

CENTERVILLE PLANNING COMMISSION

Regular Meeting

Tuesday, June 25, 2013

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

ATTENDANCE

Present: Chairman Paul Clark, Mr. Jim Briggs, Ms. Korenyi-Both, Mr. Jim Durham, Mr. Bill Etson and Ms. JoAnne Rau. Also present: City Planner Steve Feverston, Municipal Attorney Amy Blankenship, Assistant City Engineer John Sliemers and Assistant Clerk of Council Julie Weaver. Council Member Jim Singer was also in attendance.

Absent: Mr. Jeff Gammell.

EXCUSE ABSENT MEMBERS

Mr. Gammell had notified staff of his absence. Mr. Briggs made a motion to excuse Mr. Gammell. Mrs. Rau seconded the motion. The motion passed with 6 ayes.

APPROVAL OF MINUTES

There were no additions or corrections for the minutes of the Planning Commission Meeting of May 28, 2013.

MOTION: Mr. Briggs moved for approval of the minutes of the Planning Commission Meeting of May 28, 2013, as distributed. Mrs. Korenyi-Both seconded the motion. The motion passed 4-0-2. Mr. Etson and Mr. Durham abstained because they were absent from the May meeting.

There were no additions or corrections for the minutes of the Planning Commission work session of May 28, 2013.

MOTION: Mrs. Rau moved for approval of the minutes of the work session minutes of May 28, 2013, as distributed. Mr. Briggs seconded the motion. The motion passed 4-0-2. Mr. Etson and Mr. Durham abstained.

PUBLIC HEARINGS

**Application P-2013-0020: Variance for Encroachment of Fence Impeding Sight Distance - Applicant, Greg Davis, All About Kids, 1300 Social Row Road.**

Mr. Feverston introduced the application by Mr. Davis for a variance for All About Kids Daycare, zoned B-1 and situated at 1300 W. Social Row Road across from Yankee Trace Drive. He located the property on a map and pointed out that the location of the fence is not where it was shown on the approved plans. The roadway eventually will be used for access for the adjoining properties. Mr. Feverston defined the two points where sight distance does not meet engineering standards. Clear sight distance does not meet the American Association of State Highway and Transportation Officials (AASHTO) standard of 225' either at the intersection or at the sharp bend in the road. The sight distance is 80' at the curve on Reid Rizzo Way and 90' at

the intersection into All About Kids near the southern property line. Mr. Feverston went over the standard variance checklist used to determine physical hardship not created by the property owner. Since he did not find justification for a variance, the Planning Department recommended denial of the variance.

MOTION: Mr. Briggs moved to remove Mr. Davis's application from the table for consideration. Mrs. Rau seconded the motion. The motion passed unanimously.

Mr. Greg Davis, 5733 W. Fork Road, Cincinnati, spoke to the Planning Commission concerning the variance. He reviewed that he had provided the required placement of the access to the daycare, significant right-of-way, the easement across the back of the property, a turn lane, curbs and gutter—everything required by the City at considerable expense in order to develop the property. After distributing a handout and referring to the definition of a “driveway” in the UDO, he questioned whether this entry street was a “driveway” rather than a “roadway.” He said that all the sight distance standards discuss roadways and public streets, but all earlier communications with staff called the thoroughfare a driveway. He questioned whether the standards cited should apply, since there is more than sufficient stopping distance for a driveway. He felt that the UDO did not forbid the fence within two feet of a driveway. He queried whether an appeal would be more appropriate than a variance.

Mr. Davis admitted that he had authorized the placement of the fence closer to the street in order to optimize the playground area for the children. He did not see a safety issue with the fence, since one can see through the fence at most angles. He discussed the components of sight distance, the spacing of driveways, and the alternative of using stop signs. He said that the Assistant City Engineer's statement that 90% of crashes involve an area 6' inside the curb did not apply to crashes at 20 miles per hour. He stated that the current conditions, even without consideration of the transparency of the fence at most angles, provide sufficient stopping distance.

No one else came forward for the public hearing.

When Mr. Durham asked where the fence was shown on the approved plans, Mr. Feverston stated that the distance from the curb was not shown on the plan, but that the plans were drawn to scale and the measurement was clearly ten feet. Mr. Durham clarified with Mr. Davis that the fence was moved with reading the UDO and not by requesting a change in plan approval.

