

CENTERVILLE PLANNING COMMISSION
Regular Meeting
Tuesday, August 30, 2005

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

Attendance: Mr. Paul Clark, Chairman; Mr. Jim Briggs; Mr. Jim Brunner; Mr. James Durham and Mrs. Carolyn Meininger; Mr. Jeff Gammell; and Mr. Joe Weingarten. Also present: Mr. Steve Feverston, City Planner; Mr. Ryan Lee, Planner; Mr. Scott Liberman, Legal Counsel.

Approval of minutes:

MOTION: Mr. Briggs moved to approve the Planning Commission Regular Meeting minutes of July 26, 2005, as written. Mr. Brunner seconded the motion. The motion was approved unanimously 5-0-2 with Mr. Weingarten and Mr. Gammell abstaining.

PUBLIC HEARINGS

PDH, Inc. for Cincinnati Bell Wireless - Conditional Use Special Approval

Mr. Feverston reviewed the Conditional Use application submitted by Cincinnati Bell Wireless requesting approval to construct a 145 foot high monopole on the property located at 115 Compark Road, the site of Dayton Wire and Wheel. The property is zoned I-1, Light Industrial, which permits the location of a monopole tower for the purpose of providing service to cellular telephone providers. The proposed setback of the monopole is 160 feet which satisfies the requirement of 110% of the tower height. The applicant indicated the monopole has been designed to provide two (2) additional antenna locations.

Mr. Feverston reviewed the following points in his analysis of the request:

1. The proposed cell tower is a reasonable use for this property.
2. Placing a cellular tower in an industrial zone would have the least impact on the community.
3. The location of this tower is appropriate when considering the impact of this facility on the adjacent commercial and industrial uses.
4. According to the applicant, there is currently a gap in cellular coverage in this area and a tower in this vicinity is necessary.
5. The new Sprint tower located on South Suburban Road is approximately 3,000 feet from the proposed tower location.

6. The applicant states in their application that the new Sprint tower was investigated as a possible site to co-locate their antenna. They state that Sprint tower does not fill the "hole" in their coverage..
7. The tower location is in an inconspicuous location and would have little impact to the surrounding businesses located along Compark Road, Westpark Road, or Clyo Road.
8. The proposed location places the tower approximately 1,000 feet from the Deer Run Condominiums to the north, 900 feet from the Black Oak/Franklin East Neighborhood to the east, and 2,200 feet from the Pleasant Hill Neighborhood to the west. The proposed monopole tower would have little negative impact on these residential areas.

Based on those analysis points, the Planning Department recommended approval of the Conditional Use application subject to the following conditions:

1. Approval by the City shall be required for any new user to be attached to this facility.
2. If service provided by or the operation of this tower ceases for a continuous period of time as outlined in Section 24, Non-Conforming Uses, of the Zoning Ordinance, for whatever reason, the tower shall be considered abandoned and shall be required to be removed by the owner at the owner's expense. CGS Properties, LLC and Cincinnati Bell Wireless, Inc., shall enter into any agreement with the City that guarantees the demolition of this facility should it become abandoned. Such an agreement shall be subject to approval by the City Attorney.

Mr. Clark opened the public hearing.

Mr. Derek McGrew, representing Cincinnati Wireless for PDH, Inc., stated they would much rather locate an existing monopole and co-exist on that structure, however, in order to service their clients in this case, a new monopole must be constructed. He asked what procedure would be necessary for a new user to co-locate on the structure in question.

Mr. Feverston stated a new user would only require a Department of Development Special Approval application since the monopole would be in place.

Ms. Patricia VanOss, 7837 Lockport Boulevard, stated the proposed cell tower will be in her backyard and asked why a zoning change was being considered.

Mr. Feverston stated the property is not being rezoned. He stated a monopole tower is a conditional use in the current Light Industrial, I-1, zone.

Mrs. Meininger asked if other locations had been considered for this monopole.

Mr. Feverston stated the Sprint tower on South Suburban Road, as well as the existing water towers in the Pleasant Hill Neighborhood were researched, however, those locations did not provide the appropriate coverage for their users.

