

CENTERVILLE PLANNING COMMISSION

Regular Meeting

Tuesday, June 24, 2008

Mr. Clark 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. Steve Feverston, City Planner; Mr. Ryan Lee, Planner; Mr. Scott Liberman, City Attorney; Mr. Greg Horn, City Manager; Mr. John Sliemers, Assistant City Engineer; Mr. Nathan Cahall, Economic Development Administrator.

Motion to Excuse:

MOTION: Mr. Briggs moved to excuse Mr. Leonard from the meeting due to illness. Mr. Brunner seconded the motion. The motion was approved unanimously 6-0.

Approval of minutes:

MOTION: Mr. Gammell moved to approve the Planning Commission minutes of April 29, 2008, as written. Mr. Brunner seconded the motion. The motion was approved unanimously 6-0.

MOTION: Mr. Briggs moved to approve the Planning Commission Work Session minutes of May 6, 2008, as written. Mr. Brunner seconded the motion. The motion was approved unanimously 6-0.

MOTION: Mr. Briggs moved to approve the Planning Commission minutes of May 27, 2008, as written. Mr. Palcher seconded the motion. The motion was approved unanimously 6-0.

MOTION: Mr. Gammell moved to approve the Planning Commission Work Session minutes of June 10, 2008, as written. Mr. Briggs seconded the motion. The motion was approved unanimously 6-0.

Mr. Durham extended his congratulations along with the other members to Mr. Clark as being named the City of Centerville Volunteer of the Year recognizing his work in service to the community.

PUBLIC HEARINGS

The Kroger Company - Variance of Side Yard Setback and Parking/Paving Setback

Mr. Feverston reviewed the Variance application submitted by Jonathan Wocher, McBride, Dale Clarion, Inc., for property located at 1095 South Main Street, to be developed by The Kroger Company. The 18.123 acre parcel is zoned Business Planned Development, B-PD, which allows a wide array of commercial uses including large format retail such as the proposed Kroger Marketplace. Variances have been requested for the required minimum side yard building setback from 20 feet to 10 feet, and for a minimum setback of parking/paving of 10 feet to zero (0) feet from the side (north) lot line.

The Planning Commission determined to review the two (2) variance requests separately.

#### Side Yard Setback

Mr. Feverston stated the existing north building wall of the existing Elder-Beerman store is located on the property line creating a legally non-conforming side yard setback. Once removed, the side yard setback would be required to conform to the current 10 foot side yard building setback standard.

Mr. Feverston reviewed the guidelines established to warrant a variance from the standards in the Zoning Ordinance stating that each of the 7 elements were favorable to grant the request.

Mr. Feverston reviewed the following points of analysis:

1. The applicant states that the existing northern property line has an irregular configuration, with north/south shifts of 122 feet and 78 feet along its 1,123 foot length.
2. The applicant states that the existing Elder-Beerman store is built on the north property line with zero feet of setback.
3. The applicant states that the Kroger building encroaches into the required side yard setback for approximately 180 feet which represents only 16% of the length on the northern property line.
4. The applicant states that the proposed Marketplace Kroger is a part of a larger shopping center and this shopping center is a unified shopping center with shared access, circulation and parking.
5. This shopping center is owned by multiple owners. The Centerville Zoning Ordinances does not anticipate a shopping center having multiple owners as it applies to building setback. This inadequacy creates a practical difficulty for the property owner that is not created by the property owner.

Based on the above-stated analysis, staff recommended approval of the Variance for Side Yard Setback.

Mr. Clark opened the public hearing.

Mr. Jonathan Wocher, McBride, Dale Clarion, Inc., stated the requested variance for side yard setback is based on the location of the proposed building to be constructed on the site as it is situated against the north property line. He stated the irregular shaped lot with shifts on the northern boundary line does create circumstances and practical difficulty to comply with the site design standards contained in the Zoning Ordinance. Since the standards do not address multiple

owners in a shopping center development as it applies to building setback, it is generally anticipated the intent is to coordinate the design for the overall design of building access, parking and easements that have been in place for many years. He stated the requested 10 feet of building setback would actually increase the distance from the nearest building by 10 feet from the existing location of the Elder-Beerman building. Mr. Wocher stated the amount of setback has been minimized in working with staff over the last several months as much as possible.

