

CENTERVILLE PLANNING COMMISSION
Regular Meeting
Tuesday, August 30, 2011

Mr. Clark called the meeting to order at 7:30 P.M. Mrs. JoAnne Rau was introduced as a new member of the Planning Commission and welcomed.

ATTENDANCE

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

EXCUSE ABSENT MEMBERS

MOTION: Mr. Brunner moved to excuse Mr. Etson who had notified Mr. Feverston that he would be absent. Mr. Briggs seconded the motion. The motion was approved unanimously, 6-0.

APPROVAL OF MINUTES

No changes were suggested for the minutes of July 26, 2011.

MOTION: Mr. Briggs moved to approve the Planning Commission Meeting minutes of July 26, 2011, as distributed. Mr. Brunner seconded the motion. The motion was approved 4-0-2, with Mrs. Rau and Mr. Gammell abstaining.

PUBLIC HEARING

UDO Text Amendment for the Regulation of the Siting and Installation of Alternative Energy Sources.

Mr. Feverston gave the background for changes to the Unified Development Ordinance for the regulation of solar and other alternative energy systems as requested by City Council as the result of a recent request for a large solar system on a residence within the City. Mr. Feverston explained that the draft regulations concerning the siting and installation of alternative energy systems came from three main sources—from the 2012 International Fire Code, from The United States Department of Energy and from other jurisdictions. Regulations regarding the right of individuals to have access to the sun will be left to the State of Ohio. Mr. Feverston enumerated the additions he would see as helpful in updating the UDO for residential and commercial applications. The main guidelines for solar panels call for mounting the panels as flush to the roof as possible, painting the frames and conduits to match the shingle color, offsetting mechanicals for ease of maintenance and creating pathways for firefighters in order to ensure timely access. Solar panels on commercial buildings would require screening. He also addressed wind systems as accessory structures requiring permits within the City of Centerville; the updates address basic height, stability and safety considerations for wind power structures and require automatic braking systems. Mr. Feverston stated his preference to get solar power rules in place and work on regulations for wind power and other alternative energy sources in depth over time.

Mr. Clark asked for clarification of the screening requirements, before Mrs. Rau asked for “alternative energy systems” to be included in the definitions. She noted that, in addition to solar and wind, there are geothermal systems, wood stoves, and other alternative energy possibilities. When she inquired whether the density of large solar arrays would be regulated, Mr. Feverston responded that only the one hundred foot perimeter is defined. Mr. Brunner noted that the proposed ordinance does not deal with solar panels on the front wall of a home. Following a question by Mr. Durham about the current locations of large solar arrays in Centerville, Mr. Liberman noted that Council had passed a moratorium of 180 days on the issuance of permits for alternative energy uses. After further discussion, the Planning Commission concurred to ask for a work session on the alternative energy legislation before voting. Mr. Feverston will organize a work session.

MOTION: After Mr. Clark opened the public hearing, Mr. Durham moved to table the Text Amendment to the Unified Development Ordinance concerning alternative energy regulations until after a work session has been held. Mr. Brunner seconded the motion. The motion passed unanimously with six ayes.

UNFINISHED BUSINESS

Application P-2011-0072: KAP Signs, Steeplechase Sign Variances

Mr. Feverston announced that he had received notification from Becky Ross of KAP Signs requesting the withdrawal of Application P-2011-0072, Variances for Signs at Steeplechase Apartments, 7690 River Downs Drive.

Application P-2011-0088: Screening, 30-46 Compark Road

Mr. Feverston gave the background for Application P-2011-0088, a request by Tom Ross of Tom Ross Rentals for screening variances for dumpsters on his property at 30-46 Compark Road in an area with Industrial zoning. About nine months ago, Council granted an appeal of a decision of the Planning Commission pertaining to a modified site plan for the same property. That plan is bound by the UDO requirement for screening the eight dumpsters currently on the property. Mr. Feverston showed photos of the areas in question and noted that Mr. Ross had provided little information that could support a variance. In the application, fairness was Mr. Ross’s main point. Other properties nearby were not conforming to the same standards, since they were grandfathered under former development rules and can remain non-conforming until other improvements are made. Mr. Feverston stated that staff found no justification to grant the variance and therefore recommended denial of the application. Mr. Liberman pointed out that economic concerns are not grounds for a variance.

