

**CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, May 26, 1998**

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

Attendance: Mr. James Durham, Chairman; Mr. Jack Kostak; Mr. Richard Tompkins; Mr. Richard Pluckebaum; Mr. Patrick Hansford.. Absent: Mr. Arthur Foland. There is currently one (1) vacancy on the Planning Commission. Also present: Mr. Steve Feverston, City Planner; Mr. Ryan Shrimplin, Planner; Mr. Robert N. Farquhar, City Attorney.

MOTION: Mr. Kostak moved to excuse Mr. Foland from the meeting as he gave prior notice to the Planning Department. Mr. Hansford seconded the motion. The motion was approved unanimously 5-0.

Mr. Durham introduced Mr. Rand Oliver, unofficial member of the Planning Commission, to be appointed prior to the next regular meeting.

Approval of minutes:

MOTION: Mr. Kostak moved to approve the Planning Commission Work Session minutes of May 12, 1998, as written. Mr. Pluckebaum seconded the motion. The motion was approved unanimously 4-0-1 with Mr. Hansford abstaining.

MOTION: Mr. Pluckebaum moved to approve the Planning Commission Regular Meeting minutes of April 14, 1998, as written. Mr. Tompkins seconded the motion. The motion was approved unanimously 4-0-1 with Mr. Hansford abstaining.

PUBLIC HEARINGS

City of Centerville - Rezoning from B-PD to O-PD

Mr. Feverston reviewed the Rezoning application initiated by the City to rezone approximately 14 acres of a 24.399 acre parcel located south of Alex-Bell Road and east of Wilmington Pike. The request is to rezone this portion of land from Business Planned Development, B-PD, to Office Planned Development, O-PD. The land is basically vacant with the exception of a designated landmark structure on the site.

Originally annexed to the City in 1962, the zoning on this parcel was Washington Township R-4, Single-Family Residential on 10 acres, and B-2, Roadside Business, on 4 acres. In 1972, the parcel was zoned to the City zoning classification of B-2, General Business. As part of the adoption of a new Zoning Ordinance in 1986, the property was zoned B-PD, Business Planned Development.

In May of 1997, Council directed staff to research the zoning classifications on all properties in the City to reevaluate the appropriateness of the current zoning. In staff's October, 1997, report to Council, 15 properties, including this property, were recommended to be rezoned. In December, 1997, Council agreed that 14 of those properties should be rezoned and directed staff to initiate those rezoning applications. Mr. Feverston stated that this application is a result of that directive.

The Comprehensive Plan designated the land in question principally as Public Open Space or a Buffer with a small amount of residential and business. In this case a buffer would be an appropriate land use, as well as transitional uses such as office uses.

Based on the following analysis, staff recommended approval of the rezoning:

1. The proposed rezoning to O-PD is consistent with the City's Comprehensive Plan. The majority of this land is considered as a buffer where transitional uses are considered appropriate. The O-PD zoning district is considered a transitional zoning district.
2. This rezoning is compatible with the surrounding land uses and provides a transition of land uses between the commercial lands north and east of this property with the residential zoned lands south and west of this proposed rezoning.
3. This property is situated at the extreme southern edge of a strip commercial district along Wilmington Pike in Sugarcreek township that is centered between I-675 and Cloy Road. This commercial strip was begun in 1987 and currently there is approximately 664,000 square feet of retail space in Sugarcreek Township from I-675 to Alex-Bell Road. Additional lands within this commercial strip area available and improved for commercial development.
4. The size of this commercial strip was not anticipated by the City when the subject property was rezoned to business in 1972 and again in 1986.
5. The Centerville Comprehensive Development Plan and Policy Plan discourages strip commercial development.
6. The location of the zoning boundary that bisects this property is logical as it is proposed. This boundary generally follows the Whites Corner Tributary and the FEMA flood plain. The tributary and flood plain is a natural division in this property.

Mr. Durham opened the public hearing.

Mrs. Susan Weeks, 2379 Donamere Circle, submitted a petition containing signatures of residents of many surrounding subdivisions including residents of the City of Bellbrook supporting the rezoning. She stated that enough retail development has taken place in the immediate area and with the surrounding residential uses, the zoning should protect those uses

from the possibility of 24-hour retail operations. Additional concerns of the residents include traffic congestion, environmental impact and endangering the existing wildlife on the site. Mrs. Weeks stated that the O-PD designation would allow development of uses that would compliment the existing farmstead which could be incorporated into the project.

Mr. Tim Ivory, 7531 Pelway Drive, stated that as a resident of the Pelbrook Farms subdivision, he was concerned that should the site develop as a Meijer store as indicated by the attorney of the property owner, it is customary to provide access to the rear of the building. He objected to any type of access between the subdivision and the site in question.

