

CENTERVILLE PLANNING COMMISSION
Regular Meeting
Tuesday, August 31, 1999

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

Attendance : Mr. James Durham; Mr. Patrick Hansford; Mr. Richard Pluckebaum; Mr. Rand Oliver; Ms. Cheri Williams; Mr. Richard Tompkins. Absent: Mr. Jack Kostak. Also present: Mr. Steve Feverston, City Planner; Mr. Ryan Shrimplin, Planner; Mr. Robert N. Farquhar, City Attorney.

Motion to Excuse:

MOTION: Mr. Hansford moved to excuse Mr. Kostak from the meeting as he gave prior notice to staff. Mr. Pluckebaum seconded the motion. The motion was approved unanimously 6-0.

Approval of Minutes:

MOTION: Mr. Hansford moved to approve the Planning Commission minutes of August 10, 1999, as written. Ms. Williams seconded the motion. The motion was approved 4-0-2 with Mr. Durham and Mr. Oliver abstaining.

PUBLIC HEARINGS

Forest Walk - Sign Variance

Mr. Feverston reviewed the Sign Variance application submitted by Charles V. Simms Development Corporation for the Forest Walk subdivision located on the east side of Clyo Road south of Deer Run Road. The zoning on the property is R-1c, Single-Family Residential. The applicant is requesting approval to construct two (2) ground signs, one (1) on each side of the entrance to the subdivision project. The proposal is to install each sign with a single face that is 26.67 square feet in sign area. Both signs are to be affixed to a 6.5 foot high stone wall. The signs would be located in the reserve areas owned by the homeowners association. The purpose of this variance is to allow a permanent ground sign on the single-family zoned land which is not a permitted standard in the Zoning Ordinance.

In reviewing the application, Mr. Feverston stated the purpose of not permitting ground signs on single-family zoned property is to deter permanent signage on individual residential lots. Consideration has been given and approved to permanent identification signs for newer single-family neighborhoods including signs for LaChapelle, Cheltenham, Nestle Creek, and Yankee Trace. He stated that the signs approved previously for entrance signs to neighborhoods have been limited to one (1) in number located at each entrance into the neighborhood and ranging in size from 6 to 15 square feet in sign area.

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

1. The intent of the Zoning Ordinance is to prohibit the installation of a permanent ground sign on a single family lot; limiting residents only to temporary commercial and non-commercial speech. Consideration has been given to developers and residents to allow for the installation of a permanent ground sign to identify their neighborhood.
2. Within the last ten years, the City has approved permanent identification signs for newer single-family neighborhoods.
3. Signs that have been approved are typically limited to one (1), single-faced sign located at the entrance(s) to the neighborhood. These signs are either mounted on a wall or fence and are landscaped at their base. No sign is illuminated. The size of those signs installed range from 6 to 15 square feet in sign face area.
4. The variance is not the minimum variance necessary to properly identify the Forest Walk neighborhood. One (1) single-faced sign with an area of 15 square feet or less is adequate to accomplish this purpose.

Based on the staff analysis, the recommendation was to approve the Variance subject to the following conditions:

1. Only one (1) ground sign shall be permitted.
2. The sign face area shall not exceed 15 square feet.
3. Illumination of the sign shall be prohibited.

Mr. Durham opened the public hearing.

Mr. Charlie Simms, applicant and developer of Forest Walk, stated that he would like low voltage ground lights on the proposed wall sign. He stated that the sign materials were proposed based on the materials used on other signs of this type used throughout the City. Although the size proposed was what he thought was comparable to other signs approved by the City, he stated he agreed that 15 square feet would be acceptable. Mr. Simms stated two (2) walls will be constructed, however, signage will be installed only of those walls.

Dr. Bill Vanenze, 1180 Deer Run Road, stated that he supported the recommendations of staff stating that 15 square feet of signage would be very generous for a subdivision of approximately 40 lots. He stated that should Mr. Simms return with a variance application requesting lighting for this sign, it would be opposed by the adjoining neighborhood.

