

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, January 12, 1999

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

Attendance: Mr. James Durham, Chairman; Mr. Patrick Hansford; Mr. Richard Pluckebaum; Mr. Jack Kostak; Mr. Douglas Cline; Mr. Rand Oliver; Mr. Richard Tompkins (where noted). Also present: Mr. Steve Feverston, City Planner; Mr. Ryan Shrimplin, Planner; Mr. Norbert Hoffman, City Engineer; Mr. Robert N. Farquhar, City Attorney.

Approval of minutes:

MOTION: Mr. Pluckebaum moved to approve the Planning Commission Regular Meeting minutes of January 13, 1998, as written. Mr. Kostak seconded the motion. The motion was approved

MOTION: Mr. Hansford moved to approve the Planning Commission Work Session minutes of December 8, 1998, as written. Mr. Kostak seconded the motion. The motion was approved

MOTION: Mr. Kostak moved to approve the Planning Commission minutes of December 8, 1998, with the spelling correction of the last name "Sayer" to "Serr". Mr. Pluckebaum seconded the motion. The motion was approved

PUBLIC HEARINGS

Nozzles and Nightsticks - Conditional Use

Mr. Feverston reviewed the Conditional Use submitted for Nozzles and Nightsticks to be located at 241 East Alex-Bell Road adjacent to Cross Pointe Shopping Center. The zoning on the property is Business Planned Development, B-PD. the request for a conditional use is to establish a commercial entertainment use, in this case, live musical performances at the restaurant/bar establishment.

Mr. Feverston stated that a restaurant and a bar are permitted uses in this zoning district. The applicant is seeking a conditional use to permit live musical performances on Friday and Saturday nights from 10:00 PM to 2:00 AM.

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

1. The approval of this conditional use shall be limited to only those uses proposed by this application. Specifically, this approval shall only permit live music as described in the application. Any expansion of this indoor commercial entertainment facility, as described in the application, shall require a separate Conditional Use application to be filed with the City and subject to approval by the City Council.
2. Any change in use that would create or add a new conditional use shall require a separate Conditional Use application to be filed with the City and subject to approval by the City Council.
3. No sign depicted shall be approved as a part of this application.
4. The proposed use shall conform to all applicable building, fire and health code requirements.

Mr. Durham opened the public hearing.

Mr. Paul Lickovitz, applicant, stated that this a family-oriented establishment which will use police and fire as its theme. One half of a fire engine will be used in the facility for customers to view and appreciate. Live music will be used on Friday and Saturday nights only, starting at 10:00 PM until close.

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

MOTION: Mr. Kostak moved to recommend approval of the Conditional Use application submitted for Nozzles and Nightsticks, 241 East Alex-Bell Road, to Council subject to the following conditions:

1. The approval of this conditional use shall be limited to only those uses proposed by this application. Specifically, this approval shall only permit live music as described in the application and hours limited to Friday and Saturday evenings between 10:00 PM until close.

Any expansion of this indoor commercial entertainment facility, as described in the application, shall require a separate Conditional Use application to be filed with the City and subject to approval by the City Council.

2. Any change in use that would create or add a new conditional use shall require a separate Conditional Use application to be filed with the City and subject to approval by the City Council.
3. No sign depicted shall be approved as a part of this application.
4. The proposed use shall conform to all applicable building, fire and health code requirements.

Mr. Pluckebaum seconded the motion. The motion was approved unanimously 6-0.

City of Centerville (St. Leonards Center) - Rezoning from WT Agricultural to Centerville R-PD

Mr. Feverston reviewed the Rezoning application submitted by the City of Centerville for 70.328 acres of property located east of Clyo Road and north of Washington Creek Lane. He explained that this property was annexed by the City and now must have a Centerville zoning classification designated to it. The purpose of designating a R-PD zoning classification is to allow the property to develop to its highest and best use. The expansion of the St. Leonard Retirement Community into this area would be the highest and best use. The maximum density for the R-PD zoning classification is 6 dwelling units per acre.

