

CENTERVILLE PLANNING COMMISSION
Regular Meeting
Tuesday, June 29, 2004

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

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

Approval of minutes:

MOTION: Mr. Weingarten moved to approve the Joint Planning Commission/Zoning Commission Meeting minutes of May 6, 2004, as written. Mr. Brunner seconded the motion. The motion was approved 4-0-1 with Mrs. Meininger abstaining..

MOTION: Mr. Briggs moved to approve the Planning Commission minutes of May 25, 2004, as written. Mr. Weingarten seconded the motion. The motion was unanimously approved 5-0.

Mr. Durham arrived at this time.

PUBLIC HEARINGS

Anthony Staub - Variance of Front Yard Setback Requirement

Mr. Feverston reviewed the Variance request submitted by Anthony Staub for a .588 acre parcel located at 121 North Main Street in the Architectural Preservation District (APD). The request seeks approval of a thirteen (13) foot front yard setback rather than the requirement of thirty-three (33) feet. A front yard setback requirement in the APD is determined by averaging the existing front yard of the closest lot occupied by a principal building on each side of that lot.

A Commentary in the Zoning Ordinance Standard further states the front yards of buildings vary throughout the APD. The intent of the provision is to locate both new buildings and additions to existing buildings in a manner that is an average setback to the buildings adjacent to it and maintain the overall character of that portion of the APD as outlined in the Design Review Criteria.

Staff recommended approval of the Variance request based on the following analysis:

1. The residence that stood on this property was demolished in 2000. A small outdoor farmers market structure, retaining walls and parking lot remain on the site. This property shares access and parking with the Drop-In Center at 133 North Main Street.

2. The property slopes away from North Main Street. The original house, 1950's ranch, was built on grade approximately twelve (12) feet below North Main Street. The SuperAmerica facility, 113 North Main Street, was built with a finished floor at street grade. A concrete retaining wall was built on the common property line as a part of this project. The Main Auto Parts store, 157 North Main Street, was also built slightly below street grade with a retaining wall on the south property line. The natural grade of the property and the adjacent developments north and south of the subject property has effectively placed it in a "hole" creating practical difficulties for the applicant.
3. The driveway and retaining walls on the property were constructed by the current owner to provide access into the Drop-In Center and also to create a flat area for the farmers market. The first retaining wall is located thirteen (13) feet from the public right-of-way and the second is twenty-one (21) feet away. Retaining walls were also constructed to support the driveway.
4. In 2003, the City Council, Planning Commission and Comprehensive Plan Steering Committee have independently discussed building setback in the APD generally and the Council and Planning Commission have discussed specific properties including the subject property. All discussions have focused on place-making; including the concept of re-establishing the pedestrian scale an environment downtown and establishing a street edge throughout the APD and accomplishing this, in part, by shifting the location of buildings toward the street. The sentiment has been that the concept of place-making is a desirable goal and placing buildings closer to the street edge should be encouraged.
5. The recently adopted Centerville/Washington Township Community Plan identifies nine (9) specific areas that are considered a key component to achieve the Community's goals, objectives and strategies for land use. The Architectural Preservation District (APD) is Study Area D. Study Area D promotes the idea that buildings are designed for many uses and are typically located toward the front of the site close to the street to accommodate pedestrians and improve visibility. The Plan recommends that development and redevelopment efforts in Study Area D promote infill development that reinforces the essential character of downtown, strengthens the sense of community, and gives emphasis to pedestrian orientation. Placing principal buildings in close proximity to the street right-of-way is a necessary element to reinforce the essential character of downtown, strengthens the sense of community, and gives emphasis to pedestrian orientation.
6. The requested building setback is reasonable given the location of the current retaining walls.

Mr. Clark opened the public hearing.

Mr. Anthony Staub, 130 Lyons Drive and applicant, stated staff had presented the request adequately and he was available to answer any questions of the members.

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

Mr. Weingarten stated he felt the members should review the site plan and building design prior to determining if a variance would be necessary.

Mr. Feverston explained the variance is the responsibility of the Planning Commission to determine hardship on the property that would warrant a variance. The Board of Architectural Review (BAR) is responsible for site plan review of this property since it is located in the APD.

Mr. Durham explained, in this case, the Planning Commission is acting as the Board of Zoning Appeals which never reviews a site plan. Based on the duties of the BZA, the appearance is not relevant. The newly adopted Master Plan promotes the idea of moving buildings closer to the street edge and this particular request is exactly the intent of that standard. Mr. Durham stated this property warrants a variance because the severe grade change on the site creates a hardship.

Mrs. Meininger asked why the adjoining property, owned by the applicant, is not part of this application.

Mr. Feverston stated staff could only consider what was included in the application.

MOTION: Mr. Briggs moved to approve the Variance application submitted by Anthony Staub for property located at 121 North Main Street to allow a front yard setback of thirteen (13) feet. Mr. Weingarten seconded the motion. The motion was approved unanimously 6-0.

NEW BUSINESS

Yankee Trace, Sec. 33 - Record Plan

Mr. Feverston reviewed the Record Plan submitted for Yankee Trace, Sec. 33, located south of Vintage Green Way and east of Yankee Trace Drive. The zoning on the 6.098 acre parcel is R-1c, Single-Family Residential, and part of a Residential Lifestyle Community approved by City Council. Thirteen (13) single-family lots are proposed for this section of Yankee Trace for a density of 2.13 dwelling units per acre. The development of this section will abut the recreation building currently under construction on the southeast corner of Yankee Trace Drive and Vintage Green Way.

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

1. In lieu of completion of the required improvements prior to the recording of this 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.
2. The Record Plan shall be modified to identify the flood route as a private overland drainage and storm easement.
3. The final grading and stormwater drainage plan shall be subject to approval by the City Engineering Department.

4. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.
5. A hard surface roadway capable of providing emergency vehicle access and support at all times for firefighting purposes shall be provided prior to any combustible construction.

Mr. Jim Kiefer, representing Yankee Trace Development, stated this section will take advantage of the grade to create walkout basements on the houses. He stated they are pleased with the building materials and colors that have been selected by builder Bob Rhoads.

MOTION: Mr. Durham moved to recommend approval of the Record Plan for Yankee Trace, Sec. 33, to Council subject to the following conditions:

1. In lieu of completion of the required improvements prior to the recording of this 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.
2. The Record Plan shall be modified to identify the flood route as a private overland drainage and storm easement.
3. The final grading and stormwater drainage plan shall be subject to approval by the City Engineering Department.
4. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.
5. A hard surface roadway capable of providing emergency vehicle access and support at all times for firefighting purposes shall be provided prior to any combustible construction.

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

Mr. Feverston formerly introduced Mike Murray as the City's Assistant City Engineer and Scott Liberman as Interim City Attorney.

Mr. Feverston announced this meeting was the last for retiring City Attorney Robert N. Farquhar.

Mr. Clark thanked Mr. Farquhar for his well prepared legal guidance to the Planning Commission on many difficult decisions that have been before the members.

Mr. Durham stated that one of the things that has impressed him over Mr. Farquhar's many years of service is he is skilled, intelligent, tactful, and firmly committed to the City of Centerville as his client. Mr. Durham stated Mr. Farquhar has done a great job and the City of Centerville owes him a big thank you and appreciation for his devoted service.

There being no further business, the meeting was adjourned.