There no other speakers, Mr. Durham closed the public hearings.

Mr. Pluckebaum stated he did not like the identification signs for specific neighborhood subdivisions because it promotes inclusiveness to each development.

Mr. Hansford stated that he did not object to the sign as it provided a sense of entry into the neighborhood as well as landscaping.

Mr. Durham stated that he felt if the Planning Commission thought these types of signs were appropriate, perhaps they should be permitted signs with specific recommendations so variances were not approved in a piecemeal fashion.

MOTION: Mr. Hansford moved to approve the Variance application submitted by the Charles V. Simms Development Corporation for an identification sign for the Forest Walk subdivision subject to the following conditions:

1. Only one (1) ground sign shall be permitted.
2. The sign face area shall not exceed 15 square feet.
3. Illumination of the sign shall be prohibited.

Mr. Oliver seconded the motion. The motion was approved 4-2 with Mr. Pluckebaum and Ms. Williams voting no.

The Planning Commission members directed staff to prepare an amendment to the Zoning Ordinance to permit subdivision signage with landscaping requirements.

City of Centerville (Finke Property) - Rezoning from R-3 to O-S

Mr. Feverston reviewed the City-initiated rezoning of a 1.743 acre triangular shaped parcel of land located on Whipp Road at the intersection of Old Whipp Court. The existing zoning is R-3, Multi-Family Residential, and the requested zoning is O-S, Office-Service, to establish a transitional zoning between existing residential properties to the north and commercial property to the south. He explained that this is one of the vacant areas that Council directed staff to evaluate the current zoning and how land has developed around it to determine compatibility. The surrounding land uses to the north are single-family residential, a gas station/convenience store to the east, a restaurant and vacant commercial land to the south, and single-family and multi-family residential to the west. The current R-3 zoning classification on the property in question would permit up to ten (10) dwelling units as part of a multi-family development.

Based on the following analysis, staff recommended approval of the Rezoning application:

1. The City Comprehensive Plan states that land uses must be allocated and related so as to be harmonious. Uses which complement each other should be grouped, while conflicting uses should be separated via transitional land uses or buffer zones.

2. The rezoning of this parcel to O-S, Office-Service, conflicts with the City Land Use Plan. However, the Plan was adopted prior to the realignment of Whipp Road and the subsequent commercial development at the intersection of Whipp Road and Wilmington Pike.
3. Transitional land uses would provide the highest and best use for this parcel as it is situated and related to those land uses that have developed adjacent to or surrounding said parcel.
4. The O-S, Office-Service, zoning district provides transitional land uses and is the best zoning district for this parcel to transition the non-residential land uses to the south and east to the residences to the north and west.

Mr. Durham opened the public hearing.

Mr. Lee Hall, 2591 Old Whipp Court, stated that the proposed rezoning to O-S would provide a better situation than the possibility of ten (10) multi-family units on the property. He stated that the SuperAmerica development has worked well with the addition of mounding and landscaping required by the Planning Commission. He requested that when an O-S use develops on the property, the same kind of buffer be required to further protect the residential properties to the north.

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

Mr. Durham stated that he was torn to rezone the property to O-S because although he was confident an office use would be better for the well established residential community, some of the other possible uses permitted, such as a bank, would be more of a detriment.

Mr. Pluckebaum stated that the O-S would most likely be the best solution since the hours of operation would be better regulated.

Mr. Durham asked if access could be regulated to Whipp Road for O-S zoning.

Mr. Feverston stated that access could not be regulated as a part of a rezoning application, however, it could be regulated as part of a site plan process.

Mr. Oliver stated he did not feel that the Planning Commission would be doing a service to the residents as well as the City in recommending a rezoning to the property that has many restrictions based on its size as well as its limited access to Whipp Road. Access would most likely have to be located on Old Whipp Court.

