

CENTERVILLE PLANNING COMMISSION
Regular Meeting
Tuesday, August 13, 2002

Mr. Durham called the meeting to order at 7:45 P.M.

Attendance: Mr. James Durham, Chairman; Mr. Joe Weingarten; Mr. James Briggs; Mr. Patrick Hansford; Mr. Robert St. Pierre; Mr. Paul Clark. Absent: Mr. Rand Oliver. 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; Mr. Greg Horn, City Manager (where noted).

Approval of minutes:

MOTION: Mr. Briggs moved to approve the Planning Commission Regular Meeting minutes of July 30, 2002, as written. Mr. Weingarten seconded the motion. The motion was approved 5-0-1 with Mr. Oliver abstaining.

MOTION: Mr. Weingarten moved to approve the Planning Commission Work Session minutes of July 30, 2002, as written. Mr. Briggs seconded the motion. The motion was approved 5-0-1 with Mr. Oliver abstaining.

COMMUNICATIONS

Mr. Feverston reminded the members of the Special Meeting scheduled for Thursday, August 15, 2002, to allow appropriate time to review the remainder of proposed projects originally scheduled for this meeting.

Mr. Horn arrived at this time.

Rainbow Rascals - Extension of Approval Time Period

Mr. Feverston explained the Special Approval application approved by the Planning Commission expired on August 9, 2002, however, building plans have been submitted for review by the Building Inspection Department. The developer has sent correspondence sent to the City requesting an extension of the approval time period so the complete review process does not have to reoccur.

The members felt the request was reasonable since the developer is in the process of obtaining the proper permits and going forward with the project.

MOTION: Mr. Hansford moved to approve a sixty (60) day time extension from the date of expiration as requested for the development of Rainbow Rascals Learning Center, 6375 Clyo Road. Mr. Oliver seconded the motion. The motion was approved unanimously 6-0.

PUBLIC HEARINGSE. G. Lewis (Hertz Rent-A-Car) - Major Use Special Approval

Mr. Briggs removed himself the meeting at this time stated that as a resident of the Village South neighborhood and for the sake of appearance, it would be prudent to remove himself from the meeting.

Mr. Feverston reviewed the Major Use Special Approval application submitted by E. G. Lewis for Hertz Rent-A-Car to be located on Loop Road across from the existing Infiniti dealership. The zoning on the 10.95 acre parcel of land is Business Planned Development, B-PD. The proposal is to construct a 4,000 sq. ft. auto dealership on approximately 1.50 acres of the site. The remaining 9.45 acres is to remain undeveloped although approximately 1.0 acre will be used for grading purposes and a detention basin. The parking requirement of 14 spaces has been satisfied with 96 spaces proposed.

The two-story building is proposed to be constructed with a split-face concrete block base, a brick body, an E.I.F.S. cap, and a turned metal roof. Showroom display windows will be used on the front elevation. A single overhead garage door will be located on the rear elevation on the lower level which will be used for washing vehicles and storage area.

In a Work Session of the Council on August 5, 2002, the applicant indicated he would agree to a long-term lease of the undeveloped portion of the site to the City and/or the Centerville School District.

Staff recommended approval of the Major Use subject to the following conditions:

1. The development shall be restricted to the approximate 1.5 acres more or less that is the subject of this application except to permit necessary grading and stormwater drainage improvements in the area directly north of the primary site line. The City has agreed to accept the offer of the applicant that the remainder of such acreage shall be subject to a perpetual lease in the amount of one dollar (\$1.00) per year, granted by the owner to Centerville City Schools and/or the City of Centerville. Said lease shall be executed by all parties prior to the issuance of any building permits for this development.
2. 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 submit an erosion control plan to the City Engineering Department prior to each phase of construction. Erosion control systems shall be installed for each phase prior to any grading or construction activity on the

