

CENTERVILLE PLANNING COMMISSION

Regular Meeting

Tuesday, June 22, 2010

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

Attendance: Mr. Paul Clark, Chair; Mr. Jim Briggs; Mr. John Palcher; and Mr. Jim Brunner. Absent: Mr. Jim Durham and Mr. Jeff Gammell. There is currently one (1) vacancy on the Planning Commission. Also present: Mr. Nathan Cahall, Economic Development Administrator and Mr. Scott Liberman, City Attorney.

Excuse Absent Members:

MOTION: Mr. Briggs moved to excuse Mr. Durham and Mr. Gammell from the meeting as they gave prior notice to staff of his absence. Mr. Brunner seconded the motion. The motion was approved unanimously 4-0.

Mr. Clark introduced and welcomed Mr. Bill Eston as the newest member of the Planning Commission. Mr. Eston has not been sworn-in and will not participate or vote this evening.

Mr. Clark asked Mr. Liberman on a point of order regarding voting since there were four (4) Commissioners this evening.

Mr. Liberman stated that the Commission needs three (3) positive votes to approve a motion.

PUBLIC HEARINGS

Kroger Marketplace, 1095 South Main Street – Variance

Mr. Feverston reviewed the Application submitted by Jonathan Woche, McBride Dale Clarion, Inc. requesting 5 sign variances for Kroger Marketplace located at 1095 South Main Street. The first variance requests the placement of two (2) ground signs on the property, one facing South Main Street and the second facing Sheehan road. Mr. Feverston presented the following analysis:

1. The Zoning Ordinance permits one (1) ground sign per premise.
2. A Major Use Master Plan was approved by City Council for the Kroger Marketplace on August 18, 2008.
3. The subject property is a corner property having approximately 686 linear feet of frontage along South Main Street and 1,067 linear feet along, Sheehan Road. The minimum lot frontage required for this zoning district is 500 feet along a thoroughfare street and 300 feet along any other street.
4. Outparcels along the frontage of large retail centers are not unique and do not create any

practical difficulties.

5. The Kroger driveway slopes downhill from its intersection of Sheehan Road. The placement of a ground sign adjacent to this driveway poses a potential intersection sight distance problem.

Mr. Feverston stated the second is a sign area variance for the South Main Street ground sign. The Unified Development Ordinance (UDO) requires a ground sign to have a maximum sign face area of thirty-two (32) square feet and a total sign area of sixty-four (64) square feet. The applicant is proposing a ground sign having a sign face area of one hundred forty two (142) square feet and total sign area of two hundred eighty four (284) square feet. Mr. Feverston presented the following analysis:

1. The Kroger Marketplace parcel is 17 acres in size. The minimum lot size required for this zoning district is 10 acres.
2. The Kroger Marketplace has a net floor area of 137,978 square feet.
3. The subject property has approximately 686 linear feet of frontage along South Main Street and 1,067 linear feet along, Sheehan Road. The minimum lot frontage required for this zoning district is 500 feet along South Main Street and 300 feet along Sheehan Road.
4. In the opinion of the Planning Department, the parcel size, building size, and the amount of roadway frontage creates practical difficulties for the applicant to adequately sign the property, however the proposed variance for ground sign area is not the minimum variance necessary to abate these practical difficulties.
5. Since 1986, the City has approved sign variances for shopping centers and other large format retail centers. The combined average sign area for these retail centers based upon a comparative evaluation of lot size, lot frontage, and building floor area as it would apply to the Kroger Marketplace Site is 88 square feet per sign face and 176 square feet total sign area. The combined average of the median sign area for these retail centers based upon a comparative evaluation of lot size, lot frontage, and building floor area as it would apply to the Kroger Marketplace Site is 106 square feet per sign face and 212 square feet total sign area.
6. A variance to permit a ground sign having a sign face area of 100 feet and 200 square feet total sign area is reasonable to abate the practical difficulties of this retail center.
7. The applicant proposes to place the gas price information on the ground sign in-lieu of placing this information as a wall sign on the fueling center canopy.