Mr. Tompkins arrived at this time.

The existing farm is bounded to the north by the St. Leonard Retirement Community, to the east by single-family residential, to the south by single-family, and to the west by single-family residential.

Mr. Feverston stated that the proposed zoning is consistent with the standards adopted in the Centerville Comprehensive Plan and the Centerville Policy Plan.

Staff recommended approval of the rezoning based on the following analysis:

1. The proposed R-PD zoning classification permits the expansion of the St. Leonard campus in a manner that is consistent with the Comprehensive Plan.
2. The proposed R-PD zoning classification will not inherently create an adverse impact on the adjacent single-family neighborhoods.
3. The Franciscan at St. Leonard is proposing to develop the parcel as cottages and cluster facilities.

Mr. Durham opened the public hearing.

Ms. Eleanor Lang, Parkhaven Point, asked staff to review the zoning boundary as it abuts the Washington Creek subdivision.

Mr. Mark Nagy, 8801 Sugarcreek Point, asked why the City was the applicant on this application and why the same agricultural zoning under City standards was not requested.

Mr. Feverston stated that when a property is annexed, the City is obligated to assign a zoning classification to each of those properties. In this case, staff felt the logical zoning classification for this property was R-PD to permit continuation of the retirement community development.

Mr. Larry Isaacs, 8811 Sugarcreek Point, stated his concern was that by approving the rezoning and Major Use separately, it only complicates the issue.

Mr. Durham agreed, but explained each application must be reviewed as individual requests. He stated that should the rezoning be approved, it limits the number of dwelling units to 6 per acre on the overall density for the entire property.

Mr. Dave Estep, 8723 Clys Road, asked the total acreage of the St. Leonard project and what was the existing density.

Ms. Linda Menerey, representing The Franciscan at St. Leonard, stated that the total project is located on 240 acres and has a current density of approximately 4 dwelling units per acre. There are approximately 630 existing units on the site.

Mr. Estep stated that should the rezoning be changed to R-PD, the entire project could have 1440 units.

Mr. Durham stated that was correct and the zoning would allow another 810 units to be constructed on the site. The Major Use application is not proposing an additional 810 units, however, the zoning classification would make it possible.

Mr. Estep asked what agency would maintain Clyo Road when this project is developed. He felt that land to be acquired for roadway widening should come from the vacant land on the east side of Clyo Road.

Mr. Feverston stated that the roadway would remain under control of Montgomery County. In this case, right-of-way dedication will be required from St. Leonard for one half of the roadway width.

Mr. Estep stated that the roadway widening should occur prior to the development of this land to address the increased traffic volume as well as the safety issues along that section of Clyo Road.

Mr. Hansford stated that lane improvements will be required as a temporary solution until the reconstruction project is funded by the County.

Mr. Gary Pickering, 7899 Rain Tree Road, suggested that the City's reasoning for R-PD was to increase the tax base and that none of the members of the Planning Commission live in the immediate area to experience the impact on the surrounding neighborhoods.

Ms. Jane Brinck, 8750 Parkhaven Point, asked if the rezoning does occur and the St. Leonard development is constructed as proposed, is the manpower for police, fire and trash removal available; and, if sidewalks would be constructed along Clyo Road.

Mr. Durham stated that staff has determined services would be available to serve the development. Sidewalks will be required as a part of this development.

Mr. Don Ellinger, Parkhaven Point, stated he felt consideration should be given to develop the land as single-family residential.

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

Mr. Cline stated that St. Leonards is meeting a need in the community. He stated that the R-PD zoning classification is the most logical for the community as a whole.

Mr. Hansford stated that since this tract of land is under one ownership, it is logical to zone it R-PD to allow a use that would buffer the existing Washington Creek neighborhood from the industrial development to the west. To designate this parcel Agricultural, would make it an island to itself.

