

**CENTERVILLE PLANNING COMMISSION**  
**Regular Meeting**  
**Tuesday, December 10, 2002**

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

Attendance: Mr. Patrick Hansford, Acting Chairman; Mr. Jim Briggs; Mr. Paul Clark; Mr. Rand Oliver; Mr. Robert St. Pierre. Absent: Mr. James Durham; Mr. Joe Weingarten. 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.

Motion to Excuse:

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

Approval of Minutes:

MOTION: Mr. Oliver moved to approve the Planning Commission minutes of October 29, 2002, subject to a sentence being to Page 5 that Mr. Hanford removed himself from the meeting prior to discussion of the Hummer dealership. Mr. Clark seconded the motion. The motion was approved 4-0-1 with Mr. Briggs abstaining.

COMMUNICATIONS

Mr. Feverston advised the members preliminary information had been received concerning the 2003 APA Conference to be held in Denver this spring. Members interested in attending should contact the Planning Department.

Mr. Hansford stated the annual Miami Valley Planning & Zoning Seminar was held on December 6<sup>th</sup> and continues to be one of the best regional conferences available.

PUBLIC HEARINGS

Michael LeMaster - Rezoning from B-PD to R-PD

Mr. Feverston reviewed the Rezoning application submitted by Michael LeMaster requesting a change in zoning on 1.567 acres of land from Business Planned Development, B-PD, to Residential Planned Development, R-PD. The location of the property is 595 East Alex-Bell Road which is the residence of the applicant, as it is classified as an accessory use to the RETS Tech Center, 555 East Alex-Bell Road, also owned by Mr. LeMaster. The property is surrounded by the RETS Tech Center to the south, the Jewish Federation community center to the north, Chardonay Valley residential condominiums to the east, and Interstate Executive Center office condominiums to the west.

One of the issues to be considered is, as a result of this rezoning being approved, the impact on the adjoining properties, particularly the Interstate Executive office condominiums. These buildings would become legally-nonconforming in terms of the building, and parking and paving setback requirements to a residential property. Mr. Feverston stated should the rezoning be approved, staff would recommend a City-initiated Variance application be filed to resolve the setback issues created.

Based on the following points, staff recommended to approve the rezoning application:

1. The are to be rezoned is part of an eleven (11) acre parcel that is currently zoned Business Planned Development (B-PD). The land uses on the property include a technical school, an auto dealership, and an historic limestone house that is being used as a single-family residence.
2. The land containing the historic house was zoned residential (R-1) in 1962, rezoned to business (B-2) in 1972, and rezoned again in 1986 to Business Planned Development (B-PD). The house served as a residence until the mid-1980's when it became occupied by a catering business. The business moved in 1988, and the house was vacant until it was purchased by the current owner in 1998.
3. The B-PD zoning district does not permit a residence as a principal use. The residence is currently permitted as an accessory use to the technical school.
4. The historic house, commonly known as the Peter Sunderland House, was designated as a Landmark by the City Council in 1999 (Ord. 7-99). By designating the house as a Landmark, the City recognized the need to be sensitive to the historic nature of the house.
5. Converting this residence to a commercial use could compromise the historic character of the house. Therefore, the Planning Department believes a residential use is the highest and best use for the house.
6. The house could not be sold as a residence under the current B-PD zoning. The property owner wishes to rezone the northern 1.567 acres of the parcel of R-PD to allow a residence as a principal, permitted use. The Planning Department supports the rezoning as it will allow the historic house to remain as a residence.

Mr. Hansford opened the public hearing.

Mr. Jim Cross, attorney representing the applicant, stated the house on the property in question has been designated as a Landmark house which was run down and has been renovated extensively by the property owner. He stated they would like the zoning classified as residential to maintain it as a permitted use as well as be consistent with the residential zoning adjoining the property to the east. Mr. Cross asked for a conditional approval pending the approval of a Variance to address the setback issues created as a result of this rezoning issue.

Mr. Hans Soltau, representing the Interstate Executive Condominium Association, stated the applicant has done a wonderful renovation of the house on the property in question. He stated is concern, however, is the nonconforming issues that will be created for the office condominiums abutting that property. He stated that the association would not object to this rezoning if they receive assurance a variance would be approved to avoid any problem in the future.

