

CENTERVILLE PLANNING COMMISSION
Regular Meeting
Tuesday, April 29, 2008

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

Attendance: Mr. Paul Clark, Chairman; Mr. Jim Brunner; Mr. Jim Briggs; Mr. Jeff Gammell; Mr. Jim Durham; Mr. John Palcher. Absent: Mr. Mark Leonard. Also present: Mr. Ryan Lee, Planner; Mr. Scott Liberman, City Attorney; Mr. John Sliemers, Assistant City Engineer.

Motion to Excuse:

MOTION: Mr. Gammell moved to excuse Mr. Leonard from the meeting as he gave prior notice of his absence to staff. Mr. Briggs seconded the motion. The motion was approved unanimously 6-0.

Approval of Minutes:

MOTION: Mr. Briggs moved to amend the approved Planning Commission Regular Meeting minutes of February 26, 2008, as follows:

Page 4, Paragraph 2, Sentence 5 should read "A new parking area is to be constructed west of the language arts pod which will be located in the area of the existing parking area."

Page 4, Paragraph 3, Sentence 2 should read "Much of the improvements to the school as well as the proposed parking area on the west side will all drain west away from Quarry Lake."

Mr. Brunner seconded the motion. The motion was approved unanimously 6-0.

MOTION: Mr. Briggs moved to approve the Planning Commission Regular Meeting minutes of March 25, 2008, with the following change:

Page 3, COMMUNICATIONS, Paragraph 4, shall read "Mr. Clark stated Council reappointed Mr. Durham to another term on the Planning Commission."

Mr. Brunner seconded the motion. The motion was approved 5-0-1 with Mr. Durham abstaining.

MOTION: Mr. Brunner moved to approve the Planning Commission Work Session minutes of April 8, 2008, as written. Mr. Briggs seconded the motion. The motion was approved 5-0-1 with Mr. Gammell abstaining.

PUBLIC HEARINGS

Tim Donut U.S. Limited - Variances

Mr. Lee reviewed the Variance application submitted by Tim Donut U.S. Limited for property located on the northeast corner of South Main Street and East Spring Valley Road. The zoning on the 8.5 acre parcel is B-2, General Business. Four (4) variances have been requested including:

- permit a second ground sign to be exchanged for a second building wall sign rather than a maximum of one (1) ground sign;
- the setback of parking/paving be 7.5 feet (where a drive aisle exists) rather than the required minimum 10 feet of setback;
- the number of parking spaces be 17 on-site spaces rather than the minimum requirement of 21 spaces of on-site spaces;
- the number of parking spaces be 382 parking spaces within the shopping center rather than the minimum requirement of 446 parking space.

Mr. Lee stated the most recent Application #V-08-23 filed March 28, 2008, was intended to replace the original Application #V-07-77 filed November 15, 2007, and tabled by the Planning Commission on December 6, 2007. The original application was never withdrawn and remains on the table. The Planning Department recommended all the variances requested as part of the original application, V-07-77, be denied.

Mr. Durham suggested reviewing each variance individually to focus on each issue separately and avoid confusion.

The members agreed as a reason of clarity, the variances should be reviewed as separate issues with the 2 parking variances to be heard together.

Variance for Second Ground Sign

Mr. Lee reviewed the request to have a second ground sign for the Tim Horton's site in order to exchange it for additional wall signage as permitted in the Zoning Ordinance. In review of the points contained in the variance checklist, staff found no justification to warrant a variance.

The following were points of the analysis completed by staff in reviewing the application concerning the request for a second ground sign to be exchanged for wall signage:

1. The Applicant stated "the off-premises sign was created by the approval of the out parcel by the City of Centerville". The Sign Section of the Zoning Ordinance permits a maximum of one ground sign per premises. In this case, the existing ground sign satisfied this requirement. The existing ground sign may display information pertaining to the user of the out parcel, users of the shopping center, or a combination of both.
2. The Applicant stated that "City approval of a lot split created an off-premises sign for the greater parcel surrounding the new parcel. The sign does not serve the new parcel and yet the sign is adversely affecting the allowable signage for the new parcel". The Sign Section of the Zoning Ordinance does not preclude the user of this parcel the ability to reasonably provide signage. The Property Owner could reconfigure the existing ground sign to accommodate the subject parcel. Additionally, wall signs may be placed on any future building to provide reasonable signage for this parcel.

3. The Applicant stated that they “will forgo a standard request for a ground sign given the circumstances and instead is asking for typical building signage”. The Sign Section of the Zoning Ordinance currently permits the placement of wall signs on any future building. The applicant is requesting that if this variance is approved, they will exchange the ground area for additional wall signage to be placed on a second building wall. Without a variance, no signage may be placed on a second building wall that is visible off-premises.
4. The Applicant stated “we believe this is the minimum request that will satisfy the requirements and intent of the code”. There exists no hardship or practical difficulties associated with this property that would deny the applicant the right to reasonably display signs on this parcel.
5. The Applicant stated that because the out parcel was created by the City “any special privileges that exist were conferred at this time”. The subject parcel was created by the Property Owner. The subdivision of land does not confer any special privileges to the Property Owner or user of the parcel.