Mr. Feverston concluded there is practical difficulty associated with this property to warrant a larger ground sign however the sign area proposed by the applicant is excessive and is not the minimum area necessary to abate the practical difficulties for this premises. Mr. Feverston recommended denial of the Variance as requested. He recommended approval of a variance to



allow for a maximum Ground Sign Face Area of 100 square feet Total Sign Area of 200 square feet subject to the following conditions:

1. Wall signage shall be limited to a maximum of 32 square feet on the fueling center canopy.
2. The design of the sign, excluding message content, shall be restricted to the specific design submitted with the Variance application except that the brick base shall be increased in height to a minimum of five (5) feet.

Mr. Feverston stated that the third variance is a sign height variance for the South Main Street ground sign. The UDO permits a ground sign to have a maximum height of seven (7) feet at a five (5) foot setback. The applicant is requesting a sign height of 16 feet at a five (5) foot setback. He presented the following analysis:

1. The sign height proposed is consistent with variances granted for other ground mounted signs for large shopping centers within the City. Since 1986, the City has approved sign variances for shopping centers and other large format retail centers. The average sign height is 17 feet per sign face and the median sign area is 16 feet.
2. The Kroger Marketplace parcel is 17 acres in size. The minimum lot size required for this zoning district is 10 acres.
3. The subject property has approximately 686 linear feet of frontage along South Main Street and 1,067 linear feet along Sheehan Road. The minimum lot frontage required for this zoning district is 500 feet along South Main Street and 300 feet along Sheehan Road.
4. In the opinion of the Planning Department, the parcel size and the amount of roadway frontage creates practical difficulties for the applicant to adequately sign the property.
5. A variance to permit a maximum ground sign height of 16 feet total sign area is reasonable to abate the practical difficulties of this retail center.

Mr. Feverston stated the fourth variance request is to increase the number of wall signs from a maximum of three (3) signs to a total of five (5) wall signs. He stated that after a review of the applicant's request and the UDO, staff has concluded there is no variance necessary for the proposed wall signs and recommended denial of this request.

The Mr. Feverston stated the fifth variance requests the placement of wall signs on a second building frontage and gave the following analysis:

1. The Sign Section of the UDO permits wall signage on one building frontage only.
2. The proposed Kroger Marketplace has 265.3 linear feet of building frontage along Sheehan Road.
3. The building has 4 drive-up windows on the Sheehan Road frontage that provides two (2)

lanes for banking purposes and two (2) lanes for pharmacy purposes. This use occupies 42 linear feet of building frontage.

4. The applicant is requesting 63 square feet of wall sign area on this side of the building.
5. A variance to allow 63 square feet of wall signage on the drive-up second building frontage is reasonable for this type of use. The proposed sign area is equal to one and one-half (1 ½) square feet of sign area per linear foot of building frontage where the drive-up windows and canopy is located. This complies with the maximum sign area requirements of the UDO.

Mr. Clark stated that the Commission will review and decide each variance separately and asked for a staff recommendation on the first variance to permit a second ground sign.

Mr. Feverston stated staff found no practical difficulty associated with this property to warrant a second ground sign and recommended denial of the requested Variance.

Mr. Clark opened the public hearing.

The applicant, Mr. Jonathan Woche, McBride Dale Clarion, Inc., 5725 Dragon Way, Suite 220, Cincinnati, Ohio 45227 spoke. He stated that the proposed sign is necessary way-finding for customers to Kroger given there is over one thousand (1,000) feet of frontage along Sheehan Road and Sheehan Road will have multiple lanes. He further stated that Kroger will agree to a condition to be worked out with City Staff on sign placement avoiding potential sight distance problems.

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

Mr. Brunner stated that the second ground sign is reasonable and beneficial for customers to enter in the appropriate drive along Sheehan Road.

MOTION: Mr. Brunner moved to approve the Variance submitted Mr. Jonathan Woche, McBride Dale Clarion, Inc. for the placement of two (2) ground signs on the property located at 1095 South Main Street as requested subject to the condition that the Applicant work-out any sight distance concerns with the City Staff. Mr. Briggs seconded the motion. The motion resulted in a 2-2 vote. Mr. Clark asked for a roll-call vote; Mr. Briggs, yes; Mr. Brunner, yes; Mr. Palcher, no; Mr. Clark, no. The variance was denied.

Mr. Liberman advised the applicant of the right to appeal.

