

CENTERVILLE PLANNING COMMISSION
Regular Meeting
Tuesday, September 28, 2004

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

Attendance: Mr. James Durham, Vice Chairman; Mr. Jim Brunner; Mr. Jim Briggs; Mr. Joe Weingarten; Mrs. Carolyn Meininger; Mr. Jeffrey Gammell. Absent: Mr. Paul Clark. Also present: Mr. Steve Feverston, City Planner; Mr. Scott Liberman, Legal Counsel; Mr. Bill Covell, Economic Development Administrator; Mr. Greg Horn, City Manager.

Motion to Excuse: Mr. Weingarten moved to excuse Mr. Clark from the meeting as he gave prior notice to staff of his absence. Mr. Briggs seconded the motion. The motion was approved unanimously 6-0.

Approval of minutes:

MOTION: Mr. Weingarten moved to approve the Planning Commission Meeting minutes of August 31, 2004, as written. Mr. Gammell seconded the motion. The motion was approved unanimously 6-0.

PUBLIC HEARINGS

SprintCom, Inc. - Conditional Use/Variance

Mr. Feverston reviewed the Conditional Use application submitted by SprintCom, Inc., requesting approval to construct a 130 foot high cellular tower to be located at 7980 South Suburban Road former site of the Pypor Construction Company. The zoning on the property is I-1, Light Industrial. This application also is seeking approval of a setback variance. The required setback is 110% of the tower height, in this case 143 feet, and the applicant is proposing a setback of 30 feet.

The City of Centerville purchased this property in May of this year from bankruptcy for the purpose of redeveloping the property as the new Public Works facility. The tower is proposed to be placed along the south property line to avoid development of the property.

Mr. Horn arrived at this time.

Mr. Feverston stated an objective of the Community Appearance Chapter contained in the Comprehensive Plan is the need to enhance the appearance and design quality of the Community. The strategy stated that the City develop design guidelines to strengthen local character and Community identity and cites as an example the creation of creative siting and camouflage standards for cellular towers. The intent of this strategy is to place such towers in inconspicuous places throughout the community and to provide visual barriers.

Mr. Feverston reviewed the following points of the staff analysis:

1. According to the applicant, there is currently a gap in cellular coverage in this area and a tower in this vicinity is necessary. Placing a cellular tower in an industrial zone would be the least impact on the community.
2. The proposed cell tower is a reasonable use for this property.
3. The tower location is in an inconspicuous location and would have little impact to the surrounding businesses located along South Suburban Road, Dimco Way, or Cloyo Road.
4. With regards to the Franciscan at St. Leonard, the proposed location places the tower approximately 780 feet from the Chaminade Wing of the main building, 900 feet from the Joseph Bernardin Assisted Living Center, 1,000 feet from any independent living residence, and 350 feet from the Historic Tate House. The tower would be adequately screened by the mature vegetation on the subject property and that on the St. Leonard Campus.
5. The proposed location on the site is reasonable. The required 110% setback (143 feet) does create an unnecessary hardship for this property to reasonably develop it as an industrial use, specifically as a new City Public Works Center.

Based on those points, staff recommended approval of the Conditional Use and Variance request subject to the following condition:

1. The perimeter fence around the equipment cabinet shall be a vinyl clad chain link material with the color to approved by the Planning Department.

Mr. Durham opened the public hearing.

Mr. Ron Hertlein, representing the applicant, stated they had been looking over a year for an appropriate site for the cell tower. He stated they worked with City staff to secure a site that would be compatible with the service area and have little impact on the surrounding area. He stated they waited for the property to proceed through the bankruptcy process and be purchased by the City. Mr. Hertlein stated this site will fill the void in their service area.

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

MOTION: Mr. Briggs moved to approve the setback variance of thirty (30) feet requested by SprintCom, Inc., for location of a cell tower at 7980 South Suburban Road. Mr. Weingarten seconded the motion. The motion was approved unanimously 6-0.

MOTION: Mr. Gammell moved to recommend to Council approval of the Conditional Use application submitted by SprintCom, Inc., for use of a cell tower to be located on property at 7980 South Suburban Road, subject to the following condition:

1. The perimeter fence around the equipment cabinet shall be a vinyl clad chain link material with the color to be approved by the Planning Department.