Based on those points of analysis, staff recommended denial of the variance for a second ground sign.

Mr. Durham asked if the shopping center owner could move the existing ground sign from the parcel in question and, therefore, Tim Horton’s would have the right to a ground sign.

Mr. Lee stated that would be an option.

Mr. Clark opened the public hearing.

Mr. Jeff Baldwin, Tim Donut U.S. Limited, stated by reason of the lot split approved to create the lot for Tim Horton’s, the existing identification sign for the shopping center is an off-premises sign. He stated their request for a second sign for the future facility is merely seeking what would be permitted if their lot did not have the legally non-conforming sign. Mr. Baldwin stated the grade of the property drops off and along with the significant landscaping requirement along South Main Street it causes some visibility issues traveling from the north and the intent is simply for it to be seen by the customers. With one (1) building sign and no ground sign, Mr. Baldwin stated they felt it would not be feasible to build the facility because of the lack of visibility and the lack of recognition as to what is in the building.

Mr. Clark asked if the applicant had discussed relocating the existing sign from the lot in order to alleviate the variance and, therefore, allow a second sign by right.

Mr. Jeff Samuelson, J Z Companies and agent for the owner of the property, stated the issue of moving the sign had been discussed and the owners of the shopping center are willing to move the sign should it become necessary. It is a very large sign that has been in place for a very long

time, but he stated they would be willing to do what is best for Tim Horton's and for the owners. He stated he understood the situation did not enter into the determination of whether the variance is approved or not, however, the average person would not know if the existing sign is on or off premises and whether the installation of additional wall signage would meet the standards.

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

Mr. Gammell asked if the sign were moved, would there be any issue with the setback.

Mr. Lee stated staff discussed the issue of setback and determined the sign would be permitted to be reinstalled elsewhere in the shopping center where it would be permitted to maintain the existing setback.

Mr. Baldwin asked if an easement was given to the shopping center owner to allow maintenance of the existing sign and not include any signage to the Tim Horton's lot, would that allow the second sign to be granted to the applicant.

Mr. Liberman stated that the existing sign is a non-conforming sign and any changes other than for tenant identification would require the sign structure to be conforming to the standards in the Zoning Ordinance. An easement would not cure the situation.

Mr. Samuelson asked if the sign would be permitted to remain as is if simply relocated on the shopping center property.

Mr. Lee stated the sign could be relocated on the shopping center property provided no structural changes would be made to the sign.

Mr. Samuelson stated if the issue is a "go or no go issue", the owners have indicated they would move the sign.

Mr. Durham stated he agreed with the staff recommendation to deny the sign based on Ohio law which would determine there is no basis for granting the variance. He stated, however, Mr. Samuelson just conceded absolutely no practical difficulties or hardship as the shopping center owners have agreed the sign could be relocated, therefore allowing Tim Horton's to have a ground sign to which all businesses are entitled. This is the same position as all Centerville businesses are in and Mr. Durham stated he would not support the request for variance. The existing ground sign will be relocated to the shopping center property in order to comply with the zoning standards.

Mr. Clark stated the variance request for a second ground sign had been withdrawn.

Variance for Front Yard Parking/Paving Setback

Mr. Lee stated that as a result of creating the new lot, the lot is required to meet the minimum setback requirements. In the case of the front yard parking/paving setback, 10 feet is the setback required from South Main Street (SR 48). The applicant is requesting a variance of 2.5 feet to have a 7.5 foot setback from South Main Street (SR 48). In review of the points contained in the variance checklist, staff found no justification to warrant a variance.

The following were points of the analysis completed by staff in reviewing the application concerning the request for the front yard parking/paving setback:

1. The Applicant stated that "these requests do not adversely impact the area and are not detrimental to the public welfare". The elimination of some or all required parking and paving setbacks do provide an adverse impact to public health and safety as these areas define both vehicular travel paths and cueing areas as well as reduces the number of intersection conflict points. Parking and paving setbacks also promote the public welfare by providing visual breaks in otherwise vast expanses of asphalt surfaces within the business and commercial districts.
2. The Applicant provides no other argument to support the requested variance.

Based on the points of analysis, staff recommended denial of the variance for front yard parking/paving setback.

Mr. Briggs asked for clarification as to the number of intersection conflict points that are adversely affected by the narrower setback.

Mr. Lee stated the main conflict point is located at the northern entrance drive from South Main Street. As existing outlots utilizing zero (0) parking/paving setbacks are redeveloped, increases in parking/paving setbacks are required to buffer parking spaces from the roadway. This required setback will allow for increased separation for vehicles cueing to the main roadway providing adequate stacking and sight distance. He stated the applicant has addressed that issue on the southern entrance by providing a more defined drive aisle.

Mr. Clark opened the public hearing.