Mr. Hansford stated he felt an office use could be made to fit the property, with the potential of accessing traffic onto Old Whipp Court. To protect the residential neighborhood, Mr. Hansford stated perhaps the land should be purchased by the City to make it a "pocket park" rather than it be developed in a detrimental fashion.

MOTION: Mr. Oliver moved to recommend denial of the rezoning application submitted by the City of Centerville for vacant property located between Old Whipp Court and Whipp Road and, further, it retain the R-3, Multi-Family Residential, zoning classification. Mr. Pluckebaum seconded the motion. The motion was approved unanimously 6-0.

Carousel Systems (Goddard School) - Variance of Maximum Building Size

Mr. Feverston reviewed the Variance request by Carousel Systems for Goddard School proposed to be located on Dayton-Lebanon Pike south of Sheehan Road. The zoning on the property is B-1, Neighborhood Business, which is appropriate for development of a daycare facility. The variance requested is to permit construction of a 6,500 square foot building which exceeds the 5,000 square foot maximum building floor area provided in the Zoning Ordinance.

The lot proposed for development of this project is 2.2 acres and larger than what the City has seen zoned B-1 or O-S. Two (2) 5,000 square foot buildings could be constructed on the site which would be more building mass than the proposed 6,500 square foot building.

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

1. The provision in the Zoning Ordinance that limits the maximum ground floor area of a building was placed in the Zoning Ordinance in 1986 to accommodate the few small lots within the City that were zoned B-1, Neighborhood Business, or O-S, Office-Service at that time. This provision also applies to the properties in the Architectural Preservation District (APD). The O-S and B-1 properties at that time were small and would not allow the construction of a building much larger than 5,000 square feet given the setback, parking and screening requirements. The maximum ground floor area requirement of 5,000 square feet was intended to transition the size of a building from the larger commercial buildings to the smaller single-family homes that typically were adjacent to these zones. The City did not anticipate zoning additional land into the B-1 classification. Within the last five (5) years, the City has zoned annexed lands along Dayton-Lebanon Pike to B-1. This land was platted to create lots larger than the typical lot zoned B-1, O-S or APD where this provision applies.
2. The proposed day care is an office-service use permitted in a B-1 zoning district. A day care is an excellent transitional use for this area. It is located on the fringe of the business district anchored by the Centerville Shopping Center and is adjacent to multi-family zoned land across from condominium and apartment developments.

3. The B-1 zoning is considered transitional; providing a step-down in the size in the intensity of uses on the property between larger shopping areas to residential uses. The intent of the maximum ground floor area provision was to allow this step-down to occur. However, in this case the residential buildings across from the subject property are typically two story and have a ground floor area to be 6,400 square feet as shown on the Special Approval application is reasonable and meets the intent of the ordinance.
4. This parcel could accommodate a two story building with a maximum ground floor area of 5,000 square feet. This, however, would create practical difficulties for the property owner.

Staff recommended approval of the Variance subject to the condition that the maximum ground floor area of the building shall not exceed 6,400 square feet matching the building footprint shown on their Special Approval application.

Mr. Durham opened the public hearing.

Mr. Scot Stone, representing the applicant, stated that they were in agreement with the condition for approval as reviewed by staff.

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

Mr. Hansford stated that with the amount of residential development in the area of this site, a social service user such as a day care is a good one. To provide a full service day care, the size of the building is determined by the State requirements for the appropriate amount of square footage in each specific facility.

Mr. Pluckebaum asked if granting a larger building on the property would allow the building setbacks to be maintained.

Mr. Feverston indicated that setbacks can be maintained.

Mr. Hansford stated that he felt in discussions with the applicant, Planning Commission had requested additional work be done on the proposed site plan and elevations; therefore, the proposed building size of 6,500 square feet should be granted to allow some flexibility in design.

MOTION: Mr. Hansford moved to approve the Variance for Carousel Systems as requested. Mr. Oliver seconded the motion. The motion was approved unanimously 6-0.

