

CENTERVILLE PLANNING COMMISSION
Regular Meeting
Tuesday, September 27, 2011

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

ATTENDANCE

Present were Chair Paul Clark, Mr. Jeff Gammell, Mr. Jim Briggs, Mr. Jim Brunner, Mr. Jim Durham, Mrs. JoAnne Rau (where noted) and Mr. Bill Etson. Also present: Mr. Steve Feverston, City Planner; Mr. Scott Liberman, Municipal Attorney; Mrs. Julie Weaver, Assistant Clerk, and Mr. Nathan Cahall, Economic Development Administrator (where noted).

APPROVAL OF MINUTES

No changes were suggested for the minutes of August 30, 2011.

MOTION: Mr. Brunner moved to approve the Planning Commission Meeting minutes of August 30, 2011, as distributed. Mr. Gammell seconded the motion. The motion was approved 5-0-1, with Mr. Etson abstaining due to his absence from that meeting.

Mrs. Rau arrived at this time.

PUBLIC HEARING

Application P-2011-0110: Roland Flora, Variances for Walls at 2267 Jaime Rose Way

Mr. Feverston gave the background for the two variances. One variance asked for approval of a solid wall in the front and side yard. The other asked for approval of decorative walls from 9'3" to 12'3" high and 53'11" long. He located the property, zoned R-1c, at the end of the cul-de-sac on Jaime Rose Way in Park Estates along Centerville Station Road. He used aerials, maps, photos and an artist's rendering to clarify the variances requested by the owners for a solid wall extending along the lot line from the back corner of the house to the cul-de-sac then continuing on the far side of the street across their vacant lot to Centerville Station Road. He described the offset decorative walls as stucco with features such as stone bases, a cap and a trellis. After reviewing the statement of the owners included in the application, he noted that neighbors John and Barbara Cervay and Ellen Vogel signed letters submitted with the application stating a lack of opposition, but recently these same neighbors submitted updated statements in opposition to the variances because of the height of the walls. He went over the questions and answers for the variance checklist used in evaluating the merits of a case before stating that he recommended denial of the request.

Mr. Liberman clarified that the Planning Commission could deal with the two variances either together or separately.

When Mr. Clark opened the Public Hearing, Lisa Hanauer, co-owner of 2267 Jaime Rose Way, stated that she and Ms. Spiegel wanted the walls as a replacement for the privacy provided by a row of 25' junipers that have bordered the lot line but are now dying and unattractive. She noted that there would be generous landscaping on both sides of the walls to soften the effect of the

height. The walls would be built in offset sections so that they would be less imposing. She also said that the height was consistent with the scale of the house.

Susan Spiegel, co-owner and resident of 2267 Jaime Rose Way, said that the walls were more aesthetically pleasing than the dying trees. She stated that the walls were an investment meant to enhance the property. Ms. Hanauer inquired about the possibility of a compromise on the height of the decorative walls.

Mr. Clark explained that the Planning Commission does not have the power to compromise on the issue; only City Council has the authority to be flexible. The Planning Commission must make its judgment based on the guidelines of the code and the answers to the questions on the variance checklist.

Mr. Chris Scheiman, 2201 Jaime Rose Way, stated the variance should be denied for the following reasons:

- The walls would detract from the appearance of the neighborhood.
- They block the neighbors' view of the open spaces and woods.
- His front porch faces the imposing size of a wall.
- The walls would impede the movement of deer and wildlife.
- They would decrease his property value.

Barb Cervay, 2223 Jaime Rose Way, spoke in opposition to the variances. She felt the size was disproportionate to the neighborhood and that no amount of landscaping could soften the magnitude of these walls that she would see from both inside and outside her home.

Mr. Jack Cervay, 2223 Jaime Rose Way, stated that the walls would be disharmonious with the texture of the neighborhood. He noted that the current 25' high evergreens had started out as 6-8' high plantings. He felt that the size of the walls was far beyond decorative and would create the feel of a fortress.

Mr. Michael McKenna, 2121 E. Centerville Station Road, said that, while the height was a concern, the walls could be attractive with proper landscaping.

Mr. Gammell reiterated that the ordinance does not give the Planning Commission flexibility in this type of case, since the answers to the questions on the variance checklist did not give the Commission grounds for granting a variance.

MOTION: Mr. Brunner moved for approval of the two variances in Application P-2011-0110. Mr. Durham seconded the motion. Planning Commission denied the variances, unanimously defeating the approval, 0-7.

Mr. Liberman advised the homeowners that they would have 15 days to appeal the decision of the Planning Commission to the City Council, by submitting an application through the Clerk of Council.

