

CENTERVILLE PLANNING COMMISSION
Work Session
Tuesday, January 11, 2011

Mr. Clark called the meeting to order at 8:30 P.M.

Attendance: Mr. Paul Clark, Chair; Mr. Jim Briggs, Mr. Jim Brunner, Mr. Bill Etson, Mr. Jeff Gammell, and Mr. John Palcher. Absent: Mr. Jim Durham. Also present: Mr. Steve Feverston, City Planner; Mr. Scott Liberman, City Attorney; Mr. Doug Spitler, City Engineer and Mr. Ryan Lee, Planner

Mr. Durham was excused from the Work Session as he gave prior notice to staff of his absence.

Unified Development Ordinance (UDO) – Annual Review

Mr. Feverston gave an overview of the draft changes to the UDO. He stated that the majority of the amendments have been reviewed by the Commission beginning in September and October of 2010 including the recommended changes to the parking table, Residence Family Home and Residence Group Home provisions. Staff has further modified this draft to include changes to the land use table and table of minimum requirements. He stated that if the Commission is satisfied with the draft, the goal is to hold a set this ordinance for a public hearing on January 25th.

Mr. Lee presented the draft amendments to the UDO. He stated that Section 5.19 Appeal Procedure is amended to change the noticing requirement to be sent by the Clerk of Council instead of the applicant.

Mr. Lee stated that the amendment to Article 9.05, Residence Group Home and Residence Family Home, remain largely unchanged from the previous draft reviewed by the Commission. The only change is the reduction of the minimum separation between such homes to 500 feet. The previous draft proposed a 1,000 foot separation.

Mr. Lee stated the proposed changes to the temporary garden center use remain unchanged from the previous draft.

Mr. Clark asked Mr. Feverston if this proposed amendment addressed the issue raised by The Gardenland, the temporary garden center who sought a variance last fall to remain open until the end of October. He stated that The Gardenland argued that they don't open until May of the year and under the requirements of the current regulations feel they cannot take advantage of the full 3 months allowed by the UDO for the first half of the year.

Mr. Feverston stated that this draft does address that issue. Rather than requiring a time limit for temporary garden centers to operate a maximum of 3 months per evenly divided half of a calendar year, this amendment permits a maximum of one center on a business property at a time

limited to two on a premises per year. The garden center may be conducted a maximum of 90 days at which time this use must be removed. A second temporary garden center may open but only after 60 days has lapsed from the closing and removal of the first. The dates when a temporary garden center opens and closes must be stated in their zoning permit application.

Mr. Clark stated the concern over temporary businesses such as The Gardenland was that while they may not have opened until early May, they began set-up on April 1st and because there was no separation requirement between the first and second half of the year, these businesses remained open through September and removed sometime in October.

Mr. Lee reviewed the changes to Table 9.0, Table of Minimum Standards. He stated these changes are those reviewed by the Commission last fall.

Mr. Lee stated that Table 9.1, Permitted Land Uses is being modified to consolidate accessory uses and temporary uses into their own labeled categories. The application type, major or minor, was added for clarification. He stated that beekeeping has been added as an accessory use for residences in addition to being permitted for agricultural uses.

Upon question, Mr. Lee stated that the City Managers office received an inquiry from a resident wanting to raise bees at his residence. This homeowner stated that other local cities including the City of Bellbrook have received similar inquiries and are changing their ordinances. Mr. Lee stated that Bellbrook has recently passed legislation permitting beekeeping as an accessory use for residences having a lot one-third of an acre or greater. He stated the City Manager directed the Planning Department to research beekeeping and draft language for this ordinance that the Commission may review and recommend direction for the City Council. This draft comes principally from the Bellbrook ordinance modifies our current requirements to permit beekeeping as an accessory use in the R-1a zoning district in addition to an agricultural use.

Mr. Etson expressed concern about the height of potential hives to be placed on a residential property.

Mr. Brunner asked if Bellbrook has beekeepers and if so how is it working for Bellbrook.

Mr. Lee stated that they had one inquiry prior to passage of their ordinance last spring and no inquiries after its passage. He further stated that has been the experience of other communities who have passed beekeeping ordinances; where they may have one beekeeper in their City and have had no other inquiries.

Mr. Liberman stated that permitting beekeeping as an accessory use for a residence may conflict with the home occupation section of the UDO since the purpose of beekeeping is the production of honey and whether the resident sells the honey.

After a discussion, the Commission concurred that beekeeping should be permitted only as an agricultural use and not permitted as an accessory use. Further they agreed that the requirements

drafted for the placement of a hive on a property, colony size, water source, and beekeeper registration remain in the draft ordinance.

