

CENTERVILLE PLANNING COMMISSION
Regular Meeting
Tuesday, January 25, 2005

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

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

Approval of Minutes:

MOTION: Mr. Durham moved to approve the Planning Commission Minutes of November 30, 2004, with the following changes:

On Page 2, second paragraph, the sentence beginning at the end of line 4 should read, "She suggested that a maximum of one (1) employee on the premises at any one (1) time be the standard rather than limiting the number of contractors."

On Page 3, first paragraph, should read, "Mr. Briggs stated that in paragraph C, reference should be made to a maximum of one (1) on-site employee at any one (1) time be limited to the structure."

Mr. Briggs seconded the motion. The motion was approved 5-0-2 with Mrs. Meininger and Mr. Weingarten abstaining.

PUBLIC HEARINGS

The Tile Shop - Variance of Front Yard Loading Area

Mr. Liberman swore in all persons to testify in this variance case.

Mr. Feverston reviewed the Variance application submitted for The Tile Shop located at 271 East Alex-Bell Road. The zoning on the overall shopping center property is B-PD, Business Planned Development. The request is to permit a front yard loading area and the Zoning Ordinance requirement prohibits loading areas in a front yard.

In October of 2003, the Planning Commission approved plans for the renovation of the front facade of The Tile Shop, including modifications to the landscape beds at the store front. At the time of modifications to the building, an overhead door was located on the east elevation facing Loop Road which was not a part of the approved plans. He stated the building has a loading dock area on the north elevation which could be used for loading products into customer vehicles.

Mr. Feverston reviewed the standards for granting a variance and concluded there is no justification to approve the request based on the following points:

1. This variance request seeks approval for an off-street loading area along Loop Road. The loading area was built by The Tile Shop as part of their renovation.
2. On October 28, 2003, The Tile Shop was granted a Special Approval for the new store front. The applicant stated that no other exterior alterations were to take place. At no time did the applicant depict an overhead door for off-street parking on plans submitted on their Special Approval application.
3. The existing loading docks located at the rear of the building could be modified to allow for on-grade loading of customer vehicles.
4. Staff does not find a hardship or practical difficulty regarding the site.
5. The granting of the Variance is not necessary for the reasonable use of the property.

Staff, therefore, recommended the Variance application be denied.

Mr. Clark opened the public hearing.

Mr. Tom Fletcher, National Sales Manager for The Tile Shop, stated they are willing to augment the look of the overhead door and construct a landscape island to buffer and screen that area. He stated they did not realize approval from the Planning Commission was necessary for installation of the overhead door as it was in their plans, however, they were willing to do anything to augment the look of the door or do whatever improvements required to satisfy the matter. There are three (3) existing trees that block the view of the door and an island could be installed with additional landscaping and foliage could be planted to block any unsightly views to the public. He stated the door is 178 feet from the street and used for customer use only. All inventory deliveries are made to the rear of the store on the north elevation. The customer pickup area is much safer for the customer as loading of products is done at grade level rather than having them maneuver a ramp at below grade at the rear of the building. Based on the safety provided to the customer, Mr. Fletcher asked the variance be approved.

Mr. Weingarten asked why double steel doors were not installed rather than the overhead door.

Mr. Fletcher stated an overhead provides the proper height for some types of vehicles and can be mechanically operated as well.

Mr. Clark asked if the overhead door was only open when customers were picking their merchandise.

Mr. Fletcher stated the overhead door is only open for loading merchandise into customer vehicles and is immediately closed for security reasons.

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

Mrs. Meininger asked if the issue of not permitting overhead loading doors in a front yard that of aesthetics or safety.

Mr. Feverston stated aesthetics is the main reason and, in this case, there is ample room to utilize the existing loading area on the rear of the building.

Mr. Brunner asked if this was a double door, would it satisfy the requirements in the Zoning Ordinance.

Mr. Feverston stated that what defines the area in question as a loading area is the overhead door. If the overhead door was replaced with an entrance door system, it would be permitted.

Mr. Durham stated if the applicant had requested to make modifications to the east elevation of the building, they would have been subject to the new requirements as they were on the front of the building to articulate the facade and landscaping. The issue is that a major modification was made on the east facade and it escaped those new standards in the Zoning Ordinance.

Mr. Briggs stated the setback of the building along Loop Road is at such a distance that most would think of it as a front yard. If the door was a less prominent color with an awning over it, along with the additional landscaping, he did not have an objection to it.

Mrs. Meininger agreed and asked if it would be possible to change the color of the door.

MOTION: Mr. Briggs moved to approve the Variance submitted by The Tile Shop, 271 East Alex-Bell Road, subject to the following conditions:

1. The color of the door be changed to a less prominent color subject to approval by the Planning Department.
2. The installation of a screening/landscaping island.
3. An awning shall be installed above the overhead door.