Mr. Feverston stated that the street is intended to be used as a public thoroughway. Right now it gives access to one property, but it is anticipated that it will provide connectivity to the adjoining properties once they are developed. Calling this a private driveway is not accurate.

Assistant City Engineer John Sliemers reiterated that the plans were drawn to scale, and the fence was built differently. He said that the *Ohio Manual for Uniform Traffic Control Devices* would dub this a “private street for public use.” Mr. Davis had suggested stop signs rather than moving the fence. Mr. Sliemers stated that stop signs that have no evident purpose to drivers easily become ignored. He further stated his belief that the fence needs to be moved to the location shown on the plans. Mr. Feverston added that he had seen children playing on the fence, putting them in the zone where accidents frequently take place.

Mrs. Rau noted that it is not just the UDO that is relevant; layers of regulation apply. State and national engineering safety standards need to be considered also. She felt that the intersection sight distance was important as well as the enforceability issue with the stop signs. In her opinion, a car could easily hit the fence in icy weather.

When Mr. Clark asked about the option of angling the fence at the corners so that the entire fence would not have to be moved, Mr. Feverston pointed out that parts of the fence would remain in very close proximity to the street. The ten foot setback was established for a reason.

MOTION: Mr. Briggs moved for approval of the variance for encroachment of the fence at All About Kids. Mr. Etson seconded the motion. The motion was defeated with a vote of 0-6.

Ms. Amy Blankenship explained the appeal process to take the matter to the City Council.

**Application P-2013-0027: Public Hearing for a Variance for Parking and Paving Setback at 290 Loop Road at Voss Chevrolet, Inc. – Applicant, Greg Stout.**

Mr. Feverston gave the staff report on this application for a 0' parking and paving setback along the frontage of 290 Loop Road. A ten foot setback is required on an exterior perimeter in B-PD zones. Mr. Feverston located the site on a map and showed an aerial view of the other businesses along Loop Road in order to see what would match other properties in the immediate vicinity. He shared a chart with measurements of these setbacks. The average setback on the north side of Loop Road was shown as 8.4 feet. Setbacks on the south side were significantly less, because they were grandfathered under previous zoning regulations. Mr. Feverston went over the variance checklist and noted that the topography of the lot is the source of hardship for creating usable area. He recommended approval of the parking and paving setback variance with the following two conditions:

1. The variance granted shall provide a minimum of a 3 foot wide parking and paving setback to the Loop Road Right-of-way.
2. The landscaping that would be required along this frontage shall be placed along the top edge of the northern slope subject to approval by the City Planner.

When Mr. Clark opened the public hearing, Mr. Greg Stout, representative of Voss Chevrolet, Inc. 100 Loop Road, stated that the three foot setback would be acceptable to Voss. He said a ten foot setback would cost the dealership the equivalent of a whole row of parking.

No other speakers came forward for the public hearing.

Mr. Durham asked Mr. Sliemers about the purpose of parking and paving setbacks. Mr. Sliemers discussed aesthetics, safety and sight distance. He deferred further comments to Mr. Stuart.

Mr. Mark Stuart of Judge Engineering stated that sight distance exceeded the requirements with over 500 feet to the south and 600 feet to the west.

MOTION: Ms. Amy Korenyi-Both made a motion for approval of the parking and paving setback variance, subject to the two conditions of the City Planner listed above. Mr. Briggs seconded the motion. The motion carried with a vote of 4-2. Mr. Durham and Mr. Clark voted no.

**Application P-2013-0016: Final Development Plan for Voss Chevrolet, Inc., 290 Loop Road – Applicant Greg Stout, Voss Chevrolet, Inc.**

MOTION: Mr. Briggs made a motion to remove the application for the Final Development Plan for 290 Loop Road from the table. Ms. Amy Korenyi-Both seconded the motion. The motion passed with 6 ayes.