MOTION: Mr. Hansford moved to recommend to Council approval of the Rezoning for 70.328 acres of land owned by The Franciscan at St. Leonard from WT Agriculture to Centerville Residential Planned Development. Mr. Cline seconded the motion. The motion was approved unanimously 7-0.

The Franciscan at St. Leonard - Major Use Special Approval

Mr. Feverston reviewed the Major Use Special Approval application seeking approval of a revised Master Plan for The Franciscan at St. Leonard located on the southeast corner of Clyo Road and Centerville Station Road. The proposed master plan shows the existing development on the site which includes St. Joseph's Hall, Joseph Bernardin Center, nursing and health care center, as well as the cottages and existing garden homes. There are individual development parcels on the site; 3 to the north, 1 along the western edge and 3 to the south. These parcels are proposed to be developed by the Franciscans as part of the overall main campus development. The existing wooded area which is the Sugar Creek stream valley will be left intact with the exception of walking trails to be added. The northwest corner of the site is proposed to be the community service area of the site which would allow service type uses to the residents of the development as well as other members of the community. This area would be approximately 19 acres with a maximum of 10,000 square feet of building area per acre. The northeast corner of the site is proposed to be garden homes to develop at 4 dwelling units per acre. An open green space will be centralized on the site to augment the campus and preserve the view of the seminary building. The historic "Tate" house on the western side of the site will be maintained and incorporated on the overall plan. Along Clyo Road on the western boundary, cottages are proposed at 8 dwelling units

per acre on a 9 acre area. There is a possibility to expand the existing nursing facility in the future. The northwest corner at the proposed southern access point is to be senior congregate housing on a 10 acre parcel. This would develop at about 12 dwelling units per acre as a two-story building. On the southwest corner at the southern access, cottage-type units will develop at 8 dwelling units per acre on a 11 acre site. The largest development parcel, about 46 acres, is proposed to be garden homes and cottages, to develop at 4 dwelling units per acre.

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

1. Prior to the approval of this Major use Special Approval Plan by the City Council, the lower 70.238 acres proposed for this development must be rezoned to R-PD, Residential Planned Development, by the City Council. This land is currently zoned WT-A, Washington Township Agriculture.
2. The proposed housing types and densities, as indicated on the Master Plan, are approved as requested. The applicant may, upon approval by the Planning Commission, increase the density of any development parcel by up to 1 Dwelling Unit Per Acre. An increase in density greater than 1 Dwelling Unit Per Acre for any development parcel shall be subject to approval by the City Council. However, the overall density of the Master Plan shall not exceed 6 Dwelling Units Per Acre.
3. The final development plans for each of the future development parcels and the expansion of existing buildings shall be subject to approval by the Planning Commission.
4. The Community Service Parcel shall be limited to office or small retail uses which primarily serve or complement the needs of the residents within the development. This parcel shall be subject to all applicable requirements for non-residential uses per the Zoning Ordinance. The scale, proportion, massing, and architectural design of all buildings located on this parcel shall be visually compatible with the non-residential buildings directly north of the parcel, and with the St. Joseph's Center.

5. The development parcels to the south shall have a minimum building setback of 50 feet along the south and east property lines.
6. No proposed signs are approved as part of this application. All proposed signs, including directional signs, shall be subject to approval by the City.
7. A landscaping plan shall be submitted for each future development parcel at the time approval is sought, subject to approval by the Planning Commission. The plans shall conform to the landscape, screening, and bufferyard requirements contained in the Zoning Ordinance. Where practical, existing mature tree lines shall be preserved and may count toward landscape, screening, and bufferyard requirements.
8. The applicant shall either dedicate parkland or pay a fee-in-lieu of parkland dedication. The acreage or fee amounts shall be determined at the time final approval is sought for each development parcel.
9. A pedestrian path shall be constructed to connect to the Bill Yeck Park hiking trails.
10. A detailed stormwater drainage plan shall be approved by the City Engineer showing stormwater drainage calculations and incorporating retention and/or detention and erosion control during construction in accordance with the City Stormwater Drainage Control Ordinance.
11. A detailed, exterior lighting plan shall be submitted and subject to the approval of the City Planner.
12. The access points shown on the Master Plan are approved as requested, with the final design subject to approval by the City Engineer. Additional curb cuts shall be prohibited.
13. Clyo Road and Centerville Station Road shall be widened to include an additional lane of pavement, curb, gutter, storm sewer, and the hiker/biker trail, subject to approval by the City Engineer. In lieu of constructing these improvements, the applicant may place an amount of money in escrow with the City approved by the City Engineer to be used for the future improvement of Clyo Road and Centerville Station Road. The City Engineer may require the developer to make temporary improvements to