Mr. Lyle Swan, 9290 Amchar Court, asked what would be done with the increased amount of space between the buildings.

Mr. Wocher stated the sidewalk to be located in front of the Kroger store would be transitioned to meet the sidewalk to the existing shopping center to the north and landscaping would be installed to work with the grading of the site.

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

Mr. Gammell agreed this situation of multiple owners in an overall shopping center development is not recognized in the City's standards and does create a practical difficulty for the owner of the lot in question. He stated he would be willing to approve a zero (0) lot line based on that situation and allow a 20 foot variance rather than the requested 10 foot variance.

Mr. Durham stated that in looking at the entire application submitted for the development, he felt the variance request for building setback was justified. He stated that standard was incorporated into the Zoning Ordinance to protect adjoining land owners for isolated businesses rather than shopping centers. Based on the parcel in question being integrated into the overall shopping center and, as suggested by Mr. Gammell, the 10 feet of extra space between the buildings only pushes the building further toward Sheehan Road making it more difficult for traffic circulation. Mr. Durham asked if the Planning could consider granting a zero (0) lot line variance to make the site work better.

Mr. Wocher stated a zero (0) setback line would give them more flexibility, if during final construction plan preparation, it would be determined more space was needed, however, the site layout has been designed based on the 10 foot setback. A zero (0) lot line variance would not be a problem as long as it would not be a requirement to construct the building in that fashion. He stated their intent is to construct the building with a 10 foot setback.

Mr. Briggs stated he felt based on the statements made by Mr. Wocher, the 10 foot setback should be maintained for the installation of landscaping since it has been designed in that fashion.

MOTION: Mr. Briggs moved to approve the Variance of a Side Yard Setback from 20 feet to 10 feet as requested for The Kroger Company for property located at 1095 South Main Street. Mr. Brunner seconded the motion. The motion was approved unanimously 6-0.

Parking/Paving Setback

Mr. Feverston stated the parking/paving setback applies to part of the north property line where parking, circulation and access currently crosses existing parking areas to the adjoining shopping center property to the north of the existing Elder-Beerman development.

Mr. Feverston reviewed the guidelines established to warrant a variance from the standards in the Zoning Ordinance stating that each of the 7 elements were favorable to grant the request.

Mr. Feverston reviewed the following points of analysis:

1. The applicant states that the existing northern property line has an irregular configuration, with north/south shifts of 122 feet and 78 feet along its 1,123 foot length.
2. The applicant stated the required parking and paving setback would create a hardship on the site due to the irregular shape of the northern property line.
3. The applicant states that constructing a landscape area that follows the property line would result in an impractical design and would interrupt the interior circulation and cross access between the properties. The current condition between the existing Elder-Beerman store and the shopping center contains pavement along the shared property line.
4. The applicant states that the proposed layout allows logical and safe vehicle cross-access between the sites, while meeting the general intent of the zoning code to provide landscape areas between properties. The proposed landscaping accomplishes the intent of the zoning code without creating a disruptive pattern that strict adherence to the zoning code provision would require.
5. The existing Elder-Beerman site is a part of a larger, unified shopping center having shared access, circulation and parking. The required setback creates a practical difficulty for the property owner.

Mr. Clark opened the public hearing.

Mr. Jonathan Wocher, McBride, Dale Clarion, Inc., stated they were requesting a zero (0) parking/paving setback line for the irregular shaped lot based on the same points as expressed in the previous variance request. If the strict requirements are applied, a landscape buffer would be required to follow the property line which would impact site circulation and would be contrary to creating a shopping center that is integrated together. He stated the same intent has been created with double rows of landscaping proposed in close proximity to the north property line. Mr. Wocher stated a little more than half of that property line does meet the setback standards, however, the irregular shaped lot makes it necessary for the variance requested. Further, shared parking easements are in place with the adjoining shopping center property.