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

Mr. Briggs asked what setbacks currently existed on the office property and if a situation of this nature was located elsewhere in the City.

Mr. Feverston stated the parking lot is located on the property line with a ten (10) foot easement existing on the parcel to be rezoned. He stated he was not aware of any other situation of this kind in the City.

Mr. Farquhar stated there would be a good basis to grant Interstate Executive a variance for setbacks that were created as a result of a rezoning and not a result of their development.

Mr. Hansford stated a condition could be placed on the rezoning that a variance must be approved to address the setback requirements.

MOTION: Mr. Oliver moved to recommend approval of the Rezoning application, submitted by Michael LeMaster for property located at 595 East Alex-Bell Road, from Business Planned Development, B-PD, to Residential Planned Development, R-PD, subject to approval of a Variance to allow the building, and parking and paving setbacks of Interstate Executive Center created by the rezoning to be legal. Mr. Briggs seconded the motion. The motion was approved unanimously 5-0.

Connor & Murphy Properties (Villager Apartments) for ELC-SV-LLC (Epiphany Lutheran Church) - Sign Variance

Mr. Feverston reviewed the Variance application submitted by Connor & Murphy Properties (Villager Apartments) representing the property owner ELC-SV-LLC (Epiphany Lutheran Church) to locate an off-premise ground sign on the southeast corner of Far Hills Avenue (SR 48) and Fireside Drive. The existing use on this property is retail/office space which is

zoned General Business, B-2. The applicant is requesting approval to replace the existing identification sign for the shopping/office complex and install a "Luxury Apartments" placard on that sign with a directional arrow to the apartment development. The Sign Ordinance prohibits off-premise signs.

Staff recommended the Variance be denied based on the following:

1. The Zoning Ordinance prohibits any commercial sign containing information that does not pertain to the premises on which the sign is located.
2. The applicant is requesting a Variance to allow the Villager Apartments to advertise on a sign that is on an adjacent parcel.
3. The applicant has not 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. Hansford opened the public hearing.

Ms. Sandra Goldberg, representing Connor & Murphy Properties, stating they are requesting to replace the existing identification sign with a new sign which would be of benefit to the shopping center, the Villager Apartments, and the City by installing a more attractive sign. The off-premise sign will simply say "Luxury Apartments" with an arrow to direct clients to their location directly behind the center.

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

Mr. St. Pierre asked if the sign could be made legal if it was located on a piece of land leased to the apartment owner.

Mr. Feverston stated it still would be considered an off-premise sign since the apartment complex is located on a separate property.

Mr. Hansford stated that not having a sign along SR 48 does not have a bearing on whether the apartment complex can operate. He indicated he did not feel a variance was justified.

MOTION: Mr. Briggs moved to approve the Variance application requested for an off-premise sign by Connor & Murphy Properties for ELC-SV-LLC. Mr. Oliver seconded the motion. The motion was denied 0-5.

Mr. Feverston explained the Planning Commission decision can be appealed to Council.

NEW BUSINESSCreekside Commons - Record Plan

Mr. Feverston reviewed the Record Plan for Creekside Commons located on the southwest corner of Clyo Road and East Alex-Bell Road. The zoning on the 5.32 acre parcel is Office Planned Development, O-PD. This Record Plan will create one (1) lot for this office condominium project for the purpose of establishing easements for the development.

Staff recommended approval of the Record Plan as submitted.

MOTION: Mr. Briggs moved to recommend approval of the Record Plan for Creekside Commons, as submitted, to Council. Mr. St. Pierre seconded the motion. The motion was approved unanimously 5-0.

Yankee Trace, Sec. 32 - Record Plan

Mr. Feverston reviewed the Record Plan for Yankee Trace, Sec. 32, to be located south of Vintage Green Way and east of Yankee Trace Drive. The zoning on the 8.382 acre parcel is R-1c, Single-Family Residential. Twenty-five (25) lots are proposed for a density of 2.98 dwelling units per acre which is permitted under the approval granted by Council for a Residential Lifestyle Community.