Clyo Road and Centerville Station Road, which at this time is expected to include a temporary left-turn lane at the entrance driveways into the development and a temporary sidewalk. The estimated cost of any temporary improvements shall be subtracted from the required escrow amount. The design of any required temporary improvements shall be subject to approval by the City Engineering Department.

14. Forty-five (45) feet of right-of-way shall be dedicated along Clyo Road from the centerline, subject to approval by the City Engineer.

Mr. Durham opened the public hearing.

Ms. Linda Menerey, representing the applicant, stated that even though there is a need for senior housing, it will take another 15 years for the remainder of the St. Leonard community to build out. The intent of the master plan is to minimize the impact of the development on the existing trees along the Sugar Creek, but some type of connection to the surrounding neighborhood will be provided. Ms. Menerey stated that they were somewhat surprised by the amount of improvements to Clyo Road by the developer that staff is recommending, as the impact of their retirement community would not generate as many vehicular trips as a single-family neighborhood. She stated they would like that requirement to be open to further discussion.

Mr. Marty Cox, 1931 Washington Creek Lane, asked that the existing access points be used for the development with no additional access to Clyo Road, that no pedestrian access be made between neighborhoods, and mounding and landscaping be provided to screen the development from the surrounding neighborhood. Additionally, he asked that the building setback be increased to 100 feet.

Mr. Mazzola, 8620 Hide-A-Way Lane, was concerned with improvements to Clyo road for turn lanes.

Mr. Hoffman stated that as the development requires utilization of access, lane improvements will be constructed.

Mr. Larry Isaacs, 8811 Sugarcreek Point, asked why there is no architectural review for the residential units as required for commercial uses. He stated further that since the dwelling units are not owned by the residents, the units are essentially

rentals. This type of rental situation would not be permitted for a private developer even though the operation is basically the same. Mr. Isaacs stated that he was hired a few years ago by the Franciscan Medical Center as a consultant to find ways to support the hospital through outside projects. This project, as described, is a money-making, calculated venture for the Franciscan Medical Center and not a naive little community for the aging population.

Ms. Eleanor Lang, Parkhaven Point, stated that if the members of the Planning Commission are trying to protect the concerns of all residents, a 100 foot buffer should be the least amount of building setback for this project.

Dr. Brian Forschner, St. Leonards, stated that the Franciscans initiated annexation to the City so the entire project could be developed under one master plan. He stated that although their community is private, many community activities take place on the property such as church services, youth soccer leagues, community picnics, hot air balloon launches, etc. Dr. Forschner apologized to those citizens in attendance for not being aware to some of the sensitivities discussed during the meeting. He invited those people interested in visiting St. Leonards to see the facility and discuss concerns that might be addressed as the project develops. He stated that approximately 30 units are constructed each year and the build out time will be between the next 10 to 15 years. Dr. Forschner stated that they would be willing to work with the surrounding neighbors to provide mounding and landscaping to protect their interests.

Mr. Ivan Estep, 8753 Clyo Road, complained that the garden homes currently under construction along Clyo Road do not have an appealing appearance.

Dr. Forschner stated that mounding and landscaping will be installed along Clyo Road to screen those units. In the future, all units will be constructed with brick.

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

Mr. Durham stated that there is still some question as to if the Park District would prefer land dedication or a fee-in-lieu.

