

CENTERVILLE PLANNING COMMISSION

Regular Meeting

Tuesday, October 12, 2010

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

Attendance: Mr. Paul Clark, Chair; Mr. Jim Briggs, Mr. John Palcher, Mr. Jeff Gammell, Mr. Jim Brunner, Mr. Jim Durham and Mr. Bill Etson. Also present: Mr. Steve Feverston, City Planner; Mr. Scott Liberman, City Attorney; and Mr. Nathan Cahall, Economic Development Administrator.

Approval of Minutes: Mr. Briggs moved to approve the minutes of the September 28, 2010, Regular Meeting subject to the following changes:

Page 4, 6th paragraph, the first sentence shall read "Mr. Durham stated the Planning Commission has a limited role in varying the standards of the UDO as variances have to satisfy certain guidelines in order to approve those requests."

Mr. Gammell seconded the motion. The motion was approved 6-0-1 with Mr. Brunner abstaining.

PUBLIC HEARINGS

Ross Enterprises – Variance to Reduce Required Parking Lot Landscaping

Mr. Feverston reviewed the Variance application submitted by John Chico, Mad River Engineering, for Ross Enterprises concerning property located at 30-46 Compark Road. The zoning on the property is Light Industrial, I-1. The request is to reduce the interior parking lot landscaping requirement of 8 percent of the interior parking lot area (1,938 sq. ft.) to a 3.1 percent minimum (925 sq. ft.).

One (1) of the properties is completely built with an office/warehouse/industrial type space with an access road that wraps around the back of the building. The remaining property is principally a gravel lot that has been used over the years to provide various forms of parking. At one time there was a small portion of asphalt that has since deteriorated away; there is dumpster storage in the back of the lot, and a small portion of brush/treeline. What is being proposed is to construct a parking lot to satisfy the parking requirements for the existing building on the adjacent property and in order for it to comply with the Unified Development Ordinance (UDO) standards, it must be an asphalt surface and contain the minimum parking lot interior landscape requirement.

The Unified Development Ordinance (UDO) standards are as follows:

Article 9.29 Parking and Loading Standards, C. Size and Design

6. Landscaping Required

- a. Any premises having a parking lot or lots with an area of 6,000 square feet or greater shall provide landscaping areas within the interior of the parking lot.

- b. Interior landscaping shall be required at a ratio of at least 24 square feet of landscaped area for every 300 square feet or 8 percent of the parking lot surface area.
- c. Landscaped areas shall be placed within the perimeter of a parking lot. The perimeter of a parking lot is defined by placing a simple geometric shape around the external edges of the lot. Landscaping areas located in the corners or otherwise set in from the edge of the parking lot where such area would otherwise be paved are considered to be within the parking lot and may be included as a part of the required landscaping.

Mr. Feverston stated the applicant is proposing to construct a 24,300 square foot parking lot. It is the applicant's feeling the additional landscape areas along the perimeter of the property in an amount equal to 6.3 percent of the parking lot area should be applied to the interior parking lot landscape requirement. The applicant provided no further information to support the requested variance.

Based on the review and analysis of the property, staff found no practical difficulty that would warrant granting a variance, staff recommended the Variance application be denied.

Mr. Clark opened the public hearing.

Mr. John Chico, project engineer, stated Mr. Ross purchased the properties over 18 years based on its flexibility to various tenants leasing the building space that require different kinds of parking situations. He stated in order to keep the mixture of vehicle parking flexible they were seeking the variance. The possibility of semis negotiating turns and delivering to the garage doors on the building are the key reasons to maintain the openness of the parking lot that has been in existence for over 45 years. He stated each time variations of the site plan are done, 5 to 7 parking spaces are lost and that is not viable for potential tenants. Further, the building to the north uses the parking lot in question as emergency access as required by the Fire Department and that requirement alleviates parking spaces for usage by prospective tenants.

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

Mr. Briggs stated he felt the proposal was a great improvement and was in favor of it.

