

CENTERVILLE PLANNING COMMISSION
Regular Meeting
Tuesday, May 25, 2004

Mr. Clark called the meeting to order at 7:35 P.M.

Attendance: Mr. Paul Clark, Chairman; Mr. James Durham; Mr. Jim Brunner; Mr. Jim Briggs; Mr. Joe Weingarten; Mrs. Carolyn Meininger (where noted). There is currently one (1) vacancy on the Planning Commission. Also present: Mr. Steve Feverston, City Planner; Mr. Robert N. Farquhar, City Attorney; Mr. Norbert Hoffman, City Engineer.

Approval of minutes:

MOTION: Mr. Weingarten moved to approve the Planning Commission minutes of April 27, 2004, as written. Mr. Briggs seconded the motion. The motion was approved unanimously 5-0.

MOTION: Mr. Briggs moved to approve the Planning Commission minutes of May 11, 2004, as written. Mr. Brunner seconded the motion. The motion was approved 4-0-1 with Mr. Weingarten abstaining.

Mrs. Meininger arrived at this time.

PUBLIC HEARINGS

Quality Barns Unlimited - Variance of Locating Accessory Buildings in the Front Yard

Mr. Feverston reviewed the Variance application submitted by Quality Barns Unlimited, 888 East Franklin Street, requesting approval to locate accessory buildings in the front yard for the purpose of sales and display. The Zoning Ordinance does not permit accessory buildings to be located in the front yard of any property. The zoning on the 0.34 acre site is I-1, Light Industrial.

Mr. Durham asked if display of an accessory building actually qualified as an accessory building since the purpose was not for storage or use, but strictly models available for purchase. If that would be the case, a variance would not be necessary because display can be done by right.

Mr. Farquhar stated staff discussed whether a variance should be filed for this request and it was determined a variance, if approved, would allow more administrative control for enforcement of the situation.

Mr. Feverston stated the applicant is proposing to display the buildings on the west side of the parking area. There are currently two (2) access drives along Franklin Street separating the lot in the center with a sidewalk for pedestrian traffic to access the building. The applicant has indicated the westernmost curb cut will be eliminated.

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

1. This variance shall be limited to the sales and display of accessory buildings only. No accessory building shall be permanently located in the front yard.
2. Only the west parking lot as shown on the site plan shall be used for the sale or display of accessory buildings.
3. The existing curb cut into the west parking lot shall be eliminated and the public right-of-way including curb and sidewalk shall be restored at the expense of the applicant.
4. All permits necessary for the removal of the curb cut and an occupancy permit must be issued prior to locating any accessory building into the front yard or any construction.

Mr. Clark opened the public hearing.

Mr. Rodney Hicks, representing the applicant, stated his company is interested in displaying only three (3) or four (4) small buildings on the site not to exceed one hundred (100) square feet each. These particular buildings are display models only and will be finished, sided and painted.

Mrs. Meininger asked if these buildings would be used as models only or would they be rotated in as they sell.

Mr. Hicks stated the buildings will be used as models only, however, after a two (2) year period, they will be sold as display models to make space for new model designs.

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

Mr. Brunner asked if the curb cut could be reestablished at some point in time once it is eliminated.

Mr. Feverston stated properties are limited to one (1) curb cut whenever possible. The change, in this case, will be a permanent change.

Mrs. Meininger asked with the elimination of some of the parking spaces to provide the display area, if the parking requirement would be satisfied.

Mr. Feverston stated the remaining parking spaces would satisfy the parking requirement.

The members were concerned with other types of display materials that potentially be located in the front yard by a different occupant since a variance goes with the property and not with the applicant.

Mr. Farquhar stated specific conditions placed on the approval of the variance will regulate and limit the types of display materials for future occupants as well.

MOTION: Mr. Durham moved to approve the Variance application submitted for Quality Barns Unlimited, 888 East Franklin Street, subject to the following conditions:

1. This variance shall be limited to the sales and display of model accessory buildings only. No accessory building shall be permanently located in the front yard.
2. Only the west parking lot as shown on the site plan shall be used for the sale or display of an accessory building.
3. The existing curb cut into the west parking lot shall be eliminated and the public right-of-way including curb and sidewalk shall be restored at the expense of the applicant.
4. All permits necessary for the removal of the curb cut and an occupancy permit must be issued prior to locating any accessory building into the front yard or any construction.
5. No model accessory building shall be used for storage or use of any kind.
6. No model accessory building shall be used for any active use of any kind.
7. Only completely finished model accessory buildings shall be displayed in the front yard.