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

An Ordinance Amending Ordinance No. 11-86, The Zoning Ordinance Of The City Of Centerville, Ohio To Amend Sections 14 And 36 In Accordance With The Provisions Of Chapter 713 Of The Ohio Revised Code And Enacting Chapter 838 Of The Centerville Municipal Code Relating To Adult Entertainment.

Mr. Feverston stated that in reviewing the current ordinance regulating adult entertainment, it was determined it was in need of some updates. The Zoning Ordinance would be amended to list adult entertainment uses in the Business Planned Development, B-PD, section, as well as add a definition of commercial entertainment which is currently lacking in the Ordinance. The Planning Commission will review the land use elements and land use components that are part of the proposed adult entertainment ordinance. The draft ordinance permits adult entertainment uses in a B-PD zoning district only. Uses of this nature will be required to be setback from residential uses, places of worship, schools, parks, entertainment businesses primarily oriented toward children or family, or other sexually oriented businesses established as part of this ordinance.

Mr. Durham opened the public hearing. There being no speakers, Mr. Durham closed the public hearing.

Mr. Durham stated he felt the ordinance was very well documented.

MOTION: Mr. Briggs moved to recommend approval of the Ordinance Relating to Adult Entertainment as written. Mr. Weingarten seconded the motion. The motion was approved unanimously 6-0.

An Ordinance Amending Ordinance No. 11-86, The Zoning Ordinance Of The City Of Centerville, Ohio To Amend Section 20 In Accordance With The Provisions Of Chapter 713 Of The Ohio Revised Code.

Mr. Feverston stated this ordinance amendment relates to Home Occupation standards currently addressed in the Supplemental Requirements section of the Zoning Ordinance. The current standards contain a specific list of prohibited home occupations which has been a source of confusion and conflict within the ordinance itself. This ordinance eliminates that specific list and references back to the Residential section of the Zoning Ordinance that all other uses not specifically permitted, are otherwise prohibited uses.

A question arose concerning the permitted use of direct sales such as Tupperware, Longebarger, etc. Mr. Feverston stated if the Planning Commission felt there might be a problem with that issue, perhaps an alternate definition could be used that would better explain that type of use.

Mr. Durham opened the public hearing. There being no speakers, Mr. Durham closed the public hearing.

Mr. Durham stated he would prefer a sharper distinction be made in the proposed ordinance to define direct sales from residentially zoned properties and review legislation that would be unified to correct the conflict at one time.

MOTION: Mr. Weingarten moved to table the Ordinance concerning Home Occupation . Mr. Briggs seconded the motion. The motion was approved unanimously 6-0.

Beazer Homes - Rezoning from Office Planned Development to Business Planned Development

Mr. Feverston reviewed the Rezoning application submitted by David O. Marshall, agent for the property owners and Beazer Homes, requesting rezoning from Office Planned Development, O-PD, to Business Planned Development, B-PD. The property is located south of Alex-Bell Road and west of Wilmington Pike situated in the City of Centerville and in the City of Bellbrook. The land proposed to be rezoned is the portion of this property that is situated generally south of the whites Corner Tributary. The property is approximately 35 acres in area of which 24.4 acres more or less is located in the City of Centerville. The land proposed to be rezoned is 14.75 acres in area. This property is undeveloped with the exception of a Landmark House known as the Henry Opdyke-Eleazer Williamson House.

The property is surrounded by vacant commercial and residential land, and Planet Ford to the north; vacant commercial land, single-family and multi-family residential as well as a church use to the east; single-family residential to the south; and, multi-family and single-family residential to the west.

Mr. Feverston reviewed the following analysis points:

1. The proposed rezoning to R-PD is not consistent with the City's Comprehensive Plan.
2. The general recommendations for Study Area "G" include:
 - A. Provide neighborhood retail, office and residential land uses.
 - B. Promote economic expansion for business development with consideration to existing zoning.
 - C. Link this site to adjacent neighborhood so that residential uses are integrated.
 - D. Integrate historic farmhouse and its architectural character into the site design.
 - E. Protect the existing flood plain and woodland.
 - F. Introduce gateway elements along the SR 725 frontage within the streetscape.
3. The Comprehensive Plan states that the current zoning on this Study Area allows most of the recommended uses. Additional development standards should be adopted to encourage mixed-use design (or overlay zoning).