MOTION: Mr. Briggs moved to approve the Variance application submitted by John Chico representing Ross Enterprises for property located at 30-46 Compark Road requesting a parking lot interior landscape requirement of 3.1 percent. Mr. Brunner seconded the motion. A roll call vote resulted in Mr. Briggs, Mr. Brunner and Mr. Etson voting yes; Mr. Gammell, Mr. Palcher and Mr. Clark voting no; and Mr. Durham abstaining, therefore, the request was denied.

Mr. Feverston explained their right to appeal the Planning Commission's decision within 15 days to City Council.

NEW BUSINESSLAK Enterprises III – Minor Site Plan

Mr. Feverston reviewed the Minor Site Plan Application #P-2010-0034 submitted by Chad Kuhns requesting approval to repaint an existing building located in a Light Industrial, I-1, zoning district at 7989 South Suburban Road.

The rear portion of the building is constructed of concrete block with the exception of the corner features which are brick to match the orange/brown color brick office portion of the building fronting along South Suburban Road. Primer has been applied to the building with the exception of the front building wall and the north face of the office portion of the building. Mr. Feverston stated the applicant's request to paint the building has been forwarded to the members as staff has determined the proposed colors are not earthtone colors and, therefore, must be specifically approved by the Planning Commission. He described the colors proposed as a dark green on the bottom of the building, a medium green on the body of the building, and a light green band to be used from the top of the windows upward to the top of the building.

Article 9.53 C 2 of the Unified Development Ordinance (UDO) states:

f. Building Colors

- 1) Building Body: The body shall read as a single, subdued, earth-tone color. A maximum of 3 accent colors are also permitted that are compatible with the body color.
- 2) Building Base: The base shall read as single, subdued, earth-tone color.
- 3) Building Cap: The cap shall consist of colors that are compatible with the building body color, any accent color and to each other.
- 4) Roof: The roof color shall read as a single color that is compatible with all building wall colors.
- 5) Any building color or color combination whose major function to convey visual information or to attract visual attention is considered a sign and subject to the requirements of the sign section of this ordinance.

Staff recommended approval of the request subject to the following conditions:

1. The brick portion of the building must remain unpainted and where the areas that have been primed, the primer must be removed and the brick restored to its original condition.
2. The concrete block portion of the building shall be painted in accordance with Article 9.53 C 2 f of the Unified Development Code (UDO).

Mr. Chad Kuhns, property owner, was present for the review of the application request. Mr. Kuhns stated he purchased this distressed property and immediately began cleaning it up and started the painting process. It was at that time he stated he was contacted by the City to stop the painting work on the building. An application and paint colors were submitted to Mr. Feverston for the City's consideration and the staff recommendation is now to deny the selected colors. Mr. Kuhns stated he was very frustrated staff delayed their recommendation until the project came before the Planning Commission when alternatives could have been suggested at that time.

He stated he did not mind changing the colors a little bit, but he wanted to get direction tonight in order to have the work done before the weather becomes an issue.

Mr. Durham asked what the material requirements are for a new building in an I-1 zoning district.

Mr. Feverston stated the building body requires wood, brick, or stone are permitted in all zoning districts without specific approval by the Planning Commission. Other materials such as aluminum or vinyl siding, corrugated metal, concrete block, panels with an aggregate surface, etc., are permitted on a case-by-case basis with specific approval by the Planning Commission.

Mr. Durham asked what was used on the new Public Works building located on the opposite side of the street.

Mr. Feverston stated the office portion of the building is primarily brick and the front garage portion is a combination of split face block, metal panel and an upper banding of a translucent material.

Mr. Durham stated he felt the issue was uniformity and consistency and, therefore, he would be willing to approve painting the brick and concrete block the same color. He stated the standards contained in the UDO do allow the Planning Commission to approve painting the entire building in a unified color scheme that are regulated by the Ordinance.

MOTION: Mr. Durham moved to approve Minor Site Plan Application #P-2010-0034 submitted for LAK Enterprises III, 7989 South Suburban Road, subject to the following condition:

1. All surfaces of the building must be painted a uniform color scheme according to the terms of the Unified Development Ordinance (UDO).