Mr. Jeff Baldwin, Tim Donut U.S. Limited, stated their request for the parking/paving setback is based on an existing condition of the shopping center. He stated they are improving the setback from the existing condition of the shopping center which is currently 5 feet and they are requesting 7.5 feet. The ground sign is currently within that setback area. Basically because of the constraints that were created with the actual lot split, there is a lot of green space setback on the west side of the proposed building and the extra 2.5 feet would allow them to maintain the trash enclosure on the east side. He stated the variance request seemed reasonable since the request is for a shopping center that is a non-conforming use and the applicant will re-use the pavement in that area of the site.

Mr. Jeff Samuelson, J Z Companies and agent for the owner of the property, stated they support Tim Horton's request in adding 2.5 feet to the existing setback allowing a little more room. He stated the dumpster will have to be located slightly off the property, it will allow the dumpster placement, and not take any additional on-site parking. He stated they currently show a 30 foot buffer on the east side of the building. An existing buffer from the back of the sidewalk to the back of the new proposed curb will provide a significant area plus it slopes downhill and will be landscaped. He stated they felt 2.5 feet is a minor request.

Mr. Clark asked if since the sign variance was withdrawn and the existing sign will be relocated, could parking spaces be added in that vacated space.

Mr. Samuelson stated 2 parking spaces would occupy the area which is now the existing sign location, therefore, reducing the variance request for parking by 2 spaces.

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

Mr. Durham stated he felt the staff analysis was correct. He stated the request for this variance was basically due to the outlot being made too small when they had it subdivided. He stated just like with the sign issue, if they need 2.5 feet, they need to purchase an additional 2.5 feet from the shopping center owner to meet the standards. Mr. Durham stated there is no basis in Ohio law to grant a variance in this case. He stated because it would be a "minor request" is not a reason for the Planning Commission to approve it since it is only 2.5 feet. Mr. Durham stated he felt the only option would be to vote no on this issue.

Mr. Brunner stated he was inclined to deny the variance.

MOTION: Mr. Briggs moved to approve the Variance for Front Yard Parking/Paving Setback as requested. Mr. Durham seconded the motion. The motion was unanimously denied 0-6.

Variance for Required Off-Street Parking for a Fast-Food Restaurant and Variance for Required Off-Street Parking for a Shopping Center (Speciality Retail)

Mr. Lee stated the variance for required off-street parking for a fast-food restaurant is a request for a reduction of on-site parking spaces from 21 spaces to 17 spaces for Tim Horton's. In review of the points contained in the variance checklist, staff found no justification to warrant a variance.

The following were points of the analysis completed by staff in reviewing the application concerning the request for required off-street parking for a fast-food restaurant:

1. The Applicant stated that "the requested variance for parking spaces will be neither injurious nor detrimental to the public welfare". The purpose of off-street parking regulations is to require off-street parking and loading facilities in proportion to the need created by each use. These regulations are intended to provide for accommodation of vehicles in a functionally and aesthetically satisfactory manner, to reduce congestion on

city streets, and to minimize external affects on adjacent land uses. A reduction of the minimum parking requirements is detrimental to the safety and welfare of the en-user as it fails to address basic needs for the existing uses on the overall site.

2. The Applicant stated that “this variance is for 4 parking spaces in the parking lot” and also that “the required number of parking spaces will be achieved off-site through a shared parking agreement with the shopping center”. The parking requirement for the proposed use is 21 parking spaces of which 17 have been provided. However, the overall shopping center is proposing a variance to reduce the number of parking spaces to 382 spaces of which 446 is required for the entire center and does not leave the opportunity to share parking.
3. The Applicant stated that “in maintaining the required code for setbacks and green space, the applicant requires shared parking agreements in order to achieve the required number of spaces”. The subject parcel was created by the Property Owner with the understanding that it could be developed under the Zoning Ordinance regulations. The subdivision of land does not confer any special privileges to the Property Owner or user of the parcel.

Based on the points of analysis, staff recommended denial of the variance for required off-street parking for a fast-food restaurant.

Mr. Lee stated the variance of required off-street parking for a shopping center (speciality retail) was a request for a reduction of parking spaces in the overall shopping center in which Tim Horton’s is to be located. In review of the points contained in the variance checklist, staff found no justification to warrant a variance.

The following were points of the analysis completed by staff in reviewing the application concerning the request for required off-street parking for a shopping center (speciality retail):

1. The Applicant stated “the peak times for the different patrons of the shopping center occur at different times of the day and overall shared parking spaces for the center allow for harmonious traffic throughout the business hours”. The required parking for the site is 446 parking spaces. The applicant is requesting a variance to reduce the amount of parking within the center to 382 spaces, a 64 parking space reduction from the minimum parking standards which eliminates opportunities for shared parking with existing uses and further congest the parking area.
2. The Applicant provides no other argument to support the requested variance.

Based on the points of analysis, staff recommended denial of the variance for required off-street parking for a shopping center (speciality retail).

Mr. Clark opened the public hearing for both parking Variances.

Mr. Baldwin asked that the variance for required on-site parking be tabled to work further on the site layout in order to meet the parking standards.

Mr. Liberman stated tabling that portion of the variance application would be acceptable providing the applicant would agree to waive the time period.

Mr. Baldwin agreed to waive the time period.