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

Mr. Gammell stated he felt the parking/paving setback requirement creates a practical difficulty for multiple owners within a shopping center development and the flow of those parking areas.

Mr. Durham stated requiring 10 feet of landscaping would be contradictory of what the standards are trying to accomplish. In our ordinance, we are trying to accomplish dispersal of landscaping to be effective in the traffic patterns. Requiring this standard, would not keep in the spirit of the ordinance.

Mr. Palcher stated to make the development flow in an overall workable logic, the variance should be approved as requested.

MOTION: Mr. Briggs moved to approve the Variance of Parking/Paving Setback from 10 feet to zero (0) feet as requested for The Kroger Company for property located at 1095 South Main Street. Mr. Durham seconded the motion. The motion was approved unanimously 6-0.

#### The Kroger Company - Major Use Special Approval

Mr. Feverston reviewed the Major Use Special Approval application submitted for construction of a Kroger Marketplace and Fueling Center to be located at 1095 South Main Street which the existing Elder-Beerman store. The zoning on the 18.123 acre parcel is Business Planned Development, B-PD, on which a facility of this type is a permitted use. The B-PD zoning classification extends along South Main Street from the existing Fifth Third Bank south to Sheehan Road and abuts single-family residential to the west. The subject of this Major Use application is the manner in which the Kroger Marketplace use is placed on the property from the proximity of the building, access, circulation, traffic control, landscaping and bufferyards, and stormwater management. The proposed building will be approximately 135,000 sq. ft. with 2 entrances to the facility on the east elevation. A canopy structure will be located on the south elevation to accommodate the banking and pharmacy uses. The side and rear elevations will be constructed of brick to create 4-sided architecture. The base of the building will be a type of cultured stone or a split face block material, and the parapet edge will provide cohesiveness to the overall design and will wrap around the corner of the south elevation. On the northwest portion of the site, there will be some exposed foundation in the area of the loading docks. There will also be a fueling center on the site designed to emulate the architectural design of the main building using the same brick material for the customer service building and columns to support the canopy. The existing Grismer Tire facility will remain as it currently exists on the site.

The existing access points from South Main Street (SR 48) and Sheehan Road are to be maintained with the exception of the easternmost point along Sheehan Road which is to be shifted slightly to align with the driveway that extends behind the Heritage Realty building and buildings to the south. The relocation of this access point will help in accomplishing the internal frontage road to extend from Sheehan Road through the existing shopping center and terminate at the access road on the north side of Fifth Third Bank providing better defined traffic circulation.

The applicant has provided a traffic impact study for this development on the surrounding areas and how traffic patterns will shift fundamentally. To address the immediate impact of the Kroger Marketplace, the applicant is proposing to establish a dedicated left turn into the main entrance on Sheehan Road as well as the creation of a second turn lane from Sheehan Road onto northbound South Main Street (SR 48) to address vehicle stacking issues. The westernmost access drive along Sheehan Road will be used primarily for deliveries and utilization of the pharmacy and banking drive-thru windows.

The applicant is proposing the addition of mounding ranging to 8 feet in height in the back lawn area to help provide screening for the residential properties to the west of the development. There is a small detention basin in that area to help with stormwater management. There will be 3 detention areas along the front of the site. One of those detention areas has been relocated approximately 60 feet to the north of the fueling center as requested by the Planning Commission in a work session with the applicant. A large number of canopy and under-story trees will be installed to provide a visual barrier between the facility and the residences to help mitigate the impact of the development. The original proposed was to provide some sections of fencing between the gaps in the mounds, however, additional vegetation in those areas is now proposed and the mounding reworked to make them more tight. Further, landscaping around the building, in the public right-of-way, areas in the parking lot, and areas around the detention areas are included in the landscaping plan. The proposed lighting fixtures will be down-directed and will have sharp cutoff shields so the illumination will provide soft, subdued lighting necessary for deliveries and safety so customers can conveniently get to their vehicles during evening hours.

