

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, May 27, 1997

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

Attendance: Mr. James Durham, Acting Chairman; Mr. Patrick Hansford; Mr. Jack Kostak; Mr. Richard Pluckebaum; Mr. Richard Tompkins. Absent: Mr. Scot Stone; Mr. Arthur Foland. Also present: Mr. Steve Feverston, City Planner; Mr. Ryan Shrimplin, Planner; Mr. Robert N. Farquhar, City Attorney; Mr. Greg Horn, City Manager; Mr. F. William Stamper, Economic Development Coordinator.

MOTION: Mr. Hansford moved to excuse Mr. Stone and Mr. Foland from the meeting as each have a potential conflict of interest relating to the agenda items. Mr. Kostak seconded the motion. The motion was approved unanimously 5-0.

Approval of minutes:

MOTION: Mr. Hansford moved to approve the Planning Commission minutes of May 13, 1997, Regular Meeting, with the addition of the motion to excuse Mr. Kostak from the meeting. Mr. Durham seconded the motion. The motion was approved unanimously 4-0-1 with Mr. Kostak abstaining.

COMMUNICATIONS

Mr. Feverston stated that a application submitted by the PRD Corporation for the site at 232 North Main Street (Rear) was returned to the applicant as the project would still require a variance of the parking requirement. Such an application for the same type of relief is not permitted to be resubmitted for a period of twelve (12) months.

PUBLIC HEARINGS

Hills Real Estate Group - Rezoning from I-1 to B-2

Mr. Feverston reviewed the Rezoning application submitted by Hills Real Estate Group for property located on the northeast corner of Bigger and Clyo Roads. The request is to rezone the 4.5381 acre parcel from I-1, Light Industrial, to B-2, General Business. The change in zoning is proposed to allow construction of a retail development and medical offices on the site. The surrounding uses include light industrial uses, Fire Station #2 and Thomas Paine Condominiums to the north; residential uses to the south; open space to the east; and, residential and the Dayton Power & Light Service Center to the west.

Mr. Feverston reviewed the uses permitted under the current I-1 zoning classification as well as the uses which would be permitted the B-2 classification should the rezoning be approved.

The Comprehensive Plan designated research or restricted industrial uses for this parcel as well as the entire north and western length of Clyo Road as it was proposed to bisect the City and 403 acres within this area was zoned accordingly. Additionally, a buffer was to be established at the edge of this use group where it abutted a major street. Since 1973, most of this land has been developed residentially due to, among other things, changes in the transportation plan. The parcel that is subject of this rezoning is the only parcel zoned light industrial abutting Clyo Road that is east of Bigger Road. The zoning on this parcel is considered to be a remnant of the original land use plan and 1973 rezoning and no longer compatible with the surrounding development.

Staff recommended the the rezoning to B-2 be denied based on the following analysis:

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. Large tracts of undeveloped business zoned land exist within the City. Specifically, a large tract zoned B-PD, Business Planned Development, is located within one-half mile east of this site.
3. There exists a neighborhood commercial district that is situated approximately one-half mile north of this site along Bigger Road from Hewitt Road to Whipp Road located in the City of Kettering. This existing shopping area would permit the uses proposed for this site.
4. There exists an extensive commercial development along Wilmington Pike from Whipp Road to Alexandersville-Bellbrook Road in Sugarcreek Township that is situated approximately one mile east of this site.
5. The singling out of this parcel for retail purposes is not in the public interest, but only for the benefit of the landowner.
6. The rezoning of this parcel to B-2, General Business, is not in accordance with the City Master Plan.

Mr. Durham opened the public hearing.