MOTION: Mr. Durham moved to table the Variance for Required Off-Street Parking for a Fast-Food Restaurant as requested by the applicant. Mr. Brunner seconded the motion. The motion was approved unanimously 6-0.

Mr. Baldwin asked if there would be an opportunity to meet with the Planning Commission in a Work Session to discuss the variance issues.

Mr. Clark stated Work Sessions are usually made available to applicants that are coming to the Planning Commission with a large master plan. He stated it is customary to have the applicant meet with staff in order to work out the difficulties in the development prior to filing a formal application.

Mr. Baldwin stated they had a recommended drawing from staff which was essentially what was submitted in their application. He stated staff had now recommended denial of everything that was included in the application. Mr. Baldwin stated this project has been in the works for approximately 2 years and is getting basically nowhere. He stated if it was going to be denied that was one thing, however, if there is a willingness to discuss the issues based on what they have been trying to do through the appropriate channels with City staff, they would like to meet in a work session. If the only course of action they can take is to work with staff, they will continue to try work with them even though things seem to keep turning in circles.

Mr. Durham stated the actual issue is what can be done with the overall shopping center parking requirement. He stated in looking at the lot for Tim Horton's, it appears the on-site parking requirement can be achieved. He stated he would be willing to have a work session to discuss the shopping center parking standards.

Mr. Samuelson stated he had a slight disagreement with the number of parking spaces that are being represented by staff. He stated his engineers calculated 402 spaces before the 59 spaces were added to accommodate the new lot split. After the addition of the 59 spaces and accounting for the Tim Horton's lot split taking out those parking spaces underneath their parcel, left 404 spaces. He questioned where they went wrong in working with staff and the City. They were required as part of the lot split to add 50+ spaces on the north side of the shopping center to satisfy the outlot. He stated they have spent a year and approximately \$100,000 because they thought they were going to be able to develop the Tim Horton's facility. He stated they now

have an issue where it does not appear the project is going to happen. Mr. Samuelson stated there is a sewer in the ground that has construction documents approved by the City, a lot split that was approved by the City which went through all the proper channels, and a new parking lot added to the north portion of the shopping center building just to accommodate this new parcel. He stated they thought they were pretty close, but now staff is saying an additional 60 spaces are needed. Mr. Samuelson stated he is concerned and confused how they got to this point when they have been completely above board and now the site does not work.

Mr. Durham asked staff if there was a reason to go back and look at the parking issue.

Mr. Lee stated as a result of some of the changes to the drive aisles by the applicant, staff requested on a staff level, information concerning the traffic circulation issues on the site. At that point, the overall parking concerns had not been addressed by the applicant to know if there was an overall parking issue.

Mr. Durham asked Mr. Lee if it would be beneficial for the application to be tabled and allow the applicant to work with staff to get on the same page. He stated that it appeared staff was blind-sided with this application having 4 variances and a site plan filed.

Mr. Lee agreed it would be beneficial to have the applicant work with staff.

Mr. Palcher agreed with Mr. Durham to table the application in order for the applicant to work with staff to achieve the on-site parking requirement for Tim Horton's and push the building back the additional 2.5 feet. At that time, there could be some room to work with the overall parking requirement of the shopping center.

Mr. Samuelson agreed to waive the time period for both parking variances.

MOTION: Mr. Durham moved to table the Variances for Required Off-Street Parking for a Fast-Food Restaurant and for Required Off-Street Parking for a Shopping Center (Speciality Retail) as agreed to by the applicant's representatives. Mr. Briggs seconded the motion. The motion was approved unanimously 6-0.

UNFINISHED BUSINESS

Tim Donut U.S. Limited - Variance/Planning Commission Special Approval

As a result of the action taken on the previous application, the members agreed the original Variance and Planning Commission Special Approval applications tabled at a former meeting should remain on the table.

NEW BUSINESSThe Links at Yankee Trace, Sec. 1-C - Record Plan

Mr. Lee reviewed the Record Plan submitted for The Links at Yankee Trace, Sec. 1-C, located at the end of Legendary Way east of Paragon Road requesting a replat of Reserve Areas "C" and "D" in order to create Reserve Area "EE" as a landscape median. The zoning on the 1.543 acre parcel is R-1c, Single-Family Residential, which is part of the Lifestyle Community Master Plan approved for Yankee Trace by City Council to permit attached housing. The purpose of this Record Plan is to create the new entrance to The Highlands project which is the extension of Legendary Way from The Links by vacating the right-of-way for a reserve area within the median to tie into The Highlands project. As a result of that vacation, portions of the existing reserve areas will be removed in order to provide for the right-of-way around the new proposed median.

Staff recommended approval of the Record Plan subject to the following condition:

1. City Council passes an Ordinance to vacate a portion of Legendary Way for the purpose of establishing Reserve Area "EE" for a landscape median.

Mr. Jim Kiefer, Great Traditions, stated in order to create Reserve Area "EE" for the landscape median into The Highlands the amount of property currently contained in existing Reserve Areas "C" and "D" now under ownership of The Links Homeowners Association (HOA) must be reduced. He stated he invited the HOA Trustees to this meeting to advise them of the proposal since they will be required to sign off on the replat.

