

CENTERVILLE PLANNING COMMISSION  
REGULAR MEETING  
Tuesday, April 29, 1997

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

Attendance: Mr. Scot Stone, Chairman; Mr. James Durham; Mr. Patrick Hansford; Mr. Arthur Foland; Mr. Jack Kostak. There are currently two (2) vacancies on the Planning Commission. Also present: Mr. Steve Feverston, City Planner; Mr. Ryan Shrimplin, Planner.

Approval of minutes:

MOTION: Mr. Foland moved to approve the Planning Commission minutes of March 25, 1997, as written. Mr. Hansford seconded the motion. The motion was approved 4-0-1 with Mr. Kostak abstaining.

COMMUNICATIONS

Epiphany Lutheran Church - Minor Amendment

Mr. Feverston reviewed the request from Epiphany Lutheran Church, 6430 Far Hills Avenue, to permit vinyl siding material to be used in the construction of an accessory building on the Church property. He stated that the design of the storage-type building resembles a small barn structure to be located immediately south of the existing house on the property. Mr. Feverston stated that the minor amendment had been approved with the exception of the vinyl siding material which must be specifically approved by the Planning Commission.

MOTION: Mr. Foland moved to approve the vinyl siding material for the accessory building for Epiphany Lutheran Church, 6430 Far Hills Avenue, as requested. Mr. Hansford seconded the motion. The motion was approved 4-0-1 with Mr. Durham abstaining.

PUBLIC HEARINGS

William and Georgia Gillespie/David T. Beyerle - Rear Yard Setback Variance

Mr. Feverston reviewed the Variance application submitted for William and Georgia Gillespie for their property located at 814 Deer Run Road. The specific request is to reduce the minimum rear yard setback from the required 30 feet to 23.5 feet to allow construction of a patio enclosure. The existing patio was constructed as a part of the house construction and encroaches the rear yard building setback line; however, a patio is not subject to the setback until such time an enclosure is constructed to require a building setback.

The staff analysis included the following points:

1. The existing residence is situated in the southwest corner of the Deer Run Condominium development. This condominium is required to maintain a minimum setback to the south and west property lines for this development.
2. There exists, within this development, other similarly situated residences that conform to the required minimum side and rear yard setback.
3. A 20 foot wide utility easement occupies a majority of the eastern and southeastern portions of the limited common area around this residence.
4. The buildable area around this residence has no limitations.

Based on that analysis, staff recommended denial of the requested variance.

Mr. Stone opened the public hearing.

Mr. David Beyerle, representing the property owners, stated that the main reason for the request was the patio was constructed originally with the thought that it would be enclosed at some point in time. If the proposed structure was pushed to the east, the window to the master bedroom would be blocked. A water line easement across this particular lot determined how the structure was placed on the lot. This lot is bordered by the Pleasant Hill Swim Club to the west and industrial zoning which will not negatively impact any other property owner.

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

Mr. Durham stated that the house was designed to maintain the 30 foot setback on this lot. He stated the builder obviously knew the setback required on this lot based on the placement of the house and, therefore, the variance should not be granted. This lot is not unique and could not justify granting a variance.

Mr. Foland stated that he did not object to the variance based on the land uses it abuts, it should not create any problem.

Mr. Hansford stated that the house could have been placed on the lot differently in order to allow the patio to be enclosed at a later date satisfying all setback requirements. He felt the addition could be turned to allow construction to take place without the necessity of a variance.

Mr. Beyerle stated that the water line for the fire hydrant made the lot unique because it dictated where the house could be placed on the lot.

Mr. Gene Davis, 834 Deer Run Road asked why the patio was permitted to be placed within the rear yard setback line when the intention was to enclose the patio at some point in time.

Mr. Feverston stated that a building permit is not required for a patio until such time as a structure is placed on the foundation. At that time a building permit application determines if the structure meets the standards in the Zoning Ordinance.

MOTION: Mr. Hansford moved to deny the Variance application submitted for property located at 814 Deer Run Road for a reduction in rear yard setback. Mr. Foland seconded the motion. The motion was approved unanimously 5-0.

PRD Corporation, Inc. - Variance of Parking Requirement/Planning Commission Special Approval

Mr. Hansford removed himself from the meeting at this time due to a possible conflict of interest.

