

PLANNING COMMISSION  
Regular Meeting  
Tuesday, April 28, 2015

Mr. Paul Clark called the meeting to order at 7:30 p.m.

ATTENDANCE

Present: Mr. Paul Clark, Ms. Amy Korenyi-Both, Mr. Jim Briggs, Mr. Jim Durham, Mr. Bill Etson, Mr. Robert Muzechuk, and Mr. Kevin Von Handorf. Also present: City Planner Andrew Rodney, Planner Mark Yandrick, Municipal Attorney Scott Liberman, City Engineer Jim Brinegar, City Manager Greg Horn, and Assistant Clerk of Council Julie Weaver. Members of Council, John Palcher and JoAnne Rau, were present in the gallery.

APPROVAL OF MINUTES

No additions or corrections were noted for the minutes of the Planning Commission Meeting of March 31, 2015.

MOTION: Mr. Briggs made a motion for approval of the minutes of the meeting of March 31, 2015, as distributed. Mr. Von Handorf seconded the motion. The motion passed 7-0.

OPENING STATEMENT

Mr. Clark read the Opening Statement concerning protocol for public hearings.

NEW BUSINESS

Application P-2015-0021: Replat Combining Parcels – Montessori Centerville Plat  
Applicant: Karen Lampe, ITHICAN, Inc., Creative World Montessori School  
6775-6883 Wilmington Pike

Mr. Rodney presented the staff report for the replat of 4.5 acres, zoned R-1C, to prepare the site for the construction of a Montessori School. Three lots would be consolidated into one. He pointed out distinguishing features—a drainage easement and a right-of-way item. For the right-of-way, a license agreement would be required to allow the new driveway to cross about 30' of public right-of-way leftover when Wilmington Pike was realigned. He stated a bond for the public improvements of sidewalk, driveway and curbing within the public right-of-way would be required. The Planning Department recommended approval of the application, subject to the following three condition:

1. A License Agreement shall be entered into between the City of Centerville and the Applicant or Property Owner to permit the private use of public right-of-way for the proposed driveway connection to White's Corner. Such Agreement shall be approved and signed by all parties prior to final approval of the plat.

2. Curb, sidewalk, and driveway construction within the public right-of-way shall be completed in accordance with the engineer's certified construction documents and cost estimate provided by the Applicant and approved by the City Engineer.
3. Guarantees for construction and maintenance of work within the public right-of-way shall be provided prior to final approval of the plat in accordance with Article 9.17 of the Unified Development Ordinance.

Mr. Clark opened the public hearing. Seeing no speakers, he closed it.

MOTION: Ms. Korenyi-Both made a motion for approval of Application P-2015-0021, subject to the three conditions recommended by staff. Mr. Briggs seconded the motion. The motion passed unanimously, 7-0.

Application P-2015-0022: Replat of Parcels – E & E Plat  
Applicant: John Haley, Haley-Dusa Engineering and Surveying Group  
Location: 25 & 29 East Franklin Street

Mr. Rodney presented the staff report for the request to replat the properties at 25 and 29 E. Franklin Street from three lots to two. Each building would be on a separate lot, with blanket cross-access and parking easements. He located the 0.5+ acre site on an aerial map, pointed out the blanket easement for joint one-way ingress and egress, an alley easement to the north and dedication of right-of-way along Franklin Street. He noted that the building at 25 E. Franklin Street encroaches about 1.2 feet onto the public right-of-way. Planning Commission specifically had to acknowledge and approve the presence of the encroachment. He pointed out a license agreement would be required as part of the replat. The Planning Department recommended the approval of the replat, subject to the following condition:

1. The building on Lot#1 may encroach 1.2 feet into the public right-of-way as noted on the plat document.

Mr. Clark opened the floor for public comment. Seeing no speakers, he closed it.

MOTION: Mr. Briggs made a motion to recommend approval of the plat to the Centerville City Council, subject to the one condition recommended by staff. Mr. Von Handorf seconded the motion. The motion passed unanimously, 7-0.

#### PUBLIC HEARINGS

Application P-2015-0023: Variance for RV Storage in the Rear Yard  
Applicant: Gerad Miller, 1470 Black Oak Drive

Mr. Yandrick gave the staff report for a variance requested by Gerad Miller for storage of a trailer in the rear yard of his home at 1470 Black Oak Drive in a residential area zoned R-1C. Mr. Yandrick located the property and pointed out the existing conditions using an aerial map and pictures. He showed Mr. Miller's diagram for placement of a new detached garage in the rear yard with a pad for the trailer between the building and the lot line. Mr. Yandrick defined

the side yard and rear yard for the property and projected the RV Storage Regulations from the Unified Development Ordinance. When the trailer was stored on the existing driveway in a position where it met the UDO, access to the attached garage was limited. Mr. Yandrick recommended denial of the variance because staff felt the situation did not meet the criteria for physical hardship. If Planning Commission decided to approve the variance, he recommended a condition requiring that the positions of the new garage and the concrete pad be reversed to better protect adjacent properties.

