

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, October 29, 1996

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

Attendance: Mr. Scot Stone, Chairman; Mr. Jack Kostak; Mr. Patrick Hansford; Mr. Arthur Foland; Mr. Peter McMahon. Absent: Mr. James Durham; Mr. Timothy Shroyer. Also present: Mr. Steve Feverston, Acting City Planner; Mr. Robert N. Farquhar, City Attorney; Mr. Norbert Hoffman, City Engineer; Mr. Greg Horn, City Manager; Mr. Steve Weaver, Public Works Director.

MOTION: Mr. Foland moved to excuse Mr. Durham and Mr. Shroyer from the meeting as they gave prior notice to the Planning Department. Mr. McMahon seconded the motion. The motion was approved unanimously 5-0.

Approval of minutes:

MOTION: Mr. Hansford moved to approve the Planning Commission minutes of October 8, 1996, Regular Meeting, as written. Mr. Kostak seconded the motion. The motion was approved 2-0-3 with Mr. Stone, Mr. Foland and Mr. McMahon abstaining.

COMMUNICATIONS

Mr. Feverston stated that the Miami Valley Planning and Zoning Workshop is scheduled for Friday, December 6, 1996, and any member of Planning Commission interested in attending should inform the Planning Department before November 21, 1996.

Yankee Trace Swim and Tennis Pavilion

Mr. Feverston reviewed the request from Great Traditions to construct a new swim and tennis center on the northeast corner of Yankee Trace Drive and Liberty Crossing. The building serving the center is proposed to be 2,177 sq. ft. which will include changing areas, showers and a concession area. The pool will be a junior Olympic-size pool with 6 lanes. Two tennis courts will also be constructed on the site.

Staff recommended approval of the site plan subject to the following conditions:

1. The walk abutting the parking lot shall be 6.5 feet wide.
2. An exterior lighting plan for the site including the pool area and tennis courts shall be approved by the City Planning Department.

3. The tennis court fence shall be approved by the City Planning Department.
4. The final grading plan shall be subject to approval by the City Engineering Department.

MOTION: Mr. Foland moved to approve the site plan layout for the Yankee Trace Swim and Tennis Center subject to the following conditions:

1. The walk abutting the parking lot shall be 6.5 feet wide.
2. An exterior lighting plan for the site including the pool area and tennis courts shall be approved by the City Planning Department.
3. The tennis court fence shall be approved by the City Planning Department.
4. The final grading plan shall be subject to approval by the City Engineering Department.

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

PUBLIC HEARINGS

Manor Care, Inc. - Sign Variance

Mr. Feverston reviewed the Sign Variance application submitted for Manor Care, Inc., 1001 East Alex-Bell Road, requesting four (4) variances on the property. The ground sign for the site is permitted to have 32 sq. ft. of sign area per sign face and the applicant has proposed a single-face sign to be 90 sq. ft. of sign area. Four (4) directional signs were also proposed for the site-- one (1) sign to 7.1 sq. ft. and three (3) signs to be 13.3 sq. ft. Directional signs are permitted to be 2 sq. ft.

Staff recommended denial of the request based on no unique circumstance existing on the property which would justify the granting of a variance.

Mr. Stone opened the public hearing.

Mr. Leonidas Williams, representing Manor Care, stated that the permitted signage for the site does not properly identify the facility with all pertinent information such as telephone numbers, etc., they feel is necessary to be included on the sign. He stated that traffic is a concern as people will be decreasing the speed to determine access to their property. He stated that this is a particular problem based on the elderly trying to enter the site. Mr. Williams stated that the directional signs could meet the standards in the ordinance of 2 sq. ft.

Dr. Roy Chew, Kettering Medical Center, stated that for people of this age visiting the facility, identifying the building is essential. He stated it has been his experience in their other campuses that the building must be recognizable.

Mr. Fred Geisert, 6796 Cedar Cove Drive, read a prepared statement previously sent to the members of Planning Commission. Representing the residents of Cedar Cove Condominiums, he stated that they opposed the variance as the large signs proposed would create an eyesore to the residential character of the surrounding neighborhood. They felt that the permitted amount of signage would adequately identify the facility and requested that the variance be denied.

