

CENTERVILLE PLANNING COMMISSION

Regular Meeting

Tuesday, February 27, 2007

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

Attendance: Mr. Paul Clark, Chairman; Mr. Jim Briggs; Mr. Jim Brunner; Mr. Jeff Gammell; Mr. Mark Leonard; Mr. Jim Durham.. Absent: Mrs. Carolyn Meininger. Also present: Mr. Steve Feverston, City Planner; Mr. Ryan Lee, Planner; Mr. Scott Liberman, City Attorney; Mr. Doug Spitler, City Engineer.

Motion to Excuse:

MOTION: Mr. Briggs moved to excuse Mrs. Meininger from the meeting as she gave prior notice to the Planning Department. Mr. Brunner seconded the motion. The motion was approved unanimously 6-0.

Approval of Minutes:

MOTION: Mr. Briggs moved to approve the Planning Commission minutes of the January 30, 2007, as written. Mr. Brunner seconded the motion. The motion was approved unanimously 6-0.

PUBLIC HEARINGS

Bethany Lutheran Village - Variance of Building Height

Mr. Feverston reviewed the Variance application submitted by GraceWorks Lutheran Services for Bethany Lutheran Village, 6451 Far Hills Avenue, requesting an additional 5.5 feet of building height for a building expansion. The existing building height of 49.5 feet for the independent living building was granted a Variance by the Planning Commission in 1989. The zoning on the retirement community is Residential Planned Development, R-PD.

The applicant has demonstrated the requested building height would be required in order to provide the appropriate roof pitch to the expansion of the independent living building.

Staff felt the property is unique topographically. There exists a steep hillside that is roughly centered on the property where the central portion of the development should be located. The Zoning Ordinance measures building height as the vertical distance of a building measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the roof. In areas where there exists a steep hillside, the Zoning Ordinance does create practical difficulties with regard to building height.

In the City's Comprehensive Plan, Create the Vision, the following principles were adopted that apply to this request:

1. Redevelopment and infill development is preferred over greenfield development.
2. Open space throughout the community will be conserved.
3. New development and redevelopment will strengthen the sense of place.
4. New residential development will create places with strong neighborhood qualities.
5. Mature neighborhoods will be stabilized and improved.

6. Integrated, mixed uses and greater intensity of development will be encouraged in redevelopment areas.
7. Pedestrian experiences will be enhanced in existing and developing areas.
8. Development patterns will encourage community gathering.

The Comprehensive Plan also encourage a higher intensity of development in strategic places within the City to implement the above-stated principles. The GraceWorks Campus is such an area. The size of the campus, its location in the community, land uses both existing and proposed, and the existing building forms all contribute towards permitting a higher buildable density for the GraceWorks Campus. Increasing the building height of selected buildings accomplishes these goals as stated and encouraged in the Create the Vision Comprehensive Plan.

The City is in the process of rewriting its Zoning Ordinance and other land use regulations into a Unified Development Ordinance (UDO). A final draft is not yet complete. The proposed UDO will provide the option for increased building height (5 stories for a multi-family building) provided that improvements such as preservation of open space on the property, the establishment of civic spaces, providing a compact design for development, and the establishment of a community center are created.

The current Zoning Ordinance, adopted in 1986, does not effectively implement the goals of the Create the Vision Comprehensive Plan adopted by City Council in 2004.

Based on the overall analysis of the request, staff recommended approval of the application.

Mr. Clark opened the public hearing.

Mr. Mike Wildermuth, DHPY Architects and representing the applicant, stated he was available to answer any questions of the members.

The members felt their questions had been answered during the Work Session prior to the meeting.

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

MOTION: Mr. Briggs moved to approve the Variance application submitted by GraceWorks Lutheran Services to allow a building height not to exceed 55 feet on the independent living building located in the Bethany Lutheran Village campus, 6451 Far Hills Avenue, as requested. Mr. Leonard seconded the motion. The motion was approved unanimously 6-0.

Centerville United Methodist Church - Variance of Internal Illumination, Changeable Copy, and Sign Area.

Mr. Feverston reviewed the Variance application submitted for Centerville United Methodist Church located at 63 East Franklin Street in the Architectural Preservation District (APD). The applicant is requesting three (3) variances which include internal illumination, changeable copy, and sign area.