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

Mrs. Meininger asked if the contract would be a document between the landowner, Cincinnati Bell Wireless, other users and the City.

Mr. McGrew stated the contract would be between those parties as described by Mrs. Meininger.

Mr. Durham asked if the contract would be recorded so it would be binding on future owners.

Mr. McGrew stated the contract would be recorded.

MOTION: Mrs. Meininger moved to recommend approval of the Conditional Use Special Approval application to Council submitted by PDH, Inc., for Cincinnati Bell Wireless, subject to the following conditions:

1. Approval by the City shall be required for any new user to be attached to this facility.
2. If service provided by or the operation of this tower ceases for a continuous period of time as outlined in Section 24, Non-Conforming Uses, of the Zoning Ordinance, for whatever reason, the tower shall be considered abandoned and shall be required to be removed by the owner at the owner's expense. CGS Properties, LLC and Cincinnati Bell Wireless, Inc., shall enter into any agreement with the City that guarantees the demolition of this facility should it become abandoned. Such an agreement shall be subject to approval by the City Attorney.

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

Oberer Thompson Company (PriMed) - Major Use Special Approval

Mr. Feverston reviewed the Major Use Special Approval application submitted by the Oberer Thompson Company for the purpose of developing the property located on the north side of Clio Road east of Centerville Business Parkway for professional office users. This proposed Major Use Plan also includes a site plan for a new, 12,000 square foot medical office building for PriMed on Lot "A" with areas designated for future expansion. The 6.94 acre parcel is zoned Office Planned Development, O-PD, and is proposed to have a total of three (3) lots.

A private street will be constructed directly from Clio Road to provide full access to the three (3) lots in the office development. The heavier wooded area on this particular site is along the eastern side with the trees on the western side having matured in the last fifteen (15) years. The PriMed building is to be constructed on the northern portion of the site with future expansion to

occur to the east of that building. As part of Phase 1, parking be will located on the west, south and east sides of the site. Additional parking will be installed to the east as future development of the PriMed expansion takes place.

Mr. Feverston stated the Planning Commission previously reviewed the proposed architecture of the proposed building design and found it to be compatible with the buildings in the surrounding area. The construction materials will consist of brick and E.I.F.S. with a flat roof design.

The proposed development addresses the issues as recommended in the City's Comprehensive Plan:

1. The subject property is an infill site that is surrounded by office, business and residential land uses.
2. The proposed development is both consistent and compatible with these surrounding land uses.
3. The proposed medical and office uses are permitted uses and satisfy the policies established in both the land use and economic development chapters of the City's Comprehensive Plan.
4. The vegetation on the property is a combination of a mature tree line on the north, east and west property lines, mature wooded area on the eastern portion of the site, new growth trees (within the last 15 years) to the north and along the western edge, and grasslands. The woods to the north may be of sufficient density to meet the screening requirements in the Zoning Ordinance.
5. Clyo Road, a five-lane cross-section, has sufficient vehicular capacity to accommodate the proposed development.
6. Establishing a pedestrian connection from each of the proposed parcels to Clyo Road is reasonable and satisfies a key principle in the Transportation Chapter of the Comprehensive Plan. Miami Valley RTA has two (2) bus stops along Clyo Road within four hundred (400) feet of the proposed private street that enhances the need for pedestrian access into the development.

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

1. The final design and alignment of the private street shall be subject to approval by the City Engineering Department. The private street shall align with Clyo Road at a ninety (90) degree angle.
2. Additional curb cuts onto Clyo Road shall be prohibited.