Mr. Feverston reported on this application tabled in April so that staff and Voss Chevrolet could work out needed details, and so that the variance for the requested parking and paving setback could be heard prior to a decision on the development plan for this eleven acres site. He described the parcel, gave a history of the property, and defined the current plan with its requirements for bufferyards, a detention basin, and a channel directing runoff to the ditch through Village South. The current plan showed 2:1 slopes on the property, a parking lot, an expanded detention basin, and the inclusion of more area to the northeast. Because the City had been told about recent increases in storm water problems in Village South, he had asked Mr. Judge to investigate drainage issues and to have the diversion of storm water to detention areas as a primary goal. He showed pictures of current conditions on the site. The detention basin needed to be expanded and cleared of vegetation and silt. He discussed the site plan for a paved storage lot with landscaping more on the north side than along Loop Road and pointed out the easements and 100' bufferyard on the north and east. The Final Development Plan proposed no encroachment into the bufferyards.

Staff recommended that the Planning Commission recommend approval of the Final Development Plan to Council, subject to the following eleven conditions:

1. The Planning Commission approves the variance for parking/paving setback. Should the Commission deny or modify the requested variance, a revised site plan shall be submitted by the applicant conform to the decision of the Commission.
2. A final grading and stormwater drainage plan shall be subject to approval by the City Engineering Department showing drainage calculations and incorporating erosion control during construction in accordance with Article 9.35 of the Unified Development Ordinance (UDO).
3. The 10 foot buffer identified on the landscape plan and situated behind the parking lot shall be constructed with minimal gradient subject to approval by the City Planner.
4. A performance bond or other construction guarantee shall be posted by the developer for all landscape, screening, or bufferyard improvements in accordance with Article 9.25 C of the UDO subject to approval by the City Planner.

5. The landscape islands located at the driveway entrance shall have a minimum width of 9 feet.
6. Fire hydrants shall be located in accordance with the fire code subject to approval by the Washington Township Fire Department.
7. The design of the proposed gate shall be incorporated into the construction sets subject to approval by the Washington Township Fire Department.
8. A hard surface roadway capable of providing emergency vehicle access and support at all times for emergency purposes shall be provided during construction.
9. A final exterior lighting plan shall be subject to approval by the City Planner.
10. The contractor shall obtain a right-of-way permit for any work performed in the public right-of-way.
11. The contractor shall notify the Centerville Public Works Department prior to any earth disturbing activity for inspection of erosion control measures.

When Mr. Durham asked about the likelihood of customers on the premises, even though the lot was planned for storage of dealership cars, Mr. Feverston suggested that Planning Commission could add a condition that the sole use is for vehicle storage. Any other use, modification or improvement would require an amendment to this Final Development Plan. Mr. Durham and Ms. Blankenship felt that such a condition might create an enforcement issue, but that it was reasonable to be concerned about future use for customer sales, rather than strictly vehicle storage.

Mr. Clark asked how slopes were to be achieved and whether the stability of the current fill had been determined. Mr. Feverston deferred to Mr. Stuart of Judge Engineering and Mr. Sliemers. Mr. Sliemers stated that three test pits had shown adequate compaction of the material currently on site. Any additional fill would require documentation by a testing firm. Increasing the height of the lot increases the total footprint and pushes the area to be cleared closer to the required bufferyard boundary of the Village South neighborhood.

Mr. Etson asked if anything in the plan addressed the additional excess water flowing through Village South, especially the area near the school. Mr. Briggs concurred that there was a need for an adequate plan for the direction of stormwater. Mr. Sliemers said that Mr. Stuart should answer the question more thoroughly during the public hearing. Mr. Feverston showed the outlet for the detention pond that directs the flow to a small drainage channel to a swale on the Park District property that joins the ditch through Village South.

When Ms. Rau asked about maintenance of the areas on the steep slopes, especially until vegetation take hold. Mr. Sliemers replied that areas on the hillside would be the responsibility of the property owner and would be code enforcement issues. Safe storage of vehicles would require that the property owners to monitor and maintain the slopes. Mr. Durham clarified the property maintenance process.

Mr. Clark invited Mr. Mark Stuart of Judge Engineering, 1201 E. David Road, to make a statement for the applicant. Mr. Stuart said the 2:1 slopes had been done with 8" lifts and tested at least 95% compaction. At that compaction the 2:1 slopes would be stable. Slopes would be hydro-seeded and covered with straw and netting. As further work is done, areas where vegetation is removed from the detention basin and elsewhere will be seeded when the work is completed. He said energy dissipation measures will be installed at outlets and silted areas will be addressed. He said the pond would be expanded so there would be a 70 % reduction in flow for a 100-year storm through outlet control.