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

Kimco Realty Corporation - Major Use Special Approval

This item was withdrawn by the applicant.

UNFINISHED BUSINESS

Professional Office Building - Planning Commission Special Approval

Mr. Feverston reviewed the Planning Commission Special Approval application submitted by Alex Luque for a 10,000 square foot Professional Office Building to be located on the northeast corner of Bigger and Clyo Roads. The zoning on the 2.18 acre parcel is Office Service, O-S. This application was tabled at the last meeting to allow the architect an opportunity to revise the design of the flat roof on the proposed building. The revised architecture of the east and west elevations proposes a standing seam metal roof along the entire width of those elevations that serves as an architectural feature rather than a functioning roof structure.

Staff recommended to approve the Special Approval application subject to the following conditions:

1. Prior to the issuance of any permits by the City, an access easement shall be recorded that guarantees vehicular access from the adjacent private driveway east of the property to Bigger Road, subject to approval by the City Attorney.
2. This parcel consists of Lots 3 and 4 of Hills Office Park. The applicant shall either replat these two lots into a single lot or both lots be legally tied together to prevent their independent sale subject to approval by the City Attorney.
3. All sidewalks where adjacent to parking spaces shall have a minimum width of six and one-half (6.5) feet to allow for bumper overhang.
4. A final grading and stormwater drainage plan shall be subject to approval by the City Engineering Department.
5. A final lighting plan shall be subject to approval by the City Planning Department.
6. 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 as modified to include a center, pitched roof structure.
7. The final building colors shall be subject to approval by the Planning Department.
8. All roof top mechanicals shall be screened from view subject to approval by the Planning Department.
9. Dumpster screening shall match the brick of the proposed professional office building subject to approval by the Planning Department.
10. 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 Engineering Department. 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.
11. Fire hydrants shall be located within four hundred (400) feet of all designated building access points as measured along actual fire apparatus routes of travel.
12. A hard surface roadway capable of providing emergency vehicle access and support at all times for emergency purposes shall be provided during construction.

MOTION: Mr. Briggs moved to remove the Planning Commission Special Approval application for the Professional Office Building from the table. Mrs. Meininger seconded the motion. The motion was approved unanimously 6-0.

Mr. Alex Luque, architect representing the applicant, stated he worked to provide the architectural element that goes across the entire roof and still maintain the skylight feature at the main entrance to the building. He stated he had building material samples for review by the Planning Commission if they so desired. The base of the building has been revised to incorporate the use of a cast stone which is a manmade material of crushed stone to appear as limestone.

Mr. Durham asked if there was any consideration given to pushing the building closer to Bigger Road allowing the location of the parking area further to the east and north.

Mr. Luque stated if the building was shifted from its proposed location, the cross access easement required by a condition in the overall master plan for this area would be difficult to achieve.

MOTION: Mr. Briggs moved to approve the Planning Commission Special Approval application submitted for the Professional Office Building to be located on the northeast corner of Clio and Bigger Roads, subject to the following conditions:

1. Prior to the issuance of any permits by the City, an access easement shall be recorded that guarantees vehicular access from the adjacent private driveway east of the property to Bigger Road, subject to approval by the City Attorney.
2. This parcel consists of Lots 3 and 4 of Hills Office Park. The applicant shall either replat these two lots into a single lot or both lots be legally tied together to prevent their independent sale subject to approval by the City Attorney.
3. All sidewalks where adjacent to parking spaces shall have a minimum width of six and one-half (6.5) feet to allow for bumper overhang.
4. A final grading and stormwater drainage plan shall be subject to approval by the City Engineering Department.
5. A final lighting plan shall be subject to approval by the City Planning Department.
6. The final building colors shall be subject to approval by the Planning Department.
7. All roof top mechanicals shall be screened from view subject to approval by the Planning Department.
8. Dumpster screening shall match the brick of the proposed professional office building subject to approval by the Planning Department.

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 Engineering Department. 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. Fire hydrants shall be located within four hundred (400) feet of all designated building access points as measured along actual fire apparatus routes of travel.
11. A hard surface roadway capable of providing emergency vehicle access and support at all times for emergency purposes shall be provided during construction.