Mr. Clark asked for the staff recommendation for the second Variance for ground sign area.

Mr. Feverston stated that in the opinion of staff, there is practical difficulty associated with this property to warrant a larger ground sign however the sign area proposed by the applicant is excessive and is not the minimum area necessary to abate the practical difficulties for this premises. Mr. Feverston recommended denial of the Variance as requested. He recommended



approval of a variance to allow for a maximum Ground Sign Face Area of 100 square feet Total Sign Area of 200 square feet subject to the following conditions:

1. Wall signage shall be limited to a maximum of 32 square feet on the fueling center canopy.
2. The design of the sign, excluding message content, shall be restricted to the specific design submitted with the Variance application except that the brick base shall be increased in height to a minimum of five (5) feet.

Mr. Clark opened the public hearing.

Mr. Jonathan Wocher requested the Commission grant the sign as proposed. He stated that a fair amount of the sign is blank space as sign area is calculated by the UDO. He further stated that Kroger intends to place the fuel center pricing on this sign and because this is a multi-tenant building, have two panels for tenants.

Mr. Clark asked, if the additional sign area not be granted, whether Kroger place the fuel pricing on the fuel center canopy.

Mr. Wocher stated that fuel pricing would remain on the ground sign. The design of the ground sign would remain the same, however, the sign would be modified to scale down the Kroger logo and tenant panels.

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

MOTION: Mr. Briggs moved to approve the Variance submitted Mr. Jonathan Wocher, McBride Dale Clarion, Inc. for ground sign area as requested. Mr. Brunner seconded the motion. Mr. Clark asked for a roll-call vote; Mr. Briggs, yes; Mr. Brunner, yes; Mr. Palcher, no; Mr. Clark, yes. The motion was approved 3-1.

Mr. Clark asked for the staff recommendation for the third Variance for ground sign height.

Mr. Feverston stated that staff concludes that there is practical difficulty associated with this property to warrant the ground height requested and recommended approval as requested.

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

MOTION: Mr. Brunner moved to approve the Variance submitted Mr. Jonathan Wocher, McBride Dale Clarion, Inc. for ground sign height as requested. Mr. Briggs seconded the motion. The motion was approved unanimously 4-0.

Mr. Clark asked for the staff recommendation for the fourth Variance for number of wall signs.

Mr. Feverston stated that Kroger would be able to place wall signs on the Kroger building in a manner described in this application without a variance and recommended denial of this request.

Mr. Clark opened the public hearing.

Mr. Wocher stated that the Applicant is requesting this Variance be withdrawn.

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

MOTION: Mr. Briggs moved to accept the withdraw of the Variance. Mr. Brunner seconded the motion. The motion was approved unanimously 4-0.

Mr. Clark asked for the staff recommendation for the fifth Variance for wall signs to be located on a second building frontage.

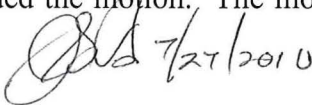
Mr. Feverston stated that in staff's opinion, there is practical difficulty associated with this property to warrant the placement of wall signs on the south building frontage. He recommended approval of this variance subject to the condition that the maximum sign area shall not exceed 63 square feet and be placed on the building wall as shown in the application.

Mr. Clark opened the public hearing.

Mr. Wocher requested the sign Variance be granted as the City staff recommends.

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

MOTION: Mr. Briggs moved to approve the Variance submitted Mr. Jonathan Wocher, McBride Dale Clarion, Inc. the placement of wall signs on a second building frontage subject to the condition that the sign area not exceed sixty-three (63) square feet and placed on the building wall as shown in the application. Mr. Briggs seconded the motion. The motion was approved unanimously 4-0.

