

**CENTERVILLE PLANNING COMMISSION**  
**Regular Meeting**  
**Tuesday, January 14, 2003**

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

Attendance: Mr. James Durham, Chairman; Mr. Joe Weingarten; Mr. Jim Briggs; Mr. Paul Clark; Mr. Rand Oliver. Absent: Mr. Patrick Hansford; Mr. Robert St. Pierre. Also present: Mr. Steve Feverston, City Planner; Mr. Ryan Shrimplin, Planner; Mr. Robert N. Farquhar, City Attorney; Mr. Norbert Hoffman, City Engineer, Mr. Chris Pozzuto, Economic Development Administrator (where noted).

Motion to Excuse:

MOTION: Mr. Weingarten moved to excuse Mr. Hansford and Mr. St. Pierre from the meeting as they gave prior notice to staff. Mr. Briggs seconded the motion. The motion was approved unanimously 5-0.

Approval of Minutes:

MOTION: Mr. Briggs moved to approve the Planning Commission minutes of December 10, 2002, as written. Mr. Clark seconded the motion. The motion was approved 3-0-2 with Mr. Mr. Durham and Mr. Weingarten abstaining.

COMMUNICATIONS

Mr. Feverston advised Planning Commission that funding to send one (1) member to the American Planning Association Conference had been cut from the budget this year.

Mr. Feverston stated correspondence had been received from Beerman Realty requesting approval to eliminate the required sidewalk from South Main Street (SR 48) west to the Centerville Place Shopping Center due to grading problems on the site. He stated even though the sidewalk is shown on the plan, no condition was placed on the approval to require it and a sidewalk is not required by the City. That being the case, Mr. Feverston stated the elimination of the sidewalk will be considered a Minor Amendment.

Mr. Feverston stated at the end of the meeting he would give a brief presentation of a new development proposed to be located at Main and Franklin.

PUBLIC HEARINGS

Far Hills Animal Clinic - Variance of Rear Yard Setback Requirement

Mr. Feverston reviewed the Variance application submitted for Far Hills Animal Clinic, 6240 Far Hills Avenue, requesting approval of a rear yard building setback of 16.7 feet. The zoning of the property is B-2, General Business, and requires a rear yard building setback of 20 feet.

The purpose of the request is to allow construction of a building addition to create more space to serve a third veterinarian. Only a 45 square foot portion of the addition requires the Variance. The proposal is to construct the addition directly north on the existing building and maintain the existing rear building setback of 16.7 feet.

Based on the following analysis, staff recommended denial of the Variance request:

1. Far Hills Animal Clinic is a growing practice that currently operates with two veterinarians. Recently the practice has considered adding a third veterinarian to the staff. The existing building would have to be expanded to accommodate the additional practitioner.
2. The existing building is legally non-conforming with respect to the rear yard building setback. The current setback requirement is 20 feet. The building is currently situated 16.7 feet from the rear lot line.
3. The applicant is proposing to expand the building to the north and east, keeping the building walls flush. Because the existing east wall encroaches into the rear yard building setback, the proposed addition would also encroach by the same amount (approximately 3.3 feet). Thus, the applicant is requesting a Variance to allow the building addition to extend into the rear yard building setback.
4. The applicant has not successfully demonstrated that a hardship or practical difficulty exists by conforming to the Zoning Ordinance. Furthermore, the granting of the Variance would confer a special privilege to the applicant that is denied to similar properties in the same zoning district.

Mr. Durham opened the public hearing.

Dr. Douglas Coatney, applicant, and Mr. Bill Davis of Ferguson Construction, were present for the review of the application.

Dr. Coatney made the following points concerning why he felt the Variance should be approved:

1. Granting of the Variance would allow the building to remain a rectangular structure which would be more appealing to the eye as well as more functional for its use.
2. A Variance was approved two years ago involving a rear yard setback for the building directly north (Penney Satellite).
3. The granting of the Variance would allow them to continue to operate as a veterinary clinic and be able to remain in Centerville.