Further, the Planning Commission approved the architectural design of the proposed building to assure the materials, shape, massing and architectural features created a unified design on the premises and is visually compatible with the surrounding buildings. The Planning Commission approved the flat roof as modified to include a center, pitched roof structure.

Mrs. Meininger seconded the motion. The motion was approved unanimously 6-0

NEW BUSINESS

Hicks Plat - Record Plan (Replat of Kaydeb's First Subdivision, Lot 2)

Mr. Feverston reviewed the Record Plan for Hicks Plat located at 7629 Clyo Road immediately west of the Black Oak Drive and Clyo Road intersection. The purpose of this record plan is to replat Lot 2 of Kaydeb's First Subdivision in order to combine additional acreage to this parcel. The combination of the existing parcel along with adjoining property purchased from Willard Nearing some years ago was never recorded with Montgomery County. The replat of these properties will alleviate any future confusion of property configuration as well as ownership. The Hick's Plat will consist of one (1) lot, 1.108 acre in size, and is zoned I-1, Light Industrial.

Staff recommended approval of the Record Plan as submitted.

MOTION: Mr. Durham moved to recommend approval of the Record Plan for Hick's Plat to Council as submitted. Mr. Briggs seconded the motion. The motion was approved unanimously 6-0.

Skyline Chili - Planning Commission Special Approval

Mr. Feverston reviewed the Planning Commission Special Approval application submitted for Skyline Chili to be located at 945 South Main Street on an outlot at Centerville Place Shopping Center. The 0.92 acre parcel is zoned Business Planned Development, B-PD. The request is to construct a 3,000 square foot fast food restaurant with one (1) drive-up window on this site. Because this facility is part of the shopping center, six parking spaces will be located within the shopping center parking area. Fifty-two (52) parking spaces will be located onsite for a total of fifty-eight (58) parking spaces which satisfies the parking requirement. As a result of the drive-up window, eight (8) stacking spaces are proposed to satisfy that requirement.

The building is proposed to be constructed with brick on all facades, E.I.F.S. (exterior insulation finishing system) gables, and a pitched roof. Full movement driveways will be utilized off of the ring road servicing shopping center.

As part of the shopping center development, a condition of approval was the construction of a sidewalk from South Main Street (SR 48) through the shopping center to the ring road on this particular outlot. Mr. Feverston stated this could be accomplished by narrowing the pavement of the access drive to allow construction of the four (4) foot sidewalk.

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

1. The developer shall dedicate to the City, public right-of-way along South Main Street, five (5) feet in width, subject to approval by the City Engineering Department.
2. The access drive south of the property shall be curbed subject to approval by the City Engineering Department.
3. A sidewalk having a minimum width of four (4) feet shall be constructed along the south access drive subject to approval by the City Engineering Department. The access drive may be narrowed to accommodate the sidewalk.
4. Final grading and stormwater drainage plans shall be subject to approval by the City Engineering Department.
5. The air handling units located to the front of the building shall be screened with a masonry wall to match the architecture of the building subject to approval by the City Planning Department
6. The exterior light fixtures shall be subject to approval by the City Planning Department.
7. A final landscaping plan shall be approved by the City Planning Department.

8. A performance bond nor other construction guarantee shall be posted by the developer for all landscaping 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.
9. A hard surface roadway capable of providing emergency vehicle access and support at all times for emergency purposes shall be provided during construction.
10. No sign shall be approved as a part of this application.

Mr. Clark asked if moving the building toward South Main Street was considered.

Mr. Feverston stated the proposal meets the current setback requirements.

Mr. Chris DeForest, representing Skyline Chili, submitted building material samples proposed for the project which included brick, E.I.F.S., and blue and yellow tiles which are standard branding materials for Skyline Chili. He stated they would have preferred the building to be pushed toward SR 48, however, they would not have been able to get the proper number of parking spaces on the site. Mr. DeForest stated he was confused as to where the sidewalk on the south side of the site is to be placed since it would empty out into the access road to the west.

Mr. Feverston stated that as a part of the master plan for the shopping center, a sidewalk was required to be constructed from South Main Street to the shopping center for pedestrian traffic from the bus stop areas. At the time Phase 1 of the shopping center was constructed, the grade on the site did not allow for construction of a sidewalk from the shopping center east to the ring road, so the sidewalk in question will empty out into the parking area.

