

CENTERVILLE PLANNING COMMISSION
Regular Meeting
Tuesday, May 14, 2002

Mr. Durham called the meeting to order at 7:40 P.M.

Attendance: Mr. James Durham, Chairman; Mr. Rand Oliver; Mr. Joe Weingarten; Mr. James Briggs; Mr. Patrick Hansford; Mr. Robert St. Pierre; Mr. Paul Clark. Also present: Mr. Steve Feverston, City Planner; Mr. Ryan Shrimplin, Planner; Mr. Robert N. Farquhar, City Attorney; Mr. Chris Pozzuto, Economic Development Administrator; Mr. Greg Horn, City Manager.

Approval of minutes:

MOTION: Mr. Oliver moved to approve the Planning Commission Regular Meeting minutes of April 30, 2002, as written. Mr. Weingarten seconded the motion. The motion was approved unanimously 7-0.

COMMUNICATIONS

Mr. Feverston stated correspondence from the Village South Neighborhood Association had been received requesting the Planning Commission Special Approval application for Voss Dodge be processed through the public hearing process. This request was forwarded to Chairman Durham who responded and indicated that all issues before the Planning Commission, although they are not technically public hearings, are open to the public and opportunities are given for their input.

Mr. Durham stated, further, that the Variance application submitted for the same project was the subject of a public hearing and all property owners were noticed as required. It was his opinion that proper notification was accomplished without delaying review of the application.

The members of Planning Commission agreed with Mr. Durham's opinion.

PUBLIC HEARINGS

Voss Dodge - Variance of Interior Parking Lot Landscaping

Mr. Feverston reviewed the Variance application submitted by Judge Engineering for Voss Dodge located at 90 Loop Road. The 6.878 acre parcel is zoned Business Planned Development, B-PD. The request for variance is to require zero (0) percent of parking lot interior landscaping as part of a project to construct a new auto body shop on the site. The landscaping requirement is eight (8) percent for interior landscaping.

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

1. The Zoning Ordinance contains requirements for interior landscaping within large parking lots to mitigate the impact of large expanses of pavement, and to provide a tree canopy for aesthetic and shading purposes.
2. Per the Zoning Ordinance, new parking lots with a surface area of at least six thousand (6,000) square feet are required to contain interior landscaping equal to eight (8) percent of total area of the parking lot as defined by its perimeter.
3. The applicant is requesting a Variance to omit the entire eight (8) percent interior landscaping requirement as it applies to the new parking lot (245 spaces proposed).
4. Staff does not find a hardship or practical difficulty regarding the site. The granting of the Variance is not necessary for the reasonable use of the property as the site plan could be slightly revised to accommodate the full eight (8) percent interior landscaping.

Based on that analysis, staff recommended denial of the Variance to omit the required parking lot interior landscaping.

Mr. Durham opened the public hearing.

Mr. Brad Judge, Judge Engineering representing Voss Dodge, stated the site plan had been revised to alleviate all variances with the exception of the interior parking lot landscaping. He stated the hardship created with trees within the parking lot storage area is the bird droppings and tree sap which would result in damage to newly painted vehicles.

Mr. Greg Stout, Voss Chevrolet, stated the interior parking lot landscaping presents a hardship and hinders the practical use of the property. He stated the Environmental Protection Agency (EPA) has determined that this environmental fallout will permanently damage new paint and automotive coatings. He distributed copies of these findings to the members.

Mr. Durham asked if the landscaping had to be installed throughout the parking lot or if could be clustered in one area.

Mr. Feverston indicated the landscaping could be clustered in one area provided it met the eight (8) percent standard.

Mr. Phil Whitaker, 360 Whittington Drive, stated that birds are not concentrated over the Voss Dodge site and they fly over the property regardless of whether there would be trees on the site. He stated there is not unique circumstance to approve a variance.

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

Mr. Hansford asked how many parking spaces would be eliminated if the landscaping was required.

Mr. Feverston stated approximately 22 spaces would be lost along with the drive isle area.

Mr. Durham agreed with the recommendation of staff to deny the variance stating the area of landscaping could be clustered on the site.

MOTION: Mr. Briggs moved to approve the Variance application submitted by Judge Engineering for Voss Dodge, 90 Loop Road, to eliminate the parking lot interior landscaping. Mr. Weingarten seconded the motion. The motion was denied unanimously 0-7.

