

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, February 28, 1995

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

Attendance: Mr. Scot Stone, Chairman; Mr. Arthur Foland; Mr. James Durham; Mr. Jack Kostak; Mr. Peter McMahon. Absent: Mr. Stanley Swartz. There is currently one (1) vacancy on the Planning Commission. Also present: Mr. Alan Schwab, City Planner; Mr. Steve Feverston, Assistant City Planner; Mr. Robert N. Farquhar, City Attorney; Mr. Norbert Hoffman, City Engineer.

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

Approval of minutes:

MOTION: Mr. McMahon moved to approve the Planning Commission Regular Meeting minutes of February 14, 1995, as written. Mr. Foland seconded the motion. The motion was approved unanimously 5-0.

PUBLIC HEARINGS

Penney Satellite Systems - Variance of Outdoor Dish Antenna

Mr. Schwab reviewed the request from Penney Satellite Systems located at 6336 Far Hills Avenue in the Far Hills Office Park (formerly Ole Spanish Village). The zoning on the property is General Business, B-2. The request is to install two (2) roof-mounted, dish-type antennas. One (1) antenna would be a 7.5 foot in diameter open mesh dish and the other would be an 18 inch in diameter solid dish. Mr. Schwab stated that the Elsa's restaurant, also located in the center, currently has two (2) antennas situated on the roof structure as well as an omnivision antenna and a regular television antenna with a rotor.

There are basically three (3) variances being requested: the size of dish; the antenna height and the number of antennas. The size of the dish permitted is 4 feet in diameter and the applicant has requested a 7.5 foot dish. The antenna height permitted is 4 feet above the highest portion of the roof upon which the antenna is located and the applicant is proposing 7.5 feet above the highest portion of the roof. The number of antennas permitted per premise is one (1) and the applicant has requested two (2).

Mr. Schwab stated that the applicant's business is selling and installing satellite dish systems. The small dish is a roof-mounted dish that requires approval by the City as well as the larger dish requested. They feel that the larger dish is the minimum size that they can use to demonstrate the satellite receiving systems.

The standards for granting a variance under the standards in the Satellite Dish Ordinance are simply that the Planning Commission has to find that it complies with the intent of the Ordinance and it causes no material harm to adjacent property owners. Mr. Schwab stated that all adjacent property owners were notified of this hearing.

Mr. Schwab stated that in reviewing this request, staff has worked with the applicant to locate these dishes in the least obtrusive locations on the site. These dishes which have been requested are essential to the operation of the applicant's business.

Staff recommended to approve the Variance request subject to the following conditions:

1. The 7.5 foot in diameter antenna dish must be an open mesh type construction.
2. The second dish antenna must be a maximum of 2 feet in diameter.

Mr. Stone opened the public hearing.

Mr. Terence Wright, representing Penney Satellite Systems, stated that staff has presented the basis for their request and would answer any questions of the Planning Commission.

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

Mr. Kostak asked if there was any line of site from residential properties in relation to where the dishes would be located.

Mr. Schwab stated that there may be some visibility from some distance which would from the Villager Apartments.

MOTION: Mr. Foland moved to approve the Variance request submitted by Penney Satellite Systems subject to the following conditions:

1. The 7.5 foot in diameter antenna dish must be an open mesh type construction.
2. The second dish antenna must be a maximum of 2 feet in diameter.

Mr. McMahon seconded the motion. The motion was approved unanimously 4-0-1 with Mr. Durham abstaining.

CSZ Corporation (Dayton Sports & Rec) - Major Use Special Approval

Mr. Schwab reviewed the Major Use Special Approval submitted by the CSZ Corporation requesting approval to construct Dayton Sports & Rec. (62,000 sq. ft. gross floor area), additional commercial building space (75,730 sq. ft. gross floor area) and two outlots (16,500 sq. ft. gross floor area), to be located on the southwest corner of Whipp Road and Wilmington Pike. The zoning on the 21.449 acre parcel is Business Planned Development, B-PD. Access from the site will be restricted along Wilmington Pike to right-out only, and a service road leading from the center to the signalized intersection of Whipp Road and Wilmington Pike for all left-turn movements. Access to the center from northbound Wilmington Pike will be permitted by an additional curb cut as well as movement through the intersection onto Whipp Road. A paved drive is placed around the entire building area as required by the Washington Township Fire Department to provide better fire access to the building rather than to accommodate the operation of the building. The future building to be located on the western portion of the site is indicated by footprint only with the parking layout which will be detailed at the time Phase 2 undergoes construction.