4. The Comprehensive Plan also states that this Study Area represents an opportunity for the Community to develop an infill location to advance economic development. The City of Centerville will benefit the most fiscally from increased office usage. Residential use will have little fiscal benefit to the Community. This location provides an opportunity to increase and diversify the City's job base with an emphasis on office use versus retail use.
5. In the Existing Conditions section of the Comprehensive Plan, the Plan states that the Community should expect absorption of 8,000 to 10,000 square feet total of office space each year (on average) through 2008 without any effort to induce the market. This Study Area has a large supporting residential base to help support and market neighborhood retail and office uses, although office and residential uses should be thought of as the optimum long-term uses for this site (Study Area G).

Based the aforementioned points, staff recommended the Rezoning be denied.

Mr. Durham opened the public hearing.

Mr. Skip Schaefer, representing the Karras family property owners, stated the request is actually down-zoning the currently zoning classification from office use to residential use. He stated as part of the overall plan, they will file an application with the City of Bellbrook to down-zone the area to the south adjoining the parcel in Centerville from business to residential. Mr. Schaefer stated that a meeting was held with interested property owners last week to review the proposed development plan which was very well received. The issues that were raised by the property owners included setbacks, buffer areas, traffic, types of houses, and price of those units. He stated the area requested to be rezoned to residential is surrounded by residential development and it will compliment those areas. He stated the current office zoning is not visible from Alex-Bell Road due to the existing tree line along the creek area and would, therefore, by difficult to market the area for office use. A residential zoning classification will help preserve those trees since visibility is not critical for the success of a residential development. Also, the landmark house on the site would be preserved for a residential house which was the use intended when it was constructed. There has been interest in some office uses to be located in the business zoned area along Alex-Bell so those uses would not be lost totally.

Mr. David Marshall, project engineer, stated the issues of access, visibility, working within the 100 year flood plain, integrating the existing historic house into the development, the poor soils on the site that limit the development opportunities, are negative for office development, but are positive issues for residential development. The amount of impervious area would be reduced with residential use, the amount of traffic volume would be less at peak hours, and the natural features of the property would play into a residential development plan rather than work against an office development plan. There is currently a low absorption rate for office development which could leave the office zoned area partly developed over a long period of time.

Mr. Horn stated there is some history involving this particular property concerning the zoning. In 1997, as part of the review of infill areas within the City it was recommended and approved to provide three tiers of zoning on this property to provide buffering to the existing single-family residential area. The classifications included R-PD abutting single-family residential, then O-PD to provide a buffer to the R-PD from the B-PD zoning which was situated along Alex-Bell Road and Wilmington Pike. A petition signed by several residents of Pelbrook Farm was submitted to Council in favor of that rezoning proposal. After much controversy, Council approved that rezoning. In 1999, the property owners filed a lawsuit against the City stating the rezoning was a negative impact on their property. After approximately two years, the parties came to a settlement agreement in 2001 which stated that the rezoning would stay in place, the landmark status of the house on the property would remain intact, and the owners would submit an overall development plan for the property. The City was to provide assistance to the property owners in developing their property to develop and promote the property for development. There was also an economic settlement of \$20,000 from the City's insurance company and \$100,000 from the City's general fund to settle the matter completely. The City's concern with the proposed rezoning is that residential development has a good potential of being adjacent to an intense business use that can negatively affect residents which the rezoning addressed originally.

Mr. Durham asked if in the settlement agreement the property owner agreed to submit an overall development plan for the entire site.

Mr. Horn stated that was correct.

Mr. Durham stated the property owners are, in fact, filing for a rezoning of one third of the land and a development plan for two thirds of the land.

Mr. Horn stated that was also correct.

Mr. Bob Fryer, Beazer Homes, stated he would be willing to have potential buyers sign documentation that commercial development will abut this development so there is no question what type of development could occur on the vacant land.

Ms. Ivana Wireman, 7501 James Bradford Drive, stated she preferred the residential zoning classification to the office classification, and the business zoning should be changed to office zoning to front on Alex-Bell Road and Wilmington Pike. She also felt the two developments should connect the access points between Centerville and Bellbrook.