Robert Ullrich (Hidden Valley Fruit Farm) - Appeal of Administrative Decision

Mr. Durham opened the public hearing. He stated the Appeal application had been withdrawn. Mr. Durham closed the public hearing.

No further action was necessary.

NEW BUSINESS

St. Francis of Assisi - Variances of Building Height, Height of Roof Pitch, Building Base, and Number of Ground Signs

Mr. Feverston reviewed the Variance application submitted for St. Francis Church located at 6245 Wilmington Pike. The zoning on the 20.42 acre site is R-1c, Single-Family Residential, which allows a church facility as a permitted use. The requested four (4) variances are primarily to provide for a proposed new worship space addition and parking lot.

Mr. Feverston reviewed the request for a second ground sign to be located along the church's property frontage on Cloyo Road. With the proposed building, a major access to the site will be located on Cloyo Road as well as the existing access on Wilmington Pike.

Based on the following analysis, staff recommended approval of a second sign as requested:

1. The Zoning Ordinance limits non-residential uses to one (1) ground sign per premises. St. Francis of Assisi currently has a ground sign in the front yard along Wilmington Pike.
2. The subject property is 20.42 acres in size and is irregularly shaped.

3. The parcel currently has access to Wilmington Pike and Center Pointe Drive. The church is proposing to add a new principal access drive connecting to Clyo Road as part of their development plans. The new access drive will re-orient the church's principal access away from Wilmington Pike and towards Clyo Road where the main parking lot is proposed.
4. The subject property has approximately 448.65 feet of frontage to Clyo Road and 725.40 feet of frontage to Wilmington Pike. The two (2) frontages are separated by over 1,000 feet of combined frontage occupied by three (3) businesses: Early Beginnings Child Care, BP Express, and First Title.
5. The proposed expansion to the church will be situated approximately 705 feet from Clyo Road.
6. In the opinion of the Planning Department, the scale and configuration of this parcel creates practical difficulties for the applicant. The large, separate road frontage to Clyo Road in conjunction with the proposed driveway that will serve as a principal access for the church creates practical difficulties in adequately signing the property.

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

Mr. Hansford felt the request was justified based on the irregular shape of the lot.

MOTION: Mr. Hansford moved to approve the Variance request by St. Francis of Assisi, 6245 Wilmington Pike, for allow a second ground sign to be located along the property frontage on Clyo Road. Mr. Briggs seconded the motion. The motion was approved unanimously 7-0.

Mr. Feverston reviewed the request to allow a building height of fifty-two (52) feet rather than the maximum standards which is forty-five (45) feet. Based on the following analysis, staff recommended the request be denied:

1. The subject property is zoned R-1c, Single-Family Residential. The maximum building height for a church building in this zoning district is forty-five (45) feet.
2. The applicant is requesting a Variance to allow the proposed addition at a height of fifty-two (52) feet.
3. The applicant states that the fifty-two (52) foot height is necessary for proper acoustics pertaining to the pipe organ, and that the roof actually functions as a steeple and should not be considered a part of the building structure.

4. Staff does not find a hardship or practical difficulty that is applicable to the land. Acoustical considerations do not justify a Variance under the Zoning Ordinance.
5. In the opinion of the Planning Department, the roof is an integral part of the structural system of the building and, therefore, cannot be considered a steeple for zoning purposes.

Mr. Durham opened the public hearing.

Mr. Lee Tollefson, architect representing the church, stated he would like to discuss the interface between the design of the church and the Zoning Ordinance. He stated the church expansion has been in the planning stages since December, 1993, and is envisioned by the church members to be a landmark within the community. The slope of the roof in the design is a question of composition in that this is a very important element for the architects. They have a well-defined proportional roof and by lowering the roof and slope, some of the proportion and composition will be lost. He stated it is their hope the Planning Commission will look at this issue as an interface between the architecture, the idea of the church being a landmark in the community, and the overall design of the church.

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

Mr. Hansford stated there is no unique circumstance to warrant a variance in this situation. The variance request is nothing more than a result in the design of the church created by the architect.

MOTION: Mr. Briggs moved to approve the Variance request by St. Francis of Assisi, 6245 Wilmington Pike, to allow a building height of fifty-two (52) feet. Mr. Weingarten seconded the motion. The motion was denied unanimously 0-7.