Staff recommended approval of the Record Plan subject to the following conditions:

4. Reserve Area "CP" shall be deeded to the City for the purpose of golf course access, subject to approval by the City Planning Department.
5. Reserve Area "CS" shall have frontage onto Eagle Run Drive subject to approval by the City Planning Department.
6. The acreage labeled in the title of page two shall be changed to reflect the correct acreage.
7. The front and rear yard building setback shall be clearly labeled on the record plat and aligned to match proposed lot lines subject to approval by the City Planning Department.
8. All easements shall be clearly labeled on the record plat and aligned to match proposed lot lines subject to approval by the City Planning Department.
9. The final grading and stormwater drainage plans shall be subject to approval by the City Engineering Department.

10. Utility easements shall be extended to the plat boundary lines subject to approval by the City Engineering Department.
11. In lieu of completion of the required improvements prior to the recording of this plat, a performance bond in an amount acceptable to the City Engineering Department shall be posted by the developer with the City of Centerville and a subdivider's agreement entered into with the City by the developer.
12. Plans for water lines and fire hydrants shall be subject to approval by the Washington Township Fire Department.
13. A hard surface roadway capable of providing emergency vehicular access and support at all times for firefighting purposes shall be provided prior to any combustible construction.
14. All street names shall be subject to approval by the City Planning Department.

Mr. Jim Kiefer, representing Great Traditions, stated he agreed with the staff recommendation as reviewed by Mr. Feverston.

Mr. Briggs asked how frontage onto Eagle Run Drive for Reserve Area "CS" would be obtained.

Mr. Farquhar indicated access to Reserve Area "CS" would best be provided with the establishment of an easement.

Mr. Oliver asked if any type of access would be provided from Commander Trail.

Mr. Feverston stated the Planning Commission required, as a condition of approval, pedestrian access from Commander Trail at the time Planning Commission reviewed the Special Approval application.

MOTION: Mr. Oliver moved to recommend approval of Yankee Trace, Sec. 32, to Council subject to the following conditions:

1. Reserve Area "CP" shall be deeded to the City for the purpose of golf course access, subject to approval by the City Planning Department.
2. Access to Reserve Area "CS" shall be provided through an easement subject to approval by the City Planning Department.
3. The acreage labeled in the title of page two shall be changed to reflect the correct acreage.

4. The front and rear yard building setback shall be clearly labeled on the record plat and aligned to match proposed lot lines subject to approval by the City Planning Department.
5. All easements shall be clearly labeled on the record plat and aligned to match proposed lot lines subject to approval by the City Planning Department.
6. The final grading and stormwater drainage plans shall be subject to approval by the City Engineering Department.
7. Utility easements shall be extended to the plat boundary lines subject to approval by the City Engineering Department.
8. In lieu of completion of the required improvements prior to the recording of this plat, a performance bond in an amount acceptable to the City Engineering Department shall be posted by the developer with the City of Centerville and a subdivider's agreement entered into with the City by the developer.
9. Plans for water lines and fire hydrants shall be subject to approval by the Washington Township Fire Department.
10. A hard surface roadway capable of providing emergency vehicular access and support at all times for firefighting purposes shall be provided prior to any combustible construction.
11. All street names shall be subject to approval by the City Planning Department.
12. A pedestrian connection shall be made from the public street to Commander Trail subject to approval by the Planning Department.

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

#### The Links at Yankee Trace, Sec. 1 - Record Plan

Mr. Feverston reviewed the Record Plan for The Links at Yankee Trace, Sec. 1, located east of Paragon Road at the intersection of Vintage Green Way, is the first section of Yankee Trace with attached units. The zoning on the 9.066 acre parcel is R-1c, Single-Family Residential. Forty-one (41) lots are proposed for a density of 4.52 dwelling units per acre which is permitted under the approval granted by Council for a Residential Lifestyle Community.

As a result of Council's review of the Special Approval application for this portion of the project, they felt that should a sidewalk be required on the south side of Legendary Way, the City would work with the developer to modify building setbacks to golf Hole #6.