Mr. David Hansen, President of The Links HOA and resident of 661 Legendary Way, stated the HOA was formed in January, 2008. He stated the HOA members have taken the position they will not give up the property until Great Traditions, the City, and the builder comply with some issues that are extremely important to the health and safety of the homeowners. Those issues include the north swale running along the north side of Legendary Way; the south swale running along the south side of Legendary Way; the four (4) properties still remaining under the ownership of Great Traditions that have been used as a dumping area for cement, asphalt, gravel, etc., adjacent to occupied residential homes; the lack of completion of Reserve Area "C" concerning grading and seeding; and, the construction of an access road along the north property line to the site from Paragon Road to provide access for construction equipment. The lack of completion of most of these issues creates standing water, invites insects and other vermin to be present, and is unsightly to residents and golfers along Holes 6 and 7.

Mr. Clark asked staff members if they were aware of the specific issues brought forward by Mr. Hansen.

Mr. Lee and Mr. Sliemers both indicated they were unaware of these issues.

Mr. Clark stated he would like staff to work with the developer concerning these issues to get them resolved.

Mr. Gammell stated since the HOA now owns the property in Reserve Areas "C" and "D", Planning Commission can approve the replat, but control will remain with the HOA.

Mr. Durham expanded on Mr. Gammell's statement to explain unless the issues of concern are resolved with the HOA, without the approval of the HOA construction of The Highlands project cannot go forward.

Mr. Palcher stated he has viewed what Mr. Hansen had submitted to the members and it is an accurate representation of the existing conditions.

MOTION: Mr. Briggs moved to recommend approval of the Record Plan for The Links at Yankee Trace, Sec. 1-C, to Council subject to the following condition:

1. City Council passes an Ordinance to vacate a portion of Legendary Way for the purpose of establishing Reserve Area "EE" for a landscape median.

Mr. Brunner seconded the motion. The motion was approved unanimously 6-0.

The Highlands at Yankee Trace, Sec. 2 - Record Plan

Mr. Lee reviewed the Record Plan submitted for The Highlands at Yankee Trace, Sec. 2, located east of Paragon Road at the end of existing Legendary Way. The zoning on the 7.096 acre parcel is R-1c, Single-Family Residential, which is part of the Lifestyle Community Master Plan approved for Yankee Trace by City Council to permit attached housing. Twenty-six (26) lots are proposed for Sec. 2 of this project. This plat is the connection to the existing Links subdivision on Legendary Way. Sandwedge Court and Gallery Court will be built off of Legendary Way and then stubbed until Sec. 3 is constructed.

Staff recommended approval of the Record Plan subject to the following conditions:

1. In lieu of construction of the required improvements prior to the recording of this plat, a performance bond in an amount equal to the required public improvements shall be posted by the developer with the City subject to approval by the City Engineering Department and a subdivider's agreement entered into with the City by the developer.
2. The applicant shall provide review and inspection fees in the amount acceptable by the City Engineering Department.
3. 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 the City Stormwater Drainage Control Ordinance.

4. The landscape median located within Legendary Way adjacent to the connection with The Links shall be labeled as Reserve Area "EE".
5. Reserve Areas shall be deeded to the City for Golf Course purposes and labeled on the Record Plan for this purpose.
6. Final design of Sand Wedge Court shall be subject to approval by the City Engineering Department.
7. The proposed sidewalk along Legendary Way shall terminate into the curb of Legendary Way having handicap accessibility subject to approval by the City Engineering Department.
8. A combination of deciduous and evergreen trees shall be installed at the end of Gallery Court subject to approval by the Planning Department.
9. The final design of the relocated golf cart path and golf course irrigation line shall be subject to approval by the Golf Course Superintendent.
10. A temporary turn around shall be constructed at the end of Legendary Way subject to approval by the City Engineering Department.
11. The proposed construction drive north of Golf Hole Number 7 as proposed shall be modified to accommodate the weight of heavy construction traffic, include a pull-off area at Paragon Road and a paved surface having a minium length of 100 feet to keep dirt, mud, and debris off of Paragon Road subject to approval by the City Engineering Department.
12. A hard surface roadway capable of providing emergency vehicle access and support at all times for firefighting purposes shall be provided prior to any construction.

Mr. Durham asked if Condition #5 would include the new Reserve Area "EE".

Mr. Lee stated Condition #5 should be reworded to state "Portions of the Reserves Areas necessary for cart paths and golf course utilities shall be deeded to the City".

Mr. Durham asked Mr. Liberman if Condition #5 could be better accomplished by requiring an easement.

Mr. Liberman stated he was unsure how that type of provision was accomplished previously so it could just state subject to approval by the City Attorney.