The standards for signs located within the APD do not permit internal illumination of a sign or a sign with changeable copy. Further, the applicant is seeking sign area of 32 square feet per side for a total of 64 square feet. The standard in the Sign Ordinance allows 16 square feet of sign area per side and 32 square feet of total sign area.

Mr. Feverston stated the applicant cited in their request that an internally illuminated sign and a changeable copy sign is harmonious with the general purpose and intent of the Zoning Ordinance and will not confer to the applicant special privileges that are denied other property owners in the APD. Presently, there are a few internally illuminated signs, all of which are legally non-conforming signs and installed prior to the establishment of the APD. He stated there are three (3) existing changeable copy signs in the APD, two (2) of which are legally non-conforming and the third sign for Speedway was approved by variance to allow for a single panel for gas pricing. The applicant references the sign for Magsig Middle School as an argument supporting their variance requests. Magsig Middle School is not in the APD and, therefore, not subject to the same sign standards as the Church. Further, the applicant has stated the three (3) foot high retaining wall adjacent to the sidewalk and in front of the sign makes it difficult for citizens and government to find the Church. There are several other properties in the APD that have a retaining wall along the street edge or slope upwards from the street. A sign slightly above traffic is generally considered to be an advantage for the placement of signs. The height of the existing ground sign measures approximately four (4) feet above the average grade. The maximum permitted height for a ground sign in the APD is six (6) feet. Mr. Feverston stated the applicant made no argument to support the variance requested for larger sign area.

Based on the overall analysis of the request, staff recommended all three (3) requests for variance be denied.

Mr. Clark opened the public hearing.

Ms. Jane Fehr, Sign Connection and representing the applicant, stated they understood that the three (3) variances requested are not standards contained in the City's APD, however some cities recognize a church as an exception as it is not a business for monetary gain. The Church simply wants to promote the establishment of community harmony of what they are doing. The Church is working to upgrade the existing sign by drawing attention to it with the same elements currently being used by the existing sign. She stated the existing sign is internally illuminated and there are other signs within the APD that are internally illuminated including The Medicine Shop, US Bank, Car Quest, Metropolitan Cleaners, etc. Even though they were installed prior to the current Zoning Ordinance standards, they appear to be in good shape and will last for many years. Ms. Fehr stated the existing sign has changeable copy as it is changed twice yearly to reflect the times of church services. Changeable copy is more of an effort to promote the events at the Church and not advertising, and have the appearance more aesthetically pleasing than handmade temporary signs. She stated the existing sign exceeds the current sign area standards so increasing the sign area further will not change that aspect, but simply create an improvement. The existing grade of the property along with the retaining wall creates a need for a larger sign so it is easily read by passing traffic. She stated the Church actually is situated on five (5) parcels of land which should be considered to allow a larger sign for the site. Ms. Fehr stated they disagree with staff's analysis of the variance requests. She stated that many people have

indicated although they have lived in the area for many years, they were not aware a church was at that location so granting a variance is necessary for the reasonable use of the property by the Church. A larger would help with the flow of traffic and, therefore, aid in the public safety. She stated they spoke with the owners of Momentum and Cottage 68 located across the street from the Church and they both indicated their support for the request. Ms. Fehr stated the proposed sign would be constructed with a stone base to complement the Church architecture. She stated that based on the improvements being done in the APD, they wish to be a part of that enhancement.

Mr. Russ Sweetman, owner of Mid-American Building Corporation located at 48 East Franklin Street, stated that as a former Councilmember responsible for writing the APD Ordinance, it was his feeling the District had done very well over the past 35 years with its specific zoning standards. He stated he did not even know if the Church requested the sign or if was simply the sign company trying to make a sale. He stated he understood the Church's plight as people are leaving the inner city churches for the bigger mega-style churches, however, a sign as proposed would only deter from the APD and not increase the membership of the Church. He agreed with staff's recommendation and requested the Planning Commission deny the request.