Mr. Feverston reviewed the Variance and Special Approval applications submitted by the PRD Corporation on the rear lot behind the former bank facility located at 232 North Main Street in the Architectural Preservation District. The purpose of the request is to construct a new 8,416 sq. ft. day-care center on the .822 acre parcel of land. He stated that this lot was recorded many years ago, however, by today's standards it could not be approved due to the lack of frontage. There is an access easement agreement between the property owners.

The Board of Architectural Review has reviewed the Special Approval application and has forwarded their recommendation to the Planning Commission concerning the landscaping and architectural issues for this project.

Mr. Feverston stated that at such time when the rear lot is developed, the existing 80 ft. curb cut must be redefined. He stated that because the site is being redeveloped, its non-conformity is lost and the project must meet the parking and paving setback requirements as they currently exist. The project, as proposed, generates a parking requirement of 45 spaces and the applicant has requested approval of a reduction in that requirement to 30 spaces. In reviewing standards of surrounding communities, the parking requirements are basically the same as the City's. The applicant has figured 5 off-site

parking spaces into his calculations for the proposed use. Mr. Feverston stated that the corner property, also owned by the applicant, is legally nonconforming and that parking requirement does not satisfy the current standard. Only one (1) of those off-site spaces could be earmarked for shared parking.

Staff recommended denial of the Variance application as it did not meet the standards to warrant granting of a Variance.

Concerning the architectural and screening aspects of this Special Approval application, the recommendation of the BAR was as follows:

1. The Planning Commission must approve a variance to permit a reduction in the required number of parking spaces to serve this building. Should the Planning Commission deny this request, the applicant shall submit a revised site plan and building elevations that reconfigure the building to meet the minimum parking requirement subject to approval by the Board of Architectural Review.
2. A ten (10) foot parking and paving setback shall be maintained along the entire north and south property lines.
3. The roof structures of the proposed building shall be a asphalt or fiberglass shingle and have a minimum of a 5/12 pitch to be architecturally compatible with surrounding buildings.
4. The fascia, frieze, cornice and other trim boards shall be sized to match the scale and proportion of the proposed building subject to approval by the Board of Architectural Review.
5. The gabled ends of the building shall be faced with wood lap siding or brick. Should wood lap siding be used, the frieze board shall also be extended across the bottom edge of the siding subject to approval by the Board of Architectural Review.
6. The windows shown on the north wing of the west elevation shall be spaced to match the south wing. The center portion of the west elevation shall have four (4) windows on the second floor to meet the minimum wall opening requirements of the Zoning Ordinance subject to approval by the Board of Architectural Review.
7. The windows shown on the north side of the east elevation shall be moved away from the building corner a minimum of four (4) feet.

8. Lintels shall be installed above all side and rear doors to match the window lintels.
9. All building and roof colors shall be subject to approval by the Board of Architectural Review.
10. A detailed, exterior lighting plan shall be submitted and subject to the approval of the City Planning Department.
11. The final design, location and screening of a dumpster area on the property shall be subject to approval of the City Planning Department.
12. The entire north and east property line shall be screened subject to approval by the City Planner. Screening shall consist of a solid board fence having a height of six (6) to seven (7) feet and a double-staggered row of evergreens that have a minimum planting height of five (5) to six (6) feet, and spaced to provide a continuous screen. The south property line shall also be screened in the same manner from the southeast corner of the property to the southeast corner of the building.

Staff recommended to deny the Special Approval application given the size of the building, the lack of parking and given the lack of a plan showing how access would occur through the site. The plan proposed has an access easement that does not allow proper circulation, employee parking and deliveries on the site. The proposed application is too intense for this site.

Mr. Stone opened the public hearing stating that comments should be directed to the Variance issue at this time.

Mr. Richard Pavlak, applicant, stated that this is a use desperately needed in the area. He stated that the area to the rear of the building will provide a play area that is the largest of its kind for a day-care facility. He stated that the traffic circulation problems were addressed last year when he first spoke to the Planning Department. He submitted revised plans to the members pointing out the major change was the relocation of the retention basin to the north property line. Mr. Pavlak stated that the parking is adequate for his property at 264 North Main Street as it exists as approved by the BAR many years ago. He stated the use proposed is permitted and the building meets all setbacks. He stated that he felt the parking requirement was excessive and the number of parking spaces required would never be used to capacity. Mr. Pavlak stated he had come to this

conclusion based on his personal observation of traffic/vehicle patterns at various day-care facilities. The choice of the applicant was to reduce the parking requirement to maintain as much green space as possible to make it more harmonious with the surrounding neighborhood.