BRUNNER  7/27/2010

#### Centerville Square Shopping Center - Variance

Mr. Feverston reviewed the Variance Application P-2010-0011 submitted by Jack W. Hutton, Trustee for Centerville Square Shopping Center located at 881-895 South Main Street. He gave a brief history of the exterior lighting on the subject property. He stated that Mr. Hutton is seeking relief from the requirements of the UDO by requesting the elimination of raised curbing and landscape islands to be placed around the new parking lot light poles to be placed internal to the parking lot. The property owner petitioned the City (Minor Site Plan Application # 325 submitted by Aztec Electric) to install new parking lot lights to eliminate the existing zoning violations that exist on the property and to bring the property into compliance with the current lighting standards of the UDO. The City Planning Department approved this request that included four light poles internal to the parking lot and the required curbing/landscape islands required for each. The Applicant has stated that the elimination of the curbed islands is necessary to preserve the option of constructing future medical offices on the site. There are



currently 120 on-site parking spaces. The minimum parking requirement for the existing retail center is 44 spaces leaving a surplus of 76 parking spaces for a new medical user(s). The elimination of four parking spaces does not preclude construction of a medical office building on this site. The applicant further states their development is neither a standard shopping center nor a regional mall therefore the variance should be granted. The UDO requirements that are the subject of this variance request apply to all non-residential land uses.

Mr. Feverston concluded by stating that in the opinion of staff, there is no practical difficulty associated with this property to warrant this variance and recommended denial.

Mr. Clark opened the public hearing.

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

Mr. Clark stated that the Commission is in receipt of recent e-mail correspondence from Mr. Hutton that further clarifies his position and requests bumper blocks be placed around the light poles instead of raised curb and a landscape island.

MOTION: Mr. Brunner moved to approve the Variance submitted Jack W. Hutton, Trustee for Centerville Square Shopping Center as requested. Mr. Briggs seconded the motion. The motion was denied unanimously 0-4.

#### Dayton Nut and Bolt - Variance

Mr. Feverston reviewed the Variance Application P-2010-0015 submitted by David Schaefer, Dayton Nut and Bolt located at 1601 Thomas Paine Parkway. He stated that the applicant is requesting the reduction of the required side yard parking and paving setback from ten (10) feet to seven (7) feet along the eastern side yard. He stated that after an analysis of the request and of the subject property, staff concluded there is no practical difficulty associated with this property that would warrant a variance and recommended denial of this application.

Mr. Clark asked about the tree line on the east property line.

Mr. Feverston stated the evergreen trees are on the subject property. The property to the east is also wooded. Mr. Briggs asked if the tree line is to be removed and if so would it be replaced.

Mr. Feverston stated the tree line is overgrown and would most likely be removed whether the variance is granted or not. The City would require replacement of these trees in accordance with the landscape requirements of the UDO.

Mr. Clark opened the public hearing.

Ms Cara Burkhardt, Burkhardt Engineering, 195 Byers Road, Miamisburg, Ohio 45342 spoke. She confirmed that the evergreen trees will be removed. She stated that there will be no retaining wall on the east side of the driveway against the loading dock. She also stated that the variance is necessary to provide separation between the dock and retaining wall and the building.

The excavation necessary to build the dock and retaining wall for the drive would be below the footer of the building creating a practical difficulty for its construction without the variance.

Mr. Brunner asked if there is any easement along this property line.

Ms. Burkhardt stated there are no known easements along the east property line.

Mr. Chris Hinkle, President, Dryden Builders located at 1741 Thomas Paine Parkway spoke in favor of the variance. He stated that it is important to provide a minimum separation of six (6) feet between the building and dock/retaining wall so the building foundation is not compromised.

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

MOTION: Mr. Briggs moved to approve the Variance submitted David Schaefer, Dayton Nut and Bolt as requested. Mr. Brunner seconded the motion. The motion was approved 3-1 with Mr. Clark voting no.

#### Meyer, Boehmer and Reis Funeral Home – Conditional Use

Mr. Feverston presented Application 2010-0014, a Conditional Use request submitted by Meyer, Boehmer and Reis Funeral Home to locate a funeral home on the property located at 6661 Clyo Road, the former Sears Repair Center. He stated that the subject property was recently rezoned by City Council to O-PD, Office Planned Development, and the City's UDO has been amended to allow for a funeral home to be located in the O-PD zoning district. He stated that a funeral home satisfies the requirements for a conditional use in the UDO, is an appropriate use for this property, is compatible with the adjacent medical and office uses and provides a good transition to the residential uses to the south. He stated the site plan and its review are a part of this application. A recommendation from the Planning Commission will be forwarded to the City Council for final action.