Mr. Richard Cale, 1570 Ambridge Road, opposed the variance based on the predominantly residential neighborhood surrounding the facility and any signage should maintain that theme. He stated that other signs in the area for residential communities, churches, etc., have kept within the standards of the sign ordinance. The purpose of increasing the sign would not be for identity, but for advertising reasons. Mr. Cale stated that this particular facility is not part of a campus, so identifying it should not create confusion to those visiting the site.

Mr. Mike Allegretto, 6715 Gulf Green Drive, representing the residents of Tifton Greens, stated that they are also opposed to the large signs proposed for the facility.

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

Mr. Kostak asked if other facilities of this nature with older residents have requested variances for larger signs.

Mr. Feverston indicated he was not aware of any variances approved for St. Leonards or Bethany Lutheran Village.

Mr. Foland stated that Mr. Williams had indicated that the directional signs could maintain the standards of the sign ordinance. He asked if Manor Care was, therefore, withdrawing their request for a variance on those directional signs.

Mr. Williams, after discussion with other representatives of Manor Care, stated that that request was not being withdrawn.

Mr. Hansford stated that the proposed sign design utilized a lot of background, therefore, increasing the size of the sign. He felt he could not support the variance request.

Mr. Stone stated that this particular case does not address any unique circumstance that would support the granting of a variance. He indicated that the Architectural Preservation District (APD) is far more restrictive with more a congested traffic situation where the City has maintained the sign standards for many years. He stated that the residential character should be maintained since this is not a retail facility and the building itself is very visible.

MOTION: Mr. Foland moved to deny the sign variance requested by Manor Care, Inc., 1001 East Alex-Bell Road. Mr. McMahon seconded the motion. The motion was approved unanimously 5-0.

Mr. Stone advised the applicant that they were entitled to appeal the decision to City Council.

Shell Oil Company - Variance/Planning Commission Special Approval

Mr. Feverston reviewed the Variance and Special Approval applications submitted by Shell Oil Company for their site located on the northwest corner of South Main Street (SR 48) and West Spring Valley Road. The zoning on the .61 acre parcel is B-2, General Business. The applicant is requesting a side yard building setback variance to allow the setback on the north property line to vary from 15.33 ft. to 20 ft. The required setback is 20 ft. The purpose of the request is to remodel the existing service station into a convenience store and construct a new car wash on the north side of the building. The 13 parking spaces proposed satisfies the 9 spaces required for this site.

Mr. Feverston stated that more modern restrooms will be located on the southern portion of the building, the existing service bays and car wash will be enclosed to create the convenience store, and the new car wash will be constructed on the northern end of the site. The proposed building materials is a continuation of the existing board and batten siding with steel panels. The canopy will also be remodeled. The legally-nonconforming sign on the roof will be removed as a part of this application. He stated that an alternative plan had been submitted to demonstrate that other options had been considered for the site, however, the proposed plan is the best layout for this particular site.

Mr. Feverston stated that a unique situation was created on the site due to a reduction on the parcel size during road improvements to the intersection. It was, therefore, staff recommendation to approve the Variance subject to the following conditions:

1. The proposed car wash shall be faced with brick to become visually compatible with the surrounding buildings.
2. The area north of the proposed addition shall be landscaped subject to approval by the City Planning Department.

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

1. The Alternate site Plan shall not be approved.
2. The Planning Commission must approve a variance to permit the proposed car wash to be located in the required side yard as shown on the site plan.
3. The City Planning Commission must approve detailed exterior plans of the building and canopy that includes color and material for consistency within this project as well as surrounding properties. The ACM (aluminum) panels are considered by the Zoning Ordinance an inappropriate siding material for commercial buildings.
4. Excess water and water spillage generated by the car wash and from washed cars shall be collected and discharged by a drain system to prevent a water/ice hazard on South main Street of Spring Valley Road subject to approval by the City Engineer.
5. A detailed landscaping plan shall be submitted to and approved by the City Planning Department for all non-paved areas on this site.

6. All new signs shown on the site plan and building elevations shall not be considered a part of this application.
7. Detailed plans for the dumpster including design and screening must be approved by the City Planning Department.
8. An exterior lighting plan shall be approved by the City Planning Department.
9. The final grading plan shall be subject to approval by the City Engineering Department.

Mr. Stone opened the public hearing.

Mr. Ron VanDeSant, LJB Engineers representing the applicant, stated that he could agree with the conditions recommended by staff with the exception of the brick facing as a building material. He stated that Centerville prides itself in being a historic preservation city and they would like to maintain the historic character of their building which was constructed in the 1960's.

