

CENTERVILLE PLANNING COMMISSION
Regular Meeting
Tuesday, November 30, 2004

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. Scott Liberman, Legal Counsel.

Approval of Minutes:

MOTION: Mr. Durham moved to approve the Planning Commission Minutes of September 28, 2004, as written. Mr. Weingarten seconded the motion. The motion was approved unanimously 7-0.

MOTION: Mr. Briggs moved to approve the Planning Commission Minutes of October 26, 2004, as written. Mr. Weingarten seconded the motion. The motion was approved 6-0-1 with Mr. Brunner abstaining.

UNFINISHED BUSINESS

Home Occupation Ordinance Amendment

Mr. Weingarten and Mrs. Meininger left the bench at this time due to a conflict of interest as each has home occupations on their property.

MOTION: Mr. Durham moved to remove the Home Occupation Ordinance from the table. Mr. Briggs seconded the motion. The motion was approved 5-0-2 with Mrs. Meininger and Mr. Weingarten abstaining.

With that explanation, Mrs. Meininger and Mr. Weingarten removed themselves from the meeting as members of Planning Commission.

Mr. Feverston reviewed the changes to the document since the previous meeting the members had requested.

Mr. Briggs questioned the provision of not more than one (1) customer on the premises at a time, stating there could be instances when two (2) occupants of the dwelling would have home occupation positions.

Mr. Feverston stated a statement could be added to the end of that standard stating the number of customers would be one (1) unless otherwise permitted in this ordinance.

Mr. Durham asked if the issue was actually the number of customers or the number of vehicles the home occupation might generate.

Mr. Clark asked for comments from the audience.

Mr. Joe Weingarten, 1158 Charter Place, stated the provision that only one (1) customer can be on the premise at any one (1) time would prohibit an artist from having an open house to display their work. Most artists are required to have a sales tax license which would consider them as a business. Persons that invite their distributors to their homes for a meeting would also be considered a violation of the proposed ordinance. Should a husband and wife visit the home of an accountant to file separate tax returns, that is essentially two (2) customers. Mr. Weingarten stated the provision of one (1) customer is too restrictive. Secondly, Mr. Weingarten stated the provision restricting storage of hazardous, toxic or combustible material other than other used for household purposes would eliminate anyone with a vendor's license from doing oil painting, most ceramics, enameling, etc., from performing their work as a home occupation. He felt that provision was too restrictive in not recognizing the arts.

Mrs. Carolyn Meininger, 181 Pleasant Hill Drive, stated she felt the provision to allow a maximum of one (1) employee and one (1) contractor other than the resident is too restrictive. She stated she could think of several instances where more than one (1) contractor would be at a home office at the same time and would, therefore, be in violation. 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. A second issue is that of storage related to the home occupation being prohibited. Mrs. Meininger estimated that 75% of existing home occupation businesses would not comply with that provision. She stated the third issue of concern was that of a maximum of one (1) customer on the premises at a time was too restrictive.

Mr. Durham stated perhaps a percentage of the total amount of enclosed space on the property, not including accessory buildings, should be established to regulate the operation and storage needs of a home occupation.

Mr. Feverston stated a very large accessory building can be placed on many lots throughout the City to establish businesses which have been a problem in the past. He encouraged the members to limit the home occupation use to the habitable part of the house.

Mr. Briggs asked staff to research the possibility of requiring approved containers for the storage of hazardous and combustible materials.

Mr. Feverston stated he would research that issue, however, that might also require the Fire Department to upgrade a structure as an office use and all building code requirements of that use. He stated on Line 4 of paragraph L, after the word "materials", the wording "in quantities that could have a potentially significant environmental impact on property or on the surrounding community".

Concerning the number of customers permitted at one (1) time, Mr. Feverston stated the current ordinance allows two (2) and the proposed ordinance would allow only one (1). Also, a change in times of operation are proposed to be 7:00 AM to 6:00 PM, rather than until 9:00 PM.

The members felt the current limitation of two (2) customers has not created any problems and should, therefore, remain in place.

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

Mr. Durham stated that a definition of goods needs to be developed to allow artist showings, events, etc., on a limited basis as done for garage sales.

MOTION: Mr. Durham moved to table the Home Occupation ordinance for the purpose of updating the document with the revisions as discussed. Mr. Briggs seconded the motion. The motion was approved unanimously 5-0.

Mr. Weingarten and Mrs. Meininger returned to the meeting at this time.