Mr. Clark opened the public hearing.

Mr. Gerad Miller, the owner and applicant, stated his goal was to locate the 24' long trailer that he used to transport race cars with the least impact on his neighbors. He shared pictures showing the lines of sight from the front of his house and from the neighbors. When the trailer was stored legally, it was clearly visible from the street and he had only five feet of clearance for ingress or egress to his existing garage, making it essentially inaccessible. Moving the trailer further back on the lot would make it less visible, but would locate it in the rear yard—a violation of the UDO. He felt building the detached garage and screening the area would be the best option for the neighbors. Mr. Miller went over the Standards of Approval from his perspective. He felt there were unique circumstances, because he could not use his garage when the trailer was parked legally.

Mr. Von Handorf and Ms. Korenyi-Both asked questions about the location of the sunroom on the back of the house and how one would access the trailer when it was parked. Mr. Clark asked Mr. Yandrick about his recommendation to flip the design submitted by the applicant for the pad and the detached garage. In the discussion, Mr. Miller pointed out Mr. Yandrick's suggestion would require hooking the 24' long trailer while backing it into position, a difficult maneuver in the limited space.

Seeing no other speakers, Mr. Clark closed the public hearing.

Mr. Muzechuk felt that having the trailer off the driveway and along the right side of the garage was the best option. When Mr. Etson asked about the height of the trailer, Mr. Miller said it was between 6 and 8 feet high.

MOTION: Mr. Muzechuk made a motion to approve the variance, as submitted. At Mr. Von Handorf's suggestion, Mr. Muzechuk added the condition that the pad shall be screened in the rear, as well as along the property line. Mr. Von Handorf seconded the motion. The motion passed with a 4-3 vote. Mr. Clark, Ms. Korenyi-Both and Mr. Etson voted no.

Application P-2015-0020: Preliminary Development Plan for 700 E. Alex Bell Drive  
Applicant: Mark Locke, Ryan Homes

Mr. Rodney gave the staff report for this application for a Preliminary Development Plan for about thirty-two acres of land zoned R-PD, Residential Planned Development, where a maximum density of 6 units per acre could be allowed. Mr. Mark Locke of NVR, Inc., dba Ryan Homes submitted the application for this preliminary development plan for duplexes at 700 E. Alex-Bell Road. Mr. Rodney gave a brief history of the property and reviewed the planning

process for development plans. He stated that the property was subject to an active Preliminary Development Plan with 82 single family homes. This submission showed 174 units (87 duplexes) in a configuration similar to that of the approved development plan from May 2014. Mr. Rodney used a zoning map, an aerial view and a density exhibit to describe the area. The new density was listed at about 5.3 units per acre, about 15% more dense than current highest density of the contiguous Whispering Oaks Condominiums. He noted the significant 6½% slope of the property created a forty feet drop from west to east on the property. He talked about the layout, size of lots, signage, setbacks, garage entries, phasing, street connectivity, landscaping, open spaces, and stormwater management. Architecturally, he noted all the units were shown with front-entry garages; Council had required first floor brick wrap for the previous plan, but the 1500-2100 sq. ft. Calvert model was mostly siding with minimal brick accents. Staff would recommend natural materials, especially brick and stone.

Because the proposed density of the plat exceeded that of adjacent neighborhoods and because the housing product lacked diversity, staff felt the plan was inconsistent with surrounding neighborhoods and did not adequately protect other property owners. Mr. Rodney discussed the five feet setbacks. When approved for the earlier plan, the minimal setback was to facilitate the placement of side or courtyard garage entries. Only front-entry garages were shown on the current plan. He felt some of the Standards of Approval could be met, but several could not. For these reasons, staff was not supportive of the application and recommended denial.

Mr. Clark asked about the number of signs along E. Alex-Bell Road, before noting two letters had been received in Planning Commission packets. One was from James Zengel, stating that the owners of the property authorized the application; the second was from David and Margaret Brooker of Mimosa Drive, voicing concerns about the updated Preliminary Development Plan.

Mr. Clark opened the Public Hearing and invited the applicant to come forward.

Mr. Mark Locke, MVR, Inc, dba Ryan Homes, gave an explanation of the parties involved in the plan. He questioned the density shown on the staff report and the exhibit and pointed out a discrepancy between documents. He asked for clarification and for a definition of what was too dense for the parcel. He also discussed the diversity issue, saying that he had sent only a small sample of the possible models Ryan Homes could build. He wanted the minimum side yard setback to be five feet as requested, pointing out that homes with side-entry garages could be built on corner lots. He noted the plan used the roadway configuration approved for the preliminary development plan in May 2014, and he asked for better definitions of "adequately protecting neighboring properties" and "acceptable density."

Mr. Rodney stated the map exhibit reflected the more accurate density figures. He stated that staff had not been aware of the option for some side entry garages in the new subdivision. None were shown on the plans submitted or discussed in meetings, so he was unaware that other models would be offered.