Mr. Feverston reviewed some of the goals contained in the Create the Vision Community Plan from the Land Use Chapter, Economic Development Chapter, and the Transportation Chapter. The major points were:

- Redevelopment is preferred over infill or greenfield development,
- Economic health of the community will be strengthened,
- Appearance of roadways and the public realm will be balanced with efforts to increase capacity,
- Preserve the economic base of the community,
- Reduce traffic congestion and improve traffic flow,
- Improve traffic safety.

Staff recommended approval of the Major Use Special Approval subject to the following conditions:

1. The final design and alignment of all intersections onto State Route 48 and Sheehan Road shall be subject to approval by the City Engineer.
2. The parking lot, access drives and all internal landscape islands shall have a raised curb subject to approval by the City Engineer.

3. The landscape channelizing island located at the northeast corner of the Sheehan Road and the proposed frontage road shall be extended north to provide adequate stacking along the frontage road and reducing the width of the access to Grismer Tire to having a minimum length of 40 feet subject to approval by the City Engineer.
4. The proposed fueling center shall be shifted approximately 60 feet south.
5. A mountable curb shall be installed along frontage road adjacent to the fueling center subject to approval by the City Engineer.
6. Fire Department access shall be established along the front, south side and rear of the Marketplace building.
7. A final landscape and bufferyard plan shall be subject to approval by the City Planner to include the establishment of a landscape island at the southwest corner of the building, replace proposed wooden fence in bufferyard landscaping with evergreen trees, and the establishment of an earthen mound, averaging 3 feet in height, be placed in front of the fuel center.
8. A final exterior lighting plan shall be subject to approval by the City Planner.
9. A final grading and stormwater draining plan shall be subject to approval by the city Engineering Department for the proposed development showing drainage calculations incorporating retention and/or detention and erosion control during construction in accordance with the City Stormwater Drainage Control Ordinance.
10. 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 flat roof on the proposed marketplace building, false mansard on the fueling center canopy and the metal back of the pediments located along at the main entrances to the building.
11. The architectural cap of the building shall extend around to the rear of the building terminating at the northwest corner of the truck dock subject to approval by the City Planner.
12. The building elevation facing Sheehan Road shall be modified to provide a visual pattern of windows using relief in the masonry subject to approval by the City Planner.
13. A brick curtain wall matching the materials and color of the Marketplace building shall be constructed along the west elevation to both loading docks subject to approval by the City Planner.

14. All rooftop mechanicals shall be shielded from view subject to approval by the City Planner.
15. The fueling center design shall be modified to include an architectural base, redesign the canopy fascia to emulate the Marketplace building including color of the metal roof subject to approval by the City Planner.

Mr. Clark asked Mr. Sliemers about the extension of the Sheehan Road widening to the westernmost curb cut for the site to serve left turns to the canopy service areas.

Mr. Sliemers stated that is something the City will evaluate for the future widening of Sheehan Road, however, at this time they anticipate the traffic accessing into the development will be minimal. He stated the traffic study has indicated a 3 lane profile at that location is not necessary at this time.

Mr. Clark disagreed based on the traffic circulation most likely will change to use Sheehan Road rather than Spring Valley Road from the west.

Mr. Sliemers stated if that situation did become an issue, the City would take of that improvement.

Mr. Clark opened the public hearing.

