

**CENTERVILLE PLANNING COMMISSION**  
**Regular Meeting**  
**Tuesday, February 12, 2002**

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

Attendance: Mr. James Durham; Chairman; Mr. Patrick Hansford; Mr. Rand Oliver; Mr. James Briggs; Mr. Joseph Weingarten. Absent: Mr. Jack Kindler. There is currently one (1) vacancy on the Planning Commission. Also present: Mr. Steve Feverston, City Planner; Mr. Ryan Shrimplin, Planner; Mr. Robert N. Farquhar, City Attorney; Mr. Norbert Hoffman, City Engineer; Mr. Christopher Pozzuto, Economic Development Administrator.

Approval of minutes:

MOTION: Mr. Briggs moved to approve the Planning Commission minutes of the January 8, 2002, Planning Commission Work Session, as written. Mr. Oliver seconded the motion. The motion was approved unanimously 5-0.

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PUBLIC HEARINGS

Beerman Realty Company - Variances of Paving/Grading In a Required Bufferyard

Mr. Feverston reviewed the Variance application submitted by Beerman Realty Company, for property located on South Main Street immediately north of the existing Kroger store in Centerville Place Shopping Center. This second phase of the shopping construction was approved in an overall master plan many years by Council. The zoning on the vacant parcel of land is Business Planned Development, B-PD.

The purpose of the request is to construct an access drive within the required 100 foot bufferyard as well as related grading in the northwest area of the site. A bufferyard is required to provide mounding, landscaping and screening within that area. The applicant is requesting the access drive to be permitted to encroach 30 feet into the bufferyard area as well as encroachment of 80 feet into that area for grading purposes. Mr. Feverston stated the closest point the access drive would come to an existing house is approximately 70 feet and the access drive would be constructed approximately 15 feet below the existing grade.

Staff felt that since the existing access drive to Centerville Place has a traffic volume in excess of 4,500 vehicles per day, the shopping center would be better served to separate the customer traffic from the delivery traffic at its earliest point.

In analyzing the Variance request, staff determined the following points:

1. The zoning on this property is Business Planned Development, B-PD. Per the Zoning Ordinance, a 100 foot bufferyard is required where a B-PD zoning district abuts a residential use. The west and northwest portions of the parcel abut residential and are subject to the 100 foot bufferyard requirement.
2. The land within the required bufferyard is primarily grassland and open. There are evergreen trees and scrub brush located along the northwest property lines. There is also an area of brush and a few deciduous trees in this area.
3. The parcel is irregularly shaped in the northwest portion of the site in the area of the proposed variance. The existing property lines form a "notch" which cuts into the developable area of the site creating practical difficulties. The configuration of the parcel was not created by the property owner.
4. There exists a significant grade difference between the land to be developed as future retail space and the land to be used as a bufferyard. The grade separation creates practical difficulties that limit the reasonable use of the property.
5. The City constructed a public street that connects Spring Valley Road to Centerville Place Shopping Center. This street carries approximately 4,500 vehicles per day. The connection of this public street into the subject parcel in conjunction with irregular lot configuration and the grade change in the northwestern portion of the site limits the buildable area on the site and creates practical difficulties.
6. The applicant is requesting a Variance to allow a slight encroachment into the required bufferyard for the purpose of creating an access drive in the northwest portion of the site. As part of this request, the applicant is also proposing a grading encroachment of up to 80 feet in the same area.
7. The applicant has stated that shifting the building to eliminate the Variance would create an irregular traffic pattern and require moving much of the parking to the rear yard behind the building creating a practical difficulty.
8. Eliminating the rear access drive from the bufferyard would force all traffic onto the front access drive. The front drive is currently carrying approximately 4,500 cars per day and would become substantially congested if it were made to accommodate the entire traffic load on the site.
9. Reducing the pavement width of the proposed driveway and increasing the slope within the area of the subject variance is reasonable to minimize the requested variance.

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

1. The requested Variance shall be limited only to the northwest corner of the site as described in the application.
2. The encroachment shall be minimized to the greatest extent possible. Specifically, the road shall be narrowed to a minimum width of sixteen (16) feet utilizing a traffic choker design. The slope shall be increased to a maximum ratio of 1.5:1 and/or utilize a tiered retaining wall design to minimize the grading encroachment. The final design of the road and the grading shall be subject to approval by the City.
3. The bufferyard shall be landscaped according to the Bufferyard, Landscaping, and Screening Requirements in the Zoning Ordinance. The screening shall consist of a combination of trees, ground cover, mounding, and a solid-board privacy fence. Existing trees in the bufferyard may be credited toward the required landscaping.

Mr. Durham opened the public hearing.

Mr. Richard Holmes, architect for the project, stated many options for this phase of the shopping center were studied. He stated the proposed variance is based on a concept to develop the site and meet the remainder of the zoning regulations. Mr. Holmes indicated if the access drive was relocated out of the bufferyard, the site could not meet the minimum parking requirement.

Mr. Durham asked if the retail space to be located between Kroger and the proposed SteinMart could be flipped in order to construct the access drive and building completely out of the buffer area.

Mr. Holmes indicated a layout configuration of that design would not be acceptable for leasing purposes.

Mr. Durham pointed out that would be an economic matter which the Planning Commission cannot consider when considering a variance.