Mr. Bert Griffith, 2381 Donamere Circle, stated he felt the entire B-PD parcel should be included in the rezoning.

Dr. Dwight Pemberton, 7190 Brookmeadow Drive, stated that when his family moved to the area there were very little retail uses. He stated that retail should not be considered for the land in question which might permit adult entertainment uses.

Mr. Denny Wells, 1732 E. Alex-Bell Road, stated that the City should extend the land to be rezoned to visually protect the Springbrooke Condominiums from retail uses.

Mr. Lonnie Holloway, 7511 James Bradford Drive, stated that the City has no strategic planning. He stated that the City permitted Stenger's Ford to be constructed which provided no protection to the community. Mr. Holloway stated the proposed O-PD zoning for the site in question is a less of two evils, however, he thought that area should be residential.

Mr. Phil Keaton, 2560 Briggs Drive, stated that trash and debris from the retail sites as they adjoin residential areas are becoming a concern as they block detention ponds.

Mr. Hans Soltau, attorney representing the property owner of site in question, stated that his client was opposed to the proposed rezoning and had certain rights. He stated that the previous owner, Paul E. Lapp, had approval for a major shopping center on the site, however, development of that center was not possible at that time due to lack of sewer at that time. Mr. Soltau stated that his client purchased the property in 1983 and invested a large sum of money to make sewer accessible to the property. When the current Zoning Ordinance was adopted in 1986, B-PD zoning was the classification assigned to the property to allow large-scale retail development. Mr. Soltau stated a change in zoning would decrease the value of the property from approximately \$125,000 an acre to \$40,000 an acre if zoned office.

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

Mr. Pluckebaum asked why staff did not recommend the entire site be rezoned to O-PD.

Mr. Feverston explained that the proposed zoning boundary is logical as the tributary and flood plain create a natural division in the property. The more intense land uses would be located at the intersection which was the intent of the Comprehensive Plan many years ago. He stated that changes were needed to address how development has occurred in Sugarcreek Township.

Mr. Hansford stated that the duty of the Planning Commission is to review what has been submitted. He stated that the proposed rezoning simply creates a buffer from the business zoning to all residential development south and west of the site in question.

Mr. Tompkins and Mr. Kostak agreed with the staff recommendation to rezone the property to O-PD. Mr. Kostak stated that office zoning is very useful by providing a buffer to adjoining properties, as well as providing property to develop projects that are very much in demand.

Mr. Durham stated that the current zoning on the property is a mistake. He stated that it would be extremely difficult to put one massive development on this property based on environmental issues. He stated that in terms of the topography and surrounding residential uses, the zoning proposal would be effective.

MOTION: Mr. Hansford moved to recommend approval of the application initiated by the City of Centerville to rezone approximately 14 acres of land south of Alex-Bell Road and west of Wilmington Pike from B-PD, Business Planned Development to O-PD, Office Planned Development. Mr. Tompkins seconded the motion. The motion was approved unanimously 5-0.

City of Centerville - Rezoning from WT Agriculture to R-1c, Single-Family Residential

Mr. Feverston reviewed the Rezoning application initiated by the City to rezone a 29.574 acre parcel located south of Silvercreek Estates, east of The Homestead at Yankee Trace and west of Washington Church Road. The purpose of this application is to rezone this property annexed to the City in February, 1997, from Washington Township Agriculture to R-1c, Single-Family Residential. The surrounding land uses to the north and west are single-family residential; to the east are the Yankee Trace Golf Course and undeveloped land; and, to the south, single-family residential and the Dayton Power and Light substation.

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

1. The rezoning of this parcel to R-1c, Single-Family Residential is not consistent with the original land use assigned to this parcel by the comprehensive Development Plan. However, this is also true of the surrounding properties. Given the actual land uses existing on the surrounding properties, the rezoning is consistent with the objectives of the Comprehensive Development Plan:

- Land uses must be allocated and related to be harmonious. Uses which complement each other should be grouped, while conflicting uses should be separated via transitional land uses and buffer zones (page 15).
 - Land uses development and trends in adjacent communities and in the surrounding larger region must be considered so as to promote an integrated regional development of land uses (page 16).
2. The original land use assigned to this parcel by the Comprehensive Development Plan is Research or Restricted Industrial Park. The residential nature of the surrounding properties is likely to preclude the use of this parcel for industrial purposes, taking into consideration the industrial objectives of the Comprehensive Development Plan:
- Protection from encroachment by residential and other land uses and the minimization of any possible objectionable effects that the plant location may have on neighboring, non-industrial land uses should be considered (page 19).
3. Among the possible zoning classification for this parcel, a residential zoning classification would be the most compatible with the surrounding land uses and create the least impact on those properties.