Mr. Matt Mueller, trustee member of the Church, stated the entire membership approved the sign improvement prior to contacting the Sign Connection for assistance. He stated they are a non-profit organization that has operated from the existing site for over 200 years. He stated the property measures over 200 yards in length along East Franklin Street which should permit them to have a larger sign area than other smaller properties in the APD. The Magsig Middle School sign has a sign like the one they are requesting and its appearance is very good with the older historic building. Even though the school sign is not located in the APD, it is located directly across the street from properties in the APD. Mr. Mueller stated that even though that sign is not in the APD, people passing through the District do not know the difference, it is appealing and sensitive to the building style. He stated that the slides presented by staff were taken with someone standing which is a different look than one has when sitting in a car. He stated that he did not know if the intent of the regulations in the APD was to have the same regulations for a church use, but the size and use of their parcel should be considered as a reason to approve their request.

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

Mr. Brunner stated he was unaware the existing sign was internally illuminated.

Ms. Fehr stated the existing sign has florescent lamps that are inside the framing of the sign under the green cover.

Mr. Durham stated that would not be considered internally illuminated.

Mr. Briggs asked if the existing sign had space for changeable copy.

Ms. Fehr stated the sign face is changed twice a year to reflect the church service times.

Mr. Durham stated that in reviewing the three (3) variance requests, this property in the APD is a unique property as it does have considerable frontage along East Franklin Street, however, it is apparent that in looking at the building it is a church use. He stated he felt the rise in the grade helped the view of the sign. There is no argument to support the granting of a variance. The Council in approving the Zoning Ordinance has prohibited internally illuminated signs. Under Ohio law, existing internally illuminated signs cannot be forced out of existence. Mr. Durham stated that Council had told the Planning Commission they do not want internally illuminated signs in the APD by the regulations they are directed to enforce. Mr. Durham stated there is no justification to approve the variance request.

The other members agreed stating they felt internally illuminated signs within the APD were inappropriate.

MOTION: Mr. Durham moved to deny the three (3) variances included in the Variance application submitted by Centerville United Methodist Church, 63 East Franklin Street. Mr. Brunner seconded the motion. The motion was approved unanimously 6-0.

Mr. Feverston explained the appeal process to the representative of the Church.

Sugarcreek Crossing - Rezoning to Centerville B-PD

Mr. Feverston reviewed the Rezoning application submitted by the City of Centerville requesting the rezoning of Sugarcreek Crossing situated at the southeast corner of Wilmington-Dayton Pike and Feedwire Road. The 11.8 acre parcel is currently zoned Sugarcreek Township B-2, Neighborhood Shopping District, and the request is to rezone it to Centerville B-PD, Business Planned Development. The purpose of the request is to designate the property with an appropriate Centerville zoning designation now that it has been annexed to the City.

The adjacent land uses include undeveloped land to the north; retail (Target) to the east; retail (Home Depot) to the south; and, retail to the west. The general goals, objectives and principles of the Centerville Comprehensive Plan, Create the Vision, supports the proposed rezoning.

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

MOTION: Mr. Durham moved to recommend approval of the rezoning application submitted by Sugarcreek Crossing located south of Feedwire Road and east of Wilmington Pike from Sugarcreek Township B-2, Neighborhood Shopping District, to Centerville Business Planned Development, B-PD, to Council as requested. Mr. Gammell seconded the motion. The motion was approved unanimously 6-0.

UNFINISHED BUSINESSCounty Down Village - Planning Commission Special Approval

Mr. Feverston stated correspondence had been received from Craig Crosley concerning the proposed County Down Village development and the status of the project as it relates to the City of Bellbrook. His request is to leave Special Approval application on the table until the details of the project can be determined.

Bethany Lutheran Village - Approval of Building Architecture

MOTION: Mr. Durham moved to remove Bethany Lutheran Village project concerning Building Architecture from the table. Mr. Brunner seconded the motion. The motion was approved unanimously 6-0.

As discussed in the Work Session prior to the meeting, the 3-story Independent Living apartment building will be constructed above the parking garage. It will have 4-sided architecture constructed of 70% brick material and 30% asphalt shingles with standing seam metal accents at the corners of the building to add interest. The Village Center building will be constructed of 80% brick and 20% stucco. The memory building will be constructed of 25% brick and 75% stucco with architectural banding to establish a relationship with the grade of the property. The existing tower will incorporate inset panels with accents at the top and base of the building to utilize the different building materials utilized in the project.

Mr. Durham stated he remained concerned with the starkness of the wall of the parking garage and since that building will be at the gateway of the project, felt it should have more of a residential character. He requested the architecture of the parking garage and the independent living building come back to the members for review of revised architecture plans.