Mr. John Koverman, attorney for the applicant, stated that the parcel of land in question was referred to several times by staff as a "remnant" piece of property. He stated nothing was further from the truth as his clients purchased this property as a part of 97 acres which was zoned Residential Planned Development, R-PD, in 1989. This land purchase was the subject of a lengthy rezoning process that in the end his client agreed to go along with the construction of Clyo Road extension through their property. The property on the south side of Clyo Road was rezoned in part to R-PD which is now developed as Lexington Meadows. The property on the north side of Clyo Road was zoned from R-PD to Light Industrial, I-1, in 1990. Mr. Koverman submitted copies of the zoning map in effect in 1989, the rezoning application filed to rezone 7.2 acres from R-PD to I-1, as well as the staff report for the rezoning application stating the City could potentially support the industrial zoning change as it was logical since the property abutted industrial to the north and west. Mr. Koverman stated that a compromise was reached between the City and his client to dedicate 4.5 acres of parkland to the City which adjoined the Thomas Paine Settlement project and provided a buffer for the future development to the west. Since that time, Hills Developers has attempted to market the property in question for industrial development with little success. He stated that they still feel the industrial zoning is proper, however, his client had been approached by Revco to construct a pharmacy at that location. He stated that unlike the next application that was filed by the City with no consultation with the property owner, Hills met with the City and inquired as to if there would be a possibility of having a Business Planned Development zoning that would restrict the potential uses on the property. Mr. Koverman stated they were informed a restriction was not possible and, therefore, the proposed rezoning application was the result. He stated that his client felt the possibility of constructing a Revco on the site should be considered by the City and as a result, the City has filed an application to rezone the same property to Office-Service, O-S, which would take away the industrial zoning that was given as a part of the compromise in 1990. He stated that in speaking with the City Manager and Planning staff, the developers felt that some type of classy buildings could be constructed that would provide commercial uses and would act as a buffer between the light industrial and the residential properties. He stated that he understood the concerns of adjacent property owners and how a retail development across the street from their homes might affect their property values. He stated that single-family zoning exists directly across the street from Cross Pointe Center and those properties remain very well-maintained with only property for sale at this time. Retail uses and how they

relate to residential uses do not necessarily create a detriment to those areas. Mr. Koverman stated that they have merely submitted this application so that the Planning Commission and Council could react to whether developing the property for the intended uses would be of benefit to the City.

Mr. Jim Hardin, 6660 Wareham Court and representing the residents of Lexington Meadows, stated they were opposed to the B-2 zoning as proposed by Hills. He stated that this spot zone would not provide a buffer between the proposed business and the residential community directly across Clyo Road. He stated that their main concerns included the increase in traffic, noise and lighting from the site in question. He stated that they are, of course, concerned with their property values, but more importantly are concerned with the negative issues that a B-2 zoning classification could bring to their neighborhood.

Mr. Fred Geisert, Cedar Cove Condominiums, stated that the residents in their project were opposed to any development on the site which would affect the traffic situation. They felt a retail development would be a detriment to the intersection and the community as a whole.

Mr. Greg Horn, City Manager, stated that staff did meet with Mr. Koverman and a representative of Hills Developers regarding their desire to rezone the property to business zoning. He stated that staff did mention at that time the business zoning would not be compatible with the surrounding area or the character along Clyo Road. He stated that staff did not feel business zoning would enhance the neighborhood from a traffic standpoint, a visual standpoint or an aesthetic standpoint. He stated that staff felt area to the north as well as along Wilmington Pike which have the proper zoning would be more appropriate for the type of development being requested.

Mr. Feverston stated that the parkland Mr. Koverman referred to was actually dedicated to the City as it was created as open space for Lexington Meadows to determine the density of that subdivision, therefore, not allowing any construction on those sites. Ownership was deeded to the City to avoid maintenance of those parcels by the Homeowners' Association.

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

Mr. Kostak stated that his personal experience is that has been interest in the property as an industrial site as he had approached the broker for this property in 1995 for his own personal business use. He stated that he was told by the broker a group of doctors were considering the entire parcel for an office use. Mr. Kostak stated that his only point is that there has been interest and felt there would be interest in the future as it is an attractive tract of land.