Mr. Jonathan Wocher, McBride, Dale Clarion, Inc., was present for the review of the Major Use application. He stated they continue to work with staff to provide the modifications to the plan addressing many of the issues as stated in the staff recommendations. He stated raised curbs will be provided through the site, modifications to the existing driveway for Grismer Tire will create a more defined access with the removal of 7 parking spaces still maintaining the parking requirement for the development. The fueling center has been shifted to the south providing additional stacking spaces. The request by the Washington Township Fire Department for the establishment of 18 feet of width to provide appropriate spacing between the canopy and the edge of pavement. Mr. Wocher stated architectural modifications have been made to the design making the public viewing areas of the building the same in appearance. He stated the only staff recommendation they would like the members to reconsider is Condition #13 requiring a curtain wall along the west elevation of the building. He stated the docks have been located on the north elevation which reduces the impact on the residents to the south and west. The addition of curtain walls will increase the traffic pattern and maneuverability around the dock area. He stated with the orientation of the dock and the enhanced buffer, they felt the curtain wall is not necessary.

Mr. Durham asked how long staff wanted the curtain walls.

Mr. Feverston stated the curtain walls should be about 40 feet in length which is the approximate length of a semi-truck.



Mr. Durham suggested a wall be constructed approximately 10 to 15 feet in length to block the unloading process rather than the whole dock.

Mr. Wocher stated he would discuss that possibility with his team in order to assure the property maneuverability could occur.

Mr. Palcher stated his concern was the sound be abated as much as possible to the residences to the rear of the development.

Mr. Gammell stated the length of the curtain wall will have to be determined by staff.

Mr. Lyle Swan, 9290 Amchar Court, stated he appreciated the flow of the internal road the applicant had created to serve the entire shopping center. He asked who would be responsible for the upkeep of the buffer area abutting the residential properties and who should be notified if that maintenance did not occur.

Mr. Feverston stated the property owners and/or the Kroger Company would be responsible for the maintenance of the property. He stated the City has a Property Maintenance Ordinance that would contact the agencies to correct maintenance issues should they occur.

Mr. Swan asked if the City would restrict noise in terms of the hours deliveries to the store as even though with the buffer zone, delivery trucks, back-up alarms, idling, waste removal, etc., will affect the adjoining neighborhood.

Mr. Feverston stated the Zoning Ordinance does have regulations for noise levels that can not be exceeded from commercial properties onto residential properties. He stated at this time there has not been any discussion with the applicant concerning the restrictions of delivery times.

Mr. Swan stated the noise levels are of great concern to the residents and asked those delivery restrictions be considered by the City. He asked the distance between the new building wall and the buffer area.

Mr. Wocher stated that distance is approximately 80 feet.

Mr. Swan asked where the dumpsters would be located on the property.

Mr. Wocher stated the facility will have a trash compactor system so no dumpster will be needed.

Mr. Swan suggested the curtain wall be reduced in size as the 40 foot wall would create an echo effect from the tunnel-like feature.

Ms. Christy Snelling, Kroger Real Estate Department, stated she was unaware of the delivery hours to the store. She stated the hours would be designated mainly for day hours rather than night hours.

Mr. Steve Perez, 9416 Bonnie Anne, stated his concern was the reduction in the setback of the existing building from approximately 320 feet to 180 feet for the new building which will have a more intense use and create more noise as the largest Kroger store of its kind in the State. He stated this store will be a 24/7 operation and if delivery times are not established by the City, those times will be whenever they want to deliver affecting the neighboring residential area. Mr. Perez stated a concern is with the potential cut-through traffic in there neighborhood should a good traffic flow not be created along Sheehan Road. A small amount of cut-through traffic already exists, however, the expansion of the development on the site will create more opportunity if the road improvements do not accommodate the use.

Mr. Clark stated during their earlier Work Sessions, the Planning Commission devoted a lot of time discussing the amount of mounding, trees, landscaping, etc., the members wanted to be installed. He stated it will take a couple of years for it to become mature, however, they felt it should minimize the impact of the project to the residents from the first day of operation.

Mr. Durham stated the members are working with the standards in the Zoning Ordinance and maximizing them to their full intent. He stated there is actually more of a building setback being provided by the developer than is required. The landscaping will be intense to screen the use from the neighborhood as much as possible.