- 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 west of the detention basin and outside of any grading limit shall be preserved.
 - C. The detention basin(s) shall be designed in a manner that preserves existing significant trees in the vicinity.
 - D. Upon completion of its grading, the slope to the north and east of the parking lot shall be seeded and mulched for stabilization.
3. The final design and alignment of the driveway to Loop Road shall be subject to approval by the City Engineering Department.
 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.
 6. 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.
 7. A final exterior lighting plan shall be subject to approval by the City Planning Department.
 8. The use of an outdoor speaker system shall be prohibited.
 9. Deliveries and waste collection shall be limited to the hours between 8:00 A.M. and 7:00 P.M., Monday through Friday, and 8:00 A.M. to 12:00 noon on Saturday.
 10. 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. The Planning Department recommends changing the base and cap to brick and incorporate changes in at least three (3) of the following: color, pattern, or texture.
 11. No sign depicted shall be approved as a part of this application.

Mr. Durham opened the public hearing.

Mr. E. G. Lewis, applicant, stated he has worked with the City and the Village South neighborhood to address all concerns of the proposed project. He stated all conditions for approval as recommended by staff acceptable including the perpetual lease of the undeveloped acreage to the City and/or the School District.

Mr. Pete Flaherty, 170 South Village Drive, stated none of the previous projects have been approved for this site because of the negative impact it would have on the Village South neighborhood. This project is almost identical to the first phase of the proposed Tom Harrigan project reviewed in 1997 which was ultimately denied by Council. Where the discussions and recommendations left off with that project should be the starting point with the current project. He stated the neighborhood would oppose this project, but for one thing--that being the agreement of the applicant to the perpetual lease of the undeveloped land. This site will be very difficult to develop with an enormous amount of fill having to be brought onto the site. Regarding condition #2A, he stated they would like the words "subject to the approval of the City Engineer" to be added at the end of the first sentence. Further, he stated the Voss Dodge proposal was required to have a detailed phasing plan. Since this is going to be a very difficult site to develop, the neighborhood feels it is necessary to have this requirement to avoid mud slides in their neighbors' back yards. Concerning condition #2B, Mr. Flaherty asked if there was any reason only the area west of the detention basin--why is it not stated all areas outside the grading limits.

Mr. Durham stated condition #2C accomplishes that issue.

Mr. Flaherty asked the definition of "significant" as it is used in condition 2C. He stated the definition is most likely different from what the neighbors think is significant versus the developer versus the City. He asked how the City defines "significant".

Mr. Feverston stated the City considers a significant tree as six (6) inches in diameter or greater.

Mr. Flaherty stated they obviously do not like that. There are significant trees which are providing coverage that are less than six (6) inches in diameter. He stated Mr. Lewis has been good about the concerns of the neighborhood and it could, perhaps, be a little tighter on the consideration of what is a significant tree.

Mr. Feverston stated once a grading limit is established, it is established with a perimeter usually a siltation fence. Because of the nature of this property, that siltation fence is also reinforced with a wire fence. Once that fence is installed, there will be no disturbance to the area behind that point.

Mr. Durham stated what staff is achieving is establishing a logical location for the detention basin location for the detention basin to save as many trees as possible. He stated the Planning Commission to defers to the expertise of the staff.

Mr. Flaherty asked, concerning condition #3, if there was any concern to cars exiting from the site since it is located on a curve. He stated he felt that was a very hazardous area and asked if street parking would be eliminated from that area.

Mr. Hoffman stated there would, of course, be parking eliminated in the area of the driveway to the site. He stated Loop Road is forty-four (44) feet wide and there should be no problem with intersection definition or intersection sight distance.

Mr. Flaherty stated the location of the dumpster is the worst location in terms of its proximity to the neighborhood. He requested the dumpster be located to the west or east side of the parking area. He stated that in speaking with the applicant, Mr. Lewis, had no problem with that request. Mr. Flaherty stated they do not like the dumpster at all where it is proposed.

Mr. Feverston stated that in speaking with Mr. Lewis, he has opted not to have a dumpster on the site as other means of waste collection will be used.

Mr. Flaherty stated if a dumpster is sited at a later date, they want it on the record that they do not like it where it is.