Mr. John T. Ross, the applicant and resident of 1290 E. Social Row Road, stated that the hands of the Planning Commission had been tied for granting his landscaping variance last year; only Council had the power to grant that variance. Mr. Durham pointed out the split vote on the landscaping variance and the great sympathy that the Planning Commission had for him with the landscaping issue. In contrast, he noted that the screening of dumpsters is a clear requirement of the Unified Development Ordinance in every zoning district in the City of Centerville.

Mr. Clark asked for clarification of who paid for the trash collection for the pertinent dumpsters and who was responsible for their placement. Mr. Ross said that his tenants contract for trash collection and place the dumpsters where they wish. Mr. Durham stated that Mr. Ross might wish to change that policy, since he would be the one cited and fined for non-compliance with zoning regulations.

Mr. Ross discussed the history of the development of the area stating what he felt were inconsistent requirements for adjoining properties. Others have not put in detention areas, catch basins, or landscaping. Mr. Ross stated it was unfair that he has had more requirements than other owners. He stated he was being required to do more than the City had done with the northern boundary of the Public Works Center.

Mr. Clark asked Mr. Ross to limit his remarks to the issue of screening the dumpsters, since that was the issue the Planning Commission had to decide. Mr. Ross stated that not one other business along Westpark Road or Compark Road has screened dumpsters.

Mr. Gammell asked if the area had properties with non-conforming status. Mr. Feverston answered in the affirmative and explained that the other properties have non-conforming status since they were in place prior to 1986 when screening for dumpsters took effect in the zoning ordinance. Any of these businesses seeking permits for upgrades also will be required to meet the newest standards. Mr. Ross's tenants have multiplied the number of dumpsters on the property, and the Unified Development Ordinance requires those dumpsters to be screened. Mr. Ross shared that one of the messiest dumpsters belongs to the Carpet Store that does not own any portion of the property.

MOTION: Mr. Briggs moved to deny the variance asking for relief from the requirement to screen the dumpsters on the property at 30-46 Compark Drive. Mr. Brunner seconded the motion. The motion to deny passed unanimously, 6-0. Mr. Liberman pointed out that Mr. Ross would have 15 days to appeal the decision of the Planning Commission through the Clerk of Council.

Application P-2011-0094: Wende Morgan-Elliott, 1 Loop Road

Mr. Feverston had included an update in the Planning Commission packets on progress with the Ohio Department of Transportation and the Mercedes-Benz dealership at 1 Loop Road for landscaping along the public right of way on SR 48. He stated that cost estimates were being compiled. In light of the ongoing discussions, Ms. Wendy Morgan-Elliott asked that the Planning Commission table the sign variances at least until September.

MOTIONS: Mr. Durham made a motion to remove the application for sign variances for Mercedes-Benz at 1 Loop Road from the table. Mr. Gammell seconded the motion. The motion passed with six ayes.

Mr. Durham moved to table Application P-2011-0094 to no later than December 30, 2011. Mr. Briggs seconded the motion. The motion passed with six ayes.

NEW BUSINESS

Application Z-2011-0269: Height of Accessory Structure, 7265 Green Ash Court

Mr. Feverston explained the application by Eric Wagner for an accessory structure thirteen feet high on a $\frac{3}{4}$ acre lot zoned R-1b. He showed a photo of the existing twenty-seven foot high house. The storage shed will be to the left of the house, adjacent to the drive. The Unified Development Ordinance states that Planning Commission is the approval authority for accessory buildings between twelve and sixteen feet in height. Staff recommended approval of the application, as requested.

MOTION: After stating that the proportions of the structure were in proportion to those of the home, Mr. Durham moved to approve Application Z-2011-0269 for an accessory structure thirteen feet high. Mr. Briggs seconded the motion. The motion passed unanimously with six ayes.

