

CENTERVILLE PLANNING COMMISSION

Regular Meeting

Tuesday, September 26, 2006

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

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

Motion to Excuse:

MOTION: Mr. Durham moved to excuse Mr. Clark and Mr. Briggs from the meeting as both had given prior notice to staff. Mr. Brunner seconded the motion. The motion was approved unanimously 5-0.

Approval of Minutes:

MOTION: Mr. Leonard moved to approve the Planning Commission Meeting minutes of August 29, 2006, with the following correction; page two, seventh paragraph; the word 'kink' shall be changed to read as 'kind'. Mr. Gammell seconded the motion. The motion was approved unanimously 5-0.

PUBLIC HEARINGS

Mrs. Diana Hodges- Variance of Side Yard Setback Requirement

Mr. Feverston referenced a letter to the Planning Commission from the applicant requesting that the Side Yard Setback Variance request for 2142 Pelwood Drive be tabled until the October meeting date.

Mr. Durham opened the public hearing.

MOTION: Mrs. Meininger moved to table the Variance request for a side yard building setback requirement submitted by Diana Hodges, 2142 Pelwood Drive. Mr. Leonard seconded the motion. The motion was approved unanimously 5-0.

City of Centerville- Rezoning from Sugarcreek Township PD-MU to Centerville R-PD and B-PD

Mr. Feverston reviewed the application for the City initiated rezoning of 156.957 acres, commonly referred to as the Dille Property. Annexation of these territories was approved by Greene County into the City of Centerville. Mr. Feverston explained that the City's Zoning Code requires that the City diligently proceed with amending the Zoning Ordinance to assign a City zoning district for newly annexed land. Additionally, Mr. Feverston explained that the City must now begin the process of modifying its Comprehensive Plan, Create the Vision, to help guide the future development of these

areas. The general goals, objectives and principles do apply to lands annexed to the City. Based upon the goals, objectives and principles, the comprehensive plan does support the proposed rezoning. The current zoning on the property, as set forth by the owner, is Sugar creek Township PD-MU, Planned Multi-Use District. The requested zoning is proposed to be classified as 120.904 acres to B-PD, Business Planned Development, and 36.053 acres to R-PD, Residential Planned Development. Mr. Feverston stated that the rezoning that is before the Planning Commission is not a final approval, but rather a recommendation of action to the Centerville City Council. Mr. Feverston explained the roles and responsibilities of the Planning Commission and City Council through the approval process. He stated that the surrounding land uses are made up of the Rollandia Golf Course and single family residential to the North, agricultural land and Interstate 675 to the East, a regional shopping center and vacant commercial land to the South, and single-family residential, church, and retail uses to the West. The proposed planned development zoning districts would provide additional buffering requirements to surrounding land-uses than that of traditional zoning districts. Mr. Feverston referenced the permitted uses for both the existing land uses as well as those zoning districts being proposed.

The following points were included in the staff analysis:

1. Physical Characteristics

The 157 acre parcel is made up of two large parcels and several smaller parcels. This land is under single ownership and prime for development with the necessary zoning and infrastructure in place to allow a major retail, residential, and mixed-use center. The 157-acre Study Area is primarily undeveloped and farmland and contains a large stand of trees adjacent to Wilmington Pike. Two houses and farm buildings are situated on the property. Adjacent land uses include regional shopping, commercial, residential and recreational uses.

2. Transportation

The entire 157 acre parcel has approximately 2,600 feet of frontage on Wilmington Pike to the west, 2,385 feet of frontage on Feedwire Road to the south, 2,430 feet of frontage along Brown Road to the north and 2,600 feet of frontage along I-675.

3. Comprehensive Plan

Annexation of these territories was approved by Greene County into the City of Centerville. The City must now begin the process of modifying its Comprehensive Plan, Create the Vision, to help guide the future development of these areas. The general goals, objectives and principles of the current Comprehensive Plan, Create the Vision, do apply to lands annexed to the City. Based upon the goals, objectives and principles, the comprehensive plan does support the proposed rezoning.

Based on that analysis, staff recommended approval of the rezoning request.

Mr. Durham opened the public hearing.

Mr. Scott Philips, of Frost, Brown, Todd LLC, representing Sugarcreek Township, stated that he is in opposition of the rezoning due to the land not being within the City's jurisdiction and, therefore, the City can only take an advisory role.

Mr. Durham asked Mr. Liberman, City Attorney, whether the City has the right to hear the rezoning that is before the Planning Commission.

Mr. Liberman first stated that the City of Centerville, a Charter City, has the ability to act and enforce its ordinance. With that in mind, Mr. Liberman stated that an action to rezone the property is ultimately an action of City Council. He also stated that the Planning Commission's role is to be a recommending body to Council, which is an advisory function. Therefore, tonight's action did not have the effect of rezoning property that was not yet accepted into the City. As such, there was not a jurisdiction issue.