4. Without the Variance, an adequate amount of rooms could not be installed and supply enough cages for the third veterinarian.
5. For over 30 years, this building has been adequate for two veterinarians. With the addition of a third veterinarian, a hardship would arise if they were unable to supply the doctor with enough rooms and cages for his patients. Currently there are 11 rooms in the clinic and the proposal is to construct 5 more. Currently there are 16 cages and 9 more would to be added.

Mr. Pozzuto arrived at this time.

6. Approval of the Variance would give them 45 square feet for these additional rooms and cages.
7. Without the Variance, a trench could not be extended the length of the building inside the rear wall. The trench is used for the removal of waste/hair and should it not be extended properly, it could make it difficult to maintain a sanitary environment.
8. A privacy fence will block the view of this expansion from the neighbors, therefore, there should be no impact on those properties.
9. A Variance will not give them any special privileges, but allow them to operate with a 3-person practice. The building on the lot behind his property has a rear yard setback of approximately 14 feet; therefore, granting the requested Variance should not present a special privilege since the rear yard setback on both adjoining properties were granted.

Dr. Coatney stated they are not requesting a more intense Variance, just match what exists on his building. He stated his business is the only original business located in the strip of buildings on Far Hills Avenue between North Village Drive and Fireside Drive. He stated they have made landscaping improvements and maintained their building to make a nice appearance. He stated they are the only family veterinary practice in the Dayton area and when his son joins the practice in June, they will be the only father, daughter, son practice in the State of Ohio. Dr. Coatney stated it was his hope the request is approved so they can continue their practice in the City.

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

Mr. Durham asked if the building behind Dr. Coatney's property had been granted a variance.

Mr. Feverston stated he had no knowledge of a variance being granted and it would have to be researched.

Mr. Weingarten asked if the building could be shifted 3 feet forward and a "S" curve placed in the trench.

Mr. Davis stated the parking and landscaping requirements could not be satisfied if the building location was shifted forward.

Mr. Durham pointed out that financial hardship is not a basis for granting a variance. The existing building is usable and the request for the Variance is a result of overdeveloping the site.

Dr. Coatney stated they have backup in the existing 4 inch drain and if a curve is placed in that line, it will create more problems.

Mr. Oliver stated that requiring a second drain would be impractical with it having to be trenched under the foundation, and through the parking lot to tie in to the sanitary line. He stated we are talking about 45 square feet to match the existing building line which would have a more aesthetic appearance, it is a fenced site, and no adjoining property owners have objected to the request. Mr. Oliver stated from an architecture and aesthetic standpoint as well as a construction practicality, he did not have a problem with the request.

Mr. Briggs agreed with Mr. Oliver stating that he felt the proposal was reasonable.

Mr. Clark asked why the variance for Penney Satellite, directly north of the site in question, was approved.

Mr. Feverston stated a rear yard setback variance was approved to allow an overhead delivery door in the rear yard. The only practical way to install an overhead delivery door without a variance would have been facing Far Hills Avenue, therefore, the Planning Commission approved the variance.

MOTION: Mr. Weingarten moved to approve the Variance application filed for Far Hills Animal Clinic, 6240 Far Hills Avenue, to allow a 16.7 foot rear yard building setback. Mr. Briggs seconded the motion. The motion was approved 4-1 with Mr. Durham voting no.

City of Centerville (Interstate Executive Center) - Variance of Building Setback and Parking/Paving Setback

Mr. Feverston reviewed the Variance application submitted by the City of Centerville for Interstate Executive Center located at 6700-6804 Loop Road. The zoning on the property is B-PD, Business Planned Development on which the office condominium project is developed. He explained that as a result of a rezoning application for property located directly east of this site, required setbacks for Interstate Executive Center to the newly designated zoning classification would create non-conforming setbacks as required in the Zoning Ordinance. The

Planning Commission recommended approval of the rezoning application for Michael LeMaster with a condition that a Variance be approved for Interstate Executive Center prior to that application being approved by Council.

The setback requirements affected are the 100 foot side yard building setback and the 100 foot side yard parking/paving setback. The proposed side yard building setback is 65 feet and the side yard parking/paving setback is zero (0) feet.