Ms. Janet Bednarek, 7505 James Bradford Drive, stated that Mr. Horn introduced an element to this application that was unexpected. She stated the residential development is of interest to her, however, she suggested the application be tabled in order to review an overall development plan of the entire area.

Mr. Tom Fister, 7110 Brookmeadow Drive, asked if approval of this application would abandon the second phase of the approved plan for Springbrooke Condominiums; if this area is rezoned and developed, would the sanitary sewer feed into the controversial sewer district; if zoned residential, would there be a need for a bridge from Alex-Bell Road to address the increase in density; if lighting intensity would be reviewed by the City for its impact on abutting residential uses; and, if the flood zone and tree line existing on the site could be designated as a natural buffer between the business and residential zoning.

Mr. Durham stated the approved plan for Springbrooke remains in effect as it is not a part of this application. Any development in this area will impact the controversial sewer district and there has been much discussion concerning future development between Greene and Montgomery Counties. Mr. Durham stated the need for a bridge will be addressed at the time the development plan is reviewed.

Mr. Feverston stated the tree line will be required to be preserved if it is in a flood plain. If that area is not part of the flood plain, trees can be removed, however, a landscaping and buffering plan will be required for this development.

Mr. Dwight Pemberton, 7190 Brookmeadow Drive, stated the idea of residences in this area is welcome to many of the neighbors. He stated the vacant land is a source of weeds and grass that is unsightly and felt it should be addressed. He complimented the members for the development on the southwest corner of Alex-Bell and Clyo Roads on the project which has incorporated its aesthetics into the surrounding area.

Mr. Dan Swope, 7200 Dayton-Wilmington Pike, stated his concern is the increase in traffic volume to Wilmington Pike which will possibly create the need for a traffic signal. He stated he would like there to be more access points to serve this area.

Mr. Durham stated the access to Wilmington Pike is an issue that has to be addressed with the City of Bellbrook. He stated he favors other access points to this area.

Mr. Steve Tipton, 4472 Ambridge Lane, stated he was in favor of the zoning change to create residential lots as they will work with office and retail if integrated into the plan appropriately.

There being other speakers, Mr. Durham closed the public hearing.

Mrs. Meininger asked with the settlement agreement that was approved, can the Planning Commission legally review this request.

Mr. Horn stated he did not see anything in the settlement that would prohibit an application for rezoning to be reviewed.

Mr. Liberman stated the request for rezoning does not breach the settlement agreement.

Mr. Gammell asked that when Study Area G was reviewed for the Comprehensive Plan was consideration given to the preservation of trees that would occur in the wetland area.

Mr. Feverston stated there is ample visibility along Alex-Bell Road and Wilmington Pike to this site. The role of the Comprehensive Plan Task Force was to try to integrate the use areas to appropriately blend together into a true neighborhood setting to disperse traffic rather than concentrate it into one access point. In order to have this area function as a neighborhood, it needs to be planned as a single master plan community.

Mr. Briggs stated that it took more than two years to create a Comprehensive Plan for the community and he would be reluctant to take action that would impinge the findings included in that document.

Mr. Durham the Task Force took an area where the landowner had litigated with the City over the zoning classifications on the overall property and kept the concept of the settlement intact. Since the landowner is now wanting to convert this area to residential zoning, however, a master plan must be created to address buffering between the intensity of business use to residential. He stated he would not vote for approval of residential that directly abuts business zoned property without seeing how the area north of the creek will be developed.

Mr. Schaefer agreed to waive the time period for the review of the rezoning application.

MOTION: Mr. Weingarten moved to table the rezoning application submitted for Beazer Homes. Mr. Briggs seconded the motion. The motion was approved unanimously 6-0.

Beazer Homes - Major Use Special Approval

Mr. Durham opened the public hearing.

MOTION: Mr. Briggs moved to table the Major Use Special Approval application submitted for Beazer Homes. Mrs. Meininger seconded the motion. The motion was approved unanimously 6-0.

Mr. Durham stated notice will be given to the property owners originally notified prior to the continuance of the public hearing for the major use application.

Mr. Durham stated the members want to work with the applicant to make residential development on this property a good thing to make it successful for the developer, the residents and the City.

There being no further business, the meeting was adjourned.

Paul Clark