Mr. Feverston reviewed the request to allow a roof proportion to exceed one-half (1/2) of the overall building height. The proposed roof height would equal sixty-seven (67) percent of the overall building height. Based on the following analysis, staff recommended the request be denied:

1. The Zoning Ordinance required non-residential buildings with a pitched roof to have a roof height proportion that is no greater than one-half (1/2) of the overall building height.
2. The applicant is requesting a Variance to allow the roof to occupy approximately sixty-seven (67) percent of the overall building height.
3. The applicant states that the scale and proportion of the roof is dictated by the acoustical requirements of the pipe organ.

4. Staff does not find a hardship or practical difficulty regarding the site. It is possible to redesign the addition to reduce the roof proportion to one-half (1/2) of the overall building height, making it more compatible with the architecture of the existing building.

Mr. Durham opened the public hearing.

Mr. Lee Tolefson, architect representing the church, stated the maximum height of the existing church is thirty-two (32) feet. It is actually a series of horizontal walls in the existing church that vary in height. In order to pick up those walls in the design those horizontal planes are what set the lower wall in the church which the dome rises above. In their interest to be compatible with the scale and texture of the existing building as well as to create the dome at the top, the proposed proportions were established.

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

Mr. Jim Meixner, 2355 Briggs Road, stated that a member of the church, they went to extra expense to hire artists nationally known to build a beautiful structure. He stated what the Planning Commission is criticizing not only a building, but a form of art. He stated he was disappointed as they went to a lot of extra care to construct not just a building, but a building as part of a village. He stated perhaps the members do not have the power to approve a variance for these issues, but some consideration should be given to allow different standards for works of art.

Mr. Durham stated that zoning standards are adopted for consistent development within a community. The Planning Commission must enforce those standards unless a variance is warranted. In this case, nothing warrants this variance, however, an Appeal can be filed with the Council who has the ability to overturn a Planning Commission decision.

MOTION: Mr. Briggs moved to approve the Variance request by St. Francis of Assisi, 6245 Wilmington Pike, to allow a roof proportion in excess of one-half (1/2) the building height.. Mr. Weingarten seconded the motion. The motion was denied unanimously 0-7.

Mr. Feverston reviewed the request to eliminate an architectural base from all building elevations of the proposed project. A base is required on all building elevations. Based on the following analysis, staff recommended the request be approved:

1. The Zoning Ordinance requires new buildings and building additions to contain an architectural base on all building elevations.

2. The existing church building was constructed several years prior to the passage of the current architectural requirements in the Zoning Ordinance. The existing building is legally non-conforming with respect to its building elevations. Specifically, the building elevations do not express an architectural base.
3. The General Architectural Design Requirements (Section 20.C.2) of the Zoning Ordinance require that “architectural elevations for all buildings shall be that the design, massing, materials, shape, and scale, of all new or modified principal buildings, and accessory buildings shall create a unified design on the premises and shall be visually compatible with the surrounding buildings”.
4. With respect to the base, the proposed building elevations for the new additions were designed to be consistent with the architectural style of the existing building. Therefore, the new elevations also do not express a base.
5. With respect to the base, the applicant is first and foremost attempting to satisfy the General Architectural Design Requirements of the Zoning Ordinance. However, it is not possible to achieve this without conflicting with the specific design requirement indicated in #1. This creates a practical difficulty for the property owner which is not self-imposed.
6. Strict application of the Zoning Ordinance would not deprive the applicant reasonable use of the property. It would create practical difficulties by imposing a design element that is not compatible with the existing church building.
7. Strict application of the Zoning Ordinance would not create unified design on the premises and, therefore, would fail to meet the intent of the General Architectural Design Requirements of the Zoning Ordinance.

Mr. Durham opened the public hearing.

Mr. Lee Tolefson, architect representing the church, stated this is important to have this be a modern building and work with the existing church to provide harmony between the two.

Mr. Hansford stated the Planning Commission has approved requests of this nature previously in order to create harmony within a development.

MOTION: Mr. St. Pierre moved to approve the Variance request to eliminate the building base on the new church structure. Mr. Oliver seconded the motion. The motion was approved unanimously 7-0.