Mr. Jim Kiefer, Great Traditions, stated the City has in the past desired to own the ground under where the cart paths are located. He stated he was in agreement with the conditions of approval proposed by staff with comments on Conditions #10 and #11. He stated typical construction

detail for a temporary turnaround is at the end of each section of a plat and he suggested the turnaround in this case be constructed further down the road where the cul-de-sac will be located. Mr. Kiefer stated the pull-off area along Paragon Road was a condition of approval for the preliminary plan and is being designed by their engineers. The 100 feet of pavement, however, is a concern as to if the pavement will hold up for years of construction. He stated if the concern is of mud and debris on the street, a total gravel roadway top dressed with crushed limestone would solidify very nicely into a solid roadway and would provide a gravel surface to the hard paved surface of Sec. 2. He stated he, therefore, objected to that portion of Condition #11.

Mr. Lee stated that issue was a concern of the City Manager the City has had with various projects utilizing the same methods expressed by Mr. Kiefer. The 100 foot provision was included to avoid some of the maintenance issues with the roadways adjacent to construction sites. Mr. Lee suggested the condition be subject to approval by the Engineering Department.

Mr. Sliemers stated he would want to speak with the City Manager to discuss his concerns prior to over-ruling that condition.

Mr. Durham suggested changing the word "paved" to "hard" surface which would include both paved and permeable, and could then be approved as staff determined.

Mr. Kiefer stated that was acceptable to them to work with staff on that issue.

Mr. Durham stated there was a condition to require a construction roadway, however, there was no condition for them to use it. He asked if a requirement could be placed on the approval to require all construction traffic to use the construction road for Sections 2 and 3 of The Highlands and not Legendary Way. That way, if the constructors do not use it as instructed by Great Traditions, the City could enforce that condition.

Mr. Liberman stated that requirement could be conditioned on the approval.

Mr. Kiefer agreed that was the intent of the roadway.

MOTION: Mr. Durham moved to recommend approval of the Record Plan for The Highlands at Yankee Trace, Sec. 2, to Council subject to the following conditions:

1. In lieu of construction of the required improvements prior to the recording of this plat, a performance bond in an amount equal to the required public improvements shall be posted by the developer with the City subject to approval by the City Engineering Department and a subdivider's agreement entered into with the City by the developer.
2. The applicant shall provide review and inspection fees in the amount acceptable by the City Engineering Department.

3. 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 the City Stormwater Drainage Control Ordinance.
4. The landscape median located within Legendary Way adjacent to the connection with The Links shall be labeled as Reserve Area "EE".
5. Portions of the Reserve Areas necessary for cart paths and golf course utilities shall be deeded to the City for Golf Course purposes and labeled on the Record Plan subject to approval by the City Attorney.
6. Final design of Sand Wedge Court shall be subject to approval by the City Engineering Department.
7. The proposed sidewalk along Legendary Way shall terminate into the curb of Legendary Way having handicap accessibility subject to approval by the City Engineering Department.
8. A combination of deciduous and evergreen trees shall be installed at the end of Gallery Court subject to approval by the Planning Department.
9. The final design of the relocated golf cart path and golf course irrigation line shall be subject to approval by the Golf Course Superintendent.
10. A temporary turn around shall be constructed as part of Legendary Way subject to approval by the City Engineering Department.
11. The proposed construction drive north of Golf Hole Number 7 as proposed shall be modified to accommodate the weight of heavy construction traffic, include a pull-off area at Paragon Road and a hard surface having a minium length of 100 feet to keep dirt, mud, and debris off of Paragon Road subject to approval by the City Engineering Department.
12. A hard surface roadway capable of providing emergency vehicle access and support at all times for firefighting purposes shall be provided prior to any construction.
13. All construction traffic for Sections 2 and 3 of The Highlands must be conducted over the temporary construction roadway.

Mr. Gammell seconded the motion. The motion was approved unanimously 6-0.

Miami Valley Hospital South Campus - Record Plan (Replat)

Mr. Brunner explained he was a volunteer at Miami Valley Hospital South having no monetary gain and stated he could be objective in the review of the Record Plan.

Mr. Lee reviewed the Record Plan submitted for Miami Valley Hospital South Campus located north of Clio Road, west of Wilmington Pike and south of I-675. The zoning on the 114.849 acre parcel is Business Planned Development, B-PD. The purpose of the replat is to combine some existing lots at the end of South Metro Boulevard with the existing overall lot owned by Miami Valley Hospital. As a result of the replat, there is a portion of right-of-way along South Metro Parkway included in their ownership that is also the subject of a street vacation.

Staff recommended approval of the Record Plan (Replat) subject to the following conditions:

1. The City Council passes an Ordinance to vacate a portion of South Metro Parkway.
2. The proposed electric easement along Clio Road and Wilmington Pike shall be modified and re-labeled to be a utility easement.
3. Should the vacated portion of South Metro Parkway be removed by the property owner, a temporary turnaround shall be constructed at the end of South Metro Parkway subject to approval by the City Engineering Department.
4. The applicant shall provide easements for traffic signal loop detectors along Miami Valley Drive subject to approval by the City Engineering Department.

Mr. Chris Schaeffer, Schaeffer Engineering, and JoAnn Ringer, Miami Valley Hospital, were present for the review of the Record Plan.

Mr. Schaeffer stated by combining the three (3) parcels, it will help in future planning and the vacation of part of South Metro Parkway will allow more flexibility for future development.

