

CENTERVILLE PLANNING COMMISSION
Regular Meeting
Tuesday, May 31, 2011

Mr. Clark called the meeting to order at 6:30 p.m.

ATTENDANCE

Present were Mr. Paul Clark, Chair; Mr. Jim Briggs, Mr. Jim Brunner, Mr. Jim Durham, Mr. Jeff Gammell, and Mr. Bill Etson. Also present: Mr. Steve Feverston, City Planner; Mr. Nathan Cahall, Economic Development Administrator; Mr. Scott Liberman, Municipal Attorney; Mr. John Sliemers, City Engineer; and Mrs. Julie Weaver, Clerk.

APPROVAL OF MINUTES

No changes were suggested for the minutes of April 26, 2011 or the work session of May 17.

MOTION: Mr. Briggs moved to approve the minutes of the Planning Commission Meeting of April 26, 2011, and the work session meeting of May 17, 2011, as distributed. Mr. Brunner seconded the motion. The motion was approved unanimously, 5-0. Mr. Gammell abstained from the vote on the minutes of April 26, and Mr. Clark abstained from the vote on the minutes of May 17.

PUBLIC HEARINGS

Application P-2011-0068 – Becky Ross, KAP Signs, The Villager Apartments
Sign Variances for 6300 Fireside Drive

Mr. Feverston announced that the applicant had withdrawn the request for the first variance listed on the application and now asked only for the variance for the sign area on the face of an LED electronic message center for the Villager Apartments. The sign is not on Villager property, and the applicant did not include the permission of the owner of the sign with the application. A lease was included for space in the retail center, but an occupancy permit and confirmation that business is being conducted on the site were not. The application was declared to be incomplete and was not heard by the Planning Commission. The application fee will be refunded

Application P-2011-0072 – Becky Ross, KAP Signs, Steeplechase Apartments
Sign Variances for 6950 River Downs Drive

Because of the early start time of the meeting, it was decided to deal with the Public Hearing for sign variances for Steeplechase Apartments at the end of the meeting if a representative of the group arrived.

Application P 2011-0069 – Wende Morgan-Elliott, WMEA for Buick Mercedes-Benz
Setback Variances for Mercedes Benz, 1 Loop Road

Mr. Clark opened the Public Hearing. Item C on the agenda under Public Hearings was related to Items B and C under New Business. Wende Morgan-Elliott came forward to ask that Item 4 C, Application P 2011-0069, and Item 6 C, Application P 2010-0045, be tabled until the meeting on June 14, 2011. Following the receipt of the staff recommendations related to the applications, Ms.

Morgan-Elliott had realized the need to review them with the property owner, Jenell Ross, who was travelling and unavailable.

MOTION: Mr. Durham moved to table Item 4 C and Item 6 C until the Planning Commission meeting on June 14, 2011. Mr. Briggs seconded the motion. The motion passed with five ayes.

Application P-2011-0084 – Gayle Wright, Cross Pointe Associates for Earth Fare
Temporary Sign Variances for 101, E. Alex-Bell Road, Suite 176

Mr. Feverston gave the staff report on the request for variances related to the size of a temporary wall sign and the length of time it would be displayed. The applicant requested to display a forty square foot sign for more than thirty days, but less than ninety for Earth Fare, a new grocery. Because of the distance from Alex-Bell Road and the temporary nature of the sign, Staff recommended approval with the condition that there be no other temporary sign displayed in Cross Pointe Center during the period.

Ms. Gayle Wright, Cross Pointe Associates, 433 Windsor Park Drive, asked about the kinds of signs that would be unable to be displayed during the time period. The businesses have window signs, realty signs and ground signs currently displayed. She also noted that since the permanent sign will be installed as soon as it arrives, the variance may not be needed for the entire ninety days.

MOTION: Planning Commission discussed the appropriate wording for the motion, before Mr. Durham moved for approval of both variances of Application P-2011-0084, as requested, with the condition that no other exterior temporary wall sign on buildings managed by Cross Pointe Associates be displayed during the same time period. The temporary sign shall be removed when the permanent sign is installed. Mr. Gammell seconded the motion. The motion passed with five ayes.

Application P-2011-0087 – Greg Lauterbach for Irvin Harlamert,
Setback Variance for Front Porch at 74 W. Franklin Street

Mr. Feverston gave the staff report on the request for a variance for the setback on a replacement porch on a property owned by Mr. Irvin Harlamert and addressed as 74 W. Franklin Street. Mr. Harlamert wished to enlarge the length and width of the porch that actually faces Westerfield Drive and an alley.

Mr. Etson arrived at this time.