NEW BUSINESSVoss Dodge - Planning Commission Special Approval

Mr. Feverston reviewed the Special Approval application submitted by the Judge Engineering Company for Voss Dodge located at 90 Loop Road. The request is to develop a 48,000 square foot auto body repair shop and the related parking lot. There are 105 parking spaces required for this development and the applicant is proposing 245 spaces. The zoning on the 6.878 acres on which the Voss Dodge dealership is located is zoned Business Planned Development, B-PD. The use of a body shop is a principal permitted use in a B-PD zoning district. The applicant is in the process of combining 90 and 100 Loop Road to create one (1) for a total of 14.353 acres. The purpose of combining the lots is to alleviate the need for a side yard setback variance for the construction of the proposed facility.

The Voss Dodge sales area is located at the front of the site with an existing body shop behind it. There is a required one hundred (100) foot buffer strip along the north property line where it abuts the Village South neighborhood and the Villager Apartments. Epiphany Lutheran Church is to the west. The proposed site plan shows all improvements to the site to take place outside the existing buffer area. A system of retaining walls is proposed along the north and west property lines. A keystone or stacked retaining wall will be used.

The architect, Mr. Alex Luque, has worked the design of the building to meet all zoning requirements with regard to larger buildings. The mass has been broken both vertically and horizontally with split face block, fluted block and E.I.F.S., to be used on the building elevations. No doors will be on the north elevation of the building. The east elevation will utilize a metal panel to provide architectural uniqueness to the building.

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

1. The Planning Commission must approve a Variance to omit the required eight (8) percent interior landscaping in the proposed parking lot.
2. Prior to the issuance of any permits by the City, the subject lot and the lot directly abutting this property to the east must be combined into a single lot or otherwise legally joined as a single development, subject to approval by the City Attorney.
3. 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.

4. The final construction phasing schedule shall be subject to approval by the City Engineering Department.
5. The north and west retaining walls shall be constructed either prior to or in conjunction with any backfilling of the site, the installation of stormwater detention facilities, and any stripping and stockpiling of soil on the property subject to approval by the City Engineering Department.
6. The final design of the parking layout shall be subject to approval by the City Engineering Department to allow adequate access and circulation by emergency vehicles.
7. 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 are visually compatible with the surrounding buildings. Specifically, the Planning Commission must approve the flat roof and the use of E.I.F.S., metal panels, and textured and smooth-face concrete block as siding materials.
8. A wall or solid board fence, six (6) feet in height, shall be installed at the top of the retaining wall for screening purposes.
9. A final landscape and screening plan shall be subject to approval by the Planning Department.
10. 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 Improvements; Inspections Section of Part Twelve, Title Four of the Code of Ordinances.
11. A final exterior lighting plan shall be subject to approval by the City Planner. Lighting in the proposed parking lot including vehicle storage area shall be limited to the minimal output necessary for security purposes, subject to approval by the Planning Department.
12. A hard surface roadway capable of providing emergency vehicle access and support at all times for emergency purposes shall be provided during construction.
13. The use of an outdoor speaker system shall be prohibited.

Further, Mr. Feverston stated the Fire Department had requested that one of the proposed fences be eliminated or redesigned to reduce the number of gates the Fire Department must get through to have access to the rear of the building.

Mr. Brad Judge, representing Voss Dodge, stated the staff recommendations were acceptable with the exception of the fence to be installed on top of the retaining wall. He stated with the tree coverage in the existing buffer area, the fence would not be visible and, therefore, it would provide no additional screening.

Mr. Durham asked if the fence could be deleted from the requirements without a variance.

Mr. Feverston stated the Zoning Ordinance requires fencing, mounding and landscaping for screening purposes. When a buffer area is densely wooded, as in this case of the existing buffer, it can stand alone. It is staff's opinion that fencing should be added to the top of the retaining wall to shield vehicles parked on the site as well as a portion of the building.