Application P 2011-0098: Tim Suttmilller, Site Plan for Parking at Cross Pointe Center

Mr. Feverston gave the explanation of the application by Cross Pointe Associates, LLC, to revamp the parking area near Earth Fare to accommodate additional parking spaces. He showed photos and a map of the vicinity. An unused ATM kiosk will be eliminated and new landscape islands will delineate the changed drive aisles. He showed a revised shape for the landscape islands. Mr. Feverston recommended approval with the following six conditions:

1. The required landscaping that was recently removed from the northern and eastern portions of the Cross Pointe Center site shall be replanted with comparable trees and shrubbery subject to approval by the City Planner.
2. The proposed landscape islands shall be modified to provide a minimum width of 9 feet.
3. The final design of the landscape islands shall incorporate a compound radius design and provide for minimum maneuvering without encroaching into the protected access drive subject to approval by the City Engineer.
4. The proposed parking spaces located between Alex-Bell Road and the access drive shall be screened to shield vehicle headlights from the residents to the south subject to approval by the City Planner.
5. A performance bond or other construction guarantee shall be posted by the applicant for all landscape improvements in accordance with Article 9.25 of the Unified Development Ordinance subject to approval by the City Planner.
6. A stormwater detention plan shall be submitted in accordance with Article 9.35 of the Unified Development Ordinance subject to approval by the City Engineer.

Mr. Suttmiller stated that the site plan would add twenty-three parking spaces and, if a French drain is installed, a total of thirty-three parking spaces would be available. He agreed that the islands will be landscaped and that older areas in the shopping center where overgrown trees and shrubs had been removed will be landscaped in the fall.

MOTION: Mr. Durham moved to approve Application P-2011-0098, the Major Site Plan for the southwest parking lot at Cross Pointe Center, subject to the six conditions of the City Planner's recommendation. Mr. Briggs seconded the motion. The motion passed unanimously, 6-0.

Application P-2011-0099: Shital Galani, Major Site Plan for the Comprehensive Cancer Center and Offices at Miami Valley South Hospital

Mr. Feverston gave the staff report for the comprehensive cancer care center at 2300 Miami Valley Drive that was part of the master plan for the hospital parcel previously approved by Council. In this third phase of the construction of the campus, Miami Valley Drive will be extended to the south and west to meet Clyo Road across from Far Hills Community Church. Mr. Feverston located the site on a map and showed photos of the area, as well as elevations of the proposed building. He noted that the architectural design fits with what is already there and makes use of similar materials. He recommended approval with the following eight conditions:

1. The final design of the proposed parking lot and modifications to the existing parking lot north of the proposed development shall address all comments from the Assistant City Engineers Report dated August 25, 2011 subject to approval by the City Engineer.
2. The applicant shall demonstrate there is a minimum parking and paving setback from the future alignment of Miami Valley Drive to the existing/proposed parking lot situated in the northwest corner of the site or modify this parking lot to provide this setback subject to approval by the City Planner.
3. The northernmost intersection of South Campus Blvd. and the adjoining parking lots shall be modified to improve intersection alignment and to eliminate the north/south parking lot drive aisle from entering into this intersection subject to approval by the City Engineer.
4. Driveway intersections within the existing parking lot north of the proposed comprehensive care center and medical office building shall be modified to accommodate fire department access subject to approval by the City Engineer.
5. 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 Article 9.35, Stormwater and Drainage Standards of the Unified Development Ordinance (UDO).
6. A final exterior lighting plan shall be submitted subject to approval by the City Planner.
7. A performance bond or other construction guarantee shall be posted by the developer for all landscape, screening, or bufferyard improvements required by the UDO subject to

approval by the City Planner in accordance with Article 9.25 C of the UDO.

8. 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.

Mr. Clark asked if the Engineering Department was satisfied with the required engineering approvals. Mr. Sliemers stated that he was confident that the Engineering Department would be able to work to finish the details with Mr. McCrate, who is working on the project.

Mr. William Andrews, President of Andrews Architects of Dublin, Ohio, thanked staff members for their assistance. He stated that the architects take no exception to the eight conditions recommended by the City Planner.

MOTION: Mr. Brunner moved for approval of Application P-2011-0099, the Major Site Plan for the Comprehensive Cancer Center at Miami Valley South Hospital, subject to the eight conditions recommended by the City Planner as listed above. Mr. Briggs seconded the motion. The motion passed with six ayes.

COMMUNICATIONS

Mr. Feverston briefed the Planning Commission on some potential items for the next meeting, including a replat in Park Estates involving the consolidation of four lots along Jaime Rose Way.

The next meeting of the Planning Commission will be September 27, 2011, in the Council Chambers of the Centerville Municipal Building at 7:30 p.m.

There being no further business, the meeting was adjourned.