The additional area would put the right front corner of the porch of the Colonial-style building about 5'8" from Westerfield Drive. Because of the close proximity of the building to the Architectural Preservation District and compatibility with the character of other downtown buildings, staff recommended approval of the variance for this improvement to the property.

MOTION: Mr. Gammell moved for approval of Setback Variance Application P-2011-0087, as requested. Mr. Briggs seconded the motion. The motion passed with six ayes. Mr. Clark noted that relocation of the present sign was not part of the present approval.

UNFINISHED BUSINESS

Application P 2011-0063 - George Oberer, Cornerstone North - Preliminary Development Plan

The application for the Preliminary Development Plan had been tabled until this meeting, but following a work session with Planning Commission and Cornerstone Developers on May 17, 2011, it was decided to have another work session on June 2, 2011, before bringing the application to a vote.

MOTION: Mr. Durham moved to remove Application P-2011-0063 from the table and retable it until the Planning Commission Meeting of June 14, 2011. Mr. Briggs seconded the motion. The motion passed with six ayes.

Application P 2011-0065 – George Oberer, Cornerstone South - Preliminary Development Plan

As with the previous application, the Planning Commission will have the additional work session before voting on this matter.

MOTION: Mr. Durham moved to remove Application P-2011-0063 from the table and retable it until the Planning Commission Meeting of June 14, 2011. Mr. Briggs seconded the motion. The motion passed with six ayes. Mr. Liberman noted that a vote on the application will be needed at the meeting on June 14, 2011.

NEW BUSINESS

Application P 2010-0042 - Amendment to the Major Site Plan
McClain Tower for Miami Valley Hospital South – 2400 Miami Valley Drive

Mr. Feverston explained the requested changes to the Major Site Plan for the bed tower and women's treatment center at Miami Valley Hospital South, 2400 Miami Valley Drive. He compared the former footprint and elevations with the present plans. The plan is now curved with the single story women's center wrapping around the bed tower in an L-shape. The architectural style remains much the same as in the approved plan.

Architect David Stewart of Gresham, Smith and Partners, 511 Union Street, Nashville Tennessee, stated that the exterior materials used would be the same as those previously approved.

MOTION: Mr. Gammell moved for approval of the changes to the approved Major Site Plan, as requested, for Application P 2010-0042, the Miami Valley Hospital South bed tower and women's center. Mr. Brunner seconded the motion. The motion passed with six ayes.

Application P 2010-0043 – Wende Morgan-Elliott for Ross Mercedes Benz, 1 Loop Road
Amendment to the Major Site Plan

Mr. Feverston gave the staff report concerning the property in the southwest corner of Loop Road at SR 48. The applicant is requesting an amendment to the Major Site Plan that came to the Commission in December for a showroom expansion and a vehicle display area. Construction of showroom improvements on the property is currently underway. Ms. Morgan-Elliott is requesting elimination of some of the aesthetic improvements that go with the vehicle display area in the

southwest corner of the property. Approved earlier were a three ring display with masonry walls and landscape improvements that included signage, wrought iron fence, stone columns, and plantings along SR 48 and the off ramp of I-675. Replacing the old chain link fence on the State right of way would require ODOT consent. Also included was reconfiguration of the parking lot to make way for a gravel-based rain garden to help with storm water run-off in the area. Variance applications as a second application to the Major Site Plan were approved conditioned upon the completion of all the landscape frontage improvements including fence, stone columns and plantings along both SR 48 and I-675.

The applicant has asked to change the plan to a single display ring, to keep the current configuration of the parking lot, to limit the amount of decorative stone wall required and to eliminate the public right of way improvements along SR 48 and I-675. Mr. Feverston recommended approval with conditions. He noted the conflict with the specific conditions attached to the previous sign variances and recommended approval of this application subject to the following conditions:

1. Revised plans shall be submitted showing the vehicle display area moved to accommodate the required parking and paving setbacks to Far Hills Ave. and the off-ramp to I-675 subject to approval by the City Planner.
2. Revised plans shall be submitted showing that all remaining landscaping and stone columns are situated on the subject property and not in the limited access right-of-way.
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.

Mr. Eric Sauer of CYP Studio, 6030 Coachshire Drive, stated that the original intent of the applicant was for the landscaping portion of the project to be a joint effort of the owner, the State and the City. Bonding is problematic. Items are not on Ross property. In making application to the State of Ohio, the applicant learned that the funding from the State would not be available until 2014 or 2015. The normal bonding process requires that work be completed within one year. Additionally the amount of the bond was higher than anticipated. Ms. Ross is still interested in doing the fence, but ODOT would require the fence to be where it is in the right of way for the entire length of the frontage. If pulled back to the property line, ODOT would require two fences. The increased setback requirement for the parking area would also be problematic. The owner needs the support of the Planning Commission to move the project forward. Mr. Sauer stated that the project would benefit both the City and the owner, but could be an undue burden for Ms. Ross.