Based on the following analysis, staff recommended approval of the Variance application:

1. City Council approved the Interstate Executive Center project on April 7, 1986. This approval was granted prior to the adoption of the current Zoning Ordinance. The zoning on the property at that time was B-2, Roadside Business.
2. The subject property is currently zoned B-PC, Business Planned Development.
3. This property is currently legally conforming with regard to building setbacks. The required building setback to the east property line is 35 feet and the existing buildings on the site are situated 65 feet or greater from this lot line.
4. This property is legally nonconforming with regard to parking and paving setback. The property is paved to the east property line. The Zoning Ordinance now requires a 10 foot parking and paving setback.
5. The adjacent property to the east, also zoned B-PD, contains a historic house. The house was designated as Landmark by the City Council in 1999, and has been remodeled for residential use. The owner of the house has filed a rezoning application with the City, requesting that the northern 1.567 acres of the property (where the Landmark house is situated) be rezoned from B-PD, Business Planned Development to R-PD, Residential Planned Development. The City staff believes a residential use is the highest and best use for the historic house and, therefore, supports the rezoning.
6. On December 10, 2002, the Planning Commission unanimously recommended to the City Council that the 1.567 acres on the adjacent parcel to the east be rezoned from B-PD to R-PD. This recommendation was conditioned upon the granting of a Variance to allow the building and parking/paving setbacks of Interstate Executive Center, created by the rezoning, to be legal.
7. Should the rezoning be approved by the City Council, Interstate Executive Center would be affected by this action. The required building and parking/paving setbacks would be increased to 100 feet making that portion of the property non-conforming. Should any of the buildings or parking be destroyed by more than 50%, the development would be required to conform to the 100-foot setback requirement. This

situation creates a unique hardship for the property owner that is not self-imposed. The granting of both variances is necessary to mitigate this impact and is the minimum variance necessary for the reasonable use of the property.

Mr. Durham opened the public hearing.

Mr. Jim Cross, attorney for Michael LeMaster, stated there is no change in the use of the properties and this Variance is simply a detail to make them conform. Approval of the Variance will simply cure the problem of non-conformity in case of destruction of property occurs.

Mr. Hans Soltau, representing Interstate Executive Center, stated they do not object to the rezoning as long as this Variance is approved. They want to have the legal right to rebuild should their project be damaged in any way.

MOTION: Mr. Oliver moved to approve the Variance filed by the City of Centerville for Interstate Executive Center, 6700-6804 Loop Road, to allow a side yard building setback of 65 feet and a side yard parking/paving setback of zero (0), as requested. Mr. Briggs seconded the motion. The motion was approved unanimously 5-0.

#### NEW BUSINESS

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

#### Enterprise Rent-A-Car - Planning Commission Special Approval

Mr. Feverston reviewed the Special Approval application submitted for Enterprise Rent-A-Car located at 280 Loop Road. The zoning on the 1.80 acre site is Business Planned Development, B-PD. The request is to construct a 370 square foot building expansion and a 5,652 square foot parking lot on the site. The architecture of the building addition will match that on the existing building. The new parking area to be used for storing inventory, will have one (1) access point and will be lower than the existing parking area. The existing detention basin will be enlarged to satisfy any additional stormwater drainage from the site.

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

1. A final grading and stormwater drainage plan shall be subject to approval by the City Engineering Department showing drainage calculations and incorporating retention and/or detention and erosion control during construction in accordance with the City Stormwater Drainage Control Ordinance. Specifically:

- A. The developer shall subject an erosion control plan to the City Engineering Department prior to construction. Erosion control systems shall be installed prior to any grading or construction activity on the site.
  - B. A construction limit shall be delineated on the development plans and marked in the field prior to any grading or construction activity on the site. All trees and vegetation in the area north and east of the detention basin and outside of any grading limit shall be preserved.
  - C. The detention basin shall be designed in a manner that preserves existing significant trees in the vicinity.
2. A final landscaping plan shall be subject to approval by the City Planning Department. Existing trees along the north and east property lines shall be preserved to the greatest extent practical and the applicant will be credited for trees saved on the landscape plan.
  3. 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 Engineer. This bond or guarantee shall be in accordance to the Guarantee of Construction and Installation of Improvement; Inspections Section of Park Twelve, Title Four of the Code of Ordinances.
  4. The final design of the parking layout shall be subject to approval by the City Engineering Department.
  5. A hard surface roadway capable of providing emergency vehicle access and support at all times for emergency purposes shall be provided during construction.