Mr. Ken Hahn, 311 South Village Drive, submitted a petition of property owners/residents opposed to the Voss Dodge project. He stated that no development should be considered on Loop Road without first considering its uniqueness of this location and history of the adjacent neighborhood. It is unique as it slopes down and hovers over the Village South area and slopes down to the adjacent neighborhood in such a way that all potential destructive and complex development issues become three dimensional, and potentially more acute than on flat two dimensional properties. It is positioned high above the Village South neighborhood also results in a dramatic visual impact on the area. All development on Loop Road has historically had negative impact on the Village South area. The negatives have been water-related and visual impact. Over the years, the neighborhood has endured flooding, mud slides, overburdened storm and sanitary sewer systems, and an escalating water table in the area that has necessitated costly remedies for many residents, loud speakers disturbing the tranquility of the neighborhood, and bright lights and commercial activity dominating the skyline. Mr. Hahn stated they need no additional threat to the tranquility, nor to their purses. The Village South neighborhood is requesting that the City protect their homes from further outside intrusion and further escalation of existing nuisances. He stated the project is contrary to the current Zoning Ordinance and requirements, overly intensive, unsuitable to the surrounding area that includes a massive sixteen (16) foot high wall and/or embankment that would escalate current damage to adjacent properties, problems related to the high water table and already overburdened storm water and sanitary sewer systems, that would threaten the existing buffer strip during the construction phase, and the visual impact that would leave a terrible scar on the neighborhood.

Mr. Pete Flaherty, 170 Village South Drive, stated that it was his belief that the description of the project was rather candy-coated. He stated the Voss Auto Network was proposing a large and imposing facility at the Voss Dodge location which overlooks the Village South neighborhood. As described to the neighborhood in a meeting with representatives for the project, this would be a regional body shop with a huge parking and storage area, bringing in a

large volume of damaged vehicles from all over the region. He stated the Planning Commission must deny the application based on two (2) issues. A regional body shop is not a permitted use in the Zoning Ordinance. In Section 14, B-PD section of the Zoning Ordinance, it allows for uses such as the Voss Dodge dealership and accessory uses such as the current service center and body shop. In Section 37, Definitions, an accessory use was defined as a use incidental to the primary use. Mr. Flaherty stated the proposed regional body shop would be dependent on the existing use and, therefore, would not be a permitted accessory use. Such a large and intensive operation could not have been envisioned by the authors of the Zoning Ordinance as acceptable in the B-PD zoning district, especially overhanging the Village South area. The proposal is simply not a permissible use.

Mr. Durham asked Mr. Feverston to comment on the issue of whether a body shop is a permitted use in a B-PD zoning district.

Mr. Feverston stated a body shop is a principal permitted use in a B-2 zoning district. Those uses are also permitted in the B-PD zoning district. The proposed body shop for the Voss Dodge project is considered a principal permitted use, not an accessory use.

Mr. Farquhar agreed the body shop is a permitted use in the B-PD zoning district.

Mr. Flaherty stated that in Section 31, Considerations for Reviewing Applications, which states due consideration shall be given to adverse affects on nearby properties (area, neighborhood, use, location, design, construction, character, scale, or manner of operation). In this instance, the Planning Commission cannot simply find that the applicant meets the basic requirements of the Zoning Ordinance. Section 31 dictates that the Planning Commission take necessary additional steps to protect the Village South subdivision from adverse affects created by the proposed use. Considerations shall be given including screening, control of the manner or hours of operation, proposed design, etc., to protect and minimize potential adverse affects to adjoining properties to avoid the substantial depreciation of nearby properties. A regional body shop is not harmonious with the Village South neighborhood. The size of the facility looming over the neighborhood, the massive retaining wall, the damage to the buffer strip, obnoxious paint odors, the lighting, the constant noise, the large volumes of displaced water, the impact on existing stormwater and sewage problems. All of these issues cause the proposal to be so disharmonious in its proximity to a residential neighborhood, there are no restrictions or conditions that could be placed on this operation that could protect the neighborhood. Under these standards, the Planning Commission is permitted to deny the application for Special Approval. It is the belief of the Village South neighborhood that the Planning Commission has a responsibility to the Village South neighborhood to do so.

Mr. Durham asked staff for clarification on the standards in the Zoning Ordinance as outlined by Mr. Flaherty.

Mr. Feverston stated that Section 31 is the Special Approval section of the Zoning Ordinance which empowers the various boards and commissions with the ability to review applications and make decisions. The portion of the Ordinance of which Mr. Flaherty spoke allows the Planning Commission to place reasonable restrictions on development. Those restrictions are stated in the specific zoning district, in this case the B-PD section, as well as in the Supplemental section, Parking section, etc.

Mr. Farquhar stated a permitted use cannot be denied, but conditions can be placed on the project to mitigate the impact.

