

CENTERVILLE PLANNING COMMISSION

Regular Meeting

Tuesday, January 25, 2011

Mr. Clark called the meeting to order at 7:30 P.M.

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

Excuse Absent Members:

MOTION: Mr. Durham moved to excuse Mr. Brunner and Mr. Gammell as they gave prior notice. Mr. Briggs seconded the motion. The motion was approved unanimously, 5-0.

Approval of Minutes:

Mr. Feverston advised the Commission of the following corrections to the minutes for their consideration; the August 31, 2010 regular meeting, page 2, paragraph beginning: "Mr. Duane Wright..." line 8, "pad cold" is corrected to read: "pad could" and on Page 5, paragraph 5, and beginning "The proposed... the standard is..." is corrected to read: "the standard in..."; the October 26, 2010 work session, the word "owned" on page 1, fifth paragraph, second line is changed to the word "owner"; the November 30, 2010 regular meeting, page 3, at the bottom of the page, Mr. Brunner seconded the motion instead of Mr. Briggs; the January 11, 2011 work session, page 4, 4<sup>th</sup> line from the bottom, the word "ridge" be changed to "rigid"; and the January 11, 2011 regular meeting, page 2 at the bottom, the vote was corrected to read 2-4 instead of 2-3.

MOTION: Mr. Briggs moved to approve the Planning Commission Regular meeting minutes of July 13, 2010, August 31, 2010, October 12, 2010, November 9, 2010, November 30, 2010, January 11, 2011, and the Planning Commission Work Session minutes of October 26, 2010 and January 11, 2011 as revised. Mr. Durham seconded the Motion. The Motion was approved unanimously, 5-0.

PUBLIC HEARINGS

An Ordinance Amending Ordinance 14-08, The Unified Development Ordinance for the City of Centerville, Ohio to assure consistency with previous ordinances, and current policies; to eliminate duplicity, correct omissions; and addressing any clerical errors within the document and amends the zoning regulations for land uses including a Residence Family Home and Residential Group Home for compliance with Federal and State of Ohio Fair Housing Laws.

Mr. Feverston stated that this ordinance is the annual clean-up ordinance of the Unified Development Ordinance (UDO). The ordinance is as the Commission has reviewed in their last Work Session including the modification of the standards for Residence Family and Residence Group Homes, changes to the land use and parking tables. The ordinance also includes the additional requirements for beekeeping including the Commission's change to permit beekeeping in the Agriculture Zoning District and as an Agricultural use in any zoning district.

Mr. Clark opened the public hearing.

There being no speakers, Mr. Clark closed the public hearing.

MOTION: Mr. Durham moved to recommend this amendment to Ordinance 14-08, The Unified Development Ordinance to the City Council. Mr. Briggs seconded the motion. The motion was approved unanimously 5-0.

### NEW BUSINESS

#### Walker Chrysler Jeep Dodge Dealership - Major Site Plan

Mr. Feverston presented Application No. P-2010-0040, a Major Site Plan for Walker Chrysler Jeep Dodge Dealership located at 95 Loop Road. The request is an addition to the dealership building to increase the size of the sales area, construct a customer vehicle drop-off area and renovate the front building façade. He stated that all signs will be replaced with new signs in compliance with current code as a part of a separate sign permit application. He stated that existing landscaping around the building will be relocated the main entrance along Loop Road. The proposal is to use E.I.F.S. and cultured stone on the building giving the building a similar architectural look as other dealerships along Loop Rd. The second drive will be re-opened for use; something the fire department has requested.

Mr. Feverston stated the application shows a parking and paving setback variance at the southeast corner of the site. He stated that the Commission received a letter from the applicant stating they are removing this additional pavement and retaining wall as a part of their application.

Staff recommended approval the Major Site Plan subject to the following conditions:

1. The site plan shall be modified to eliminate the pavement shown in the southeast corner of the lot or a variance be approved by the Planning Commission to permit this paving within the required setback.
2. A performance bond or other construction guarantee shall be posted by the developer for all landscape, screening, or bufferyard improvements required by the zoning ordinance subject to approval by the City Planner in accordance with Article 9.25 C of the UDO.
3. The Planning Commission shall approve the architectural design of the proposed building to assure the materials, shape, massing and architectural features create a unified design on the premises and is visually compatible with the surrounding buildings. Specifically, the Planning Commission must approve the E.I.F.S for the building body.

Mr. Briggs asked if the new landscaping proposed is a net increase in the amount of landscaping on the property.

Mr. Feverston stated that there is no increase in the amount of landscaping.

MOTION: Mr. Durham moved to approve the Major Site Plan for Walker Chrysler Jeep Dodge subject to the following conditions:

1. A performance bond or other construction guarantee shall be posted by the developer for all landscape, screening, or bufferyard improvements required by the zoning ordinance subject to approval by the City Planner in accordance with Article 9.25 C of the UDO.
2. The Planning Commission shall approve the architectural design of the proposed building to assure the materials, shape, massing and architectural features create a unified design on the premises and is visually compatible with the surrounding buildings. Specifically, the Planning Commission must approve the E.I.F.S for the building body.

Mr. Briggs seconded the motion. The motion was approved unanimously 5-0.

Mr. Clark asked Mr. Feverston about the moratorium on internet gaming the Commission received in their packet.