Staff recommends approval of this application subject to the following conditions:

1. Prior to issuance of a Zoning Certificate, a final landscape plan shall be subject to approval by the City Planner in accordance with Article 9.25 of the UDO. This plan shall specifically address bringing the eastern side yard into compliance with the UDO. Landscaping shall include a minimum of 10 canopy trees, 20 understory trees, and 30 shrubs within this side yard.
2. Prior to issuance of a Zoning Certificate, a landscape bond or other construction guarantee shall be required in an amount acceptable to the City Planner for all required landscaping.
3. All vegetation within 3 feet of all existing fire hydrants shall be cleared.
4. No signs shall be approved as a part of this application.



5. Prior to issuance of a Zoning Certificate, an exterior lighting plan shall be submitted subject to approval by the City Planner.

Mr. Clark opened the public hearing.

The applicants Ms. Darinda Reis and Mr. Edward Reis, 1733 Brown Street, Dayton spoke. Ms. Reis gave a brief history of their business. She stated that as residents of Centerville, they are eager to move their business into the City. The 6661 Clyo Road location is an ideal location for their business. She stated that most of the activity will occur on the west and north sides of the building away from view to Clyo Road.

Ms. Mary Beth Thompson, 6721 Cedar Cove Drive asked what type of sign will be put along Clyo Road and how will it be illuminated

Ms. Reis stated that they are not seeking any change to the size or type of sign that is currently in the front yard and will use a similar type of ground lighting and not increase its intensity.

Ms. Thompson asked if the single entrance is appropriately sized for this type of business.

Mr. Feverston stated that the engineering staff reviewed the access for this use and did not have a concern.

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

MOTION: Mr. Brunner moved to approve the Conditional Use submitted Edward Reis for Meyer, Boehmer and Reis Funeral Home subject to the following conditions:

1. Prior to issuance of a Zoning Certificate, a final landscape plan shall be subject to approval by the City Planner in accordance with Article 9.25 of the UDO. This plan shall specifically address bringing the eastern side yard into compliance with the UDO. Landscaping shall include a minimum of 10 canopy trees, 20 understory trees, and 30 shrubs within this side yard.
2. Prior to issuance of a Zoning Certificate, a landscape bond or other construction guarantee shall be required in an amount acceptable to the City Planner for all required landscaping.
3. All vegetation within 3 feet of all existing fire hydrants shall be cleared.
4. No signs shall be approved as a part of this application.
5. Prior to issuance of a Zoning Certificate, an exterior lighting plan shall be submitted subject to approval by the City Planner.

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

Dunkin Donuts – Conditional Use

Mr. Feverston presented Application 2010-0013, a Conditional Use request submitted by Brian Crider, MS Consultants to locate a drive-thru on the property located at 6201 Wilmington Pike as a part of a proposed Dunkin Donuts. He stated that the subject property is zoned B-2, General Business and is the BP Fuel Center. The proposed Dunkin Donuts will locate in the space formerly occupied by the Wild Bean Café. He stated the site plan and its review are a part of this application. The drive-thru window will be located on the south side of the building, the drive-thru lane will wrap behind the building and a one-way circulation will be established on the south and west sides of the property. A brick faced cooler will be built at the rear of the building. Further, he stated the applicant agrees to correct the shared access easement as a part of this application.

He stated that a drive-thru window satisfies the requirements for a conditional use in the UDO, is an appropriate use for this property and is compatible with the adjacent land uses.

Staff recommends approval of this application subject to the following conditions:

1. Prior to issuance of a Zoning Certificate, a one-way vehicle circulation shall be established west and south of the principal building and car wash subject to approval by the City Engineer.
2. Prior to issuance of a Zoning Certificate, an access easement shall be established for the business property to the south guaranteeing access to Wilmington Pike and Cloy Road subject to approval by the City Attorney that replaces the existing access easement situated along the western property line.
3. Prior to issuance of a Zoning Certificate, the Site Improvement Plan shall be modified to include site data for both existing and proposed conditions to verify impervious areas subject to approval by the City Engineer.
4. Prior to issuance of a Zoning Certificate, the Site Improvement Plan shall be modified to show the relocated Vacuum Station subject to approval by the City Planner.
5. Prior to issuance of a Zoning Certificate, a detailed Exterior Lighting Plan shall be required for all new light fixtures subject to approval by the City Planner.
6. Prior to issuance of a Zoning Certificate, A landscape bond or other construction guarantee shall be required in an amount acceptable to the City Planner for all required landscaping.
7. No signs shall be approved as a part of this application.
8. The meters located on the south side of the existing building shall be physically protected in a manner to be approved by the Engineering Department and the applicant.



