

CENTERVILLE PLANNING COMMISSION
Regular Meeting
Tuesday, August 28, 2012

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

ATTENDANCE

Present: Chairman Paul Clark, Mr. Jim Briggs, Mr. Jim Durham, Mr. Jeff Gammell, Mrs. JoAnne Rau. Also present: Mr. Steve Feverston, City Planner; Mr. Scott Liberman, Municipal Attorney and Mrs. Julie Weaver, Clerk.

Absent: Mr. Bill Etson and Mr. Jim Brunner.

MOTION: Mr. Briggs made a motion to excuse Mr. Etson and Mr. Brunner. Mr. Gammell seconded the motion. The motion passed with five ayes.

APPROVAL OF MINUTES

There were no additions or corrections suggested for the minutes of August 14, 2012.

MOTION: Mr. Briggs moved for approval of the minutes of the Planning Commission Meeting of August 14, 2012, as distributed. Mrs. Rau seconded the motion. The motion passed with a 5-0 vote.

NEW BUSINESS

Public Hearing: Application P-2012-0180 – Three Variances for 115 Compark Road – Dan Wilson, Applicant.

Mr. Feverston gave the staff report for three variances requested by Dan Wilson of Centerville Climate Storage for 115 Compark Road, a property currently owned by CGS Properties, LLC (Charles Schroeder) and zoned I-1, light industrial. The applicant had asked for a decision on the variances prior to the replat of the property to accommodate an expansion of Centerville Climate Storage which currently has several of buildings on the adjoining property to the east. The proposed replat would include the creation of a cul-de-sac and the subdivision of 115 Compark Road to split off a parcel on the south end of the lot.

Mr. Feverston located the area on an aerial map. The parcel in question is north of Franklin Street, west of Cloyo Road, east of Compark Road and south of the existing building at 115 Compark Road. He used a diagram of the area to explain the following requested variances:

1. Applicant requests a reduction of the minimum lot width for the proposed new frontage. The UDO requires 120 feet; the request is for 99.5 ft.

2. Applicant requests elimination of the required parking and paving setback for the proposed north side yard and east rear yard.
3. Applicant requests elimination of the required landscape bufferyard along the proposed north side yard and east rear yard.

Mr. Feverston showed photos of the current status of the properties and went over UDO conditions for granting a variance. The applicant must be able to demonstrate practical difficulty or physical hardship requiring the variance, with the caveat that the hardship cannot be created by the property owner. Mr. Feverston discussed the variance checklist standards that he used to determine that the variances were not justified by the standards of the Unified Development Ordinance. He found no argument except for #2 on the checklist that would support the establishment of the variances. Most significantly, the unique circumstances that create the need for the variances would be the result of the changes requested by the owners. Therefore, the staff recommendation was for denial of all three variances. Mr. Feverston noted that Mr. Dan Wilson, Mr. Charles Schroeder and Mr. Dan Brown were in attendance for the hearing.

When Mrs. Rau asked about easements on the property, Mr. Feverston pointed out a storm easement that bisects 115 Compark Road near the proposed new lot line. Buildings cannot be constructed on the easement.

When Mr. Briggs asked about the frontage on Compark Road, Mr. Feverston directed attention to the map and noted that the proposed cul-de-sac would increase the frontage for Dayton Wire and Wheel at 115 Compark Road, decreasing the non-conformity of that parcel. However, the proposed cul-de-sac would provide less than the 120 feet required for frontage for a lot split off from the original.

When Mr. Clark opened the public hearing, Mr. Dan Wilson of Centerville Mill, 7991 Clys Road, passed packets of information to the commission members, described the current uses in the immediate area and stated that the goal of the request before the Planning Commission was to expand the existing storage business which is currently to the east of the proposed new lot. In working with an engineer, it was felt that Mr. Schoeder needed 125 feet from his docks to the property line in order for semi-trucks to maneuver safely. Mr. Wilson argued that tearing out asphalt for the required parking lot buffer would impede the use of the area for both owners. He stated the willingness of the owner, Charlie Schroeder is willing to create a cul-du-sac for public use.

Mr. Dan Brown, attorney for Mr. Wilson, gave his perspective on the questions of the variance checklist. He felt that there was justification for positive answers on all the checklist questions. Most importantly, he said the way the current building is situated on the property is what creates the hardship for the proposed use, not the request of the owners. He stated that the parties had worked diligently to request the minimum variances that would be sufficient to accomplish their purposes. He presented an updated plan that would have 110.4 feet of frontage on Compark Road, rather than 99.5 feet, only 8% less than the Unified Development Ordinance requirement. He also presented a court case where a shortfall of less than 25% was seen as acceptable and not significant for

zoning variances under Ohio law. Mr. Durham said that court case referred to sign area, had been lost and was not binding. Mr. Brown stated that no special privilege would be given, since a similar variance had been given to Kroger for the construction of the new store at State Route 48 and Sheehan Road. His packet included the minutes of meetings pertaining to that variance.

Mr. Briggs asked for clarification of the new map showing frontage of 110.4 feet on the cul-de-sac side of the property; Mr. Brown explained the map and also pointed out where 120 feet would be.

Mr. Gammell asked about combining the parcel proposed to be split from 115 Compark Road with the main Centerville Mill parcel at 7991 Clys Road. Mr. Brown was hesitant to commit his clients to combining lots. Overall, the discussion led the Planning Commission to believe that a combination of the Centerville Mill property and the lot to be split off 115 Compark would solve the need for at least two of the variances and avoid potential long term issues. The remaining variance would be the parking and paving setback on the northern boundary of the new lot. Mr. Durham reminded everyone that City Council recently had upheld the need for the combination of lots, setbacks and landscaping on a property at 30 Compark Road.