Mr. Lee stated that residential uses in Table 9.1 have been consolidated in to a single section entitled Residential Uses and eliminating the Household Living and Group Living sections. Further, housing types such as townhomes, garden apartment, etc. that are intended for the overlay district standards were eliminated from this land use table for the base zoning districts. Government offices are established as permitted uses for O-S and O-PD zoning districts. Medical and dental offices are added as a specific category in the Office Use section; being permitted uses in the non-residential zoning districts. Big box retail is changed to a permitted use in the B-PD zoning district rather than a conditional use. A public hearing would still be obligated as a part of the Development Plan review by Planning Commission and City Council. Grocery stores were added as a conditional use in the APD. A hotel use was added as a conditional use in the O-PD district. Office-Service uses are established in the B-1 and APD Districts. This use is a permitted in both zoning districts but was omitted from this table. Theaters were added as permitted uses for the B-2 and B-PD districts and as a conditional use in the APD.

Mr. Lee stated that Article 9.15 C eliminates the minimum 20,000 square foot lot size for a planned development district. This requirement originally came from the old subdivision ordinance and conflicts with the intent of the Planned Development Districts to allow the Planning Commission and City Council flexibility in determining lot size based upon an approved Development Plan.

Mr. Lee stated that paragraph A, Landscape Plan Content in Article 9.25 is a duplication of the requirements of Article 5 and is being deleted. Additionally, language was added providing developer or owner the option of bonding landscape work during inclement weather and allowing the City to issue a temporary occupancy permit n-lieu of completion of this work. The parking lot landscape requirements were moved to article 9.25 from the parking section as a clean-up measure putting all landscape requirements in a single location. Also, a new figure was added to depict what may be counted for interior parking lot landscaping.

Mr. Brunner asked if there has been any reduction in this requirement for industrial properties.

Mr. Feverston stated that this draft does not modify the amount of interior landscaping required. He stated that the industrial area along East Franklin Street will be studied this year and interior landscaping for industrial parking lots will be a topic of discussion for that committee.

Mr. Lee stated that Article 9.29, Parking Standards is being amended to include a reference to the non-conforming use section for recreational vehicles and a prohibition of parking of commercial vehicles on a residential premises except for maintenance or repair of the residence. A requirement to provide the opportunity for businesses to install grass pavers for overflow parking was added. Lastly, the parking tables were eliminated duplication and eliminate the parking requirement for a residence family home as discussed at a previous work session.

Mr. Lee stated that Article 9.33, Street Tree and Public Tree Requirements, was modified to replace the tem "horticulturist" with "Public Works Director".

Mr. Lee concluded by stated that Article 11, Definitions were modified to include definitions pertaining to beekeeping, and the City's Design Review Criteria for the APD. Definitions that were modified include Big Box Retail, Residence Family home and Residence Group Home.

Mr. Clark asked for additional comments.

Mr. Briggs stated that he felt the Commission did not serve the applicant from Young Learners World very well tonight. He stated that the Commission has done things that are inconsistent and just rolled over and did them. He stated that we had an applicant requested to paint his building on South Suburban and the Commission made him remove the paint from part of the brick. The next meeting a property owner, Hidy, on Loop Road requested painting his building and that was granted. He stated that this Commission does not look very business friendly and appears at time as an obstruction to business.

Mr. Clark stated that his recollection was that the business on South Suburban started remodeling without any permits issued, exterior paint being only one issue. He stated that he voted no on the Young Learners World access because of safety issues raised.

Mr. Briggs stated he agreed with the Commissions decision on removing the paint from the brick on South Suburban, however, how the Commission squares this decision with its approval to paint Hidy's red brick building. With regards to the argument that the painting was necessary to prevent water leaks, he stated that there are other solutions rather than painting it.

Mr. Briggs stated that this Commission must also think about how a building will be used when it is deciding on development citing the orientation of Lebanon Citizens Bank and the architecture for Miami Valley Hospital as examples.

Mr. Gammell stated that he voted no on the Young Learners World access because of safety issues raised. He also stated that there have been times when he felt the Commission probably overreached; in areas where the Commission has some discretion.

Mr. Clark stated that he also had safety concerns about the width of the drive and voted no for that reason. He also stated that Mr. Holtvolt told the Commission that he agreed to a one-way drive and that was the reason for the Commission's approval of a 12 wider driveway.

Mr. Palcher agreed with Mr. Clark.

Mr. Briggs stated that likewise there have been times where the Commission has been too rigid when it needed to be flexible.

Mr. Gammell stated that in his opinion, it is the job to follow the ordinances given to them from Council and it is the job of the City Council to provide the flexibility.

Mr. Feverston stated that if there is a provision of the code the Planning Commission feels is in error, the Commission can request the Council to re-consider that provision. He further stated that in the case of variances, these cases are very black and white by their nature that the Commission must judge; either there is a hardship or there is none.

Mr. Liberman stated the difficult thing for this Commission is that it is a Planning Commission most of the time which is different from the Board of Zoning Appeals which is the other role you serve. The roles are very different. Some of the flexibility you are talking about is a Planning Commission function where as any BZA action is really the final decision and don't have that flexibility which is based on practical difficulties. He stated the risk the Commission has is going the opposite direction and doing something the Council does not intend.

Mr. Gammell stated that he feels there are times when the Commission has delved too far in the architectural design of buildings.

There being no further discussion, the meeting was adjourned.

A handwritten signature in cursive script that reads "Paul Clark". The signature is written in dark ink and is positioned to the right of the text "There being no further discussion, the meeting was adjourned."