Mr. Hansford stated that he felt the B-2 zoning would not provide appropriate transitional land use as it should apply to this site.

Mr. Durham stated that when looking at the overall Comprehensive Plan as to where commercial zoning should be located, this site does not fit. He stated that should the Revco not be constructed, a small convenience store could be constructed under the B-2 classification subject to architectural and site plan approval. He stated that an intense use of that nature would not be appropriate for the site, although under the B-2 classification, it would be a permitted use. For those reasons, Mr. Durham stated he was opposed to the rezoning as proposed.

MOTION: Mr. Tompkins moved to recommend to Council denial of the Rezoning Application submitted by Hills Developers for property located on the northeast corner of Bigger and Clyo Roads requesting rezoning from I-1 to B-2. Mr. Kostak seconded the motion. The motion was approved unanimously 5-0.

City of Centerville - Rezoning from I-1 to O-S

Mr. Feverston reviewed the Rezoning application submitted by the City of Centerville for property located on the northeast corner of Bigger and Clyo Roads. The request is to rezone the 4.5381 acre parcel from I-1, Light Industrial, to O-S, Office-Service. The surrounding uses include light industrial uses, Fire Station #2 and Thomas Paine Condominiums to the north; residential uses to the south; open space to the east; and, residential and the Dayton Power & Light Service Center to the west.

Mr. Feverston reviewed the uses permitted under the proposed O-S zoning classification should the rezoning be approved.

Staff recommended the the rezoning to O-S be approved based on the following analysis:

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 speparated via transitional land uses or buffer zones.
2. 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.
3. The O-S, Office-Service, zoning district provides transitional land uses and is the best zoning district for this parcel to transition the intense non-residential land uses to the north and west to the residential land uses to the south.
4. The rezoning of this parcel to O-S, Office-Service, is in accordance with the City Master Plan to provide a transitional land use.

Mr. Durham opened the public hearing.

Mr. Greg Horn, City Manager, stated that this is one of the last remaining development parcels in the area. In looking at the corridor and what has developed, the City feels that the community would be far better served from the standpoint of having O-S as the zoning on this particular parcel rather than the I-1 classification. He stated that the City knows there have been inquiries over the last several years regarding this site, although he stated he was not sure what the development issues have been with this site. Mr. Horn stated it is an attractive corner providing a fine potential development site for the community and staff is supportive of the O-S classification.

Mr. Fred Geisert, Cedar Cove, stated that they support the rezoning application to rezone the property to O-S as they would like to see the continuance of the area as it has developed across the street from their project.

Mr. Jim Hardin, 6660 Wareham Court and representing Lexington Meadows, stated that they support the the change of zoning to O-S. He stated it would provide a better buffer between the existing I-1 uses and residential uses which would make it a logical choice.

Mr. John Koverman, attorney for the property owner, stated that they do not feel that the community would be served by this reclassification of zoning--it would be a taking without any compensation. He stated it would be a taking of approximately 70% of the uses that would be permitted currently on this property. Mr. Koverman stated that rezoning this property would be a "spot zone" as there is no O-S zoning in the area. He stated that Mr. Geisert encouraged the zoning change to provide a continuance of development as what had taken place across from their project. Mr. Koverman stated the zoning in that area is I-PD, Industrial Planned Development, and not O-S zoning. He asked that if the reason for rezoning the property to O-S is to provide a buffer between the I-1 zoning and the residential areas, then what is the buffer provided to his client's property and the existing chemical tanks on the landscaping company abutting the property in question. He stated that should the property be rezoned to O-S, the property value would be dramatically affected. Mr. Koverman stated that this application was filed by the City without knowledge by his client and felt that it is an arbitrary request done without the owner's consent. He stated that none of the existing properties in the area have changed to require that a change in zoning be made. Mr. Koverman stated that he requested the O-S zoning be denied and the I-1 zoning be retained as was granted in their compromise in 1990.