Mr. Durham stated that Council has no intention of rezoning this property prior to the annexation being accepted by the City. He then asked the City Attorney if, in his opinion, the Commission would be able to make a recommendation to Council on the rezoning.

Mr. Liberman stated that there is no reason that the Planning Commission would not be able to make a recommendation on the rezoning.

Mr. Barry Tiffany, Sugarcreek Township Administrator, stated his opposition to the rezoning due to there being no development plan attached to the rezoning, the existing zoning classification being mislabeled, and the amount of residential land being rezoned.

Mr. Durham closed the public hearing.

Mr. Liberman stated that he could not comment on the accuracy of existing zoning of the property, however, such classification did not have an effect on tonight's action. In accordance with the City's Ordinance, newly annexed property is to take the zoning that the property had in the Township. However, it is not up to the City at this time to make any conclusions as to what the zoning currently is, especially, when the City has initiated the action to have the property rezoned. When this land is annexed, the City is to initiate zoning consistent with its own zoning classifications.

Mr. Horn stated that the proposed zoning districts will provide buffering and separation of the different land uses as the proposed zonings are planned development. He then explained that development plans would be reviewed separate from the zoning, and that it is not the practice of the City to review development plans until the zoning has been determined.

Mrs. Meininger asked why the recommendation for rezoning is before them this evening.

Mr. Horn explained that the annexation and rezoning process is operating in a parallel time frame.

Mr. Feverston stated that the existing three volumes of Create the Vision have overall goals and strategies that are consistent with the rezoning request. The future study areas for the proposed rezoning before the Planning Commission this evening will have more in-depth, specific goals for development of the sites.

Mr. Durham asked whether this area has been well considered and what the reasons were behind the proposed zoning classifications.

Mr. Feverston stated that the surrounding land uses work well with the proposed zoning. The area being rezoned is fitting for a planned development zoning district because it provides the extensive buffering than that of other districts as well as access control. Additionally, Mr. Feverston stated that the development plans for the area would require an approved master plan for future development on the sites.

Mr. Horn then read the purpose of the planned development zones as stated within the City of Centerville Zoning Ordinance.

Mr. Durham asked whether the Residential Planned Development zoning allowed for apartment uses.

Mr. Feverston stated that apartments are a permitted use; however, no development plans are currently submitted.

Mr. Horn stated that in preliminary discussions with the developer, there were no apartments being proposed for the site. He went on to explain that he cannot guarantee that there will not be apartments, but he is confident that it will develop as condominium units.

Mrs. Meininger asked staff if it is desirable to have the Residential Planned Development zone directly abut the Business Planned Development zone.

Mr. Feverston stated that planned development zones provide greater buffering of land uses and therefore would provide further segregation of uses.

Mrs. Meininger asked how the proposed zoning for this site differs from that of Study Area G from the City's Comprehensive Plan.

Mr. Feverston stated that Study Area G was formulated using existing zoning districts, whereas this area currently has Sugarcreek Township zoning designations and are proposed to be rezoned to City zoning districts.

Mr. Brunner asked if there have been any feedback from adjacent Centerville residents.

Mr. Horn stated that during a neighborhood meeting with adjacent home owners that they are supportive of the proposed zoning districts.

Mr. Gammell stated that the proposed zoning provides greater protection to those surrounding uses.

MOTION: Mr. Gammell moved to recommend approval of Application #Z-06-49 submitted by the City of Centerville, requesting the rezoning of 156.957 acres of land from Sugarcreek Township PD-MU to 120.904 acres Centerville B-PD, Business Planned Development and 36.053 acres to R-PD, Residential Planned Development, to Council. Mr. Brunner seconded the motion was approved unanimously 5-0.

City of Centerville- Rezoning from Sugarcreek Township PD-MU to Centerville R-PD and O-PD

Mr. Feverston reviewed the application for the City initiated rezoning of 71.482 acres, also commonly referred to as the Dille Property. Annexation of these territories was approved by Greene County into the City of Centerville. Mr. Feverston explained that the City's Zoning Code requires that the City diligently proceed with amending the Zoning Ordinance to assign a City zoning district for newly annexed land. Additionally, Mr. Feverston explained that the City must now begin the process of modifying its Comprehensive Plan, Create the Vision, to help guide the future development of these areas. The general goals, objectives and principles do apply to lands annexed to the City. Based upon the goals, objectives and principles, the comprehensive plan does support the proposed rezoning. According to the owners of the property, the current zoning on the property is Sugarcreek Township PD-MU, Planned Multi-Use District. The requested zoning is proposed to be classified as 44.931 acres to R-PD, Residential Planned Development, and 26.551 acres to O-PD, Office Planned Development. Mr. Feverston stated that the rezoning that is before the Planning Commission is not a final approval, but rather a recommendation of action to the Centerville City Council. Mr. Feverston explained the roles and responsibilities of the Planning Commission and City Council through the approval process. He stated that the surrounding land uses are made up of a regional shopping center, country club, and Interstate 675 to the North, single-family residential to the East, undeveloped land and government uses to the South, and a

regional shopping center, church, and Miami Valley Hospital to the West. The proposed planned development zoning districts would provide additional buffering requirements to surrounding land-uses than that of traditional zoning districts. Mr. Feverston referenced the permitted uses for both the existing land uses as well as those zoning districts being proposed.