Mr. Cahall noted that the original thinking of staff was that a joint effort with ODOT might be able to be worked out for the landscaping as in other areas around the I-675 interchange. Some funds have been budgeted by the City for gateway improvements in the corridor. What Mr. Sauer asked would require the City to be the applicant for ODOT funding, but the portion of funds that would be due from the City would be much higher.

Mr. Sauer stated that ODOT had told him that the masonry columns could not be installed in the right of way, because they created a hazard. He passed a sample of the black steel fence that was

acceptable to ODOT on the right of way where the existing fence is located. It would be three years or more before the fence could be installed on the site with any funding from the State.

Mr. Durham stated that, because of conditions attached to previous variances, if there is no fence, there can be no sign on the vehicle display stone wall. The Planning Commission allowed the applicant to bond these improvements in lieu of the completion of the stone columns or landscaping along SR 48 and I-675. The other option would be a new variance changing the conditions. Mr. Durham suggested a meeting between Mr. Sauer, Ms. Morgan-Elliott, Mr. Horn and staff to discuss options for the funding problems at the earliest convenience of the parties.

MOTION: Mr. Durham moved to approve the changes to the Major Site Plan subject to the conditions of the City Planner and one additional condition stating that the use of a zero setback for the sign is approved if in the future a variance is granted for said sign wall. An application for sign variances for the wall area in the southwest corner of the property shall be submitted as soon as possible to modify the conditions of the previous approval. Mr. Gammell seconded the motion. The motion passed with six ayes.

Application P 2011-0079 – Charles Simms, Highlands at Yankee Trace, Section 2A
Replat of Lots 29 and 30 on Legendary Way at Sand Wedge Court.

Locating the properties on a map, Mr. Feverston explained the need for a replat of the common lot line for the ranch duplex with front entry garages on Lots 29 and 30. These homes are built with a common wall on the property line using a new design approved at the last Planning Commission meeting as part of a lifestyle community overlay.

MOTION: Mr. Charles Simms of Simms Developers and Mr. Jim Kiefer of Yankee Trace Development answered questions concerning the three Yankee Trace items on the agenda before Mr. Durham moved for approval of the replat of Lots 23 and 30 in the Highlands, Section 2A. Mr. Briggs seconded the motion. The motion passed with six ayes.

Application P 2011-0075 – Jim Kiefer, The Highlands at Yankee Trace,
Major Site Plan for Parcel 31

Mr. Feverston explained that the applicant had asked for an amendment to the Major Site Plan to increase the number of duplex homes with dual front entry garages. Eleven such units had been previously approved; the applicant requested a total of twenty-two for all of the remaining development in the Highlands. Mr. Feverston explained where they currently are planned and showed elevations of what they look like. The design was recently approved for use in Yankee Trace Subdivision as part of the mix of available styles. The Planning Department recommended approval of an amendment to the March 27, 2007 Residential Cluster Development for the Highlands at Yankee Trace subject to the following conditions:

1. Increase the total number of dual-front entry garages from 11 to 13 allowing Sections 3 and 4 of the Highlands to be constructed per the March 27, 2007 Residential Cluster Development.
2. All other conditions of approval from March 27, 2007 shall apply.

Mr. Jim Kiefer, Great Traditions/Yankee Trace Development, LLC, 4000 Executive Park, Cincinnati, clarified where and which styles of the duplex homes had been built. He noted that the Planning Commission recently approved the single-story duplex homes with dual front entry garages. He presented a diagram and pointed out some possible sites for double two-story homes with side entry garages and others where he would like to put the ranch duplexes with dual front entry garages.

Mr. Durham was concerned with aesthetics and value for the price that would be charged. He did not want a street lined with cookie cutter dual front entry garages. He emphasized the need for attractiveness and variety for long-term value.

Mr. Feverston pointed out that two front entry units might be needed at the end of Legendary Way in order to have room for the emergency access and egress behind the houses at the end of the cul-de-sac.

Mr. Durham proposed that no more than two duplexes with dual front entry garages be situated together. Such a principle would give the developer flexibility. There could be as many as 12 double front entry duplexes, but they would be scattered. The rest of the group concurred with the flexible guideline Mr. Durham proposed.

MOTION: Mr. Durham moved for approval of the Amendment to the Residential Cluster Development Plan on March 27, 2007, subject to the staff condition that all other conditions of approval from March 27 shall remain in effect and with the modification that no more than two dual front entry garages be located together on the same side of the street. Mr. Gammell seconded the motion. The motion passed unanimously, 6-0.