Mr. DeForest asked who would be responsible for the cost of this improvement.

Mr. Feverston stated the sidewalk was a condition of the approved master plan of Beerman Realty

Mr. Briggs asked if the lack of the sidewalk was an oversight.

Mr. Feverston stated it was his understanding the sidewalk would be constructed at the time the outlot was developed to avoid tearing out the sidewalk and curb while that specific property was under construction.

Mr. Briggs asked if a building base for this project was required since one is not shown on the elevations.

Mr. Feverston stated that was an oversight by staff and a base can be accomplished with a change in a combination of building material, color, texture, pattern or profile.

Mr. Durham stated the screening wall for the air conditioning units needs to be extended in height to screen the duct work as well which should be more of a three (3) dimensional wall to provide more of an enclosure for those units. He stated the west elevation is proposed as a large blank wall and needs some type of relief.

Mr. Feverston suggested the use of false shuttered windows on that section of blank wall to provide a little more architectural flair.

Mr. DeForest agreed he could work with staff to satisfy the changes in architecture as outlined by the Planning Commission.

MOTION: Mr. Durham moved to approve the Special Approval application submitted for Skyline Chili, 945 South Main Street, subject to the following conditions:

1. The developer shall dedicate to the City, public right-of-way along South Main Street, five (5) feet in width, subject to approval by the City Engineering Department.
2. The access drive south of the property shall be curbed subject to approval by the City Engineering Department.
3. A sidewalk having a minimum width of four (4) feet shall be constructed along the south access drive subject to approval by the City Engineering Department. The access drive may be narrowed to accommodate the sidewalk.
4. Final grading and stormwater drainage plans shall be subject to approval by the City Engineering Department.
5. The air handling units and duct work located to the front of the building shall be screened with a masonry wall to match the architecture of the building subject to approval by the City Planning Department.
6. The exterior light fixtures shall be subject to approval by the City Planning Department.
7. A final landscaping plan shall be approved by the City Planning Department.
8. A performance bond nor other construction guarantee shall be posted by the developer for all landscaping 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.

9. A hard surface roadway capable of providing emergency vehicle access and support at all times for emergency purposes shall be provided during construction.
10. No sign shall be approved as a part of this application.
11. The west elevation be modified to provide relief to the blank section of the wall subject to approval by the Planning Department.
12. The overall design have a base incorporated into the building.

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

Lakewood at the Commons, Phase 2 - Planning Commission Special Approval

Mr. Feverston reviewed the Planning Commission Special Approval application submitted for Lakewood at the Commons, Phase 2, which was formerly Bethany Commons at Yankee Trace. The request is to construct Phase 2 of this project which consists of 37 single-family units on 10.6 acres. The zoning on this parcel is R-1c, Single-Family Residential, approved by City Council as a Lifestyle Community Master Plan allowing attached housing and permitted the development of Bethany Commons. The original plan for Phase 2 included 20 single-family units and 22 double-family units. As a result of the revision to the configuration of the plan, the number of units has been reduced by 5 units. The units proposed for construction will be the same architecture as those in Phase 1.

As part of the original zoning approval, a condition required a gated access be created out to Yankee Trace Drive. In speaking with the Washington Township Fire Department and receiving their recommendation concerning Phase 2, it is their desire that a full-movement access be located at Yankee Trace Drive in order to provide more adequate emergency service to this project abutting Yankee Trace and not be slowed down with a gated entrance. There is existing mounding that screens this project from the single-family homes in Yankee Trace along Kenworthy Place.

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

1. All conditions of the Residential Cluster Development Plan approved by the City Planning Commission at their regular meeting on December 8, 1998, shall apply to this revised plan as stated in the attached minutes.
2. Little Yankee Run shall be connected to Yankee Trace Drive as a full access driveway subject to approval by the City Engineering Department.
3. The proposed walkway along Little Yankee Run shall be modified to provide a street crossing at a street intersection and extended to Yankee Trace Drive subject to approval by the City Engineering Department.

4. A performance bond or other construction guarantee shall be posted by the developer for all landscape, screening, or bufferyard improvements required by the Zoning Ordinance subject to approval by the City Engineer. This bond or guarantee shall be according to the Guarantee of Construction and Installation of Improvements; Inspections Section of Part Twelve, Title Four of the Code of Ordinances.