NEW BUSINESS

Application P-2011-0108: Brad Judge, Judge Engineering, Replat of Park Estates, 2267 Jaime Rose Way

Application P-2011-0108 was a request for the consolidation of lots 2, 3, 4 and 5 in Park Estates that are owned by Lisa Hanauer and Susan Spiegel. The area is zoned R-1c with a Residential Cluster overlay. Lot 1, having a separate owner, at the corner of Centerville Station Road and Jaime Rose Way, was not involved in this requested change in the record plan, and a home could still be built there at some future time. The replat of the four parcels would involve vacating a utility easement and keeping emergency access to a stormwater detention area where normal maintenance is the responsibility of the homeowner. Sidewalks in the area are an issue, since they were to be built as the homes were constructed. If the lots are consolidated, the home on the property is in place and the sidewalks should be required. Although it has been about 17 years since the houses on Jaime Rose Way were built, the City still holds a bond from the original developer for the completion of the sidewalks. The bond holder is willing to finish the sidewalks now since the developer is still obligated. Mr. Feverston recommended approval subject to the following four conditions:

1. The plat shall be modified to include the following protective covenants and restrictions:
 - a. The owner(s) of this lot shall be responsible for maintenance of the detention area located within the stormwater easement.
 - b. Access to the stormwater detention area and easement shall be granted to the City of Centerville if emergency maintenance is necessary.
 - c. Invalidation of any one of these plat covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.
2. Prior to recording of this plat, the City Council must approve an Ordinance vacating the utility easement situated between old lot 3 and 4.
3. Sidewalks shall be constructed along Jaime Rose Way in accordance with the approved Residential Cluster Development Plan and Record Plan for Park Estates subject to approval by the City Engineer.
4. In lieu of completion of the required sidewalks prior to the recording of the plat, a performance bond in an amount acceptable to the City Engineer shall be posted by the developer with the City of Centerville and a subdivider's agreement entered into with the City by the developer.

Staff noted that the conditions and covenants of the original Park Estates Record Plan would remain in force. Mr. Durham stated the owners should be aware that, following the change in the record plan, they would have only one vote with the homeowners' association instead of four.

City Council would need to vacate the utility easement prior to the recording of the new plat. Mr. Judge is obtaining the required signatures.

Mr. Durham questioned Condition 4 on the bonding of the sidewalks, stating that, after 17 years, it is time to build the sidewalks or change the requirement. He spoke of the large proportion of concrete in a small area and the fact that only Lot 1 would benefit from the construction of the sidewalks.

Mr. Liberman stated that he had been contacted by an attorney who asked why the City was requiring sidewalks at this time.

Mrs. Rau asked whether subdivision requirements ever sunset. Mr. Liberman explained that the requirements automatically renew every 10 years unless the homeowners' association votes for changes.

Mr. Durham noted that the original restrictions will stay in place in spite of a replat. He stated his preference for the issue of the sidewalk to be cleared up. Although he did not see the utility of the requirement, he felt the sidewalks should be built now or by a date certain and not left to float along for another 17 years.

Mr. Liberman stated that City Council has the authority to waive or modify the requirement for sidewalks, since Council approved the original Residential Cluster Plan.

MOTON: Mr. Etson moved for approval of Application P-2011-0108, recommending to the Centerville City Council the consolidation of the four lots in Park Estates owned by Lisa Hanauer and Susan Spiegel into one parcel as 2267 Jaime Rose Way, subject to the conditions recommended by the City Planner, as noted above. Mr. Briggs seconded the motion. The motion passed unanimously, 7-0.

COMMUNICATIONS

Mr. Cahall, Economic Development Administrator, was present for the discussions concerning the query of Mr. Mark Van Nest, a businessman interested in a property on E. Franklin at South Suburban Road for use as a used car dealership related to fleet leasing. Mr. Van Nest requested to come to the meeting to get a sense of the possibility of rezoning the property from I-1 to B-2. Mr. Feverston gave background on the area, the site and the request.

Mr. Durham asked if the zoning for a used car lot was available in the current I-1 district. Mr. Feverston answered in the negative; B-2 zoning would be required. In spite of wishing to promote business in Centerville, Mr. Durham expressed his concern about rezoning properties in the area in a piecemeal fashion. Prior attempts to accommodate uses had left him skeptical about the long-term wisdom of such changes. Since the purpose of zoning is for consistency for the long-term, he would want to include the adjoining properties in any zoning change, at a minimum. Mr. Gammell stated his agreement.

Mr. Feverston advised Mr. Van Nest that City Council is awaiting the report of a Wright State University study of the E. Franklin Street corridor. Discussion followed concerning current uses in the area with note being made of the office park to the west and the industrial areas to the north. The general consensus of the group was to wait for the results of the corridor study before

making any recommendations to rezone the area. Mr. Van Next thanked Planning Commission for its consideration and complimented Mr. Cahall and Mr. Feverston for reacting promptly to his interest in the property.

Mr. Feverston stated that the group would be working on the solar and wind ordinance at the work session following this meeting. He announced that ordinances related to internet cafes and to mobile food vending will be taking shape over the next few months and will come before the Planning Commission prior to public hearings at City Council.

The next meeting of the Centerville Planning Commission is scheduled for Tuesday, October 25, 2011, in the Municipal Building at 7:30 p.m.

There being no further business, the meeting was adjourned.

Paul Cahall