Questions by the Commission followed. Mr. Durham asked about the opinion of the Centerville-Washington Park District that hydroseeding was not sufficient stabilization for 2:1 slopes. Mr. Briggs asked about stabilizing the large slough at the top of the fill. When Mr. Etson asked about the basin and about water runoff problems at Primary Village North, Mr. Sliemers stated that the plan should reduce the rate of flow. Mr. Stuart noted that part of the site near the school is a federally protected wetland. Mr. Clark inquired about the number of catch basins planned and whether water could come down the roadway from the bridge on Loop Road. He also questioned the destruction of existing screening and vegetation as additional fill is put in place. Mrs. Rau asked how equipment for clearing the vegetation, fixing the current large slough and reshaping the fill would be brought onto the site.

For the record, Mr. Clark noted that letters had been received for the record from the Centerville City Schools dated May 6, 2013, from Village South residents dated June 10, from the Centerville-Washington Park District dated June 20, and from Mr. Doug Galusha dated June 23.

When Mr. Clark opened the public hearing, Mr. Regis Lekan, 321 S. Village Drive and a member of the City's Stormwater Drainage Task Force, discussed stormwater runoff and removal of screening. He particularly noted that channeling more water into the ditch through Village South will cause increased flooding, because the ditch already comes up very high and some basements already have water problems during and following large storms. He noted that the additional development along the frontage to the northeast would be particularly deleterious because of destruction of trees and vegetation that provide screening and slow storm runoff. He asked the Planning Commission not to approve the expansion of the site to the north and east of the original area.

Mr. John Foster, 33 Whittington, voiced concern for the size of the pond, additional mosquito populations and the potential for West Nile Virus endangering the children at Primary Village South.

Mr. Orville Huggins, 291 Edgebrook, reiterated that there is standing water ankle deep at the tennis courts after a heavy storm presently. He suggested work is needed for the current load on the ditch through Village South.

Judy Watts, 241 Edgebrook, showed an old photo of homes being flooded in Village South. She said that taking the vegetation from the hill would have side effects and that 300 homes could be affected.

Seeing no more speakers, Mr. Clark closed the public hearing. Mr. Durham stated that he felt that there was not enough information for a good decision. For example, sight lines were not available and statements about the needed plantings on the slopes were inconsistent. Ms. Blankenship., the acting municipal attorney, pointed out that a decision was required on the matter, since it had been tabled previously and cannot remain on the Commission's table for more than 90 days. Mr. Briggs said that Voss Chevrolet had been a good corporate neighbor, but that drainage problems should not be made worse.

MOTION: Mr. Durham made a motion to recommend to Council the approval of Application P-2013-00156, the Final Development Plan for 290 Loop Road. Mr. Briggs seconded the motion. The motion was defeated 1-5, with Mr. Etson voting aye.

**Application P-2013-0026: Record Plan for Highlands of Yankee Trace, Section Four – Applicant, Jim Kiefer of Great Traditions.**

Mr. Feverston presented the record plan for the last section of the original Yankee Trace development. The parcel is zoned R-1c with a Residential Lifestyle Community overlay and a residential cluster housing plan. The plat shows fourteen attached single family homes and two detached single family homes on parcels situated at the end of Legendary Way. Emergency access from the cul-de-sac for Shawnee Trail was obligated with the approval of the master plan for Highlands, Section Three. There is also access for the hiker-biker trail system; the construction road will be repurposed and reconditioned as construction concludes. Mr. Feverston pointed out that Terry Taylor, the golf maintenance superintendent, had requested a 10' easement for access to the irrigation lake located on this plat. The Planning Department recommended approval of the application subject to the following thirteen conditions:

1. Execution of a Subdivider's Agreement is required with the City of Centerville.
2. In lieu of construction of the required improvements prior to the recording of the plat, a performance bond is required. The bond amount is based upon the engineer's estimate, which shall be submitted by the developer for approval by the City Engineer. The estimate is for the construction of the required public improvements including earthwork, storm sewer, pavement, emergency access drive, hiker biker path, traffic control, erosion control and restoration of the construction drive.
3. A one year maintenance bond in the amount of 10% of the original performance bond will be required when the public improvements are complete and the performance bond is released.
4. Provide for review and inspection fees per Section 1214 of the Centerville Municipal Code.
5. Protective covenant(s) shall be placed on the record plat, subject to approval by the City Attorney, that state the following:
  1. The adjoining lake was constructed by the City of Centerville for the purpose of golf course irrigation.