Mr. Matt Foster, Early Child Development Center, stated that their first concern is to preserve as much green space as possible which will essentially benefit the children. He stated with their combined staff experience of 30 years, they felt the parking requirement was excessive. He stated further that a reduction in the parking requirement to allow the building to be located to the front of the lot would help protect the neighborhood to the east.

Ms. Heidi Miller, 59 Bradstreet Road, represented many of the homeowners in the Pleasant Hill neighborhood and distributed information they had gathered with the assistance of an architect. She stated that this particular architect felt the site was inadequate for the proposed use of this property. She stressed the increase in noise levels and traffic through the neighborhood would greatly affect them. Ms. Miller stated that a 33% reduction in the parking requirement would not serve the site. She stated that it seems that the building was designed and the applicant is now trying to fit it on the site, rather than designing a building to fit the site along with the characteristics of the site. She stated that should the facility use vehicles to transport their students, additional parking spaces would be needed. Handicapped spaces require additional width and, therefore, would affect the parking layout. Loading zones should be addressed and might also decrease the number of spaces. She stated that as required in the Zoning Ordinance, required landscaping will further decrease the parking space area. Ms. Miller stated that although this lot is to the rear of 232 North Main Street, it is an individual lot. The Zoning Ordinance states that development in the APD requires parking areas be located in the rear yard. She stated that the plan did not seem to satisfy the stacking issue in the parking area with drop-off and pick-up situations and is a further safety issue with no sidewalk for pedestrian traffic. The dumpster location has not been designated, however, servicing the unit will interfere with the schedule. Ms. Miller stated that these issues only relate to the parking area problems and many other concerns would be raised concerning the site plan.

Mr. Tim O'Brien, 60 Bradstreet Road, stated that his concerns included the increase in noise levels, decrease in property values and the dangers of increased traffic volume to their neighborhood. He stated with the certainty that traffic volume will increase in the neighborhood, safety issues must be addressed for those children walking to Stingley School each day. Mr. O'Brien stated that the potential of 150 additional vehicles from this site, some of which will travel through the neighborhood, will greatly impact the area.

Mr. Harvey McCormick, 175 Maple Avenue, was concerned how the parking requirement would be calculated for the front building when occupancy takes place and how it would be incorporated into an overall parking plan.

Mr. Tim Trick, 50 Bradstreet Road, stated that based on the overlapping of the hours of operation for the surrounding individual businesses, shared parking could be calculated to satisfy the parking requirement. He felt there was no question that the parking requirement should be maintained.

Ms. Laurie Strait, resident, stated that the dumpster at 264 North Main Street is located in the proposed access area. She stated that the State regulates the number of employees for each facility based on the number of students. Even though the applicant does not feel that the parking lot will be used to capacity, in the event the day-care facility would vacate the building, a new occupant should not be faced with a lack of parking.

Mr. Jim Gallagher, 294 Cherry Drive, stated that Bradstreet Road is basically a one-way road with parking permitted on both sides. He stated that this certainly slows the traffic traveling through the neighborhood, the potential of an increase in traffic of this magnitude would create an increase in the problem. He stated that the access easement as shown on the site plan appears to be a major problem in itself.

Mr. Jeff Kuntz, 215 Maple Avenue, stated that when activities are held that attract parents and grandparents, 45 spaces would not begin to satisfy the parking demand. He stated that the many issues reviewed including loading and deliveries, a lack of sidewalk to the facility, dumpster location, handicapped parking spaces and proper emergency access to the property all affect the parking situation.

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

Mr. Durham stated that the Zoning Ordinance requires 45 spaces and this was the standard adopted by Council. He felt that this was a buildable lot with nothing unique to justify granting a variance, and the parking requirement should be maintained.

Mr. Kostak stated that there had been discussion to reconsider the some parking requirement standards as Planning Commission did not want to require too much asphalt.

Mr. Foland stated that emergency access was a problem and he would not approve the variance based on that issue alone.