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

Mr. McMahon stated that he felt the variance request was justified due to the taking of property for road improvements, therefore, creating a situation that was no fault of the property owner.

MOTION: Mr. Hansford moved to approve the variance for Shell Oil Company, subject to the following conditions:

1. The area north of the proposed addition shall be landscaped subject to approval by the City Planning Department.

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

Mr. Hansford felt that the proposed building materials were not an issue as it should be consistent on the facade of the building.

Mr. Stone stated he agreed and that facing the entire building in brick as suggested by staff would be cost prohibitive.

MOTION: Mr. McMahon moved to approve the Special Approval application submitted by Shell Oil Company subject to the following conditions:

1. The Alternate site Plan shall not be approved.

2. Excess water and water spillage generated by the car wash and from washed cars shall be collected and discharged by a drain system to prevent a water/ice hazard on South Main Street of Spring Valley Road subject to approval by the City Engineer.
3. A detailed landscaping plan shall be submitted to and approved by the City Planning Department for all non-paved areas on this site.
4. All new signs shown on the site plan and building elevations shall not be considered a part of this application.
5. Detailed plans for the dumpster including design and screening must be approved by the City Planning Department.
6. An exterior lighting plan shall be approved by the City Planning Department.
7. The final grading plan shall be subject to approval by the City Engineering Department.

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

Tom Harrigan Development - Major Use Special Approval

Mr. Feverston reviewed the Major Use application submitted for Tom Harrigan Development to be located on the north side of Loop Road across from the existing Acura/Infiniti Dealership at 299 Loop Road. The zoning on the 11 acre site is Business Planned Development, B-PD. The request is to construct an automobile facility on the site with a potential of five buildings upon completion. The buildings proposed will be 2 or 3 story buildings with approval of the first building being requested at this time along with related improvements to the site.

As a part of this application, a variance for a parking lot setback is being requested. A ten (10) ft. setback is required and the proposal is to taper the setback between 5 and 10 ft. The parking proposed for the total development is 209 spaces with 49 spaces being constructed as a part of the first phase. The parking standards require 144 spaces for the entire development with 43 of those spaces required for the first phase.

Mr. Feverston stated that the 100 ft. buffer zone must be left undisturbed with landscaping added to those areas that are thin. The most effective screening on the site will be at the edge of the

parking lot where evergreens could be planted. The wooded area to the south of the detention pond will basically be cleared of all vegetation. The typical trees on the site are 6 inches or less in diameter; however, some trees on the site are 12" to 18" in diameter. The stormwater drainage system will be installed as a part of the first phase of development. A slight encroachment into the 100 yd. buffer zone will be necessary to properly construct the detention pond. Staff felt that the drainage improvement could reduce the runoff to the surrounding neighborhood by 50 percent. The building elevations proposed have 2-story buildings facing Loop Road with a 3-story elevation to the north. The vehicle display area is to be located on the west side of the property.

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

1. Approve a variance to allow the front parking lot to be setback a minimum of 5 ft. from Loop Road on the western side of the site tapering to a setback of 10 ft. on the eastern side of the site as shown on the Site Plan.
2. The areas designated as future buildings and future parking lot are approved in concept. The final design of these improvements shall be subject to approval by the Planning Commission.
3. The required 100 ft. buffer strip along the north and east property lines abutting the Village South Neighborhood and the Centerville Kindergarten Village shall be maintained in its natural state except that grading and berming for a stormwater detention basin located in the southern portion of the buffer strip and the fill shown on the grading plan in the southeastern portion of the buffer strip shall be permitted. Any work in the 100 ft. buffer strip shall be in accordance with plans approved by the City Planning and Engineering Departments. Additional landscape screening shall be intensively planted within those disturbed portions of the buffer strip and evergreens shall be planted along the edge of the parking lot to mitigate the impact of the narrower buffer strip. Detailed landscape plans for this screening shall be subject to approval by the Planning Department.
4. The existing stand of trees situated in the northeastern portion of the site between the buffer strip and the future toe of slope shall be preserved and not disturbed by grading during construction. A line delineating the construction and

grading limits for this project shall be placed on the grading plan around all wooded areas subject to approval by the Planning Department. A temporary construction fence shall be placed along this grading limit subject to approval by the City Engineer.