When asked by the members, Mr. Feverston stated a future dumpster location could be approved by staff as long as the location met the requirements of the Zoning Ordinance.

Mr. Durham indicated Mr. Flaherty's opinion would be noted.

Concerning condition #6, Mr. Flaherty stated it is imperative that the performance bond be established to cover damage or destruction to the buffer area or other vegetation outside the grading limits to get those items replaced or in the event of a disaster of a mud slide. This should be added to the condition or made a separate condition because, Mr. Flaherty stated, as he read the condition, it simply has to do with the landscaping and screening improvements.

Mr. Durham stated the Zoning Ordinance only allows the City to impose a bond on positive new improvements to be made rather than on protection of existing conditions.

Mr. Flaherty stated in talking about landscaping, the Harrigan condition went into great detail about the type of landscaping requirements, caliper size of trees, type of grass, etc. Again, the neighborhood is talking about the same sort of slope and the protection for disaster if it is not well seeded, landscaped, etc. He stated the ultimately would like to see a treed landscape rather than a giant hill from the neighborhood.

Mr. Durham stated the Zoning Ordinance has been amended since the time of the Harrigan project and now contains specific landscaping requirements in terms types of vegetation, density, etc.

Mr. Flaherty, referring to condition #10, stated this development will be in their back yards and become a part of the neighborhood. He stated they would like to have neighborhood representation in any discussions regarding the type of architectural units, roof material, etc. These are things they know the applicant works with the Planning Commission staff directly, however, they want one (1) or two (2) representatives from Village South to be part of that discussion so that this "new home" in their neighborhood is compatible.

Mr. Durham stated that is not a requirement of the Zoning Ordinance and indicated this public meeting allows citizen participation to voice comments concerning the architect as Mr. Flaherty is doing at this time. If anyone want to give input on architecture, the opportunity is at this time and, again, before Council during their public hearing. Mr. Durham stated the City does not work on major architectural revisions other than during a public meeting.

Mr. Flaherty stated they wanted input on the roof material stating that a metal roof looks find on Dorothy Lane Market, but it is not necessarily compatible with being another home in the neighborhood. They would like to see a shingled roof rather than metal.

When asked by the members, Mr. Lewis stated he preferred the standing seam metal roof as it not only made a nice appearance, it will wear much better than a shingled roof.

Mr. Oliver stated the metal roof used in a commercial application will maintain a better appearance in ten (10) years than any type of composite shingle. He stated that a muted color which would be harmonious to the canopy covers would be very attractive.

Mr. Flaherty stated as far as roof color, they would like representation of Village South so everyone is happy with the decision as opposed to it ultimately being shoved down their throat. He stated Mr. Lewis has been fine with their input, but they would like it just to be official. He asked why the issue of a solid board fence was not included in the conditions as it was in the Voss and Harrigan projects.

Mr. Durham stated those projects were constructed directly against the buffer. This project will be located as much as 240 feet from the buffer area and is, therefore, not necessary.

Mr. Flaherty asked if consideration had been made to locate an underground vault for stormwater storage rather than the detention basin and removal of the trees that will require. He also asked if future development for this site is proposed, would it come back through the review process.

Mr. Durham assured Mr. Flaherty that would be the case, as that is required by the Zoning Ordinance.

Mr. Flaherty stated they just wanted that issue clarified because things they think are clearly stated of late, opinions have been otherwise. He stated it is their understanding that the lease provision would allow the City and/or School District to file an injunction in the event Mr. Lewis or a future property owner would try to build on the remainder of the land.

Mr. Farquhar stated by granting the lease, Mr. Lewis gives up all possessory rights to that land and if anyone tried to come on the land other than with the permission of the City and/or School District, you would have an injunctive right.

Mr. Flaherty stated the lease provision is the only thing that makes this project palatable. Without it, the neighborhood would otherwise be absolutely opposed to it. The lease provision brings some closure to the long-running battle over this property. He stated they do not want to be picky about the language, but the difficulties they have had with the current Voss project has led them down this direction.