Mr. Jeff VanAtta, VanAtta Engineering representing the applicant, stated the concept of this community was considered to be separate and within itself from its beginning. That being the case, it was approved with a gated access from Yankee Trace Drive and they believe it should remain as originally proposed. He stated that concerning the modification in location of the walkway along Little Yankee Run, the grading in that area may make it physically impossible to achieve. He stated his concern would be if it, in fact, is not possible, could the project go forward as proposed. Further, Mr. VanAtta stated they do not want to extend the sidewalk down to Yankee Trace Drive to promote and encourage pedestrian traffic from crossing over into the adjacent neighborhood. He indicated they would work with the Fire Department to determine what type of gate entrance should be installed providing it is economically feasible.

Mr. Weingarten asked if this project would still limit sales to those 55 years of age and older.

Mr. VanAtta stated they would adhere to the original conditions of the approval.

Ms. Marlene Pensky, 9694 Preserve Place, asked why the Fire Department wanted to eliminate the gate when the recommendation in 1998 was to install the gate and the applicant still wants the gate.

Mr. Feverston stated in speaking with Fire Department officials, they have not had good experience with gate entrances throughout the community.

Ms. Pensky stated many areas within Yankee Trace have only one (1) entrance and she did not understand why this one should have a second entrance. She asked why the Fire Department was not concerned with the rest of the neighborhood.

Mr. Jeff Gammell, 9448 Lantern Way, stated that the developer assured them at the time they purchased their lot in Yankee Trace that the access to Bethany Commons would be a gated access and never fully open. With the height of the mounding in that area of Yankee Trace Drive, creating a full movement access from Bethany Commons would have a potential safety hazard with limited sight distance in that area.

Mr. Clark stated he was confused by the issue of the gate because Oberer Development, only a few months ago, indicated they wanted to be a part of the Yankee Trace, but now they want to be cut off from Yankee Trace. We have a situation where the developer wants a gate, the Fire Department does not want a gate, and the residents do not want to see anything happen. Mr. Clark stated there are many questions remaining that need to be answered before action should be taken on this project.

Mr. Weingarten and Mr. Brunner agreed that the different types of systems available for gated communities should be reviewed by the Fire Department to satisfy their concerns and make it work.

Mr. Durham asked that since the streets within Bethany Commons were developed as private streets, could they not restrict vehicular traffic from entering their development.

Mr. Farquhar stated they would have that right.

Mr. Durham stated that being the case, they could essentially install a gate at Yankee Street as well. He stated a pedestrian connection should be installed.

Mr. Clark stated he did not like the starkness of the street at the Yankee Trace Drive intersection. He felt it should have the same type of entry improvements as those along Yankee Street to define the Commons project from the surrounding development.

Mr. Durham stated he disagreed because this access will not be used and, therefore, it should be minimized visually. The gated area should, however, be attractive and well landscaped.

MOTION: Mr. Durham moved to approve the Planning Commission Special Approval application submitted for the Lakewood at the Commons, Phase 2, subject to the following conditions:

1. All conditions of the Residential Cluster Development Plan approved by the City Planning Commission at their regular meeting on December 8, 1998, shall apply to this revised plan as stated in the attached minutes.
2. The proposed walkway along Little Yankee Run shall be modified to provide a street crossing at a street intersection and extended to Yankee Trace Drive subject to approval by the City Engineering Department.
3. A performance bond or other construction guarantee shall be posted by the developer for all landscape, screening, or bufferyard improvements required by the Zoning Ordinance subject to approval by the City Engineer. This bond or guarantee shall be according to the Guarantee of Construction and Installation of Improvements; Inspections Section of Part Twelve, Title Four of the Code of Ordinances.

Mr. Weingarten seconded the motion. The motion was approved 5-1 with Mr. Clark voting no.

Mr. Feverston reviewed the appeal process should Mr. VanAtta desire to appeal any portion of the approval by the Planning Commission to Council.

This being Mr. Hoffman's final Planning Commission meeting, the members agreed with Mr. Durham's statement that Mr. Hoffman has performed his duties for the City of Centerville excellently, professionally, with good humor, helpfulness, and been exemplary in carrying out his duties. His work for the City will be greatly missed and they wished him only the best.

There being no further business, the meeting was adjourned.