Mr. Flaherty stated they did not object to the existing body shop that is one tenth the size of the proposed facility. They object any development that is going to burden already existing conditions.

Mr. Durham stated the City Attorney disagreed with the interpretation of the Village South neighborhood concerning the right to develop this property and the Planning Commission must take legal counsel's advice.

Mr. Rodney Miller, 320 South Village Drive, stated the existing buffer strip is critical for the separation of the Loop Road development to Village South. In the winter, the buildings and signage are visible. It would be difficult, even impossible, to construct the wall system without violating the buffer strip. He suggested a bond by posted to provide funding for any damage to the buffer strip during construction.

Mr. Durham asked how the wall could be constructed without intrusion into the buffer area.

Mr. Judge stated the wall system does not require a footer and is a progressive construction that will be backfilled and stepped back toward the parking area as it develops. The work will be done from the front, therefore, no intrusion to the buffer area will occur. These types of walls are used on highway embankments so they have a good history.

Mr. Feverston when asked by Mr. Durham stated that a bond could be required for landscaping which might be damaged during the construction phase of the project.

Mr. Farquhar stated that with the current standards in place and inspection being what they are today, it is less likely damage will occur than it did twenty (20) years ago.

Mr. Ed Donovan, 360 South Village Drive, stated he contacted the Regional Air Pollution Control Agency (RAPCA) and was informed that application to install and operate their air pollutant had not been filed. It should be of interest to the City to know how the air pollution will be handled before approval is given. Even with the best technology, emissions will come out of paint. Young children are greatly affected by this and with the proximity to the

Kindergarten Village, it is critical issue. The proposed facility will be of a size to store more chemicals, and Mr. Donovan felt an environmental study should be required. The issue of odors is a concern as there have been occasions when those come from the existing body shop.

Mr. Durham stated that in terms of environmental control, the City has little or no control on these issues. However, the agencies that regulate these issues will do so.

Mr. Judge stated they have to meet Ohio Safety and Hazard Agency (OSHA) standards and which are currently in place at the existing facility. In terms of air pollution, the U.S. Environmental Protection Agency (EPA) standards and will most likely exceed the California standards which are greater than Ohio standards. No application has been made to RAPCA at this time because final design of the building is not complete. Until that time, application will not be made.

Mr. Hansford stated the building code will govern the storage of chemicals inside the building has limitations and requirements which will be addressed with the building permit phase of the project.

Mr. Donovan stated he understood the City had little control, however, he asked that the City confirm that these issues are addressed.

Mr. Mike O'Brien, 200 South Village Drive, stated the standards in the Zoning Ordinance concerning lighting is that no exterior lighting shall be positioned to extend glare onto an adjacent property or public right-of-way. He stated the existing lights already glare onto their properties six (6) months out of the year.

Mr. Feverston stated the standards in the Zoning Ordinance have changed dramatically since the majority of the dealerships along Loop Road have been built. All of the existing fixtures on the site in questions would not meet the current standards. They are legally non-conforming and can continue to be used. As part of this application, the City has the right to regulate the placement, design and output of any new fixtures. In this case, staff is recommending only enough light permitted for security purposes as there is no need for display lighting in that area.

Mr. Regis Lekan, 321 South Village Drive, stated the balance between the businesses on Loop Road and the residences in Village South is a delicate balance. By putting a regional body shop on the hill above Village South, it will have a negative affect on the sanitary sewer system. According to the Voss representatives, fifty (50) employees will be added which will increase the volume including body shop waste in the sanitary system that Montgomery County has serve the Village South residents which is already surcharged in wet weather conditions. In the past, this has caused backup of the sanitary sewers into basements. Connecting any new lines into the sanitary sewer system means an increased chance in flooding by means of sanitary sewer backup in homes with basements and lower levels. This has been a problem since Loop Road was developed and another project on Loop Road could

bring raw sewage into homes that perhaps up to this point are fortunate not to have that occur. Montgomery County stated the Foundation Drain Disconnect Project put into place has been successful. Ten (10) property owners in Village South have taken advantage of this program. The program is not a solution, but a way to use their facilities during wet weather conditions. At the present time, the County has no plans to continue the Sewer Relief System into the Village South area. Therefore, the residents of Village South have not benefitted from systematic relief from the County. Because this system is not scheduled in the near future, the residents are relying on the City to not increase sewer volume and add to an overtested system.