Mr. Feverston stated the City Council passed this moratorium for six months to give the City time to evaluate this type business as it may be considered as gambling.

Mr. Liberman stated that Internet Cafés are currently prevalent in northeast Ohio. In the last several months they have started to appear in this area and local municipal attorneys are aware of them. Municipalities are currently relying on a Toledo municipal court case where Internet Cafés were not considered gambling and were legal. There is a criminal case in Vandalia that everyone is keeping an eye on. He advised the City to do a moratorium to give time to evaluate Internet Cafés and if there needs to be any business regulations or zoning regulations.

Upon question by Mr. Durham, Mr. Liberman stated the question is whether this is gambling. These businesses have machines resembling slot machines except they do not have a random number generator. His understanding of the business is that the owners are calling them sweepstakes where customers buy phone cards. The most a customer can win on the card is ten dollars. A customer then takes their card to another location to cash them in and walk out with three thousand dollars after playing these games all day. The State of Ohio is looking into this business as they are interested in starting up slot machines.

Mr. Briggs asked if they are designed to be pure chance or are they a game of skill.

Mr. Liberman stated that the owners contend they are a game of skill. The Toledo court is saying that a game of skill is a sweepstakes and not considered gambling.

Mr. Durham left the meeting declaring a potential conflict of interest with the next application.

UNFINISHED BUSINESS

Ross Enterprises – Major Site Plan

MOTION: Mr. Briggs moved to remove this application from the table. Mr. Etson seconded the motion. The motion was approved unanimously 4-0.

Mr. Feverston briefed the Commission on the status of the appeal filed by the applicant on the decision rendered by the Planning Commission on the parking lot landscape variance. The City Council overturned the Commission's decision and granted the variance to reduce the required parking lot landscaping to that shown of the Major Site Plan. This decision clears the way for the Commission to take action on the Major Site Plan, Application No. P-2010-0035 for Tom Ross Enterprises for their property located at 30 -46 Compark Road.

Staff recommends approval subject to the following conditions:

1. A joint access and parking easement shall be recorded prior to occupancy subject to approval by the City Attorney.
2. A landscape plan shall be subject to approval by the City Planner.
3. A performance bond or other construction guarantee shall be posted by the developer for all landscape, screening, or bufferyard improvements required by the Unified Development Ordinance (UDO) subject to approval by the City Planner in accordance with Article 9.25 C of the UDO.
4. The dumpster enclosures shall be subject to approval by the City Planner.
5. The contractor shall notify the Centerville Public Works Department prior to any earth disturbing activity for inspection of erosion control measures, and obtain a right-of-way permit fro any work performed in any public right-of-way or easement.
6. Phase 1 and 2 shall be constructed at the same time and construction shall be complete on or before July 1, 2011.
7. Phase 3 shall be completed at the time when the building is 75 percent occupied or before July 1, 2012 whichever occurs first.
8. A final exterior lighting plan in accordance with Article 9.27 C of the UDO shall be subject to approval by the City Planner.
9. A detail of the emergency access sign shall be included on the final site plan subject to approval by the City Planner.
10. Two posts shall be installed to protect the DP&L pole situated at the northeast corner of the building from traffic.

Additionally, Mr. Ross in speaking with the City Manager agreed to do the following; that phase one and two will be combined into one phase, construct an asphalt driveway approach instead of a concrete as well as an asphalt drive within the shared access easement to the neighboring property.

Mr. Feverston stated that staff has no concern with an asphalt driveway approach.

He stated that Mr. Ross has requested that the dumpster corrals be eliminated from the plan and the amount of exterior lighting be reduced. A dumpster corral is a requirement of the UDO and cannot be waived by the Commission. A variance could be sought to eliminate this requirement. The owner must also provide a minimum light level for this parking lot in accordance with the UDO as stated in condition number 8.

Mr. Clark asked where the east property line is in relation to the neighboring building and trees in this area.

Mr. Feverston stated that the lot line is approximately three feet from the back building wall of the Centerville Mill property. The vegetation along this lot line is mostly scrub growth.

MOTION: Mr. Briggs moved to approve the Major Site Plan for Ross Enterprises subject to the following conditions:

1. A joint access and parking easement shall be recorded prior to occupancy subject to approval by the City Attorney.
2. A landscape plan shall be subject to approval by the City Planner.
3. A performance bond or other construction guarantee shall be posted by the developer for all landscape, screening, or bufferyard improvements required by the Unified Development Ordinance (UDO) subject to approval by the City Planner in accordance with Article 9.25 C of the UDO.
4. The dumpster enclosures shall be subject to approval by the City Planner.
5. The contractor shall notify the Centerville Public Works Department prior to any earth disturbing activity for inspection of erosion control measures, and obtain a right-of-way permit for any work performed in any public right-of-way or easement.
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8. A final exterior lighting plan in accordance with Article 9.27 C of the UDO shall be subject to approval by the City Planner.
9. A detail of the emergency access sign shall be included on the final site plan subject to approval by the City Planner.
10. Two posts shall be installed to protect the DP&L pole situated at the northeast corner of the building from traffic.

Mr. Etson seconded the motion. The motion was approved unanimously 4-0.

There being no further business, the meeting was adjourned.