Variances for signage have been included as a part of this application. The proposed ground signs along Whipp Road and Wilmington Pike are 64 sq. ft. per side/128 sq. ft. total sign area and the permitted sign area is 32 sq. ft. per side/64 sq. ft. total sign area. The sign height requested at a 10 ft. setback is 20 ft. and 8 ft. is permitted. Additional wall signage on the Dayton Sports and Rec. building to accommodate the sports figures that are attached to the wall of the building has not been determined as detailed drawings have not been submitted.

Proposed parking for the shopping center is 5.5242 spaces per 1,000 sq. ft. gross floor area which exceeds the requirement of 5.5 spaces per 1,000 sq. ft. gross floor area.

Staff recommended to approve the Major Use application subject to the following conditions:

1. The stormwater detention basin shown on the plans shall be relocated to the northeast outside the required 100 foot buffer strip to the Fox Run Condominium Properties along the west side of the applicant's property with the revised plan to be approved by the City Planning and Engineering Departments. Also, the regrading and stormwater drainage work shown on the plans that encroach into the same above mentioned buffer strip shall be eliminated and this buffer strip shall not be disturbed.

2. The required 100 foot buffer strip along the west and south property lines abutting Fox Run Condominiums shall be maintained in its natural state except that a stormwater retention/detention basin partially within the southern buffer strip shall be permitted. Any grading work or removal of vegetation within the 100 foot buffer strip shall be in accordance with plans approved by the City Planning and Engineering Departments. Additional evergreen landscape screening shall be planted in the buffer strip or nearby to meet the City Zoning Ordinance screening requirement. Detailed landscape plans for this screening shall be subject to approval by the Planning Department. A solid wooden privacy fence of a design approved by the Planning Dept. shall be required along the west and south sides of the shopping center to limit pedestrian access to the Fox Run Condominium properties.
3. Dumpster location, containers, and concealment with the required screening shall be approved by the City Planning Dept. Additional screening approved by the Planning Department shall be required for the trash compactor and dumpster located at the southwest corner of the Dayton Sports and Rec. building.
4. A revised landscape plan for the entire site must be approved by the Planning Department that addresses all landscaping requirements.
5. All exterior lighting shall be approved by the City Planning Dept.
6. The non-emergency use of an outdoor speaker system for paging, music, advertising or any other purpose shall be prohibited.
7. The applicant shall provide to the City Engineer appropriate evidence that they have adequately addressed any potential Federal Wetland requirements.
8. A stormwater drainage plan shall be approved by the City Engineering Dept. 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.
9. Adequate covenants approved by the City Attorney shall be recorded to provide for the future private maintenance of the proposed stormwater retention basin. These recorded covenants shall specifically permit emergency maintenance and access by the City in a manner approved by the City Attorney.

10. The southern driveway to Wilmington Pike shall be restricted to prohibit left turns from the site to Wilmington Pike in accordance with detailed plans approved by the City Engineer. If approved by the State of Ohio and the City Engineer the raised median on Wilmington Pk. may be modified to permit left turns from Wilmington Pk. into this driveway. The cost for this modification to Wilmington Pk. shall be paid by the applicant.
11. At the time the Outlot along Wilmington Pk. is developed, the City Engineer may require the construction by the developer of a raised curb and/or sidewalk across the Wilmington Pk. frontage of the Outlot.
12. Detailed design of the raised curb areas within the parking and driveway areas of the shopping center must be approved by the City Engineer. The main driveway between Whipp Rd. and Wilmington Pk. within the shopping center must be redesigned in a manner approved by the City Engineer to reduce the potential vehicle speeds on this road and to reduce the possibility that this road will be used as a cut-through by vehicular traffic.
13. Low mounding and/or landscaping approved by the City Planning Department shall be installed along Wilmington Pk. and Whipp Rd. to block visibility of cars and headlights within the shopping center parking lot.
14. Detailed building elevations including materials and colors must be submitted to and approved by the City Planning Dept.
15. None of the wall signs shown on the plans are being approved as part of this application. All wall signs must comply with the City Zoning Ordinance. The sports figures intended to be placed on the walls of the Dayton Sports and Rec. building are wall signs and a variance must be approved as part of this application to permit these figures in excess of the maximum wall signage permitted under the City Zoning Ordinance. The ground (pylon) sign variances requested along Whipp Rd. and along Wilmington Pike are approved as requested.
16. The outdoor storage, sale, or display of any materials shall be specifically prohibited. Temporary sidewalk sales permitted within the City Zoning Ordinance are an exception to this provision.
17. The City Attorney must approve cross-easements for vehicular access, parking, and maintenance before any lot split may be approved to divide this property into separate lots.

