite a bit...especially when we are demolishing or someone is asking to demolish buildings but in this case...and I would have come in for a special hearing or whatever, and I do believe...and I don't know all the details but I do believe we should have brought this in. And that's all I got to say but...I think we are gonna be kind of...if we are going to dissent the authority of the code, I'm not sure that's a good thing. That's it. Staff stated if I may provide some insights on this...the application has not been formally submitted to staff so nothing has been done at this point. Again, staff was asking for some guidance. In terms of the code, yes you are provided that authority and this body has provided staff with authority review and approve other modifications such as fences. That's a major modification putting up a fence, any type of structure erected on property requires review by this body but this body has provided staff with the authority to review and approve those because that is minor in nature. Again, you could probably say that adding a couple stairs on a deck is not minor but again that's why staff sent the email out to the board to gain guidance. Staff would never do anything outside of their authority without asking the question first. Mr. Fair interjected, I'm not saying anything about staff. Staff replied, I just want to clarify. Mr. Fair continued, but you got your three votes, I didn't comment because you had three votes to not bring it to go ahead...and staff is more than capable, I'm not saying anything about staff not being capable...it's just that it concerned me that...Mr. Murphy added, so Richard mentioned this to me when I arrived at the meeting. I don't have any problem with you having the authority to review this specifically and I did express that I thought that this was fine. But the way that he posed it to me...where we went in the 30 second conversation was we hang our hat a lot on precedent. What have we done in the past, and a lot of times the applicant is savvy enough to know and point out what we have done in the past. And for us to advocate that authority, maybe is a mistake and shouldn't be taken so lightly. Mr. Fair stated, if the code is too restrictive in a case like this them maybe we should recommend a change to the code. Staff replied, I don't think the code should be modified for this one instance. If the board...Mr. Fair interjected, why is this a major modification? It just a deck approval. Staff replied, unfortunately, it's within the ARO, and again, the code specifically states any external modification or exterior modification

CITY OF LEBANON PLANNING COMMISSION MINUTES

DATE: October 18, 2016

TIME: 7:00 p.m.

whether or not it's on a deck, its exterior...Mr. Murphy added, it's not about what's being done, its where the property is located. Staff replied correct. It's in the ARO so, again, if this body wants to see this application, staff will let the applicant know that it will require review from the board. That's fine with me...I was asking the question because I was asked the question by the applicant. Mr. Murphy asked have you already told the applicant to move forward? Staff replied no. I have not responded to the applicants email yet. Like I said, whatever the board wishes to do, I will communicate that to the applicant. If the board wishes to review, staff will inform the applicant that the application requires review and approval by this body. Mr. Miller asked is time of the essence in this particular case? Staff replied, not to my knowledge. There's no dire need...it can go through the typical review process just like any other application. Mayor Brewer asked have they started work already? Staff replied, not that I am aware of...I have not seen any construction crews out there. Mr. Murphy indicated, I am going to rescind my initial vote, I think the board should review this application. Mr. Miller stated I think we were of the perception this would create some sort of hardship if something wasn't done and honestly it hasn't so if it isn't we should review. Mr. Fair asked has the permit been given. Staff replied, again, nothing has been submitted officially, it was more of an email saying this is the material, is this something staff has the authority to approve or does it require Planning Commission review. Staff felt it was a fair question, let me get with the Planning Commission and see whether or not they are comfortable with staff reviewing this as an administrative action based on the fact that it is at a level where you cannot see it from the street. Again, I agree, if that's the board's decision then that's the board's decision. Mr. Fair stated I am comfortable with staff reviewing it but if the code is real clear then I think we should be reviewing the application. Mr. Murphy agreed with Mr. Fair. Staff stated, this information will be provided to the applicant. Mr. Fair asked if the other members were okay with that. Mayor Brewer stated if those on the board want to handle it this way, then I will support how you feel about that. I'm fine with that.

Staff noted a COA application for windows has been submitted for 222 S. Mechanic Street. This application will be reviewed at the 15 November 2016 meeting. Also, Quantum Metals might be moving forward with a request for a modified parking plan.

There being no further business, the meeting was adjourned.

SECRETARY – PLANNING COMMISSION
COMMISSION

CHAIRMAN – PLANNING