Mr. Briggs seconded the motion. The motion was approved 6-1 with Mr. Clark voting no.

Aydelott Equipment Company – Major Site Plan

Mr. Feverston reviewed the Major Site Plan Application #P-2010-0033 submitted by Dave Eaton of DAE Designs for Aydelott Equipment Company, 7979 South Suburban Road, requesting approval to construct a 7,000 sq. ft. building addition, additional parking, and loading docks on the Light Industrial, I-1 zoned property. This particular property was previously occupied by Centerville AutoBody and is now owned by Herb Aydelott of Aydelott Equipment currently situated on the adjoining parcel to the north. The proposal will eliminate the continuous curb cut across the entire frontage, create a focal point for vehicular traffic access, consolidate and create parking between the two buildings, create a loading dock area to the new building, and create a forklift connection between the buildings. The proposed architecture will mimic the City's Public Works building with split face block base, metal panel body, and the translucent material as a cap feature to allow more light into the warehouse area. The colors will be beige earthtone colors to match what is on the existing buildings. A loading dock will be situated along South Suburban Road and no access of any kind will be located on the rear building wall.

The existing building is a combination of brick front elevation with the remaining walls of concrete block materials and a mansard style roof.

Staff recommended approval of the Major Site Plan submitted to the following conditions:

1. A joint access and parking easement shall be recorded prior to occupancy subject to approval by the City Attorney.
2. The Planning Commission shall approve the architectural design of the proposed building to assure the materials, shape, massing and architectural features create a unified design on the premises and is visually compatible with the surrounding buildings. Specifically, the Planning Commission must approve the metal wall panels for the building body.
3. Building color shall be subject to approval by the City Planner.
4. A Landscape Plan shall be subject to approval by the City Planner.
5. 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.
6. Landscape islands, interior to the parking lot area, shall have a raised curb in accordance with Article 9.29 C 6 of the Unified Development Ordinance (UDO) subject to approval by the City Engineer.
7. Prior to issuance of the Zoning Certificate, final stormwater drainage and erosion control plans shall be approved by the City Engineering Department in accordance with Article 9.35 of the Unified Development Ordinance (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 stated that in looking at the slides contained in the staff presentation, it is evident site work is already underway at the rear of the building which is in conflict with Condition #8.

Mr. Feverston stated the Engineering Department is monitoring the activity and allowing some preliminary grading work to be done on the site.

There was no further discussion as no representatives were in attendance for review of the project.

MOTION: Mr. Durham moved to approve the Major Site Plan submitted for Aydelott Equipment Company, 7979 South Suburban Road, subject to the following conditions:

1. A joint access and parking easement shall be recorded prior to occupancy subject to approval by the City Attorney.
2. Building color shall be subject to approval by the City Planner.
3. A Landscape Plan shall be subject to approval by the City Planner.
4. 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.
5. Landscape islands, interior to the parking lot area, shall have a raised curb in accordance with Article 9.29 C 6 of the Unified Development Ordinance (UDO) subject to approval by the City Engineer.
6. Prior to issuance of the Zoning Certificate, final stormwater drainage and erosion control plans shall be approved by the City Engineering Department in accordance with Article 9.35 of the Unified Development Ordinance (UDO).
7. 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.

Further, the Planning Commission approved the architectural design of the proposed building to assure the materials, shape, massing and architectural features create a unified design on the premises and is visually compatible with the surrounding buildings. Specifically, the Planning Commission approved the metal wall panels for the building body.

Mr. Gammell seconded the motion. The motion was approved unanimously 7-0.

Ross Enterprises – Major Site Plan

Mr. Feverston reviewed the Major Site Plan Application #P-2010-0035 submitted by John Chico of Mad River Engineering for Ross Enterprises, 30-36 Compark Road, requesting approval to construct a 24,300 sq. ft. parking lot.

Staff recommended approval of the Major Site Plan subject to the following conditions:

1. Should the Planning Commission deny the Variance request, a revised site plan must be submitted, subject to approval by the Planning Commission that incorporates the required interior parking lot landscaping.