MOTION: Mr. Oliver moved to table the Special Approval application submitted by Carousel Systems for Goddard School as requested by the applicant. Mr. Pluckebaum seconded motion. The motion was approved unanimously 6-0.

An Ordinance Amending Section 17, APD, Architectural Preservation District, Section 32, Variance And Section 33, Appeals Of Ordinance No. 11-86, Zoning Ordinance Of The City Of Centerville, Ohio

Mr. Feverston stated that the proposed ordinance change is the result of the APD Task Force. The charge of the Task Force was to re-evaluate the current standards in the ordinance with the goal in mind to streamline the review process. Currently, site plans typically have a split review by the BAR and the Planning Commission. The proposed ordinance would give the review and approval for all site plan elements to the BAR as well as normal architectural review for all landmark properties and those located in the APD. The second part of the ordinance would further give the approval power to the BAR for all variances within the APD. This proposal would also eliminate the Planning Commission from reviewing appeals of BAR decisions, therefore, all appeals would go directly to Council.

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

Mr. Pluckebaum agreed with the changes to the ordinance stating that the review process should be streamlined to process applications to one (1) level of government.

Mr. Durham agreed with the proposed changes with the exception of action concerning variances. He felt that the variance process should be administered by one (1) body to give the process some continuity.

MOTION: Mr. Hansford moved to recommend approval of the amendments to the AP Ordinance subject to a modification to give the Planning Commission the ability to grant variances. Mr. Tompkins seconded the motion. The motion was approved unanimously 6-0.

UNFINISHED BUSINESS

Bethany Commons at Yankee Trace - Review of Entryway/Skin Improvements

Mr. Feverston reviewed the sign package, lighting package, entryway as well as the gazebo structure to be located in the area of the retention basin on the northwest portion of the site. The street signs and gas lighting fixtures will be extended into this portion of the Yankee Trace community as well. An area on the southern portion of the site will be designated for vegetable gardens and will be located in a fenced area for use by the Bethany Commons residents.

MOTION: Mr. Hansford moved to approve the "Skin Improvements" for Bethany Commons at Yankee Trace as submitted. Mr. Tompkins seconded the motion. The motion was approved unanimously 6-0.

NEW BUSINESSBethany Commons at Yankee Trace, Phase 1 - Record Plan

Mr. Feverston reviewed the Record Plan for Bethany Commons at Yankee Trace, Phase 1, located along the east side of Yankee Street north of Yankee Trace Drive. This 18.854 acre parcel is zoned R-1c, Single Family Residential, however, this particular project was approved as part of the Lifestyle Community Overlay approved by City Council. Phase 1 will consist of one (1) lot to create the easements for utilities for the development and right-of-way for Yankee Street.

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

1. The developer shall dedicate the entire length of right-of-way for Yankee Street that fronts the Bethany Commons development subject to approval by the City Engineering Department.
2. The easement labeled as a private access and utility easement shall be labeled in a manner permits the City access to the retention/detention basins for emergency purposes subject to approval by the City Attorney.
3. In lieu of completion of the required improvements prior to the recording of the plat, a performance bond or irrevocable letter of credit in the amount of \$130,000 shall be posted by the developer with the City of Centerville and a subdivider's agreement entered into with the City by the developer.

MOTION: Mr. Hansford moved to recommend approval of the Record Plan for Bethany Commons, Phase 1, subject to the following conditions:

1. The developer shall dedicate the entire length of right-of-way for Yankee Street that fronts the Bethany Commons development subject to approval by the City Engineering Department.
2. The easement labeled as a private access and utility easement shall be labeled in a manner permits the City access to the retention/detention basins for emergency purposes subject to approval by the City Attorney.
3. In lieu of completion of the required improvements prior to the recording of the plat, a performance bond or irrevocable letter of credit in the amount of \$130,000 shall be posted by the developer with the City of Centerville and a subdivider's agreement entered into with the City by the developer.

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

There being no further business, the meeting was adjourned.