Mrs. Meininger seconded the motion.

Mr. Durham stated if the applicant had submitted the installation of the overhead door at the time of the initial proposal for remodeling of the building, there would have been discussion of the variance at that point. The modification would have totally changed the appearance of this development on the east side as a complete architectural, engineering and landscaping concept would have been considered. Loop Road is prominently open to public view which is traveled constantly and is across from some rather attractive developments that meet our new architectural standards. By granting this variance request, the Commission would be giving up too much for way too little.

VOTE: The motion was denied 2-5 with Mr. Durham, Mr. Brunner, Mr. Weingarten, Mr. Gammell and Mr. Clark voting no.

Mr. Fletcher was informed of their right to appeal this decision to City Council.

COMMUNICATIONSOberer Companies (Lakewood at the Commons) - Minor Modification

Mr. Feverston stated a request has been submitted to the Planning Commission requesting a minor modification to the approved plan for Lakewood at the Commons concerning the installation of an access gate to be located at the intersection of Little Yankee Run and Yankee Trace Drive.

In 1998, Planning Commission approved the plan for then Bethany Commons, now Lakewood at the Commons, which included a street connection to Yankee Trace Drive. The developer, at that time, requested a gate be installed to restrict vehicular access as a secondary means of ingress and egress to the residents of Bethany Commons only from Yankee Trace Drive. The only comment at that time was from the Washington Township Fire Department stating such a gate, if installed, must be an electronically-controlled gate that has access by way of a traffic controller key for access by the Fire Department. In May, 2004, staff, in error, referred to the connection as an emergency access only during review of Phase 2 of this development. A condition was placed on the approval that the gate must be approved by the Engineering Department and the Fire Department.

The developer has been working with the Engineering and Fire Departments, and is requesting approval of either a grass emergency access point with a street base substructure or the installation of flexible bollards at the street intersection to discourage through traffic rather than a gate. Mr. Feverston stated the Planning Commission must determine whether the requirement of the gate should be waived and take action to do so. If the determination of the Planning Commission is the gate should be installed, no action would be required as the original approval would remain in place requiring a gate system.

The Fire Department has stated, as they did in 1998, if there is a gate at the intersection, it be equipped with an electronically-controlled gate that could be opened with a traffic controller key.

Mr. Feverston stated it remains staff's opinion that neighborhoods should be connected and access should be provided to all parts of the Yankee Trace neighborhood.

Mr. Gammell removed himself from the meeting at this time due to a conflict of interest.

Mr. Durham stated at the time of review by the Planning Commission in 1998, the applicant did not want vehicular or pedestrian access to Yankee Trace Drive. The City staff and Fire Department insisted on a vehicular connection. At that point, the applicant agreed to the connection with installation of a gate system. He suggested if the new owner of the development no longer wants the gate, the intersection should be constructed as a full-movement intersection.

MOTION: Mr. Durham moved to waive the requirement of a gate system and the intersection be constructed as a full-movement intersection. The motion died from lack of a second.

Mr. Weingarten stated that all the residents of Yankee Trace have been told this would be a gated intersection, all lots have been sold with the understanding that this would be a gated intersection, and at the May, 2004, Planning Commission meeting a number of residents were in attendance to oppose removal of that gate system. The gate system has been a part of the development since 1998, so for the applicant to now request elimination of the gate, it sounds like more of a financial question and not one of whether the gate should be there or not.

Mr. Durham stated cost of the gate installation and cost of its maintenance is clearly one of the significant factors.

Mr. Weingarten stated this request should be tabled in order to give the residents of Yankee Trace an opportunity to speak in favor of keeping the gate. He stated if you watch traffic coming around the blind bend in that area, you will see one accident after another. The City Engineer has not done an accident analysis at the location with the speeds driven, it has turned into a major thoroughfare. Adding traffic from Lakewood Commons into the roundabout by the swimming pool will negatively impact an already serious situation.

MOTION: Mr. Durham moved to table the request from Oberer Companies concerning elimination of the gate system at Yankee Trace Drive and Little Yankee Run. Mr. Weingarten seconded the motion. The motion was approved unanimously 6-0.

Mr. Clark stated this a minor change to the plan that could have a major impact on the residents of Yankee Trace. He indicated they should be notified as to when this request will be discussed by the Planning Commission at a future meeting.

Mr. Durham stated he wanted an legal opinion from the City Attorney as to whether the City can require a gate system to restrict traffic onto a public street.

Mr. Liberman stated he would have to research that issue to determine if the gate can be required.

Mr. Feverston suggested it first be determined whether the City can obligate the applicant to install a gate system.

If that is the case, Planning Commission directed staff to notify the adjacent property owners and those persons that spoke at the May, 2004, meeting of the meeting date this issue will be discussed.

There being no further discussion, the meeting was adjourned.

James B. [Signature]
Acting Chair