Mr. Clark opened the public hearing.

Mr. Jim Toto, MS Consultants, 221 Shrock Road, Columbus, Ohio 45220 spoke. He stated that they are in agreement with the staff recommendations. He stated that one of their goals was to balance the landscaping that would be removed with new landscape islands in the parking areas. He also stated that they are not intending to install new exterior lighting.

Mr. Clark pointed out there is electric panels on the south side of the building that would need protection from the proposed drive-thru lane.

Mr. Toto stated that they would be required by DP&L to provide an off-set and place bollards to protect this panel.

Upon question by Mr. Clark, Mr. Feverston stated that the Commission may place a condition to require separation and suggested that a small landscape island having a raised curb would be more appropriate than bollards.

Mr. Toto stated the vacuum stations will be relocated from the north side of the building and are looking at options; either along Cloy Road or Wilmington Pike or behind the car wash.

The Commission discussed vehicle access, circulation and new parking.

Mr. Toto stated the new parking along cloy and to the rear is considered to be overflow parking.

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

Mr. Clark requested a condition be added stating the located on the south side of the existing building shall be physically protected in a manner to be approved by the Engineering Department and the applicant.

MOTION: Mr. Palcher moved to approve the Conditional Use request for 6235 for a new Dunkin Donuts and drive-thru lane subject to the following conditions:

1. Prior to issuance of a Zoning Certificate, a One-way vehicle circulation shall be established west and south of the principal building and car wash subject to approval by the City Engineer.
2. Prior to issuance of a Zoning Certificate, an access easement shall be established for the business property to the south guaranteeing access to Wilmington Pike and Cloy Road subject to approval by the City Attorney that replaces the existing access easement situated along the western property line.
3. Prior to issuance of a Zoning Certificate, the Site Improvement Plan shall be modified to include site data for both existing and proposed conditions to verify impervious areas subject to approval by the City Engineer.

4. Prior to issuance of a Zoning Certificate, the Site Improvement Plan shall be modified to show the relocated Vacuum Station subject to approval by the City Planner.
5. Prior to issuance of a Zoning Certificate, a detailed Exterior Lighting Plan shall be required for all new light fixtures subject to approval by the City Planner.
6. Prior to issuance of a Zoning Certificate, A landscape bond or other construction guarantee shall be required in an amount acceptable to the City Planner for all required landscaping.
7. No signs shall be approved as a part of this application.
8. The meters located on the south side of the existing building shall be physically protected in a manner to be approved by the Engineering Department and the applicant.

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

#### Brookstone Terrace – Preliminary Development Plan

Mr. Feverston presented Application 2010-0012, a Preliminary Development Plan submitted by Graham Parlin, HPA Development Group, Inc. The plan proposes to convert the vacant land in and around the Chardonnay Valley Condominiums into fee simple lots. The Planning Commission has previously met in a Work Session held on April 13, 2010 to discuss this concept. A recommendation from the Planning Commission would be forwarded to the City Council for final action on this application.

Mr. Clark stated that he has a concern moving forward with this application this evening. He stated that the City Staff is recommending the application be tabled until there is resolution on the 16 issues cited in the Staff report provided in the Commissioner's packets. He further stated that he was not able to get through the application and report and would request additional time to better understand the issues.

Mr. Palcher concurred with Mr. Clark.

Mr. Clark asked Mr. Liberman about the procedure to table this request.

Mr. Liberman stated that the Commission has sixty (60) days to render a decision unless the applicant withdraws the application or waives the sixty (60) day requirement. He further stated that the Commission could proceed with the staff report, open the public hearing and continue the hearing to the next regular meeting.