Mr. Durham opened the public hearing.

Mr. Barry Tiffany, Sugarcreek Township Administrator, stated that he objected to the proposed rezoning with the same issues as was stated with the previous rezoning. He asked whether apartments would be a permitted use.

Mr. Scott Philips, of Frost, Brown, Todd LLC, representing Sugarcreek Township, stated that he is in opposition of the rezoning.

Mr. Durham stated that the R-PD, Residential Planned Development, zone would allow apartments.

Mr. Tiffany inquired if this would include assisted living uses as well.

Mr. Durham stated that assisted living facilities are also a permitted use in the R-PD zone.

Mr. Tiffany asked what the maximum density for the residential multi-family units could develop.

Mr. Feverston stated that the Zoning Ordinance permits a maximum of six dwelling units per acre.

Mr. Tiffany stated that he has concerns with how service will be provided to the proposed residential areas. He also stated that the proposed office areas should not be placed next to the proposed residential zone and that maybe more traditional zoned areas would be a better fitment.

Mr. Ron Julian, 1509 Justin Court, spoke about the alignment of the future Clyo Road.

Ms. Janie Burghouse, 4315 Killian Court, spoke against allowing apartment units in the proposed R-PD zone.

Mr. Durham closed the public hearing.

MOTION: Mrs. Meininger moved to recommend approval of Application #Z-06-48 submitted by the City of Centerville requesting the rezoning of 71.482 acres of land from Sugarcreek Township PD-MU to 44.931 acres to Centerville R-PD, Residential Planned Development, and 26.551 acres to O-PD, Office Planned Development, to City Council. Mr. Leonard seconded the motion. The motion was approved unanimously 5-0.

UNFINISHED BUSINESS

Speedway/SuperAmerica - Planning Commission Special Approval

Mr. Feverston reviewed the amended Planning Commission Special Approval application submitted by the Tri-Tech Corporation for Speedway/SuperAmerica located at 5495 Wilmington Pike.

Mr. Feverston stated that the applicant modified the cooler addition to incorporate a pitched roof, as well as providing brick soldier course banding, making it compatible to the architecture of the existing building. Additionally, the canopy height has been reduced to the height of the existing canopy on the premises. The canopy has also been modified to include fascia details that match the brown fascia of the existing building as well as providing an architectural cap as required by the Zoning Ordinance. The lighting on the canopy has been recessed and a ground-level light plot shows that the lighting is at an acceptable level.

Mr. Feverston explained that the applicant had addressed all the concerns that had been voiced by the Planning Commission during the previous meeting.

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

1. All curbing shall be full depth curbs subject to approval by the City Engineering Department.
2. The proposed bollards at the telephone station shall be removed.
3. A final grading and storm water drainage plan showing drainage calculations shall be subject to approval by the City Engineering Department to demonstrate that the volume of the existing detention basins are maintained.
4. A final exterior lighting plan shall be subject to approval by the City Planning Department.
5. The eastern access drive shall be modified subject to approval by the City Engineering Department.

Mr. Durham stated that he felt that the applicant had done a good job addressing Planning Commissions' concerns.

MOTION: Mr. Brunner moved to approve the Planning Commission Special Approval application submitted for Speedway/SuperAmerica located at 5496 Wilmington Pike subject to the following conditions.

- 1 All curbing shall be full depth curbs subject to approval by the City Engineering Department.
- 2 The proposed bollards at the telephone station shall be removed.
- 3 A final grading and storm water drainage plan showing drainage calculations shall be subject to approval by the City Engineering Department to demonstrate that the volume of the existing detention basins are maintained.
- 4 A final exterior lighting plan shall be subject to approval by the City Planning Department.
- 5 The eastern access drive shall be modified subject to approval by the City Engineering Department.

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

NEW BUSINESS

Mr. Feverston discussed the two proposed new Study Areas J & K for the area known as the Dille Property. The new study areas will append Volume Two of Create the Vision. A work session will be scheduled to discuss the proposed changes.

There being no further business, the meeting was adjourned.

A handwritten signature in cursive script, appearing to read "Paul Clark".