MOTION: Mr. Durham moved to recommend approval of the Record Plan (Replat) for Miami Valley Hospital South Campus to Council subject to the following conditions:

1. The City Council passes an Ordinance to vacate a portion of South Metro Parkway.
2. The proposed electric easement along Clio Road and Wilmington Pike shall be modified and re-labeled to be a utility easement.
3. Should the vacated portion of South Metro Parkway be removed by the property owner, a temporary turnaround shall be constructed at the end of South Metro Parkway subject to approval by the City Engineering Department.

4. The applicant shall provide easements for traffic signal loop detectors along Miami Valley Drive subject to approval by the City Engineering Department.

Mr. Briggs seconded the motion. The motion was approved unanimously 6-0.

City of Centerville - Potential Landmark Designation

Mr. Lee reviewed the potential landmark designation instigated by the City as a result of a demolition request for the primary structure located at 7665 Cloyo Road. The existing zoning on the 1.0 acre parcel is Light Industrial, I-1. The function of the Planning Commission is to provide a recommendation to the Board of Architectural Review (BAR) concerning planning matters as they relate to the property. The property is located directly north of the FBI building on Cloyo Road. The house is the only structure on the property being reviewed for landmark status as the barn, garage and outbuildings have no historic significance and can be demolished. Staff has determined there is historic significance with a potential for landmark status and this issue will be reviewed by the BAR on May 6, 2008. The role of the Planning Commission is to determine the landmark status and how it would affect the planning and zoning of surrounding buildings, Create the Vision, as well as all other general planning issues.

Mr. Lee stated staff had toured the buildings with members of the Landmark Foundation. In addition, staff notified the Historical Society concerning any historical significance of the house. Both the Historical Society and Landmark Foundation could not find any information in their research, but final information will be made to staff in the near future.

The following were points of the analysis completed by staff in reviewing the potential landmark designation:

1. The relationship of the proposed designation to the Comprehensive Plan of the City. The nomination of the house as a landmark would have little impact on redevelopment of the property. The principle house on the property has been used as a residence and is located within an industrial zoning district.
2. The affect of the proposed designation upon the surrounding neighborhood. This parcel is currently zoned Light Industrial, I-1. There have been different uses in the outbuildings over the past 30-40 years. The Upholstery Barn was a recent use in the barn. The house has been used as a residence since it was built.
3. Any other planning consideration which may be relevant to the proposed designation. The house does contribute to the historic and architectural character of the Cloyo Road corridor.

Based on the points of analysis, staff recommended the designation of the house at 7665 Cloyo Road as a Landmark be approved.

Mr. Clark stated it was his understanding staff worked with the Historical Society and they had not been able to make a determination of any historic significance for the house. He asked if that was still the case.

Mr. Lee stated staff worked with the Landmark Foundation in touring the house and it was their decision to not take action in recommending for or against the landmark designation. Because of the time constraints for this type of application, staff introduced the house as a potential landmark based on the determination of the City Planner. Staff is awaiting additional information from the Historical Society regarding past deeds to see if there is any type of evidence of persons, places, or events that took place on the property.

Mr. Robert Fickert, applicant of the demolition permit for the buildings on the site, distributed copies of an application from the Ohio Historic Preservation Office designed to help determine if a structure should be considered for a listing in the National Register of Historic Places. He stated although he is in opposition of the designation, he used the application as a guideline to answer some of the questions in regard to the property. The original house has been remodeled many times over the years and 3 to 4 additions to the house have been constructed. He stated they have been unable to find any evidence of historic significance concerning persons or events that pertain to the property.

In a letter addressed to the members of Planning Commission, the following are some of the points Mr. Fickert made to support his opinion that the original portion of the house may have been built in the late 1800's, however the materials used and construction techniques also date to the 1900's:

- The milled and circular sawn dimensional lumber used as floor joists, rafters and wall framing evidences this. The framing has no special significance.
- The gypsum plaster installed over the lathe strips only has a small amount of animal hair to add strength.
- The lathe nails used were also used up to the 1930's.
- The limestone foundation was also used up through the 1920's. The additional to this structure are partially constructed over poured concrete foundations.
- The 6" lap siding as visible through holes in the addition's wall drywall is not original, but rather was replaced at some time after the construction, but before the aluminum siding was installed. This siding is characteristic of 20th century and has been covered with aluminum. The original siding under the aluminum siding of a least one addition is an asphalt base material, not wood, and installed over black Celotex brand subsiding.
- All the plaster of the original structure has been stripped off and replaced or covered over with drywall or paneling. This is probably due to the keys of the plaster breaking off or its poor condition. An approximate time that the plaster was covered is the 1950's. This is evidenced by the use of pink color, Owens Corning, fiberglass insulation installed in the rear additions and covered with drywall and recessed baseboard heaters with copper hearing lines. Owens Corning did not begin production of "pink fiberglass insulation" until the early 1950's.