Mr. Feverston gave a brief history of the Chardonnay Valley development. He presented the location and acreage of Brookstone Terrace and described the site conditions and the interrelationship with Chardonnay Valley. He stated the Planning Commission has previously



met in a Work Session held on April 13, 2010 to discuss this concept. The Commission is aware that there are a lot of difficult issues associated with this site including steep terrain, a stream valley and flood way. Brookstone Terrace is to be developed in the same manner and style as the Chardonnay Valley Condominiums except the development will be platted into fee-simple lots instead of condominiums. The homes being considered are patio homes, some having a lower walk-out. The proposed streets are to be private streets designed in a manner similar to the streets in Chardonnay Valley. This proposal has been modified to exclude the Chardonnay Valley homeowners from the Brookstone Terrace development as the applicant does not have all ten owners agreeing to this proposal. This raises questions about the ability of HPA Development and COB 10 to make improvements or have access to streets and facilities owned by the chardonnay Valley Homeowners.

Mr. Feverston stated that the application lacks the minimum preliminary engineering required by the UDO to move forward with this proposal. He stated that the Staff recommends this Preliminary Development Plan be tabled until such time the following issues are satisfied:

1. The applicant shall demonstrate that COB10 Development, LLC have legal right to modify, demolish, or improve property and facilities owned by the Chardonnay Valley Homeowners Association.
2. The applicant shall demonstrate that that COB10 Development, LLC and any future homeowner of Brookstone Terrace have legal right to use and access the streets, Chardonnay Drive and Versailles Drive, and other facilities owned by the Chardonnay Valley Homeowners Association.
3. The applicant shall provide a preliminary grading and soils map/testing for the area proposed for single family homes to demonstrate the proposed density, lot configuration, and street design including profile, vertical curve and placement of street trees is feasible.
4. The applicant shall provide a preliminary stormwater drainage plan to assess the capacity of the existing facilities.
5. The applicant shall verify that all permits issued by the Army Corps of Engineers are still valid and new permits will be issued to allow for new development into a non-conforming retention basin.
6. The applicant shall show a typical street cross-section and the impact of this design on the existing and proposed stormwater drainage system.
7. All future roadway easements shall have a minimum width of 30 feet to match the easement widths within Chardonnay Valley.
8. The applicant shall provide a preliminary design for the traffic calming proposal noted on the Preliminary Development Plan

9. The landscape reserve areas between the residential street and proposed “eyebrow” streets shall have a raised curb and have a minimum width of 30 feet to allow for proper intersection alignment.
10. The proposed “eyebrow” street to serve lots 5 and 6 shall be expanded to serve lots 4 through 8. Additionally, the perpendicular parking in this area shall be rotated 90 degrees and be accessed from the ‘eyebrow’ street.
11. The perpendicular parking along Versailles Drive shall be changed to parallel spaces.
12. The proposed sidewalk along Versailles Drive west of the future un-named street shall be shifted to provide a minimum separation of 5 feet from the edge of the roadway and cross this street and Chardonny Drive at the intersection.
13. The applicant shall label the project phasing on the Preliminary Development Plan.
14. The applicant shall verify the placement of utility and utility easements and their potential impact on lot configuration and driveway placement.
15. The applicant shall detail a typical lot including dimensions, setbacks, and landscaping.
16. The applicant shall submit conceptual architectural designs and building footprints as a part of the Preliminary Development Plan.

Mr. Clark stated that Commission received a letter dated June 21, 2010 from Mr. Graham Parlin this evening addressing the staff report and the issue of development rights in the portion of this site excluded as a part of the Development Plan. He also stated that the Commission is in receipt of a letter from Mr. Robert Kenley requesting the Commission not cancel the meeting but approve the Application with conditions rather than tabling so HPA Development Group may start entrance way and street clean-up work.

Mr. Clark opened the public hearing.

Mr. Graham Parlin, HPA Development Group, 7800 Cooper Road, Cincinnati, Ohio 45242 addressed the Commission. He stated that this project is a very complicated one given the history and the physical limitation of this property. Mr. Parlin stated that given where the project is to date he would like to table and perhaps meet in another Work Session to resolve these issues raised by the City Staff.

Mr. Robert Kenley, President, Chardonny Valley Homeowners Association, 6851 Chardonny Drive addressed the Commission. He stated he was approached by someone from the City who asked the homeowners to repair Versailles Drive because it was damaging the City’s police cars.