Mr. Warren Gordon, relative of the property owner located at 9106 April Lynne Avenue, indicated their concerns were with safety and noise. He stated there are small children in the neighborhood and neighbors are concerned how these issues will affect their property. He asked if the applicant had considered decreasing the amount of retail space between Kroger and SteinMart in order to satisfy the zoning standards.

Mr. Tim Albro, Beerman Realty Company, stated the amount of retail space was the minimum necessary to make the project financially feasible.

Mr. Gordon stated he was confident his relatives would object to the variance and would appreciate the Planning Commission maintaining the required bufferyard.

Ms. Ingrid McCalmont, 9128 Heather Lane, stated her property would be directly behind the proposed SteinMart and her concern was noise, lighting, etc. She indicated her realtor informed her that no development would take place in that area along the existing access drive. She stated the existing lighting behind Kroger shines into her kitchen and additional lighting will only increase the problem. She stated her objection to the variance request.

Mr. Feverston stated that even though a site plan has not been filed for the SteinMart project, all lighting fixtures and locations must be approved by the City. Fixtures must be down-directed so spillage onto adjacent properties cannot occur. This property has been zoned for business since the 1960's and the Beerman Realty Company has always intended to develop the entire site.

Mr. Michael O'Brien, 200 South Village Drive, stated bufferyard requirements were adopted as part of the Zoning Ordinance to protect the residents and their properties. He felt the standards should be maintained and no variance be approved for encroachment into the bufferyard.

Mr. Mack VanAllen, 220 Kimbary Drive, asked if there were other hardship issues other than economical.

Mr. Feverston staff felt the property has practical difficulties as a result of physical issues, traffic issues and grading issues which affect the development of the property.

Mr. VanAllen stated the property owner has a right to develop his property. The project should be developed within the zoning standards, if possible, to protect the Centerville-Washington Township community.

Mr. Jim Bamford, 9142 Heather Lane, stated he wanted the 100 foot bufferyard to be maintained. On more than one occasion, the Police Department has entered that area to apprehend suspects running from the shopping center. He asked that screening be reviewed very carefully when the development of the site starts.

Mr. Ronald LaParre, 9398 Shawhan Drive, stated that even he lives behind the Elder-Beerman store, he can hear the delivery trucks at Kroger and the lighting fixtures are not down-directed.. He encouraged the Planning Commission to maintain the required bufferyard and asked, further, if screening would be added to the existing bufferyard near his home.

Mr. Durham stated that parcel of land is separate from the parcel proposed for SteinMart and, therefore, additional screening could not be required. He stated the lighting fixtures in that area of the shopping center were installed prior to the current lighting standards.

Ms. Kathy Garrett, 9158 Heather Lane, asked how much landscaping would be added to the bufferyard.

Mr. Durham stated there is a standard in the Zoning Ordinance for landscaping requirements. It is possible existing trees in the bufferyard area can be counted towards the landscaping requirement.

Mr. Roger Miller, 9119 Heather Lane, asked if the depth of the retail space for SteinMart could be reduced to maintain the zoning standards. He felt the resident's feelings should be considered rather than the desire of the retailer.

Mr. Tim Albro stated that SteinMart is a national retailer and there is basically no deviation of building design for different locations throughout the United States.

Mr. Mike Mosley, 9106 April Lynne Avenue, stated he opposed the variance as it would directly affect his property. His concerns included noise and security in terms of how the developer would deal with those issues. He stated the noise and lighting will only be intensified with the development of the site. He asked if the new phase of the shopping center could be connected with the existing shopping center.

Mr. Feverston stated a privacy fence is required to extend for the entire length of the parcel in questions. The fence would be installed at the top of a mound area to be of the greatest benefit to the adjoining properties. He stated the City cannot require the connection of the retail space to the existing shopping center as it is not owned by the applicant.

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

Mr. Weingarten and Mr. Briggs agreed the variance to allow encroachment into the bufferyard should not be approved. The bufferyard is a very important element in the zoning standards in order to protect the adjoining properties and residents.

Mr. Oliver stated the 100 foot bufferyard has never been violated with the exception of the alignment of Ambridge Road for the Clyo Road Professional Offices in which case there was no option. He stated he could not support the request for this variance.

Mr. Hansford stated there is no hardship to allow encroachment into the bufferyard. He stated he felt the variance was one of economics and he did agree with the staff analysis of this request.

Mr. Durham agreed that no encroachment should be permitted in the bufferyard for paving; however, encroachment might be considered for grading purposes during construction of the building.

The members of Planning Commission agreed to table the request for encroachment into the bufferyard for grading purposes only until the applicant provides additional information concerning development of the site.

MOTION: Mr. Hansford moved to approve the variance request by the Beerman Realty Company to allow a 30 foot encroachment to the edge of pavement into the 100 foot bufferyard on property located north of the existing Kroger store on South Main Street. Mr. Weingarten seconded the motion. The motion was denied unanimously 0-5.

MOTION: Mr. Hansford moved to table the variance request by the Beerman Realty Company for the grading limit into the 100 foot bufferyard on property located north of the existing Kroger store on South Main Street. Mr. Weingarten seconded the motion. The motion was approved 4-1 with Mr. Briggs voting no.

There being no further business, the meeting was adjourned.

A handwritten signature in black ink, appearing to be "J. B. ...", is written on the page.