5. All exterior lighting shall be approved by the City Planning Department. Light fixtures shall focus light downward and have a sharp cut-off to the north and east where this property abuts residentially zoned land. Wall-packs shall not be permitted. A light plot shall be submitted by the developer subject to approval by the Planning Department.
6. An outdoor speaker system shall be prohibited.
7. The Planning Commission must specifically approve the use of an exterior finish insulation system (dryvit) siding material and/or painted aluminum (lucabond) panels proposed to cover the exterior walls of the proposed building.
8. Dumpster location and required screening shall be approved by the City Planning Department.
9. A stormwater drainage plan shall be approved by the City Engineering Department showing stormwater drainage calculations and incorporating retention and/or detention and erosion control during construction in accordance with the provisions of the City Stormwater Drainage Control Ordinance.
10. Covenants, approved by the City Attorney, shall be recorded to provide for the future private maintenance of the proposed stormwater detention basin. These recorded covenants shall also specifically permit emergency maintenance and access by the City.
11. The final grading plan shall be subject to approval by the City Engineering Department.
12. A minimum of 5 percent of the proposed parking area shall be landscaped subject to approval by the Planning Department.
13. The final design and alignment of the driveway to Loop Road shall be subject to approval by the City Engineer.

14. A temporary vehicular turn-around shall be provided around the east side of the first building and subsequent buildings until the development is complete, subject to approval by the City Engineer.

Mr. Stone opened the public hearing.

Mr. Larry King, Mr. Tom Harrigan and Mr. Morgan Davis were present for the review of the application.

Mr. King stated that they looked at this property for a design in the stormwater drainage plan which would improve the surrounding neighborhood. He stated that although they would prefer not encroach the buffer area, it would better serve the adjoining neighborhood to encroach it slightly to maximize the purpose of the detention pond. He stated that the increase in the drainage runoff is a solution to assist the City. Mr. King suggested that dedication of land to the schools and/or Park District could be traded for the recommended additional landscaping in the dense areas of the site. The exterior finish of the buildings would be as proposed, however, the color scheme were left to the City's discretion. Evergreens are to be planted along the top of the slope along the edge of the pavement to best screen the site.

Mr. Ken Hahn, 311 South Village Drive, stated that the members of his neighborhood are confident that the members of Planning Commission will not seriously consider the proposed plan as it is both flawed and inadequate. The property in question is unique in that it is literally on top of their established residential neighborhood and unique that it dominates the skyline from the Village South area. The specific concern is that of drainage which has been a major problem in Village South ever since development began on Loop Road. In 1983, the City appointed a task force to research the drainage problems in the Village South area and some improvements were made at that time to correct some of those problems. The current developers and City staff indicate that the drainage plan for the proposed development is adequate especially considering the large retention area that is part of the proposal. He stated that the additional retention may help reduce current problems, but not the new drainage issues caused by the new development and construction. Mr. Hahn stated that even if some of the increase in quantity of water to be handled is diverted to the retention area, there still will be an increased burden in the already over-taxed ditches, sewers and the water table itself in the Village South neighborhood. He asked who would be accountable if things do not go well and serious drainage problems result. He stated the timing of this project is all wrong as the Montgomery

County Sanitary Department is doing an investigation of the sanitary sewer system to solve a number of serious problems that arise in Village South during and after heavy rainfall that are related to the high water table in that area much of which is directly related to and the result of Loop Road development. The development is calling for tons of dirt to be placed on the slope along with all the foliage being removed for the construction area. He stated that this type of situation will create a potential for mud slides into the Village South neighborhood. Mr. Hahn stated that the buffer strip provides what little protection the neighborhood has from the development on Loop Road and it is, therefore, very important to the Village South area to protect that buffer area. He stated that it is impossible to implement the plan as proposed without destroying the buffer zone. If not an immediate kill of the buffer area, there will be no buffer area in a few years as trees and other foliage will die off from accidental or unavoidable intrusions and casual dirt and mud during the development process. Mr. Hahn stated that considering the history of this buffer zone area and its intent when first formed, considering the uniqueness of the lot in question, considering the invasiveness of the proposed construction in such close proximity to a residential area, considering these facts, the residents propose that adding an additional 25 ft. or more to the buffer zone is more appropriate than invading it. He stated, further, that a detailed landscape plan should be submitted for review by the Planning Commission as a part of this process prior to any action on the application. Mr. Hahn stated that the entire plan is too vague and that it should state what services will and will not be provided at the facility. For example, automobile repair services should not be provided as it is not consistent with the residential area abutting the site. He stated that the residents encourage the Planning Commission to view their neighborhood and the site in question on-site, from the bottom looking up, to get a better perspective of what is proposed.