Mr. Flaherty stated they wanted to give one (1) other caution that a judgement is not rushed. He stated if there are problems with this application that need to be addressed, the Planning Commission has sixty (60) days for review and the Council has an additional thirty (30) days. He stated he saw no reason for the application not to be tabled, if need be.

Mr. Doug Galusha, 6381 Marshall Road, asked if the proposed basin would be a retention of detention basin.

Mr. Hoffman stated it would be a detention basin.

Mr. Galusha asked what happens to the displaced wildlife created by development.

Mr. Durham stated the City does not mitigate the displacement of wildlife.

Mr. Stan Zell, 6310 Marshall Road, asked what liability the City would have concerning the Voss Dodge body shop if an accident or an explosion occurred.

Mr. Durham stated that issue is not pertinent to this application and asked Mr. Farquhar if Mr. Zell should contact him to address his question.

Mr. Farquhar stated he would be unable to answer that type of question. He stated the City would rarely have any liability, however, an incident would have to occur in order to get the pertinent facts to establish liability.

Mr. Zell asked what Mr. Voss' liability would be.

Mr. Farquhar stated that question would have to be answered by Mr. Voss' attorney.

Mr. Gary Smiga, Centerville City Schools, stated the issue of drainage has been addressed with the considerations being given to the detention basin area. Security of the area should not create any problems. He stated the lease situation should be well received by the School Board and they will work along with the City to secure this opportunity.

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

Mr. Hansford stated he felt the E.I.F.S. material proposed added character to the building and, therefore, he did not object to its use. The metal roof does not make an intrusion into the neighborhood as metal roofs were used residentially prior to the manufacturing of asphalt shingles.

Mr. Oliver agreed with Mr. Hansford's comments concerning the architecture. He suggested a group such the Boy Scouts could be contacted to provide a project of creating a nature walk in the undeveloped area for use by the schools.

Mr. Clark asked if an underground vault for stormwater storage should be considered other than a detention area.

Mr. Hoffman stated he felt the detention area was sufficient for this site.

Mr. St. Pierre asked if the slope will be seeded or will sod be provided.

Mr. Feverston stated the slope will be seeded and mulched for erosion control.

MOTION: Mr. Hansford moved to recommend approval of the Major Use Special Approval application submitted by E. G. Lewis for Hertz Rent-A-Car to Council subject to the following conditions:

1. The development shall be restricted to the approximate one and one-half (1.5) acres more or less that is the subject of this application except to permit necessary grading and stormwater drainage improvements in the area directly north and east of the primary site line. The City has agreed to accept the offer of the applicant that the remainder of such acreage shall be subject to a perpetual lease in the amount of one dollar (\$1.00) per year, granted by the owner to Centerville City Schools and/or the City of Centerville. Said lease shall be executed by all parties prior to the issuance of any building permits for this development.

2. 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 submit an erosion control plan for approval by the City Engineering Department prior to each phase of construction.
 - 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 west of the detention basin and outside of any grading limit shall be preserved.
 - C. The detention basin(s) shall be designed in a manner that preserves existing significant trees in the vicinity.
 - D. Upon completion of its grading, the slope to the north and east of the parking lot shall be seeded and mulched for stabilization.
3. The final design and alignment of the driveway to Loop Road shall be subject to approval by the City Engineering Department.
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.
6. 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.
7. A final exterior lighting plan shall be subject to approval by the City Planning Department.
8. The use of an outdoor speaker system shall be prohibited.
9. Deliveries and waste collection shall be limited to the hours between 8:00 A.M. and 7:00 P.M., Monday through Friday, and 8:00 A.M. to 12:00 noon on Saturday.
10. No sign depicted shall be approved as a part of this application.

Further, the Planning Commission approved the architectural design of the proposed building. The Commission changed the base material from split face block to brick with the color, pattern, texture, or profile subject to approval by the Planning Department.

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

There being no further business, the meeting was adjourned.

A handwritten signature in black ink, appearing to be "J. B. [unclear]", written in a cursive style.