2. The lake shall be used solely and exclusively by the City of Centerville.
  3. The water level may from time to time be low as a result of irrigation.
  4. These covenant(s) shall not be changed, altered or deleted without the approval by the City of Centerville.
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6. The construction drive shall be maintained and kept in good condition at all times by Yankee Trace Development, Inc. The original design for the construction drive shall be included in the construction sets for this subdivision. This drive shall be reconditioned to original Design by Yankee Trace Development, Inc. at the completion of all construction, including homebuilder construction that is associated with this subdivision subject to approval by the City Engineering Department.
  7. The emergency access drive and hiker/biker path shall be merged into a single access point onto Legendary Way. The access easement shown on the record plat shall extend to the Legendary Way right-of-way where the hiker/biker and emergency access drive is situated subject to approval by the City Planner.
  8. A final grading and stormwater drainage plan shall be subject to approval by the City Engineering Department showing drainage calculations and incorporating retention and/or detention and erosion control during construction in accordance with the City Stormwater Drainage Control Ordinance.
  9. The bank of the irrigation lake behind lots 59 and 60 shall be graded to provide a slope not to exceed 3:1 subject to approval by the City Engineer.
  10. The grading behind lots 61-66 shall be modified to shift the drainage swale away from the rear of the houses to provide a minimum usable outdoor area in both width and gradient per Article 9.35 of the UDO subject to approval by the City Planner.
  11. Lot 60 shall be modified to provide a minimum perimeter of 15 feet from the normal pool of the irrigation lake to the lot line and to eliminate the access easement on lot 60 subject to approval by the City Planner.
  12. The minimum building setback for lot 59 and 60 shall be modified to also provide a minimum setback of 40 feet to the normal pool elevation of the irrigation lake subject to approval by the City Planner.
  13. A landscape plan for Reserve Area N shall be submitted as a part of the construction plans subject to approval by the City Planner. This plan shall include a combination of evergreen and deciduous trees as required by the Residential Cluster Development Plan approved by the Planning Commission in 2006.

In discussing the record plan for this final section of the original land, Mr. Jim Kiefer of Great Traditions noted the long history of cooperation between Great Traditions and the City of Centerville for the development of Yankee Trace. He stated agreement with all the conditions



except for Number 7. He asked for a dialogue with the City Planner about the placement of the access for the hiker-biker trail and the emergency access in the cul-de-sac of Legendary Way. Mr. Feverston agreed to work out the details with Mr. Kiefer to the satisfaction of the City Planning Department.

MOTION: Mr. Durham made a motion to recommend to Council the approval of the record plan for the Highlands of Yankee Trace, Section Four, subject to the conditions recommended by staff with the modification of Condition 7. Mr. Briggs seconded the motion. The motion passed unanimously, 6-0.

**Application P-2013-0028: Major Site Plan for Infiniti, 299 Loop Road – Applicant, Tom Harrigan.**

Mr. Feverston presented the details of the proposed changes to the existing buildings at the car dealership at 299 Loop Road to enclose a front display area, to create an addition in the vehicle drop off area and to make alterations to the parking lots. Mr. Feverston located the property on a map, showed pictures of the existing buildings, and projected the proposed elevations. He stated that the updates fit well with the image and the architecture of the dealership. He recommended approval of this Major Site Plan, as requested. He noted that Mr. Chris Vallette, DSA Architects, was in attendance representing Tom Harrigan and Infiniti.

MOTION: Mr. Briggs made a motion for approval of Application P-2013-0028, the Major Site Plan for the Infiniti Dealership at 299 Loop Road. Ms. Korenyi-Both seconded the motion. The motion carried by a vote of 6-0.

COMMUNICATIONS

Mr. Feverston noted that the work session that had been scheduled following the meeting had been cancelled by the representatives of Miami Valley Hospital South who had asked to discuss new signage for the hospital.

The next regular meeting of the Centerville Planning Commission is Tuesday, July 30, 2013 at 7:30 p.m. in the Council Chambers.

There being no further business, the meeting adjourned to the Law Library for a work session concerning the former KFC property at 6230 Far Hills Avenue.



Paul Clark, Planning Commission Chair