Mr. Durham opened the public hearing.

Mr. Paul Hummel, 1621 Silverlake Drive, stated that he was under the impression that the area in question was dedicated as a wetlands and a reserve for the protection of birds.

Mr. Durham stated that although that issue would not affect the zoning of the property, the City was not aware of any such dedication. Environmental issues would be addressed at the time of development of the land.

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

Mr. Pluckebaum asked if the City was contradicting itself by following the Comprehensive Plan in the previously reviewed project and not following those standards in this instance.

Mr. Feverston stated that when that area of the Township was developed, implementing the uses outlined in the Comprehensive Plan was not under the City's jurisdiction.

Mr. Hansford stated that in looking at the area and how it has developed thus far, the change in zoning to single-family is appropriate.

MOTION: Mr. Kostak moved to recommend approval of the application initiated by the City of Centerville to rezone 29.574 acres of land south of Silvercreek Estates, east of The Homestead at Yankee Trace and west of Washington Church Road from Washington Township Agriculture to R-1c, Single-Family Residential. Mr. Hansford seconded the motion. The motion was approved unanimously 5-0.

NEW BUSINESS

IKON Office Solutions - Planning Commission Special Approval

Mr. Feverston reviewed the Special Approval application submitted for IKON Office Solutions to be located on Centerville Business Parkway. The request is to construct a new 29,000 square foot office-warehouse facility on a property zoned I-PD, Industrial Planned Development, and will be situated between the United Health Care and Hazco buildings. The proposed architecture is a blend of both adjacent buildings and will complement the business park well. The building will be constructed of primarily brick with the use of some E.I.F.S. material.

Required parking for the facility is 98 spaces and the applicant has proposed 143 spaces to satisfy parking requirements. The proposal meets all standards in the proposed Big Box Ordinance.

Mr. Feverston stated that the dumpster will be relocated and parking lot landscaping will be incorporated into the plan to meet the standards in the Zoning Ordinance, resulting in no variances in this proposal.

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

1. The dumpster shall be relocated subject to approval by the City Planner.
2. A 20 foot parking and paving setback shall be maintained along I-675.
3. Additional parking lot landscape areas shall be added to the site plan subject to approval by the City Planner.
4. The final grading plan shall be subject to approval by the City Engineering Department.
5. A stormwater drainage plan shall be approved by the City Engineer showing stormwater drainage calculations and incorporating detention and erosion control during construction in accordance with the provisions of the City Stormwater Drainage Control Ordinance.
6. A final landscape plan shall be subject to approval by the City Planner.

7. A performance bond or other construction guarantee shall be posted by the developer for all landscape, screening or bufferyard 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.
8. The Planning Commission shall approve the design of the proposed building to assure the materials, shape and architecture create a unified design on the premises and are visually compatible with the surrounding buildings. Specifically, the Planning Commission must approve the use of E.I.F.S. as an exterior siding material.
9. No sign shall be approved as a part of this application.

Mr. Mark Metzger, representing the applicant, stated that the building will be of brick construction and no E.I.F.S. material would be used. The HVAC equipment will be located in the middle of the building so it will not be visible from the ground level. He stated that the need for parking spaces exceeding the requirement results from times when all employees might report at the same to get parts, etc.

Mr. Durham commented that the proposal was an excellent piece of architecture.

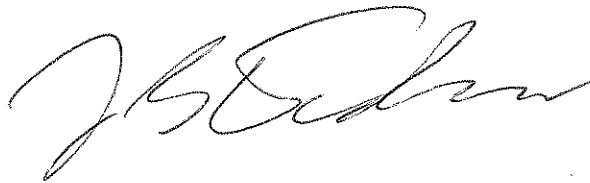
MOTION: Mr. Hansford moved to approve the Special Approval application for IKON Office Solutions subject to the following conditions:

1. The dumpster shall be relocated subject to approval by the City Planner.
2. A 20 foot parking and paving setback shall be maintained along I-675.
3. Additional parking lot landscape areas shall be added to the site plan subject to approval by the City Planner.
4. The final grading plan shall be subject to approval by the City Engineering Department.
5. A stormwater drainage plan shall be approved by the City Engineer showing stormwater drainage calculations and incorporating detention and erosion control during construction in accordance with the provisions of the City Stormwater Drainage Control Ordinance.
6. A final landscape plan shall be subject to approval by the City Planner.
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8. The Planning Commission shall approve the design of the proposed building to assure the materials, shape and architecture create a unified design on the premises and are visually compatible with the surrounding buildings. .
9. No sign shall be approved as a part of this application.

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

There being no further business, the meeting was adjourned.

A handwritten signature in cursive script, appearing to read "J. B. Eubank". The signature is written in dark ink and is centered on the page.