Mr. Stone stated that he felt there was no basis to grant a variance.

MOTION: Mr. Foland moved to deny the Variance application submitted by the PRD Corporation for property located at the rear of 232 North Main Street. Mr. Durham seconded the motion. The motion was approved unanimously 4-0.

Prior to the motion on the Special Approval application, Mr. Pavlak requested specific reasons why the site plan was to be denied.

Mr. Durham stated that based on a site plan submitted with variances incorporated into the layout, Planning Commission could not approve it. Specifically, there is not enough parking on this site, the development does not have a workable traffic curculation, and there is a lack of adequate access through the front property.

MOTION: Mr. Foland moved to deny the Special Approval application submitted by the PRD Corporation for property located at the rear of 232 North Main Street. Mr. Durham seconded the motion. The motion was approved unanimously 4-0.

Mr. Hansford returned to the meeting at this time.

Leisure Entertainment Corporation - Conditional Use

Mr. Stone removed himself from the meeting at this time due to a possible conflict of interest.

Mr. Feverston reviewed the Conditional Use application submitted by the Leisure Entertainment Corporation requesting approval to establish a game room for an indoor laser tag game and up to 15



electronic games. The location of the facility is to be 175 East Alex-Bell Road next to the Wacammaw Home Furnishings store. The zoning on the property is Business Planned Development, B-PD, which permits a commercial entertainment use as a conditional use.

Staff recommended approval of the Conditional Use application 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 a game room(s) for an indoor laser tag use and a game room for a maximum of 15 coin-operated electronic games. 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 shown on the plans shall be approved as a part of this application.

Mr. Durham opened the public hearing.

Mr. Randy Iaboni, representing the applicant, and Mr. Pat McCune, Kimco Corporation, were present to answer any questions of the Planning Commission.

Mr. Iaboni indicated he had no objection to the conditions recommended by staff.

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

MOTION: Mr. Foland moved to recommend approval of the Conditional Use application submitted by Leisure Entertainment Corporation for property located at 175 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 a game room(s) for an indoor laser tag use and a game room for a maximum of 15 coin-operated electronic games. 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 shown on the plans shall be approved as a part of this application.

Mr. Hansford seconded the motion. The motion was approval unanimously 4-0.

#### NEW BUSINESS

##### Yankee Trace, Sec. 12 - Record Plan

Mr. Feverston reviewed the Record Plan for Yankee Trace, Sec. 12, which is an extension of Yankee Trace Drive east of Yankee Street and north of Charter Place. Sixteen (16) lots are proposed on the 11.797 acre parcel of land zoned R-1c, Single-Family Residential. He stated that this section is in conformance with the approved cluster residential plan.

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

1. The minimum building setback shall be in accordance to the Residential Cluster Development Plan approved by the Planning Commission.
2. A final grading plan shall be subject to approval by the City Engineer.
3. A covenant shall be placed on the Record Plan that grants the City of Centerville the right to establish a public right-of-way through Reserve Area AE that provides vehicular access to Yankee Trace Drive from adjoining lands situated east of Reserve Area AE. The language of this covenant shall be subject to approval by the City Attorney.
4. In lieu of completion of the required improvements prior to the recording of the plat, a performance bond in an amount acceptable to the City Engineer 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. Jim Kiefer, Great Traditions, was present for the review of the project. He requested that the words "as applicable" be added at the end of the sentence in condition #4.

MOTION: Mr. Durham moved to recommend approval of the Record Plan for Yankee Trace, Sec. 12, to Council subject to the following conditions:

1. The minimum building setback shall be in accordance to the Residential Cluster Development Plan approved by the Planning Commission.
2. A final grading plan shall be subject to approval by the City Engineer.
3. A covenant shall be placed on the Record Plan that grants the City of Centerville the right to establish a public right-of-way through Reserve Area AE that provides vehicular access to Yankee Trace Drive from adjoining lands situated east of Reserve Area AE. The language of this covenant shall be subject to approval by the City Attorney.
4. In lieu of completion of the required improvements prior to the recording of the plat, a performance bond in an amount acceptable to the City Engineer shall be posted by the developer with the City of Centerville and a subdivider's agreement entered into with the City by the Developer, if applicable.

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

Mr. Stone returned to the meeting at this time.