Mr. Durham asked if that issue would be a valid reason to deny the application.

Mr. Feverston stated that in speaking with Charles Schaeffer, Montgomery County Sanitary Engineering, he indicated these same lines are not overcapacity.

Mr. Hoffman explained the Residential Foundation Drain Disconnect Program is a program where at a shared cost with the property owner, the County installs a sump pump for homes with basements or lower levels to empty the storm water out of the yard rather than into the sanitary sewer system. The County has sealed many of the manholes in the Village South area trying to reduce the infiltration, sealed the lids where stormwater would travel over them, and to Mr. Hoffman's knowledge, the County is continuing there sanitary sewer relief program which is slowly working toward the Village South area.

Mr. Durham asked Mr. Hoffman if, in his opinion, the proposed project would increase the problem.

Mr. Hoffman stated that the main problem in Village South is infiltration and is not due to the existing facilities connected to the system. If you add flow to the system it will increase the flow, but the number of employees and the amount of flow is negligible compared with the overall flow in the system in that area.

Ms. Cara Burkhardt, Judge Engineering, stated the Voss property does connect into the sanitary system, but it connects after the Village South area so the waste from the Voss Dodge site would not affect Village South.

Mr. Lekan stated the volume downstream would slow the progression of the flow upstream and, therefore, would affect the area.

Mr. Hoffman stated it would affect the flow, however, again the main problem is the storm water infiltration.

Mr. Everett Collins, 6430 Colechester Court, stated when he purchased his home approximately twenty-one (21) months ago, he was impressed with the quietness and natural habitat of Centerville. He stated after the trees lost their leaves, he realized where the noise had

been coming from. He stated that not a day goes by where you do not hear motors running, doors shutting down, the outdoor speaker system, etc. The standards in the Zoning Ordinance for noise levels are most likely exceeded. He asked the hours of operation for the proposed facility.

Mr. Durham stated the City can regulate the hours of operation.

Mr. Feverston stated the sound levels are regulated in the Zoning Ordinance, however, a consultant would most likely have to be hired to get accurate measurements. The outdoor speaker system cannot expand. He indicated he would notify the Zoning Inspector of Mr. Collins' noise complaint.

Mr. Bob Sherman, 6420 Colechester Court, stated changes in stormwater drainage have occurred in the past five (5) to seven (7) years since Voss has done upgrades to the rear of their property on Loop Road. He stated he watched as loads of topsoil were dumped down the hillside changing the grade and the ability of the ground to absorb the water. A spring developed in his back yard in the area closest to the hillside that adjoins the Voss property. During dry conditions, there was always a water flow and in the winter there was always an ice flow. He stated he viewed the property with Mr. Hoffman and it was determined the situation was due to ground water and not a broken pipe or sanitary line. An irrigation system was installed which took care of most of the problem for three (3) to four (4) years. Mr. Sherman stated the problem returned in the fall of last year and this spring it has become so bad his lawn tractor got stuck in the back yard. He indicated you cannot walk in the back yard without sinking ankle deep. He stated the supplemental requirements in the Zoning Ordinance stated due consideration shall be given to provisions for drainage with particular reference to the affect on adjoining and nearby properties. He stated they are protesting this project because of its magnitude and the affect other projects have had on their neighborhood.

Mr. Hoffman stated there are two (2) storm sewer directions the Voss property drains into--one toward Epiphany Lutheran Church and an existing storm sewer that goes through the buffer area and ties into the Village South storm sewer system. A portion of the proposed development would drain underground through a detention system and will be outletted to the existing storm sewer that exists in the wooded area and connects through the Village South area. One aspect of the expansion is by having roof and pavement on the lot and having the storm runoff from the impervious areas directed through an underground storage area, there will be less water percolating down in the soil on the site. Some of the problem is most likely the bedrock underlying the entire area so any water percolating from the soil is making its way down through the bedrock to Village South. The detention and water connect to the sanitary sewer system, which should not exasperate the system. The storm water connection system on the site will be underground. The preliminary analysis indicates that adequate storage is not proposed based on an error in their approach in calculation. Staff is working with the

engineering company to provide revised calculations for adequate storage. Mr. Hoffman stated everything on the proposed site will be conveyed through the detention system and will be better controlled than it is currently. The edge of the parking area will have a raised curb and the parking area itself will be dishd to hold stormwater on the site.