Mr. Bob Feldmann, Centerville/Washington Park District, stated that land dedication or a fee is a possibility. He stated that the Park District has a meeting scheduled with Dr. Forschner to discuss the options available.

Mr. Durham stated that the Council should be informed as to the desire of the Park District to determine the requirement of dedication or if a fee should be paid.

MOTION: Mr. Hansford moved to recommend approval to Council of the Major Use Special Approval application submitted by The Franciscan at St. Leonard subject to the following conditions:

1. Prior to the approval of this Major use Special Approval Plan by the City Council, the lower 70.238 acres proposed for this development must be rezoned to R-PD, Residential Planned Development, by the City Council. This land is currently zoned WT-A, Washington Township Agriculture.
2. The proposed housing types and densities, as indicated on the Master Plan, are approved as requested.
3. The final development plans for each of the future development parcels and the expansion of existing buildings shall be subject to approval by the Planning Commission.
4. The Community Service Parcel shall be limited to office or small retail uses which primarily serve or complement the needs of the residents within the development. This parcel shall be subject to all applicable requirements for non-residential uses per the Zoning Ordinance. The scale, proportion, massing, and architectural design of all buildings located on this parcel shall be visually compatible with the non-residential buildings directly north of the parcel, and with the St. Joseph's Center.
5. The development parcels to the south shall have a minimum building setback of 50 feet along the south and east property lines.
6. No proposed signs are approved as part of this application. All proposed signs, including directional signs, shall be subject to approval by the City.

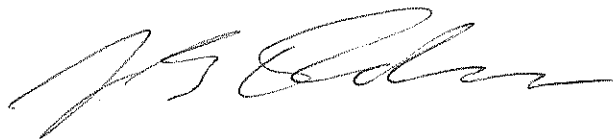
7. A landscaping plan shall be submitted for each future development parcel at the time approval is sought, subject to approval by the Planning Commission. The plans shall conform to the landscape, screening, and bufferyard requirements contained in the Zoning Ordinance. Where practical, existing mature tree lines shall be preserved and may count toward landscape, screening, and bufferyard requirements.
8. The applicant shall either dedicate parkland or pay a fee-in-lieu of parkland dedication. The acreage or fee amounts shall be determined at the time final approval is sought for each development parcel. It is the recommendation of the Planning Commission that Council take into consideration the preference of the Park District.
9. A pedestrian path shall be constructed to connect to the Bill Yeck Park hiking trails and Mill Trace Lane sidewalk. the final material for the hiking trails shall be approved by staff.
10. A detailed stormwater drainage plan shall be approved by the City Engineer showing stormwater drainage calculations and incorporating retention and/or detention and erosion control during construction in accordance with the City Stormwater Drainage Control Ordinance.
11. A detailed, exterior lighting plan shall be submitted and subject to the approval of the City Planner.
12. The access points shown on the Master Plan are approved as requested, with the final design subject to approval by the City Engineer. Additional curb cuts shall be prohibited.
13. Clyo Road and Centerville Station Road shall be widened to include an additional lane of pavement, curb, gutter, storm sewer, and the hiker/biker trail, subject to approval by the City Engineer. In lieu of constructing these improvements, the applicant may place an amount of money in escrow with the City approved by the City Engineer to be used for the future improvement of Clyo Road and Centerville Station Road. The City Engineer may require the developer to make temporary improvements to Clyo Road and Centerville, which at this time is expected

to include a temporary left-turn lane at the entrance driveways into the development and a temporary sidewalk. The estimated cost of any temporary improvements shall be subtracted from the required escrow amount. The design of any required temporary improvements shall be subject to approval by the City Engineering Department.

14. Forty-five (45) feet of right-of-way shall be dedicated along Cloyo Road from the centerline, subject to approval by the City Engineer.

Mr. Tompkins seconded the motion. The motion was approved unanimously 7-0.

There being no further business, the meeting was adjourned.

A handwritten signature in black ink, appearing to read "J. S. Edman", is written in a cursive style.