3. A sidewalk, five (5) feet in width, shall be constructed along the private street subject to approval by the City Planning Department.
4. All landscape islands within the parking lot shall have a minimum width of nine (9) feet.
5. The walk facing the handicap parking spaces shall have a minimum of six and one-half (6.5) feet.
6. A hard surface roadway capable of providing emergency vehicle access and support at all times for emergency purposes shall be provided during construction.
7. 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.
8. A final screening and landscaping plan shall be submitted for each development parcel at the time approval is sought, subject to approval by the Planning Department. The plan shall identify existing trees to be preserved and a grading limit shall be established at the drip line of those trees. Trees preserved on site may be credited towards satisfying the landscape and screening requirements of the Zoning Ordinance.
9. A performance bond or other construction guarantee shall be posted by the developer for all landscaping and screening improvements required by the Zoning Ordinance subject to approval by the City Engineer. This bond or guarantee shall be in accordance to the Guarantee of Construction and Installation of Improvements, Inspections Section of Part Twelve, Title Four of the Code of Ordinances.
10. The dumpster shall be screened using materials to match the building subject to approval by the City Planning Department.
11. A final exterior lighting plan shall be subject to approval by the City Planner.
12. The Planning Commission must approve the architectural design of the building to specifically include the use of E.I.F.S. as an exterior siding material and a flat roof.

Mr. Clark opened the public hearing.

Mr. Walt Hibner, representing the Oberer Thompson Company, stated he would answer any questions of the Planning Commission concerning this proposal.

Mr. Joe Harmon, 531 Willowhurst Street, stated that in looking at the proposed site plan for the development, there is no consideration given to the preservation of the significant buffer existing along the east and west property lines. The wooded area tremendously improves the visual aesthetics of that property. He encouraged the members to table this application until a landscaping plan is submitted to reflect a greater protection for the east and west boundaries. In particular, the east boundary that has a nice stand of mature woods which could be incorporated into this project. The lots to be used for future development could be reconfigured to maintain that significant buffer.

Mr. Feverston stated this particular site is only required to have one (1) buffer area along the northern property line. Buffer yards are only required where it is necessary to lessen the development impact between those zoning districts that abut residential uses. The provisions in the Zoning Ordinance allow any trees preserved to be credited as part of the overall landscaping requirements for a project.

Mr. Hibner stated it is their intent is to maintain the treeline along the eastern property line until the future expansion takes place. At that time, the removal of trees will be done only as to what is necessary to accomplish the newly created parking requirement.

Mr. Harmon stated the term "leave as many trees as possible" needs to be more specific in delineating a width of trees where there will be a no cut zone for natural existing vegetation. The City needs to require a more specific site plan showing a more detail as to what vegetation exists on a site. The applicant's site plan does not do that.

Mr. Durham stated the City has not adopted a Tree Preservation Ordinance so we do not have the ability to require the applicant to preserve any trees on a development such as this. In this way, the City has encouraged the preservation of trees is to allow the developer to gain credit on landscaping requirements that can be imposed.

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

Mr. Gammell asked if the detention area will be affected by the sidewalks to be required.

Mr. Feverston stated detention area will not have any impact on Clyo Road or the sidewalk along Clyo Road.

Mrs. Meininger asked how many feet of mature trees are located along the east property line.

Mr. Feverston stated there is approximately twenty (20) feet of mature trees along the east property line.

Mrs. Meininger asked if a condition to the approval could be added to require the trees along the east property be preserved.

Mr. Briggs stated he felt Condition #8 addressed the preservation of trees on the site very well.

MOTION: Mr. Briggs moved to recommend approval of the Major Use Special Approval application submitted by the Oberer Thompson Company to Council subject to the following conditions:

1. The final design and alignment of the private street shall be subject to approval by the City Engineering Department. The private street shall align with Clio Road at a ninety (90) degree angle.
2. Additional curb cuts onto Clio Road shall be prohibited.
3. A sidewalk, five (5) feet in width, shall be constructed along the private street subject to approval by the City Planning Department.
4. All landscape islands within the parking lot shall have a minimum width of nine (9) feet.
5. The walk facing the handicap parking spaces shall have a minimum of six and one-half (6.5) feet.
6. A hard surface roadway capable of providing emergency vehicle access and support at all times for emergency purposes shall be provided during construction.
7. 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.
8. A final screening and landscaping plan shall be submitted for each development parcel at the time approval is sought, subject to approval by the Planning Department. The plan shall identify existing trees to be preserved and a grading limit shall be established at the drip line of those trees. Trees preserved on site may be credited towards satisfying the landscape and screening requirements of the Zoning Ordinance.
9. A performance bond or other construction guarantee shall be posted by the developer for all landscaping and screening improvements required by the Zoning Ordinance subject to approval by the City Engineer. This bond or guarantee shall be in accordance to the Guarantee of Construction and Installation of Improvements, Inspections Section of Part Twelve, Title Four of the Code of Ordinances.
10. The dumpster shall be screened using materials to match the building subject to approval by the City Planning Department.
11. A final exterior lighting plan shall be subject to approval by the City Planner.

12. The Planning Commission must approve the architectural design of the building to specifically include the use of E.I.F.S. as an exterior siding material and a flat roof.

Mr. Brunner seconded the motion. The motion was approved 6-1 with Mrs. Meininger voting no.

Mrs. Meininger requested an amendment be made to the Motion.

MOTION: Mr. Weingarten moved to reopen and reconsider the Major Use Special Approval application submitted by the Oberer Thompson Company. Mr. Gammell seconded the motion. The motion was denied 5-2 with Mr. Briggs, Mr. Brunner, Mr. Gammell, Mr. Durham and Mr. Clark voting no.

OLD BUSINESS

An Ordinance Amending Ordinance No. 11-86, The Zoning Ordinance Of The City Of Centerville, Ohio To Amend Section 17, APD, Architectural Preservation District That Apply To The Location Of Buildings On The Front Yard On A Lot In Accordance With The Provisions Of Chapter 713 Of The Ohio Revised Code.

Mr. Feverston stated that per the request of the Planning Commission, a revision had been made to the Ordinance to Amend the Front Yard Setback Requirements in the Architectural Preservation District (APD) to include a definition to the phrase "block face".

MOTION: Mr. Briggs moved to remove the proposed amendment to the Zoning Ordinance concerning Front Yard Setback Requirements in the APD from the table. Mr. Brunner seconded the motion. The motion was approved unanimously 7-0.

Mr. Brunner asked if the Board of Architectural Review (BAR) had reviewed the addition of the definition of "block face".

Mr. Feverston stated the BAR had not reviewed this particular revision, however, the BAR does support the change to address front yard setback requirements as they are proposed.

Mr. Durham stated he felt a revision should be made to state that the setback line may be modified by the BAR to reflect historic patterns by adding "or to implement the Comprehensive Plan".

MOTION: Mr. Durham moved to amend the proposed Ordinance to Section 17, APD, Architectural Preservation District, concerning Front Yard Building Setbacks with the following modification:

In Section 2., b., 1) the phrase in **bold** shall be added, so the entire paragraph reads as follows:

The dimension of the required front yard of a lot shall be determined by computing the average building setbacks for existing structures along the same block face. The setback line map be modified by the Board of Architectural Review (BAR) to reflect historic patterns **or to implement the Comprehensive Plan**. The BAR shall take into consideration the setback of adjacent buildings, existing and proposed easements, lot configuration, public right-of-way, or thoroughfare improvements.

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

MOTION: Mr. Durham moved to recommend approval to Council of the Ordinance amending Section 17, APD, Architectural Preservation District, concerning Front Yard Building Setbacks, as amended by Planning Commission. Mr. Briggs seconded the motion. The motion was approved unanimously 7-0.

NEW BUSINESS

PriMed - Record Plan

Mr. Feverston reviewed the Record Plan submitted by the Acro Realty Trust Plat to create 3 lots located on the north side of Clyo Road, east of Centerville Business Parkway and west of Bigger Road. This 6.94 acre parcel is zoned Office Planned Development, and is part of the Major Use Special Approval application reviewed as a Public Hearing item at the beginning of this meeting. No thoroughfare improvements are required as a part of this Record Plan as Clyo Road has been improved to a five (5) lane cross-section.