Mr. John Mead, 6437 Colechester Court, felt the scope and scale of the Voss project jeopardizes the effectiveness of the buffer zone. He stated that is assumed the proposed wall is something that is acceptable and it is not acceptable. He and his wife have a very scenic backyard which will be violated by a wall that will destroy the natural state of the buffer and its intent to provide a visual barrier.

Mr. Hansford asked if in the case of an existing buffer area, can additional landscaping be required.

Mr. Feverston stated additional plantings have been required when an existing buffer area has sparse areas. In this particular case, the buffer area is quite dense and trees would have to be removed in order to plant new trees. It would be possible to plant ivy at the base of the wall in order to soften it over a period of time.

Mr. Judge stated Mr. Voss would be agreeable to plant ivy at the base of the keystone wall. He stated, further, the wall material is available in different standard colors.

Mr. Jay Stevens, 410 North Village Drive, stated the Loop Road development is visible throughout the Village South neighborhood which affects property values. He stated it was his understanding the largest amount of property taxes is from the residents and not the businesses. He suggested the City could be affected by lower tax dollars based on a decrease in their property values.

Mrs. Rosie Barstow, 200 Glenburn Drive, stated she has been working in real estate for years and property values are affected when they abut commercial development. When doing price comparisons, the overall area will be considered and not just the properties abutting the commercial. Therefore, the magnitude of this project will be detrimental to property values throughout Village South will be affected.

Mr. Briggs stated the business sense of consolidating or creating a body shop or a facility of this size probably made a lot of sense. On the other hand, he did not feel the authors of the Zoning Ordinance ever envisioned the word "body shop" to include a facility of this size with fifty (50) or more employees. He stated in reviewing the Ordinance, he felt this proposal crosses the line in being an industrial application and use for property that is not zoned for this intensity. The proposal seems to be far more in size, scale and complexity that the property in question could support.

Mr. Hansford stated the City Attorney has ruled this proposal is a permitted principal use. When you talk about scale, it falls into the amount of lot coverage which would be the governing qualifier the way it is written. If this does not exceed the maximum lot coverage, the building cannot be considered too large for the lot. The task of the Planning Commission is to mitigate the construction of the building.

Mr. Oliver stated the conditions placed on the approval will require the applicant to satisfy staff in going through the process of each point to be assured it is completed. These conditions are put in place to protect the residents of Village South as well as protect the rights of the applicant.

Mr. Weingarten suggested that Condition #3 include a requirement that an analysis of the sewer capabilities to ensure there will be no overloading of the system be prepared. Condition #10 should include a requirement that a bond be posted to provide funds for any damage to the existing buffer area.

Mr. Durham asked the hours of operation.

Mr. Stout, Voss Auto Network, stated the current hours are Monday through Friday from 8:00 A.M. to 6:00 P.M., however, the hours of the facility have not been discussed.

Mr. Durham stated he would not be comfortable in making a decision on this application until that information can be obtained.

The information the members requested for their next meeting included the following:

1. Drawing showing an accurate line site from the houses at the bottom of the hill to the site, including a fence and not including a fence; from the street in front of those houses and from the backyards of those houses.
2. Information from Montgomery County concerning the sanitary and stormwater sewer systems and how this project will affect the current situation. All information should be submitted to Planning Commission on which the City Engineer is making his recommendation for detention on the site.
3. The noise levels from Loop Road to the Village South neighborhood.

MOTION: Mr. Weingarten moved to table the Special Approval application for Voss Dodge, 90 Loop Road, until May 28, 2002. Mr. Briggs seconded the motion. The motion was approved unanimously 7-0.

St. Francis of Assisi - Planning Commission Special Approval

During a short recess during the review of the Voss Dodge application, the applicants for St. Francis Church requested their application for Special Approval be tabled until the next meeting.

Motion: Mr. Briggs moved to table the Special Approval application for St. Francis Church as requested by the applicants. Mr. Hansford seconded the motion. The motion was approved unanimously 7-0.

There being no further business, the meeting was adjourned.

A handwritten signature in cursive script, appearing to read "J. S. Edman". The signature is written in black ink and is centered on the page.