Mr. Brown said the clients felt this situation was different because of the opportunity to make a fire lane from Clys Road to Compark Road if Centerville Mill purchased property accessing Compark Road. The connection would be a benefit to the City. Mrs. Rau asked if the purpose of the drive would be a fire lane and expressed concern about a cut through. Mr. Feverston stated that the details of a particular plan were not germane for the night's proceedings. Staff had not reviewed any kind of driveway. He did not want to predicate any variance on an issue that should be handled in a studied manner as part of the site plan. He pointed out that there would be separate applications for a record plan/subdivision and a site plan. A decision on the variances needed to come first so that other approvals would not be contingent upon what might or might not be approved later. He defined the task of the Planning Commission as deciding if there are practical difficulties or physical hardships that justify the variances.

Mr. Brown noted that part of a building would have to come down to create access from Compark Road through Centerville Mill property to Clys Road.

Mr. Clark asked about the size and shape of the two storage buildings. He wanted to know if the size of the buildings was driving the problems and need for variances. Mr. Wilson replied that the limitations imposed by the needs of both owners dictated the shape of the buildings since the size of the lot and the square footage was critical to the success of expanding the business. The storm sewer easement created a challenge, as did the setbacks requirements. He pointed out that the parking lot at 30 Compark should be seen as a different case because it was gravel and not already existing as a paved lot. The addition of the setbacks and buffers would impede emergency vehicles.

Mr. Charlie Schroeder, owner of the property at 115 Compark Road, gave an overview of the collaboration of the parties in finding a way to convert a vacant section of 115 Compark Road into productive space. He stated the plan is a nice fit for all parties. He noted the difficulties of working with the storm sewer easement, the fire suppression supply line to the east of the current building and the 125 ft. maneuvering area he needed for trucks at his eleven loading docks. He stated that grass between the two areas would simply be a nuisance and a maintenance problem. He said that he had agreed to donate the land for the cul-de-sac benefitting the City and everyone on the street. He requested the City's cooperation, so Mr. Wilson could expand Centerville Climate Storage and the City would have additional income tax and a serviceable cul-de-sac.

Mr. Clark closed the public hearing. He inquired about the report of the East Franklin Street Task Force. Mr. Feverston made some general comments about the recommendations for the revitalization of the East Franklin Street Business Corridor. One of the suggestions was to encourage interconnections and alternative access between Westpark Road, Compark Road and Clys Road and also from the Thomas Farm east of Centerville High School out to Clys Road. Mr. Feverston said that the City might be interested in creating a more public access since it could be advantageous to everyone.

Mr. Durham noted that there was no basis, under Ohio law, for granting the variances, since the applicant and owners had created the need for the variances.

MOTION: Mr. Briggs moved to grant the three variances requested by Mr. Dan Wilson in Application P-2012-0180 for 115 Compark Road. Mr. Durham seconded the motion. The motion was denied with a vote of 1-4, with only Mr. Briggs voting in favor of granting the variances.

Application P-2012-0176 – Request for a Replat for 30 North Main Street, Aaron Nutt Plat.

Mr. Feverston gave background for the request by Thomas Marsh of McDougall-Marsh Land Surveyors for the relocation of the lot line to a position outside the footprint of the Laundromat at the rear of the lot at 30 North Main Street. No changes to the record plan are requested along the North Main Street frontage. The applicant also had submitted to the Planning Department an application for a site plan for a diner in an unused portion of this same building behind Craig's Barber Shop.

Mr. Feverston noted that the adjoining properties, Cross Point Church and the Asahel Wright House, are amenable to the change in platting. Having been laid out in the 1800's, the area is among the oldest in the City of Centerville. In doing the research for this replat, it became apparent that an historic home at the rear of the church parcel infringes on the right-of-way for Maple Street. Now that the platting defect is known, it should be corrected. Mr. Feverston showed the area on an aerial map and described what the parties would like to accomplish.

The Planning Department endorsed sending City Council a recommendation for approval of the replat, subject to the condition that the Cross Point Vineyard Church (First Baptist Church) also reconcile the encroachment associated with the house on Maple Street.

Mr. Clark opened the public hearing and Mr. Doug Fisher of Fisher Group Architects came forward to represent Craig Deanthony, the owner. When queried he stated that he did not know the position of the church concerning the requirement related to resolving the encroachment.

MOTION: When there were no questions or comments from the Planning Commission, Mr. Gammell made a motion to approve the replat of Aaron Nutt Plat as requested by Mr. Fisher, subject to the following condition:

1. Prior to the recording of this plat, the owners of Lot 5, First Baptist Church of Centerville, shall either vacate a portion of the Maple Street public right-of-way or enter into a license agreement to allow for this encroachment, subject to approval by the City Attorney.

Mr. Briggs seconded the motion. The motion passed 5-0.

COMMUNICATIONS

Mr. Feverston briefly spoke of matters expected to be coming to the Planning Commission in the next months. Agenda items could include more applications related to the expansion of Centerville Mill Climate Storage at 115 Compark Drive.

The site plan for a diner in a portion of the building behind Craig's Barber Shop at 30 North Main will be considered by the Board of Architectural Review on September 4, because location is in the Architectural Preservation District.

Mr. Clark announced that the next meeting of the Planning Commission would be September 25, 2012, in the Council Chambers of the City of Centerville.

Mr. Clark adjourned the meeting.



Paul Clark, Chair