Mr. Brant Cornelison, Wenco Construction, stated the existing detention basin will be expanded from 3,855 cubic feet to 11,400 cubic feet to pick up any additional flow of stormwater. The building addition will provide office space which will allow the existing building to have an enlarged showroom. Curb replacement has been made a part of this project to assist with the stormwater runoff.

Mr. Briggs asked how many cars will be located in the new parking area.

Mr. Cornelison stated that since it is for inventory only, striping will not be added and it will have as many cars as possible within that space.

Mr. Clark asked how the severe drop in grade will affect the existing detention basin.

Mr. Hoffman stated the existing basin will be cleaned up and a berm will be constructed on the northeast corner of the basin where there will be more than adequate storage volume provided.

Mr. Rodney Miller, 320 South Village Drive, stated that whenever pavement is added anywhere on Loop Road it makes him nervous. It just increases the flow of water down into the neighborhood. It appears some of the existing problems will be mitigated and make a considerably larger detention area. If all that takes place, it should be advantageous and this should be a slam dunk after the Voss proposal. If landscaping is planted as shown, it will provide screening that is not in place now. He stated what really bothers him is that Loop Road just keeps getting bigger and more intrusive on the Village South neighborhood.

MOTION: Mr. Briggs moved to approve the Special Approval application submitted for Enterprise Rent-A-Car, 280 Loop Road, for a Building Addition and Parking Area subject to the following conditions:

1. A final grading and stormwater drainage plan shall be subject to approval by the City Engineering Department showing drainage calculations and incorporating retention and/or detention and erosion control during construction in accordance with the City Stormwater Drainage Control Ordinance. Specifically:
  - D. The developer shall subject an erosion control plan to the City Engineering Department prior to construction. Erosion control systems shall be installed prior to any grading or construction activity on the site.
  - E. A construction limit shall be delineated on the development plans and marked in the field prior to any grading or construction activity on the site. All trees and vegetation in the area north and east of the detention basin and outside of any grading limit shall be preserved.
  - F. The detention basin shall be designed in a manner that preserves existing significant trees in the vicinity.
2. A final landscaping plan shall be subject to approval by the City Planning Department. Existing trees along the north and east property lines shall be preserved to the greatest extent practical and the applicant will be credited for trees saved on the landscape plan.
3. 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 Engineer. This bond or guarantee shall be in accordance to the Guarantee of Construction and Installation of Improvement; Inspections Section of Park Twelve, Title Four of the Code of Ordinances.



4. The final design of the parking layout shall be subject to approval by the City Engineering Department.
5. A hard surface roadway capable of providing emergency vehicle access and support at all times for emergency purposes shall be provided during construction.

Mr. Weingarten seconded the motion. The motion was approved unanimously 5-0.

Other New Business

Mr. Feverston introduced Mr. Jim Cunningham, Mr. Mario LaVigne, and Mr. Clay Cookerly of Graeter's Ice Cream, present to discuss signage issues for their facility to be located on the northeast corner of Main and Franklin Streets in the Architectural Preservation District (APD). Mr. Feverston indicated the issue for two wall signs in exchange for a ground sign is desirable and they wanted to discuss it with the members of Planning Commission.

Mr. LaVigne stated that signage will most likely be incorporated into the building as a building feature and that is the reason for a second wall sign.

Mr. Oliver stated a project of this nature is a great opportunity to rework the corner.

Mr. Weingarten stated the signs would have to be reviewed at the time an application is filed.

Mr. Durham felt the section of the Sign Ordinance should be permitted rather than through the Variance process. He stated the Planning Commission only would approve a second wall sign, however, the sign and building will be reviewed by the Board of Architectural Review (BAR).

The Planning Commission agreed the provision to allow a second wall sign in exchange for a ground sign is reasonable, and it should be drafted as soon as possible and set for public hearing.

There being no further business, the meeting was adjourned.

A handwritten signature in blue ink, appearing to be "J. B. Edman", is written at the bottom of the page.