Yankee Trace, Sec. 3 - Record Plan (Replat)

Mr. Feverston reviewed the Record Plan for Yankee Trace, Sec. 3, located west of Yankee Street and south of Silverlake Drive. The zoning on the 20.5744 acre parcel is R-1c, Single-Family Residential. The subject of this Record Plan is actually a replat to adjust the lot sizes of 5 lots. He stated the purpose is to allow larger lot widths in order to accommodate house designs with side-entry garages.

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

1. Reserve Area AF shall be increased in area by .057 acres to equal the acreage of the original reserve area subject to approval by the City Planner.

2. All side and rear yard building setbacks for all lots affected by this replat shall be in accordance to the setback plan approved by the Planning Commission.

MOTION: Mr. Durham moved to recommend approval of the Record Plan for Yankee Trace, Sec. 3, to Council subject to the following conditions:

1. Reserve Area AF shall be increased in area by .057 acres to equal the acreage of the original reserve area subject to approval by the City Planner.
2. All side and rear yard building setbacks for all lots affected by this replat shall be in accordance to the setback plan approved by the Planning Commission.

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

Donald R. Martin - Request for Landmark Designation

Mr. Feverston reviewed the application submitted by Donald R. Martin requesting Landmark Designation for property located at 9505 Yankee Street. The structure is located on a 1.353 acre parcel of land currently zoned R-1c, Single-Family Residential. This house was originally constructed in approximately 1815 by Asher Tibbals and part of a 150 acre farm. The Tibbals Family was one of the original settlers of the Centerville-Washington Township community. Mr. Feverston stated that the entire house including the original log house and its subsequent additions contribute to the architectural character of the City. The proposed designation is situated within the Yankee Trace Golf Community and is surrounded a by residential development. A landmark designation of this house would be compatible with those surrounding land uses and consistent with the Centerville Comprehensive Plan.

It was, therefore, the staff recommendation to approve the designation of the building located at 9505 Yankee Street and known by local historians as the Asher Tibbals House as a Landmark.

Mr. Hansford asked if the house would be protected from the street widening project along Yankee Street.

Mr. Feverston stated that the City owns the right-of-way on each side of Yankee Street in this location and would control the placement of the roadway to carefully protect this structure.

MOTION: Mr. Kostak moved to recommend to Council that the Asher Tibbals House, 9505 Yankee Street, be designated as a Landmark as requested by Donald R. Martin. Mr. Hansford seconded the motion. The motion was approved unanimously 5-0.

Nestle Creek Three, Sec. 2 - Record Plan (Replat of Sec. 1)

Mr. Feverston reviewed the Record Plan for Nestle Creek Three, Sec. 2, located east of Bigger Road and north of Alex-Bell Road. The zoning on the 2.886 acre parcel is R-1c, Single-Family Residential. The subject of the replat is to eliminate 2 lots on the corner of Abington Green Court and Weathered Woods Trail, and to reconfigure the lots to create a lot for the principal house and create a lot for the out buildings. Mr. Feverston stated that owner intends to remodel the existing barn on the site and convert it into a single-family residence. In order to meet the density for the plat, the elimination of 2 lots had to occur.

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

1. A covenant shall be placed on the Record Plan stating that Lot Number 23 or 24 cannot be subdivided unless specifically approved by the City of Centerville.
2. A covenant shall be placed on the Record Plan stating that Lot Number 24 cannot be sold independently from Lot Number 23. This covenant shall be extinguished only at such time when a principal permitted use is to be established on Lot 24 or the existing accessory buildings on this lot are removed. The language of said covenant shall be subject to approval by the City Attorney.

MOTION: Mr. Durham moved to recommend approval of the Record Plan for Nestle Creek Three, Sec. 2, to Council subject to the following conditions:

1. A covenant shall be placed on the Record Plan stating that Lot Number 23 or 24 cannot be subdivided unless specifically approved by the City of Centerville.

2. A covenant shall be placed on the Record Plan stating that Lot Number 24 cannot be sold independently from Lot Number 23. This covenant shall be extinguished only at such time when a principal permitted use is to be established on Lot 24 or the existing accessory buildings on this lot are removed. The language of said covenant shall be subject to approval by the City Attorney.

Mr. Hansford 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, followed by the date "5/13/97". The signature appears to be "R. East".