

CENTERVILLE PLANNING COMMISSION  
Regular Meeting  
Tuesday, July 26, 2011

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

ATTENDANCE

Present were Mr. Paul Clark, Chair; Mr. Jim Briggs, Mr. Jim Brunner, Mr. Jim Durham, and Mr. Bill Etson. Also present: Mr. Steve Feverston, City Planner; Mr. Scott Liberman, Municipal Attorney; and Mrs. Julie Weaver, Assistant Clerk. Mr. Jeff Gammell was absent.

EXCUSE ABSENT MEMBERS

MOTION: Mr. Brunner moved to excuse Mr. Gammell who had notified Mr. Feverston that he would be absent. Mr. Briggs seconded the motion. The motion was approved unanimously, 5-0.

APPROVAL OF MINUTES

No changes were suggested for the minutes of June 28, 2011.

MOTION: Mr. Brunner moved to approve the Planning Commission Meeting minutes of June 28, 2011, as distributed. Mr. Briggs seconded the motion. The motion was approved unanimously, 5-0.

PUBLIC HEARING

Application P 2011-0095 – Barrie King, Variances for Swimming Pool and Fence  
7799 Glenbrier Place.

Mr. Feverston gave the staff report on the request by the homeowner for installation of a private swimming pool and fencing in the front and side yards of the corner lot at 7799 Glenbrier Place that is zoned R-1c. He used aerial photos, maps and photographs to show easements, the slope of the property, the small size of the rear yard and the character of the neighborhood. He stated that the slope of the property and the size of the lot create significant hardships for the owner/applicant. Staff recommended approval of the pool as requested, but had conditions for the approval of the fence. The owner had requested a variance for a 6 foot fence in the front yard of the home. Staff recommended that the fence be wrought iron and no more than 5 feet, the required minimum height for safety fences around pools. Additionally, staff recommended that the fence be placed behind the line of the front face of the neighbor's home immediately to the north.

When Mr. Clark opened the public hearing, Mr. Scott Barrie, who resides at the home, introduced neighbors Bill Lackermann, Mona Entingh and Janice Tangeman. He stated his willingness to accept the recommendations of staff, but questioned the use of wrought iron fence, since he had planned to use wood fence for the entire project. Mr. Feverston noted that fences in the front yard are to be 50% transparent to reduce the impact on the neighbors. Mr. Durham suggested the possibility of another variance for material and type of construction, before Mr. Feverston read the pertinent Section of the UDO. Chain link and solid board fence are prohibited in front yards. The fence could be wood, but must have transparency.

Mr. William Lackermann, 7735 Glenbrier Place, spoke in favor of granting the variances. He felt a wood fence would be most aesthetically pleasing and would give him the greatest privacy. He asked that the Planning Commission grant the current variances, and if in the future there was one for a wood fence to grant that also. He noted that Mr. and Mrs. King maintain their home and yard in excellent condition, so a pool and a well-constructed fence could add value to the properties in the neighborhood.

The Planning Commission had a brief discussion about whether to require a wrought iron fence and about the appropriate height of the fence. They agreed with Mr. Feverston that the fence should be of the minimum height to meet the safety code, 5 feet, thus being closer to the norm of 4 feet for fences in front yards. They concurred not to stipulate a particular type of fence. Using any fence of less than 50% transparency would require an additional variance.

MOTION: Mr. Durham moved to approve the variance for the placement of the pool in the side and front yard, as requested. Mr. Briggs seconded the motion. The motion passed unanimously.

Mr. Durham made a motion to approve the variance for the placement of a fence in the front yard, subject to two conditions. Mr. Brunner seconded the motion. The motion passed unanimously, 5-0. The conditions of the approval are as follows:

1. The fence shall be 5 feet high.
2. The fence shall be placed at or behind the front building wall of the residence immediately to the north.

Mr. Liberman noted that the applicant could appeal of the decision of the Planning Commission to Council by contacting the City Clerk within 15 days.

#### UNFINISHED BUSINESS

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

Planning Commission discussed the length of time that Application P-2011-0072 had been before the board. Normally the Planning Commission does not table an agenda item more than twice unless significant progress is being made toward resolution of issues. This matter already was tabled in May and June. There have been no communications from the applicant or owners except for the requests to table the matter.

MOTIONS: Mr. Briggs moved to remove Application P-2011-0072, Sign Variances for Steeplechase, from the table. Mr. Durham seconded the motion. The motion passed, 5-0.

Mr. Durham moved to table Application P-2011-0072 to the meeting of August 30, 2011 and inform the applicant that the Planning Commission will hear the Application and make a decision at that time. Mr. Briggs seconded the motion. The motion passed unanimously, 5-0. Mr. Feverston will contact Ms. Becky Ross that the hearing will go forward on August 30, 2011.

##### Application P-2011-0094 – Wende Morgan-Elliott Sign Variances for Mercedes-Benz, 1 Loop Road.



MOTION: Mr. Durham moved to remove Application P-2011-0094 from the table for consideration. Mr. Briggs seconded the motion. The motion passed with 5 ayes.

Mr. Feverston reminded Planning Commission that the applicant had asked to table the current variance application until landscaping details are worked out with the Ohio Department of Transportation. He informed them that Ms. Wende Morgan-Elliott had requested an amendment to the conditions of the approved Major Site Plan to allow for the construction of the vehicle display area prior to the approval of the variance for its location, in order to meet strict timelines imposed by Mercedes-Benz. The applicant was agreeable to posting a landscape/performance bond that would cover the removal and restoration of the vehicle display area if the related variance is not granted.

Mr. Feverston described the progress in talks with the Ohio Department of Transportation. An overall landscaping scheme has been approved for the I-675 intersection at SR 48. Included are long-range plans for the LA Fitness corner and the Cross Point corner as well as the area at Loop Road. The next step is an application for funding for the Loop Road portion of the plan.

Mr. Liberman asked that the applicant state agreement with posting the bond.

Ms. Wende Morgan-Elliott, the applicant and representative for the dealership, came forward to the podium and stated her understanding that a bond needs to be in place before work can begin on the vehicle display area and concurred to post the bond.

MOTIONS: Mr. Durham moved to amend Condition 4 of the approval of the Major Site Plan, Application P-2010-0043, to include language that the applicant may proceed with construction of the improvements related to the vehicle display area after posting a bond in an amount, subject to the approval of the City Engineer, that would cover the demolition and restoration of the area should the related variance not be approved. Mr. Briggs seconded the motion.

Mr. Durham moved to table Application P-2011-0094, Sign Variances for the Mercedes-Benz Dealership until the next meeting, August 30, 2011. Mr. Brunner seconded the motion. The motion passed, 5-0.

#### COMMUNICATIONS

Mr. Feverston stated that inquiries and activity in the Planning Office are brisk, so it could be a busy fall with a number of items coming to Planning Commission.

Mr. Liberman stated that Mr. Tom Ross, who has several outstanding applications and violations, is now represented by counsel.

The next meeting of the Planning Commission will be August 30, 2011, in the Council Chambers of the Centerville Municipal Building at 7:30 p.m.

There being no further business, the meeting was adjourned.