Application P 2011-0073 – Jim Kiefer, the Highlands at Yankee Trace, Section 3
Record Plat for Ten Duplex Home Sites on 20 Platted Lots.

Mr. Feverston introduced the application to plat home sites for the extension of Legendary Way. The Washington Township Fire Department has consistently raised concerns about the length of Legendary Way since it is a cul-de-sac prone to the cueing for responding equipment. An emergency access has been required for connection to Shawnee Trail. Mr. Feverston recommended approval subject to 14 conditions including the need for paved turnarounds or cul-de-sacs as each phase of the plat is built. Planning Department recommendations were follows:

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, sidewalk, traffic control, and erosion control.
3. A one year maintenance bond in the amount of 4% of the original performance bond will be required when the public improvements are complete and the performance bond is released.

4. Review and inspection fees shall be paid per Section 1214 of the Centerville Municipal Code.
5. Lots 45, 46, 49 and 50 shall be modified to properly align driveways subject to approval by the City Planner.
6. Lots 41 and 42 shall be modified to allow for an appropriate rear yard for lot 41 subject to approval by the City Planner.
7. The offsite sanitary sewer project for Section 3 is substantially completed subject to approval by the City Engineer.
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 proposed storm easement shall be extended to southeast from catch basin 18 subject to approval by the City Engineer.
10. A paved turnaround shall be constructed at the end of Legendary Way in a design acceptable to the City Engineer per UDO Article 9.13,B,d.
11. The emergency access connecting Legendary Way and Shawnee Trail, including the cul-de-sac for Shawnee Trail and emergency gates shall be constructed with this plat in a design acceptable to the City Engineer.
12. The proposed sidewalk along Legendary Way shall terminate into the curb of Legendary Way across from Gallery Court and having handicap accessibility subject to approval by the City Engineer.
13. Fire hydrants shall be installed at a maximum spacing of 400 feet subject to approval by the Washington Township Fire Department.
14. The construction drive shall be maintained and kept in good condition at all times by Yankee Trace Development, Inc. This drive shall be reconditioned 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.

Mr. Kiefer expressed concern with Items 10 and 11. He asked to substitute gravel for the asphalt requirement. Asphalt for temporary cul-de-sacs is too expensive and construction traffic would damage the finished pavement. Mr. Feverston reiterated the need for asphalt unless the infrastructure for the entire street is finished out to Shawnee Trail with the initial work. Mr. Cahall stated that the end of a development is always difficult to finish properly. Bonds may not cover the entire cost of completing a roadway should the applicant default. The City needs to be protected.

Mr. Durham recommended that Mr. Kiefer note his concerns with Council, since Council has more authority to make exceptions. The job of the Planning Commission is to enforce the UDO.

Considering that Sections 3 and 4 are the last sections of Yankee Trace to be developed, Mr. Gammell asked about making the completion of unfinished items in other sections a condition of this approval of the Record Plan. Mr. Keifer stated that he would be in agreement with such a condition.

Discussion of the cul-de-sac and construction access continued. Mr. Feverston agreed that a full cul-de-sac would not be needed between Section 3 and Section 4 as long as a paved T-turn around was provided. Mr. Durham pointed out that there was still some ambiguity and disagreements that would require the staff and the applicant to communicate.

Mr. Gammell returned to the subject of incomplete items. Mr. Durham recused himself from the discussion of this matter.

MOTION: Mr. Gammell moved for approval of the Record Plat for the Highlands at Yankee Trace, Section 3, subject to the 14 conditions recommended by staff and to a fifteenth condition requiring the completion of all unfinished public infrastructure requirements in all previous sections of the Yankee Trace development to the satisfaction of the City Engineer. Mr. Briggs seconded the motion. The motion passed with 5 ayes. Mr. Durham abstained from the vote.

Public Hearing for Application P-2011-0072 – Becky Ross, KAP Signs, Steeplechase Apartments Sign Variances for 6790 River Downs Drive

No representative of the applicant was in attendance. Mr. Feverston stated that the applicant had requested that this application be tabled until the meeting on June 28, 2011, so that representatives of the Connor Group could attend. Mr. Clark opened the public hearing. Mr. Durham moved to table the application until June 28, 2011. Mr. Briggs seconded the motion. The motion passed with six ayes.

COMMUNICATIONS

The next regular meeting of the Planning Commission will be June 14, 2011, in the Council Chambers of the Centerville Municipal Building at 7:30 p.m. A work session with Cornerstone Developers is scheduled for Thursday, June 2, 2011, at 7:30 p.m.

There being no further business, the meeting was adjourned.