2. A joint access and parking easement shall be recorded prior to occupancy subject to approval by the City Attorney.
3. A Landscape Plan shall be subject to approval by the City Planner.
4. A performance bond or other construction guarantee shall be posted by the developer for all landscape, screening, or bufferyard improvement required by the Unified Development Ordinance (UDO) subject to approval by the City Planner in accordance with Article 9.25 C of the UDO.
5. The dumpster enclosures shall be subject to approval by the City Planner.
6. 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.
7. Phase 1 and 2 shall be constructed at the same time and construction shall be complete on or before July 1, 2011.
8. Phase 3 shall be completed at the time when the building is 75 percent occupied or before July 1, 2012 whichever occurs first.
9. A final exterior lighting plan in accordance with Article 9.27 C of the Unified Development Ordinance (UDO) shall be subject to approval by the City Planner.
10. A detail of the emergency access sign shall be included on the final site plan subject to approval by the City Planner.
11. Two (2) posts shall be installed to protect the DP&L pole situated at the northeast corner of the building from turning traffic.

Mr. Durham raised the question as to whether the applicant was going to appeal the decision of the Planning Commission concerning the Variance application that was denied earlier in the meeting. If that is the case, the Major Site Plan application should be tabled with the permission of the applicant, until that issue is heard by the City Council. He stated if the applicant wanted to move forward with this application, the Planning Commission would have no other choice but to deny the request because it would not maintain the minimum requirements in the UDO.

Mr. John Ross, owner of Ross Enterprises, stated he purchased this property in 1992 and submitted plans to the City to divide the existing building into 6 separate tenant spaces. That plan was approved by the City showing a gravel parking lot. Since that time, over 15 tenants have moved in and out of that building and not on one occasion has the City indicated there was a problem with the existing parking lot until now.

Mr. Feverston stated the tenant moved into the building without obtaining an occupancy permit and began interior remodeling without a building permit. Those violations were discovered by the Washington Township Fire Department which in turn notified the Building Inspection

Department. The tenant had a more intensive use, therefore, requiring more parking, etc. Mr. Feverston stated the City has worked with the tenant to grant temporary occupancy while the fire and building issues are resolved. He stated the staff recommendation was an effort to coordinate Phases 1 and 2 of the required improvements with the expiration of the temporary occupancy in July 1, 2011.

Mr. Durham suggested the applicant waive the time restriction for Planning Commission to take action on this Major Site Plan application in order to consider whether he would appeal the Planning Commission's denial of the Variance application earlier in the meeting to Council. At the appropriate time and not to exceed 6 months, Mr. Ross would the request the Major Site Plan application be removed from the table.

Mr. Ross agreed to waive the time restriction for the Major Site Plan, stating his intention was to appeal the decision of the Planning Commission concerning the Variance application.

MOTION: Mr. Durham moved to table the Major Site Plan application submitted by Ross Enterprises for property located at 30-46 Compark Road for a period of time not to exceed 6 months or until a request prior to the 6 months period is made by the applicant to remove it from the table. Mr. Palcher seconded the motion. The motion was approved unanimously 7-0.

Center for Jewish Culture & Education – Major Site Plan

Mr. Feverston reviewed the Major Site Plan Application #P-2010-0036 submitted by Ferguson Construction for the Center for Jewish Culture & Education located at 525 Versailles Drive requesting approval for a new office addition and a slight modification to the paneling system on the existing enclosed porch area on the second level. The zoning on the property is Office Planned Development, O-PD.

The architectural design of the building addition will be identical to the existing building in terms of design, materials, and color.

Staff recommended approval of the Major Site Plan application as requested.

MOTION: Mr. Durham moved to approve the Major Site Plan application submitted for the Center for Jewish Culture & Education, 525 Versailles Drive, as requested. Mr. Gammell seconded the motion. The motion was approved unanimously 7-0.

COMMUNICATIONS

Mr. Feverston informed the members of future applications expected to be submitted in the near future.

There being no further business, the meeting was adjourned.

Paul Clark