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

1. An ingress/egress easement for the private street shall be placed on the Record Plan guaranteeing access for all lots to Clyo Road.
2. Covenants shall be recorded to provide for the future private maintenance of all private streets, detention basins, and common areas subject to approval by the City Attorney.
3. An easement shall be placed on the Record Plan that grants the City emergency access to the detention basin subject to approval by the City Attorney.
4. A street name shall be subject to approval by the City Planning Department.

Mr. Durham suggested Condition #1 concerning the ingress/egress easement agreement be subject to approval by the City Attorney.

MOTION: Mr. Durham moved to recommend approval of the Record Plan for Acro Realty Trust Plat to Council subject to the following conditions:

1. An ingress/egress easement for the private street shall be placed on the Record Plan guaranteeing access for all lots to Clio Road subject to approval by the City Attorney.
2. Covenants shall be recorded to provide for the future private maintenance of all private streets, detention basins, and common areas subject to approval by the City Attorney.
3. An easement shall be placed on the Record Plan that grants the City emergency access to the detention basin subject to approval by the City Attorney.
4. A street name shall be subject to approval by the City Planning Department.

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

Centerville-Washington Park District - Planning Commission Special Approval

Mr. Feverston reviewed the Planning Commission Special Approval application submitted by the Centerville-Washington Park District for the expansion of the recreational facilities at the Activity Center located at 221 North Main Street. The proposed expansion is proposed to include a new public shelter/restroom, sprayground and handicapped accessible playground. The sprayground is a water feature that will have a pump station associated with it which will be motioned controlled to detect when people are present to turn itself on and turn itself off when no motion is detected. A number of various types of spray features are designed into the overall feature. A walkway system will extend from the existing parking lot to this new recreational area. The shelter/restroom will be a brick structure with a gabled roof and approximately one-half will be an open-wall design similar to that located in Yankee Park.

Staff recommended approval of the Special Approval application as requested.

Mr. Bob Feldmann, representing the Centerville-Washington Park District, stated the shelter structure will have some low-level security lighting on it to afford the officers some measure of visibility after the park is closed. The colors to be used on the shelter structure are anticipated to be as those used in other park locations which include a slate blend color roof, the paint is a powdered limestone color, and the brick is a red smooth brick with buff mortar. If split-face is selected as an alternate, will be a buff colored split-face brick at the bottom. The shelter will be available for rent to the public which have been well-used by various groups. The use of sprayground will occur typically between the months of June and September and will be open daylight hours only.

Mrs. Meininger asked if the sprayground feature would be disconnected from the water supply at the end of each season since it is designed to be motion driven.

Mr. Feldmann stated the water supply will be shut off at the end of each operating day and disconnected at the end of each season.

Mr. Briggs asked if the interior paint surface would be graffiti resistant. He stated the Five Rivers Metro Parks experimented several years ago with an interior that coating was resistant to being vandalized.

Mr. Feldmann stated it is always a challenge to control vandalism, however, it has not been a significant problem.

MOTION: Mr. Gammell moved to approve the Planning Commission Special Approval application submitted by the Centerville-Washington Park District for the expansion of recreational facilities at the Activity Center, 221 North Main Street, as requested. Mr. Briggs seconded the motion. The motion was approved unanimously 7-0.

COMMUNICATIONS

The Unified Development Ordinance Task Force has been appointed by Council to begin updating and replacing the current Zoning Ordinance and Subdivision Regulations in a combined code that will be more user-friendly.

A rezoning and subdivision plan is anticipated to be filed for review at the next Planning Commission meeting. The site is located east of Paragon Road, west of Sheehan Road and north of Social Row Road.

Mrs. Meininger asked staff to obtain samples of tree preservation ordinances from other cities for her review.

Mr. Durham stated that when that topic was reviewed by the Planning Commission previously, Council's response was basically to incentivise it through giving credit of existing trees and landscaping plants rather than to require the preservation of trees. He stated he felt it would be beneficial to review any sample ordinance once again.

There being no further business, the meeting was adjourned.