NEW BUSINESS

P, S & W Development (Walgreen's) - Planning Commission Special Approval

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

Mr. Feverston reviewed the Special Approval application submitted by P, S & W Development for development of a Walgreen's Pharmacy to be located at 911 South Main Street which is currently the site of Centerville Lanes. The zoning on the 2.11 acre parcel is B-2, General Business, which permits the construction of the proposed 14,708 sq. ft. retail building. Sixty-six (66) parking spaces are required for this use and the applicant has proposed seventy (70) spaces to satisfy the parking requirement.

The two (2) existing curb cuts along South Main Street will be utilized although staff is recommending that the southernmost curb cut be narrowed in width. The location of the building on the site has been pushed toward South Main Street to enhance the streetscape along South Main Street as encouraged by the Comprehensive Plan. This location would also allow to the rear portion of the lot to be potentially developed with a future professional office building. The applicant has included the development of a small pocket park to be situated along South Main Street to further enhance the streetscape.

The building is to be constructed primarily of brick and have a flat roof with a false mansard. No detention will be required for this project since the amount of asphalt area will be reduced that which is existing.

The Planning Department recommended approval of the application subject to the following conditions:

1. The final design of the parking lot shall be subject to approval by the City Engineering Department.
2. The southernmost entrance drive onto South Main Street shall have a maximum width of twenty-four (24) feet subject to approval by the City Engineering Department.

3. The westernmost parking stall adjacent to John Kalamon Way shall be eliminated.
4. 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 building design shall be modified to include the following subject to approval by the City Planning Department:
 - a. The false mansard roof shall be modified to represent a hip roof and extended to all four (4) sides of the building.
 - b. The pitch of the false mansard roof shall be reduced to a 9/12 pitch and the roof shall be increased in height to approximately twelve (12) feet where the roof is one-third (1/3) the overall building height.
 - c. The portico over the main entrance shall be increased in height proportional to the false mansard.
 - d. The portico over the receiving area on the south building elevation shall have a minimum width of at least twenty-nine (29) feet.
 - e. The portico over the drive-thru window on the west building elevation shall have a minimum width of at least twenty-seven (27) feet.
5. The final design of the front pocket park and accompanying brick and wrought iron fence shall be subject to approval by the City Planning Department.
6. A final grading and stormwater drainage plan shall be subject to approval by the City Engineering Department.
7. A final exterior lighting plan shall be subject to approval by the City Planning Department.
8. A final landscaping plan shall be approved by the City 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.

Mr. Barry Weaver, representing the applicant, stated that to redesign the roof structure would affect the mechanical equipment that will be situated in that location. He also stated they want the southernmost curb cut to retain its thirty (30) foot width.

Mr. Feverston stated that because of the median on South Main Street, the curb cut is a safety hazard if it is more than twenty-four (24) feet for this use.

Mr. Durham stated the architecture needs to be four (4) sided because of its prominent location. He suggested false windows or other acceptable application be situated on the west and south elevations, something to make the four (4) facades work together more.

Mrs. Meininger asked when a new building would develop in the future if there would be adequate space for parking.

Mr. Feverston stated up to fifty (50) percent of Walgreen's parking could be used as shared parking.

MOTION: Mr. Durham moved to approve the Special Approval application submitted for Walgreen's, 911 South Main Street, subject to the following conditions:

1. The final design of the parking lot and entrance drives shall be subject to approval by the City Engineering Department.
2. The westernmost parking stall adjacent to John Kalamon Way shall be eliminated.
3. 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 building design shall be modified to include the following subject to approval by the City Planning Department:
 - a. The false mansard roof shall be modified to represent a hip roof and extended to all four (4) sides of the building.
 - b. The false mansard roof shall be increased in height as determined by the City Planning Department.
 - c. The addition of false windows on the south and west elevations to give the building four (4) sided architectural shall be subject to approval by the City Planning Department.
 - d. The portico over the receiving area on the south building elevation shall have a minimum width of at least twenty-nine (29) feet.
 - e. The portico over the drive-thru window on the west building elevation shall have a minimum width of at least twenty-seven (27) feet.
5. The final design of the front pocket park and accompanying brick and wrought iron fence shall be subject to approval by the City Planning Department.
6. A final grading and stormwater drainage plan shall be subject to approval by the City Engineering Department.

7. A final exterior lighting plan shall be subject to approval by the City Planning Department.
8. A final landscaping plan shall be approved by the City 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.

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

There being no further business, the meeting was adjourned.

A handwritten signature in cursive script, appearing to read "Paul Clark".