Mr. Stone opened the public hearing.

Mr. Charles Allbery, attorney for CSZ Corporation; Tasi and Bob Zavakos, applicants; David Oakes and Larry King, CESO; and Chris McGill, architect; were present for review of the project.

Mr. Allbery stated that the staff recommendations have been reviewed and provide no objections to the applicants.

Mr. Oakes stated that they have prepared the plans being reviewed. He stated that his firm has reviewed the conditions recommended by staff and they are prepared to revise their plans to meet all of those conditions. He stated that the wall signage will be handled through a separate process. They are also prepared to handle the shifting of the building in order to increase the buffer areas and detention ponds that may encroach on building square footage by a reduction in parking which will require a variance process.

Mr. Stone asked what alternatives may be available to change the interior roadway design.

Mr. Oakes stated that a possibility would be to reduce the radius on the curve to create an intersection itself somewhere on the site. The design will have to be determined with the input of staff.

Mr. Hoffman stated that some changes in the internal islands could be changed to create a "T" or 4-way intersection which could make it less confusing.

Mr. Durham asked where the detention area could be moved.

Mr. Oakes stated it would be moved in a northeasterly direction which would encroach on the proposed building future area and the square footage of those buildings, but to move it out of the 100 ft. buffer area which will remain untouched. Along the southern area, regrading will take place, topsoil will be added and it will then be reseeded. Landscaping will be added to meet the City requirements.

Mr. Durham asked if the issue of tree preservation had been taken into consideration in the parking areas.

Mr. Oakes stated that will be considered after the details of the site are worked out, however, due to the drastic change in slope on this site, the regrading on the site will eliminate many of the trees. He indicated they will review the area of significant trees and maintain them to the best of their ability.

Mr. McGill stated that their facility is strictly retail and provides no health club type facility. He stated that their company currently has 2 stores in Cincinnati as well as 2 store in the Columbus area.

Mr. Lee Hall, 2591 Old Whipp Court, stated that he understood that the Planning Commission is doing the best job possible to protect the homeowners in this area of the city and he appreciated their efforts, and paid tribute to Bob Hosfeld for his dedication to the City as a former member of the Planning Commission. Mr. Hall stated that he tried to gather information on the CSZ Corporation, being a relatively new corporation, with little success. He stated that he was able to get some information on Sports and Rec., Inc., which have many facilities in high-visibility areas, but questioned whether this site would provide the visibility they will require for a successful venture. He stated that Dick Sporting Goods and Clothing out of Pittsburgh is moving into the Builders Square on Springboro Pike and at Fairfield Commons. With the amount of competition, it is questionable as to whether this area can support another retailer of this type. Mr. Hall stated that previous developers for this site moved elsewhere, possibly because of the traffic accessibility to the site, as well as the numerous conditions for the approval placed on the site by the City. He stated that the traffic congestion currently at this intersection is a source of trouble and accidents. He stated that Centerville is a "Tree City" and it would not be a good thing to start cutting down acreage of trees to develop this site. Mr. Hall stated that he did not feel that the variances requested should be approved as there has been no showing of hardship. He stated that the prospective owner is purchasing the property with knowledge of all zoning regulations, so there is no basis at all to establish a variance on the signs as requested. He stated that the size of signs requested would be an infringement on the residential area adjacent to this development. Mr. Hall stated that the purpose of the Sign Ordinance is to eliminate visual clutter and this proposal looks to be a direct opposite of that purposes.

Mr. Stewart Merchant, 2805 Red Lion Court, stated that the detention point will, in fact, be more of a mud hole than anything and it will infringe on the 100 ft buffer strip. He stated that he would like it relocated closer to Whipp Road. He stated further that he would like more information as to how the wetlands are going to be addressed on this site.