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

Mr. Hansford stated that he felt the property was ideal for a transitional use. He asked if there were other types of transitional zoning and if there were any conditional uses permitted in the office districts.

Mr. Feverston stated O-S and O-PD would be transitional zoning district. There are no specific uses permitted as conditional in the office districts.

Mr. Hansford stated that he felt the staff analysis was appropriate, however, he understood the frustration of the property owner concerning a City initiated rezoning for the same property. He stated if the City was doing a cleanup of zoning issues throughout the City, he could support the O-S application. He stated that under the circumstances, he could not support the application.

Mr. Kostak stated that he felt Mr. Hansford's issue was something that bothered all the members, however, Mr. Kostak stated that this property has a industrial zoning that sticks out like a sore thumb. He stated that it was his feeling O-S was the appropriate zoning because if any piece of property was transitional, it would be this one.

Mr. Durham stated in looking at this property, it is clearly a remnant that should not have a residential zoning. He stated it is possible an office zoning is the transition zoning it needs; however, he stated he was still confronted with the point Mr. Hansford made. He stated that looking at the situation along with its history of negotiation with Council, the right thing to do from the standpoint of the City is to leave it as I-1.

MOTION: Mr. Kostak moved to recommend to Council approval of the Rezoning Application submitted by the City of Centerville for property located on the northeast corner of Bigger and Clyo Roads requesting rezoning from I-1 to O-S. Mr. Hansford seconded the motion. The motion was approved 3-2 with Mr. Durham and Mr. Hansford voting no.

NEW BUSINESS

Hills Real Estate Group (Revco) - Planning Commission Special Approval

Mr. Koverman, representing the applicant, requested that the Special Approval for the Revco facility be tabled pending final action on the Rezoning application to be taken by City Council.

MOTION: Mr. Hansford moved to table the Planning Commission Special Approval application for the Revco facility as requested by Mr. Koverman. Mr. Pluckebaum seconded the motion. The motion was approved unanimously 5-0.

Clyo Store & Lock - Planning Commission Special Approval

Mr. Feverston reviewed the Special Approval application submitted Hills Real Estate Group requesting approval to construct a new 50,000 sq. ft. climate controlled building and 6 mini-warehouse buildings on the northwest corner of Bigger and Clyo Roads. The zoning on the 4,5381 acre parcel is Light Industrial, I-1. The 96 parking spaces proposed for the facility satisfies the parking requirement of 82 spaces. The building materials proposed for the project include concrete block and metal doors, roof and panels with a synthetic stucco (dryvit). He stated that these materials are deemed inappropriate and must have specific approval from the Planning Commission in order to be used. One (1) access point to the

facility is proposed on Clyo Road causing some concern from the Fire Department to provide emergency service. There is a stormwater drainage and overflow area which needs to be maintained on the site. The applicant is proposing detention on the southern side of the site which is a dry basin most of the time as well as a small basin to the north which attaches to a retention basin on the adjoining property.

The Fire Department has submitted their additional comments that based on the configuration of the site layout, a 17 ft. wide fire lane must be established throughout all access aisles. Mr. Feverston stated that in order to accomplish the requirement of the fire land, parking spaces would have to be eliminated. Staff calculated that to provide the fire lanes, the parking would be reduced to 59 spaces and would, therefore a variance would be required.

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

1. A 17 ft. wide fire lane shall be established throughout the entire complex. This requirement would reduce the number of available parking spaces to 59 spaces. Because the minimum parking requirement for this use is 82 spaces, the Planning Commission must approve a variance from the standards of the Zoning Ordinance to allow for this reduction or the applicant must submit a revised Special approval plan that eliminates this variance.
2. The easternmost mini-warehouse building shall be eliminated. A driveway shall be extended through this area to provide a looped circulation for emergency vehicles.
3. The Planning Commission shall approve the architectural design of the proposed buildings to assure the shape, materials and architecture create a unified design on the premises and shall be visually compatible with the surrounding buildings.
4. The Planning Commission must approve the use of split-face concrete block, and cementitious finish (stucco) on the exterior building walls and the use of a standing seam metal roof.
5. The parapet or roof system shall be modified on the proposed climate controlled warehouse building to mask and conceal the mechanical, HVAC and other systems attached to the roof subject to approval by the Planning Commission.