He stated the HOA has no funds to repair that street and he believes the police are not driving on that street. He stated he represents the majority of homeowners of Chardonnay Valley who have met with COB10 about this proposal. He stated that COB10 promised to repair the streets end entryway as a part of the Brookstone Terrace project. He further stated that there is a major cost, approximately \$75,000 to \$100,000 associated with the staff recommendations that should not be obligated at this time as it would be devastating to COB10 should the plan not be approved. He recommended the Commission give COB10 a conditional approval so they may first perform the work on the entranceways and streets as they indicated they would do and then do the engineering work on the Brookstone Terrace development.

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

Upon question by Mr. Clark, Mr. Parlin stated that he will take this information back to the owner, Mr. Chris Baynum, COB10 for his consideration and whether to move forward with this application at the July 27<sup>th</sup> meeting or agree to a waiver the 60 day time period the Commission has to review and recommend action at that meeting.

MOTION: Mr. Briggs moved to table this application to the July 27, 2010 Planning Commission Meeting. Mr. Palcher seconded the motion. The motion was approved unanimously, 4-0.

#### NEW BUSINESS

##### Dayton Nut and Bolt – Major Site Plan

Mr. Feverston reviewed the Major Site Plan Application P-2010-0010 submitted by David Schaefer, Dayton Nut and Bolt located at 1601 Thomas Paine Parkway. He stated that the applicant is requesting the removal of the driveway along the eastern side yard and construct a new drive and loading dock. Staff recommended approval subject to the following conditions:

1. The Variance request to reduce the parking and paving setback must be approved by the Planning Commission.
2. Should the Planning Commission deny the Variance request, a revised site plan must be submitted, subject to approval by the City Planner that shifts the loading dock and driveway west to provide the minimum parking and paving setback of ten (10) feet from the east property line.
3. Prior to issuance of this zoning certificate, specifications for the proposed retaining walls for the proposed driveway shall be submitted subject to approval by the City Engineer.
4. The applicant shall obtain a Street-cut Permit for the driveway approach and provide construction sheets for the driveway approach verifying compliance with City requirements.

5. Prior to issuance of this zoning certificate, an exterior lighting plan shall be required for all new light fixtures subject to approval by the City Planner.
6. Upon issuance of this Zoning Certificate, the applicant shall obtain a Building Permit for the loading dock and retaining walls verifying compliance with City requirements which may include a railing to the side or rear of the loading dock.

MOTION: Mr. Briggs moved to approve Application 2010-0010, Major Site Plan for Dayton Nut and Bolt located at 1601 Thomas Paine Parkway subject to the following conditions:

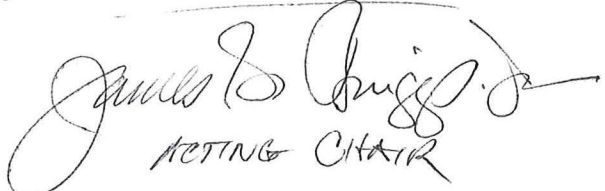
1. The Variance request to reduce the parking and paving setback must be approved by the Planning Commission.
2. Should the Planning Commission deny the Variance request, a revised site plan must be submitted, subject to approval by the City Planner that shifts the loading dock and driveway west to provide the minimum parking and paving setback of ten (10) feet from the east property line.
3. Prior to issuance of this zoning certificate, specifications for the proposed retaining walls for the proposed driveway shall be submitted subject to approval by the City Engineer.
4. The applicant shall obtain a Street-cut Permit for the driveway approach and provide construction sheets for the driveway approach verifying compliance with City requirements.
5. Prior to issuance of this zoning certificate, an exterior lighting plan shall be required for all new light fixtures subject to approval by the City Planner.
6. Upon issuance of this Zoning Certificate, the applicant shall obtain a Building Permit for the loading dock and retaining walls verifying compliance with City requirements which may include a railing to the side or rear of the loading dock.

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

COMMUNICATIONS

Mr. Feverston stated that a work session has been scheduled on July 13, 2010 for the Oberer Company for the Cornerstone of Centerville Development

There being no further business, the meeting was adjourned.

*Approved as corrected 7/27/2010*  
  
ACTING CHAIR