Mr. Rodney felt the questions of acceptable density and protection of the neighborhood were not issues to be answered by staff. An applicant should make a specific request, and a decision on the total package should be made based on input from Planning Commission, Council and the community.

Mr. Clark asked if Council had set a density for the previously submitted plan. Mr. Rodney stated that in effect they had when they removed two lots and set the number at 82. That density was 2.49 units per acre, significantly lower than the current request. When Mr. Clark questioned the effect of the availability of additional models and exterior finishes on staff recommendations, Mr. Rodney stated that alone would not change his recommendation for denial. Pleasant Hill was most directly affected and most obviously dissimilar to the homes in this development plan. Apartments and duplexes bordered Alex-Bell to the north, but density quickly decreased again toward SR 48.

Mr. Tom Agnew, 345 Silvertree Court, stated his opposition to the plan. He disliked having five or six duplexes on his lot line. He named compatibility, high density, increased traffic, and safety as concerns. He reported that the endangered Indiana Brown Bat nested on the property and said the residents of Pleasant Hill and Deer Run would do every thing legally possible to stop this development. He presented comments to the clerk for the file.

Mr. David Herbert, 85 Mimosa Drive, was concerned about traffic. He felt all traffic should be required to enter and exit on Alex-Bell without connection to Zengel Drive and Pleasant Hill. In addition, he pointed out problems with slope stability if trees died after being disturbed during construction or destroyed Emerald Ash Borers.

Ms. Amy Cloud, 7113 Hartcrest Lane in Deer Run, stated she believed there were 194 homes and a clubhouse in Deer Run rather than the 204 reported. The lower number would lessen the density of Deer Run further. She was concerned the multiple duplexes behind her home would become rental properties. Mr. Locke said they would be for sale to owners.

Mr. Don Hunter, 356 Willowhurst Drive, asked why last year's plan was unacceptable to the developer.

Mr. Charles Deuser, 182 Cherry Drive, asked about the occupancy rate for duplexes in Centerville and the target demographics. He asked if the schools were prepared for an influx of students and wanted to know if redistricting would be required. He asked what would happen if the developer pulled out part way through the development.

Mr. Ed Smith 7051 Forest Boulevard in Black Oak, stated concern about traffic and the rainwater runoff downstream into the Black Oak neighborhoods. He thought last years' density should be defended.

Mr. James Gallagher, 294 Cherry, asked for disapproval of this plan because of density, traffic and safety concerns.

Mr. Jeff Boland, 315 Zengel, discussed the increase in traffic with this plan. If each of the 174 units had 2 cars making an average of 7 trips per day, over 2500 trips per day would be generated.

Mr. Ron Mason, 396 Blackstone Drive, asked about the price range of the units.

Mr. Kevin Wagoner, 7069 Fallen Oak Trace, stated it was his experience that people in duplexes buy both sides and rent one. He asked for limits to the number rentals permitted. He inquired about the homeowners' association and said he sometimes waited five minutes trying to access Alex-Bell from Fallen Oak Trace. The addition of 174 homes would increase that problem.

Mr. Tim Bowser, 257 E. Elmwood Drive, stated that duplexes were not compatible with the area. There were only eight duplexes in Pleasant Hill at present.

Mr. Mark Locke responded to the questions. To Mr. Hunter, he replied that Ryan Homes came back with a new plan, because what what submitted was not what was approved the last time. In response to Charles Deuser's question about demand, he stated that there is significant market for this type of duplex. Mr. Simms had been selling them at Yankee Trace. He said the target market was typically a young professional, young married professionals, single again persons or retirees, making the number of children per unit less. In response to Mr. Mason's question concerning the pricing of the units, Mr. Locke stated it was not yet determined. The materials and options would vary, but the size would be 1500-2200 sq. ft. In response to Mr. Wagoner, Mr. Locke noted that it was expected that a homeowners' association would be formed. He pointed out differences between homeowners and condo associations. He stated that dues, rules and reserves vary. In his experience, duplexes were built and occupied without problems.

Seeing no other speakers, Mr. Clark closed the public hearing.

Mr. Briggs stated his opposition to this preliminary development plan; he felt the earlier plan was better for the neighborhood. He felt this application lacked compatibility, the layout was too dense, and the architecture was unimpressive.

MOTION: Mr. Briggs made a motion to recommend to Council denial of Application P-2015-0020, the preliminary development plan for 700 E. Alex-Bell Road. Ms. Korneyi-Both seconded the motion. Mr. Liberman clarified that a denial of the application would require an affirmative vote. The motion to deny carried with a 7-0 vote.

#### COMMUNICATIONS

Mr. Rodney noted the articles included in the Planning Commission packets were for background on ethics.

Mr. Rodney stated the agenda in May was expected to include a replat for the former Planet Ford site. It was hoped the property could be re-developed with the aid of an ED/GE grant.

Mr. Clark announced that the next Planning Commission meeting would be on May 19, 2015, beginning at 7:30 p.m. in the Council Chambers.

There being no further business, the meeting was adjourned.



Mr. Paul Clark

Chair of the Planning Commission