6. The dumpster shall be relocated toward the north property line with the specific location final design, and screening shall be subject to approval by the City Planning Department.
7. The fence situated on the Clyo Road side of the proposed development, if located in the front yard, shall be a picket, split rail or wrought iron fence and shall have a maximum height of 4 ft.
8. The final grading plan shall be subject to approval by the City Engineering Department.
9. A stormwater drainage plan shall be approved by the city Engineer showing stormwater drainage calculations and incorporating retention and/or detention and erosion control construction in accordance with the provisions of the City Stormwater Drainage Control Ordinance. The developments plans shall be modified to maintain the overland flow path for stormwater during intense storms.
10. All walkways that abut parking stalls shall be raised above the parking lot surface.
11. The landscaping plans shall be submitted to provide low mounding and/or low landscaping about 2.5 ft. high where the parking lot is adjacent to a public roadway and to provide screening for the proposed loading area subject to approval by the City Planner.
12. A detailed screening plan for the east side of the property which abuts residentially zoned land shall be approved by the City Planning Department.
13. A detailed exterior lighting plan shall be submitted and subject to the approval of the City Planning Department. The use of wall packs are specifically prohibited.
14. No sign shown on the plans shall be approved as a part of this application.

Mr. Glenn Brehm, Hills Developers, stated that with a few exceptions, they concurred with the recommendations of staff. He stated that if a 17 ft. fire lane was required, they would ask for some kind of relief for the parking requirement as 82 parking spaces should be considered extreme for a store and lock facility. Concerning the building materials, Mr. Brehm stated that these materials are used on other typical store and lock facilities. He stated that they felt the proposed architecture and building materials were appropriate and suitable for the facility proposed. He stated that the issue

of the fence with a maximum height of 4 ft. along Clyo Road would not provide the proper security this type facility warrants. He stated that more landscaping could be required to screen the chain link fencing material. Mr. Brehm stated that if a 17 ft. fire lane is required, a slight reconfiguration of the site might be made.

Mr. Durham stated that depending on the interpretation of the what is required for emergency access, the potential of the site layout changing drastically is good. He suggested that the Planning Commission discuss this project in a Work Session to consider alternatives to the site plan layout and related issues.

Mr. Jim Hardin, 6660 Wareham Court, asked if a filter would be installed so that the stormwater coming from the properties to the north would not affect their properties with debris as what currently occurs.

Mr. Brehm stated that the debris is most likely coming from the landscaping company north of the property in question.

Mr. Feverston stated the City would investigate the situation as debris should not be discharged from the site.

Mr. Hardin stated that he felt a chain link fence is hard to screen and perhaps wrought iron could be used as has been installed on the new project on Hempstead Station Road in Kettering.

Mr. Hansford and Mr. Kostak stated that they would not object to granting a variance to allow a reduction in parking for this particular use.

Mr. Hansford felt that the architecture for this project should incorporate some of the features of the surrounding residential community as well as some of the business properties along Clyo Road with possibly including a pitched roof. He felt that more detail should be made available concerning the architecture so that those considerations could be reviewed.

Mr. Brehm requested to table the project and schedule it for a Work Session for further discussion.

MOTION: Mr. Hansford moved to table the Special Approval application submitted for Clyo Store & Lock at the request of the applicant until June 10, 1997, in order to discuss the project in a Work Session. Mr. Kostak seconded the motion. The motion was approved unanimously 5-0.

There being no further business, the meeting was adjourned.

John H. Hansen 6-24-97