Mr. Gary Smiga, Centerville City Schools, stated that the plan does not appear to provide any protection to Kindergarten Village in terms of screening. He stated, further, that they would not agree to the encroachment of the detention pond into the buffer area. He stated that their property could not accept any additional runoff from the Loop Road development and past developments have only added to the problem. Mr. Smiga stated that even the intent is to protect the trees in the buffer area, the disturbance of the land would eventually allow the trees to die. He stated that should the developer ever consider any type of pedestrian access from the site to the school property, they would object to that access.

Mr. Robert Hipp, 520 Whittington Drive, stated that his concern was that this development will be visible from the entire Village South neighborhood. He stated that the existing buildings are 1-story buildings, however, the proposed buildings are 2 and 3-story buildings which will affect the neighborhood in a more severe fashion.

Mr. Rick Tittsler, Centerville-Washington Park District, stated that he knew the property as he is a resident of the Village South area. One of his first concerns was the visual domination of the landscape of the structure as designed. He stated that the proposal plantings on the edge of pavement would not begin to screen the upper two stories of the proposed buildings from the residential neighborhood from below. He stated if you cruise along Loop Road at 50 mph as is what typically people do despite the posted signs, the impact actually looks like a very attractive structure. He stated his concern is that of the residents and park users because those people will be seeing the back of those buildings. Mr. Tittsler stated that he felt this is simply too much development for the site. The Park District has major concerns with the development of this property. The detention area is a major issue and they would welcome increased detention; however, they would like to see a formal delineation of the wet area. He stated that anything more than one (1) acre of land has to be mitigated. Mr. Tittsler stated he would object to the encroachment of the buffer areas for detention purposes, and further, objected to the development of this property as proposed.

Mr. Peter Flaherty, 170 South Village Drive, stated that he could not see the development of the property in question helping the stormwater drainage situation as much as 50 percent. He stated that the piping does not seem to adequately disperse the water and the proposed development will only increase the runoff.

Mr. Pat Oloughlin, 310 North Village Drive, stated that there is no protection to the broader impact this development will have on their neighborhood. He stated that the architectural standards do not seem to be maintained with the proposal as submitted. He stated that only preliminary estimates are made for the drainage which is the major concern. Mr. Oloughlin stated that more precise details should be made a part of the review process before any type of approval is rendered.

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

Mr. Kostak asked if the parking variance was the only issue not in compliance with the standards.

Mr. Feverston stated that was the only variance proposed.

Mr. Stone stated that drainage is the key issue. In this particular case, the City needs to know if the preliminary information is complete enough to review this project.

Mr. Hoffman stated that what is being shown on the grading plan for the site is more than adequate in terms of a drainage structure. The overall grading plan shows the volume of storage on this site to be well accepted, however, the question is the amount of off-site water that comes from this site.

Mr. Stone asked if bonding for the drainage could be a condition of approval.

Mr. Farquhar stated that reasonable conditions can be placed on the approval and bonding for drainage can certainly be one of those conditions.

Mr. Foland stated that he was concerned about the encroachment into the buffer area.

Mr. Kostak stated that it would be proper to view this development from the surrounding neighborhood to consider the impact of the site.

Mr. Stone suggested that the building height should be considered to see if a possible reduction could benefit the neighborhood.

Mr. Hansford stated that the visual impact could be addressed by the architectural design and massing of the buildings. He stated that anything that is constructed on the property will be seen from the neighborhood below.

Mr. Kostak asked why the proposed number of parking spaces were in excess of the requirement.

Mr. King stated that due to the nature of the business, it is important to provide as many parking spaces as possible.

Mr. Stone stated that additional information on the drainage is necessary before action on the project is taken.

Mr. Greg Horn stated that computer generated images from the site as seen from the surrounding neighborhood could be submitted by the applicant to give those interested people an idea of the visual impact the project would have on the Village South area.

The members of Planning Commission felt that comments of the Drainage Task Force should be obtained for this particular project.

MOTION: Mr. Foland moved to table the Major Use application submitted for Tom Harrigan Development until November 26, 1996. 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, appearing to read "J. H. Edman". The signature is written in black ink and is positioned centrally below the text of the meeting minutes.