Mr. Wocher stated he wanted reassure Mr. Perez they are not reducing the amount of buffer area on the west side of the project.

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

Mr. Clark stated the rear building wall with the exception of the southwest corner of the building had no other architectural elements of articulation.

Mr. Wocher stated that part of the what the elevations do not show but is shown on the site plan, is the loading docks are offset and the foundation material has been continued around the building. He stated the roof line from the loading dock could be carried around to break up the facade a little more.

Mr. Clark suggested the fueling center be modified to have double pumps in order to decrease the width of the canopy along South Main Street (SR 48) and increase the depth. The building could then be turned with installation of the pumps away from the street and screening could buffer those areas completely from the street to make it more compact and accessible.

Mr. Wocher stated they felt their plan was accessible. He stated the reason the fueling center was an in-line design rather than a stacked design was based on the configuration of the site, the need for a parking field in front of the store, and the City's requirement for the access ring road to be continued through the site.

Mr. Durham stated based on the requirement of the access ring road, he felt the applicant is limited on the site configuration. He agreed he did not like the length of the canopy along South Main Street (SR 48), however, it is a trade off he was willing to make.

Mr. Durham asked Mr. Wocher if he had the opportunity to discuss with his team regarding the curtain wall.

Mr. Wocher stated their request is to modify that condition to require the applicant work with staff to provide adequate screening and buffering to be constructed along the west elevation to both loading docks subject to staff approval, therefore, leaving the flexibility that could mean fencing, short walls, or other design elements.

Mr. Durham stated the majority of the members would want the wall to be constructed of brick. He stated he would be comfortable in requiring brick "screening walls" to be approved by staff.

MOTION: Mr. Durham moved to recommend approval of the Major Use Special Approval application submitted for the Kroger Marketplace to be located at 1095 South Main Street to Council subject to the following conditions:

1. The final design and alignment of all intersections onto State Route 48 and Sheehan Road shall be subject to approval by the City Engineer.
2. The parking lot, access drives and all internal landscape islands shall have a raised curb subject to approval by the City Engineer.
3. The landscape channelizing island located at the northeast corner of the Sheehan Road and the proposed frontage road shall be extended north to provide adequate stacking along the frontage road and reducing the width of the access to Grismer Tire to having a minimum length of 40 feet subject to approval by the City Engineer.
4. The proposed fueling center shall be shifted approximately 60 feet south.
5. A mountable curb shall be installed along frontage road adjacent to the fueling center subject to approval by the City Engineer.
6. Fire Department access shall be established along the front, south side and rear of the Marketplace building.
7. A final landscape and bufferyard plan shall be subject to approval by the City Planner to include the establishment of a landscape island at the southwest corner of the building, replace proposed wooden fence in bufferyard landscaping with evergreen trees, and the establishment of an earthen mound, averaging 3 feet in height, be placed in front of the fuel center.
8. A final exterior lighting plan shall be subject to approval by the City Planner.

9. A final grading and stormwater draining plan shall be subject to approval by the city Engineering Department for the proposed development showing drainage calculations incorporating retention and/or detention and erosion control during construction in accordance with the City Stormwater Drainage Control Ordinance.
10. 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 flat roof on the proposed marketplace building, false mansard on the fueling center canopy and the metal back of the pediments located along at the main entrances to the building.
11. The architectural cap of the building shall extend around to the rear of the building terminating at the northwest corner of the truck dock subject to approval by the City Planner.
12. The building elevation facing Sheehan Road shall be modified to provide a visual pattern of windows using relief in the masonry subject to approval by the City Planner.
13. Brick screening walls matching the materials and color of the Marketplace building shall be constructed along the west elevation to both loading docks subject to approval by the City Planner.
14. All rooftop mechanicals shall be shielded from view subject to approval by the City Planner.
15. The fueling center design shall be modified to include an architectural base, redesign the canopy fascia to emulate the Marketplace building including color of the metal roof subject to approval by the City Planner.
16. No signage is approved as part of this Major Use Special Approval application.