- Most of the interior trim, including window casings, door casing and some of the baseboards, have been removed and either replaced or reinstalled once the overlaid drywall was installed. This resulted in at least four different styles of woodwork and trim in several of the rooms.
- The front porch columns are resting on Simpson anchoring feet. Simpson did not begin manufacturing this type of fastening base until the 1960's. Therefore, the front porch addition has no significant architectural styling.
- All of the original wood, double-hung windows throughout the house have been replaced with vinyl replacement windows of which some have taped mutton bars and other do not. As wall drywall has been installed over the original wall plaster, window jamb extensions have been installed. Again, a deviation from the original construction and original styling.
- There are four (4) different types of interior doors. One 5-panel door to the basement stairway, hollow-core 6-panel doors, hollow-core flush doors, and 6-panel hollow steel doors.
- There is no original finishes visible on the interior of the structure. The original finishes have been removed and replaced, or covered over with vinyl, carpet, drywall, paneling or texturing material.
- The masonry chimney for the fireplace in the living room has been removed. The chimney for the now removed wood stove of the dining room is a modern, doubled wall metal chimney flue. The masonry chimney of the newer kitchen has been removed above the ceiling line.
- The original roofing has been removed and replaced with 3-Tab asphalt roofing.
- The original roof sheathing has been removed and replaced with OSB sheathing.
- The only original characteristics of the exterior are the two (2) -story masses, the front door location and the window locations.
- The exterior setting and landscape surrounding the structure has also been altered with railroad ties, stacked stone curbing and poured concrete slabs and walkways. The rear patio area is constructed of modern brick pavers installed at grade level with no sand base.

Additionally, Mr. Fickert addressed the following points for landmark status:

- This property lies directly north of the new FBI building currently under construction. Every building south of the FBI building to Franklin Street is a commercial building. The building directly north of this parcel is the current location the Bill Hick's Body Shop and Auto Repair. The next parcel north of Bill Hick's Body Shop is a boat repair facility. The intention is to demolish the house and barn structure on the parcel and build a new, attractive and clean structure promoting economic development. The planned re-development of this parcel cannot be completed if the residential structure remains.
- The I-1 zoning designation will remain.
- The house does not contribute to the historic or architectural character of Cloy Road. The house and barn located to the rear of the property have been detrimental to the neighborhood and the City for years. Too many of the original components of the house have been altered, replaced or changed for it to carry the distinction of a Landmark.

Mr. Fickert requested a recommendation that the permit for demolition of the house be approved to allow re-development of the parcel to improve the neighborhood.

Mr. Brian Smith, architect for the future project to be proposed for the site, stated he had seen the house and there appears to be nothing left of the original historic fabric to the building which has been drastically altered over the years. It is a hodge-podge of building materials and techniques from the 1900's to the 1960's. It has no architectural significance at all as far as its architectural style and it has no potential value for economic re-use. Mr. Smith stated it would cost more to convert the building to an office than it would to take it down and build a new structure making it economically detrimental to Mr. Fickert.

Mr. Clark asked Mr. Smith if their project could go forward without removing the building.

Mr. Smith stated the new development could not be accommodated should the house remain on the property. Parking requirements could not be satisfied nor access and traffic circulation requirements.

In reference to a question by Mr. Briggs, Mr. Lee stated much of what was included in Mr. Fickert's letter did conflict with the opinion of staff. Even though there are portions of the structure with building additions after the original construction, it still is considered to have historic significance. If anything, the additions show the progression of the building and the architectural styles in the City throughout the times between 1880 and 1960. The viewpoint of staff is that a lot of these early Victorian styles once along Clyo Road have been removed through the years and this is one of the remaining structures to possibly preserve along that corridor. Staff's opinion is if there is a historic significance that is determined by the Historic Society and presented to staff, the house should be designated.

Mr. Clark stated when he was a member of the BAR, he took part in the original landmark designation tour of approximately 50 structures in the City. The house in question was not identified at that time and a lot of those houses had background information made available by the Historic Society. He stated in driving by the structure on Clyo Road, he found it hard to believe on what is visible on the outside that there is any historic significance.

Mr. Palcher stated the building appears to have too many styles rather than being historic.

MOTION: Mr. Briggs moved to recommend to the Board of Architectural Review (BAR) the house located at 7665 Clyo Road be designated as a Landmark. Mr. Brunner seconded the motion. The motion was unanimously denied 0-6.

COMMUNICATIONS

Mr. Clark stated he wanted to publicly express condolences from the Planning Commission members on the passing of Nick Farquhar, former City Attorney, to the Farquhar Family. He stated in cases when the members needed legal counsel and in situations when his expertise was needed, he was diligent in performing his duties.

Mr. Durham stated Nick was a real friend to the City. He was an excellent lawyer and he brought wisdom and calmness into all situations. He guided the City through some very interesting situations, one of which was the acquisition of all the land for Yankee Trace creating a rather acrimonious battle with Washington Township over annexation. The fact that it went as well as it did says a lot about Nick. He new how to look at something, bring about a calm view, and let people make the decisions which is what a good lawyer is suppose to accomplish.

Mr. Briggs stated Nick acted and behaved with a great amount of grace and was sure he passed in much the same way. He will be missed

There being no further business, the meeting was adjourned.

Paul Clark