Staff recommended to approve the Record Plan subject to the following conditions:

1. All lots having end units shall provide a minimum side yard building setback of three (3) feet.
2. A sidewalk, four (4) feet in width, shall be constructed along the south side of Legendary Way subject to approval by the City Engineering Department.
3. A portion of Reserve Area "C" that is situated along Paragon Road between golf hole number 7 and Legendary Way shall be deeded to the City of Centerville for the purpose of maintaining the existing golf cart path on City-owned property subject to approval by the City Planning Department.
4. The front and rear yard building setback shall be clearly labeled on the record plat and aligned to match proposed lot lines subject to approval by the City Planning Department.
5. All easements shall be clearly labeled on the record plat and aligned to match proposed lot lines and plat boundaries subject to approval by the City Planning Department.
6. In lieu of completion of the required improvements prior to recording of this plat, a performance bond in an amount acceptable to the City Engineering Department shall be posted by the developer with the City of Centerville and a subdivider's agreement entered into with the City by the developer.
7. The final grading and stormwater drainage plans shall be subject to approval by the City Engineering Department.
8. Plans for water lines and fire hydrants shall be subject to approval by the Washington Township Fire Department.
9. A hard surface roadway capable of providing emergency vehicular access and support at all times for firefighting purposes shall be provided prior to any combustible construction.
10. All street names shall be subject to approval by the City Planning Department.

Mr. Jim Kiefer, representing Great Traditions, stated with the exception of Condition #2 requiring a sidewalk on the south side of Legendary Way, he agreed with the staff recommendation. He stated Council's discussion of requiring a sidewalk, if possible, was done as their requested review of the Special Approval application was coming to a close. He stated the only way to construct sidewalks would require the units to be moved back into the forty (40) foot setback of golf play. Pedestrian access is provided to Shawnee Trail as well as the



clubhouse along the northern portion of the development. A sidewalk could be constructed along Paragon Road to create a connection with the development to the hiker/biker path to the north. He indicated sidewalks do not exist in many areas of the residential community that have roadways the length of Legendary Way or greater. He requested the members forward their recommendation of approval to Council being consistent with the Planning Commission's approval of the Special Approval application and not require the sidewalk.

Mr. Briggs asked if the sidewalks were constructed, would the intrusion into the golf setback would be four (4) feet.

Mr. Kiefer indicated the intrusion into the golf setback would amount to approximately ten (10) feet since grading and seeding would be necessary. He stated further that the builder, Don Dunnington, felt the construction of sidewalks would expand an existing grading problem.

Mr. Oliver stated there is an existing water hazard on Hole #6 which would not allow much movement of those units.

Mr. Briggs felt the setbacks to the golf course should be maintained and if the sidewalks could not be provided other than by encroaching those setbacks, they should not be required.

MOTION: Mr. Briggs moved to recommend approval of the Record Plan for The Links at Yankee Trace, Sec. 1, to Council subject to the following conditions:

1. All lots having end units shall provide a minimum side yard building setback of three (3) feet.
2. A portion of Reserve Area "C" that is situated along Paragon Road between golf hole number 7 and Legendary Way shall be deeded to the City of Centerville for the purpose of maintaining the existing golf cart path on City-owned property subject to approval by the City Planning Department.
3. The front and rear yard building setback shall be clearly labeled on the record plat and aligned to match proposed lot lines subject to approval by the City Planning Department.
4. All easements shall be clearly labeled on the record plat and aligned to match proposed lot lines and plat boundaries subject to approval by the City Planning Department.
5. In lieu of completion of the required improvements prior to recording of this plat, a performance bond in an amount acceptable to the City Engineering Department shall be posted by the developer with the City of Centerville and a subdivider's agreement entered into with the City by the developer.

6. The final grading and stormwater drainage plans shall be subject to approval by the City Engineering Department.
7. Plans for water lines and fire hydrants shall be subject to approval by the Washington Township Fire Department.
8. A hard surface roadway capable of providing emergency vehicular access and support at all times for firefighting purposes shall be provided prior to any combustible construction.
9. All street names shall be subject to approval by the City Planning Department.

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

There being no other business, the meeting was adjourned.

A handwritten signature in cursive script, likely belonging to a city official, positioned below the meeting adjournment text.