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

#### NEW BUSINESS

##### Centerville Kroger Plat - Record Plan

Mr. Feverston reviewed the Record Plan submitted for Centerville Kroger Plat located on the northwest corner of South Main Street (SR 48) and Sheehan Road. The request is to create one (1) lot on the 18.123 acre parcel in order to designate the public right-of-way and utility easements for the Kroger Plat itself. Currently, there is a 20 foot right-of-way along Sheehan Road. An additional 15 feet as a result of this record plan will increase the right-of-way to 35 feet which will provide for the initial improvements for the Kroger Marketplace as well as right-of-way for the future widening of Sheehan Road to its recommended thoroughfare configuration. Approximately 5 feet of right-of-way will be also be dedicated along South Main Street (SR 48).

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

1. The property owner shall enter into a license agreement with the City to allow Grismer Tire temporary use of the Sheehan Road public right-of-way for vehicle parking and access subject to approval by the City Attorney.
2. The proposed public right-of-way dedication for Sheehan Road shall be increased to 45 feet in width from centerline between South Main street and the first driveway into the Kroger Marketplace.
3. 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 Engineer and a subdivider's agreement entered into with the City by the developer.
4. The applicant shall provide review and inspection fees in the amount subject to approval by the City Engineer.
5. Sheehan Road shall be improved to include a new 12 foot wide lane of pavement, curb, gutter, stormsewer, and an 8 foot wide hiker/biker path. In lieu of constructing these improvements, the applicant may place an amount of money in escrow with the City approved by the City Engineer to be used for the future improvement of Sheehan Road. The City Engineer may require the developer to make temporary improvements to Sheehan Road, which at this time is expected to include a second left turn from Sheehan Road to South Main Street and a left turn lane into the Kroger Marketplace from Sheehan Road. The estimated cost of any temporary improvements shall be subtracted from the required escrow amount.

Mr. Brunner asked if the length of the 12 foot wide lane of pavement would be based on Mr. Clark's concern of left turn movement from Sheehan Road.

Mr. Feverston stated the subdivision regulations normally the developer is obligated to provide a full width improvement along the entire frontage of Sheehan Road that is an equivalent of a single 12 foot lane of pavement, curb, gutter, stormsewer, and sidewalk. In the case of this proposal, there are several vertical curb issues along Sheehan Road where intense re-grading will be required. Should the City require the developer to make that improvement as this time, it will only be removed at the time the thoroughfare improvements are made to Sheehan Road.

MOTION: Mr. Durham moved to recommend approval of the Record Plan for Centerville Kroger Plat located on the northwest corner of South main Street (SR 48) and Sheehan Road to Council subject to the following conditions:

1. The property owner shall enter into a license agreement with the City to allow Grismer Tire temporary use of the Sheehan Road public right-of-way for vehicle parking and access subject to approval by the City Attorney.

2. The proposed public right-of-way dedication for Sheehan Road shall be increased to 45 feet in width from centerline between South Main street and the first driveway into the Kroger Marketplace.
3. 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 Engineer and a subdivider's agreement entered into with the City by the developer.
4. The applicant shall provide review and inspection fees in the amount subject to approval by the City Engineer.
5. Sheehan Road shall be improved to include a new 12 foot wide lane of pavement, curb, gutter, stormsewer, and an 8 foot wide hiker/biker path. In lieu of constructing these improvements, the applicant may place an amount of money in escrow with the City approved by the City Engineer to be used for the future improvement of Sheehan Road. The City Engineer may require the developer to make temporary improvements to Sheehan Road, which at this time is expected to include a second left turn from Sheehan Road to South Main Street and a left turn lane into the Kroger Marketplace from Sheehan Road. The estimated cost of any temporary improvements shall be subtracted from the required escrow amount.

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

There being no further business, the meeting was adjourned.

*Paul Clark*