MOTION: Mr. Durham moved to approve the architecture for the Bethany Lutheran Village project with the stipulation that the exterior of the parking garage and the independent living building will return to the Planning Commission for specific approval. Mr. Briggs seconded the motion. The motion was approved unanimously 6-0.

NEW BUSINESSCenterville Mall - Record Plan

Mr. Feverston reviewed the Record Plan submitted for Centerville Mall located east of South Main Street (SR 48) and north of East Spring Valley Road. The zoning on the 8.4993 acre parcel is B-2, General Business. The purpose of the Record Plan is to subdivide the existing shopping center to create a 0.5238 acre outlot as Lot 2.

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

1. A covenant shall be placed on the Record Plan that prevents the independent sale of either lot unless specifically approved by the City and subject to approval by the City Attorney or additional parking necessary to meet the minimum parking requirement for 'Lot 1' and the required parking and paving setbacks shall be constructed subject to approval by the City.
2. A covenant or easement shall be placed on the Record Plan that provides shared access and parking between 'Lot 1' and 'Lot 2' subject to approval by the City Attorney.
3. A covenant shall be placed on the Record Plan for 'Lot 2" that prohibits direct vehicular access onto State Route 48 subject to approval by the City Attorney.

MOTION: Mr. Durham moved to recommend approval of the Record Plan for Centerville Mall located north of East Spring Valley Road and east of South Main Street to Council subject to the following conditions:

1. A covenant shall be placed on the Record Plan that prevents the independent sale of either lot unless specifically approved by the City and subject to approval by the City Attorney or additional parking necessary to meet the minimum parking requirement for 'Lot 1' and the required parking and paving setbacks shall be constructed subject to approval by the City.
2. A covenant or easement shall be placed on the Record Plan that provides shared access and parking between 'Lot 1' and 'Lot 2' subject to approval by the City Attorney.
3. A covenant shall be placed on the Record Plan for 'Lot 2" that prohibits direct vehicular access onto State Route 48 subject to approval by the City Attorney.

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

LA Tan, Section 1 - Record Plan

Mr. Feverston reviewed the Record Plan submitted for LA Tan, Section 1, located at 255 West Franklin Street. The zoning on the 1.5238 acre parcel is Architectural Preservation District. The purpose of the Record Plan is to consolidate two existing lots into 'Lot 1", dedicate public right-of-way along Normandy Lane, provide public improvements to Normandy Lane, and provide a joint access easement.

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

1. Final design of the public sidewalk at the corner of Normandy Lane and West Franklin Street shall be subject to approval by the City of Centerville.

2. A covenant shall be placed on the Record Plan that provides shared parking between 'Lot 1' and 'Lot 2' subject to approval by the City Attorney.
3. A covenant shall be placed on the Record Plan that prohibits direct vehicular access from 'Lot 1' onto West Franklin Street subject to approval by the City Attorney.
4. In lieu of completion of the required improvements prior to the recording of the plat, a performance bond in an amount acceptable to the City Engineer shall be posted by the developer with the City of Centerville and a subdivider's agreement entered into with the City by the developer.

Mr. Clark expressed concern with possible cut-through traffic between West Franklin Street and Normandy Lane.

Mr. Feverston stated cut-through traffic should not be an issue as it would not benefit vehicular traffic to bypass the intersection.

MOTION: Mr. Gammell moved to recommend approval of the Record Plan for LA Tan, Sec. 1, located at 255 West Franklin Street, to Council subject to the following conditions:

1. Final design of the public sidewalk at the corner of Normandy Lane and West Franklin Street shall be subject to approval by the City of Centerville.
2. A covenant shall be placed on the Record Plan that provides shared parking between 'Lot 1' and 'Lot 2' subject to approval by the City Attorney.
3. A covenant shall be placed on the Record Plan that prohibits direct vehicular access from 'Lot 1' onto West Franklin Street subject to approval by the City Attorney.
4. In lieu of completion of the required improvements prior to the recording of the plat, a performance bond in an amount acceptable to the City Engineer shall be posted by the developer with the City of Centerville and a subdivider's agreement entered into with the City by the developer.

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

OTHER NEW BUSINESS

Mr. Gammell was appointed by the members to serve as Vice-Chairman of the Planning Commission for the current year.

There being no further business, the meeting was adjourned.