Mr. Alfred Dexter, 5831 Overbrooke Road, stated that there are two wild cherry trees behind his unit that he would like to see remain after the development of this project. He asked what the hours of operation would be at this store.

Mr. McGill stated that hours of operation are generally 9:00 AM to 9:00 PM, Monday through Saturday, and 12:00 Noon to 6:00 PM on Sunday.

Mr. Dexter stated that he would like to see a condition that deliveries be limited to specific hours each day. He asked further what type of fence would be installed and what its height would be.

Mr. Stone stated that the fence will be of wood construction and the height will have to be determined.

Mr. Dexter asked who will be responsible for maintenance of the buffer strip.

Mr. Stone stated that the owner of the property will be required to maintain the buffer strip.

Mr. Dexter asked what type of security is provided.

Mr. McGill stated that the building has its own security system monitored 24 hours a day both for theft and fire. A protection company will be employed locally to monitor this system.

Mr. Bob Gregory, 5400 Haxton Drive, stated that the slide of the facility in Columbus is architecturally pleasing, and if the City can get some assurance that our facility will be the same, it seems as though it will be somewhat upscale in comparison to other forms of strip shopping centers. He stated that he agreed with Mr. Hall that the left turn lane from Wilmington Pike to Whipp Road is very congested and no access should be provided to this site from northbound Wilmington Pike. Mr. Gregory stated that to provide more visibility of the building, perhaps the building should be shifted to the north and this would also save more of the existing vegetation.

Mr. Carl Thorstenson, 2803 Red Lion Court, stated that the amount of grading that the property will require to be developed will make the site difficult to maintain.

Mr. Tom Morton, 2717 Kings Arm Circle, stated that what is referred to as scrub growth is quite beautiful in season and he would appreciate anything that can be done to save it.

Ms. Mary Lou Hopen, 4720 Rean Meadow Drive, stated that the increased traffic volume on Wilmington Pike with the commercial development as well as the Cloyo Road extension is severe enough without opening up another access along Wilmington Pike. She suggested some traffic studies being done to control additional traffic that will occur as the result of more development.

Mr. Bob Rogge, 5853 Overbrooke Road, stated that there is currently existing a blind spot to Whipp Road from Overbrooke Road. He encouraged the developers to save as much of the vegetation as possible.

Ms. Ann Hall, 2719 Kings Arm Circle, asked where the 100 ft. buffer strip begins. She stated, further, that the area suffers from severe drainage problems.

Mr. Durham asked if a retaining wall could be constructed in that area rather than sloping the grade down to the drainage swale to save the vegetation.

Mr. Oakes indicated they could look at that option, however, it would be a matter of expense.

Mr. Robert Howard, 5877 Overbrooke Road, stated that with 15 ft. of fill on the property as well as the 25 ft. building, there will be quite a bit of visibility on this site from the residences.

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

Mr. Stone asked what type of consideration had been given to a median break along Wilmington Pike to allow left turn movements.

Mr. Hoffman stated that calls to the State over the years indicates no objection to left turn movement from Wilmington Pike. Mr. Hoffman stated that if all traffic is forced to use the Whipp Road/Wilmington Pike intersection, it will load up the intersection to a point where we can not handle it all there. At some point in the future, double turn lanes may be considered.

Mr. Schwab stated that the State is requiring a traffic study for the intersection area according to the developers.

Mr. Durham questioned the need for the curb cut to the site across from Old Whipp Court.

Mr. Schwab stated that curb cut is primarily for delivery trucks to the site which should not be mixed with other traffic to the site.

Mr. Hoffman stated that perhaps some tree removal is necessary to improve the site distance in that area.

The member of the Planning Commission felt that with a project of this manner, they would prefer to review the landscape plan and specifically approve it with the idea that the Planning Commission is getting more aggressive in strengthening the minimum standards for landscaping as well as preserving as much vegetation as possible.

Mr. Durham asked what the benefit would be to provide a paved drive around the entire building as requested by the Fire Department where there are no entrances to the building.

Mr. Oakes stated in their review of this project with the Fire Department, it was requested to provide the drive on all four sides of the building.

Mr. McGill stated that the proposed building is considered a non-combustible building structure under the Ohio Building Code, which is fully sprinkled. In most communities, the Fire Department requires drives on two sides of the building, however, the Washington Township Fire Department wants the drive on all four sides. He stated that if this were eliminated, 25 ft. of width could be left undisturbed in grading.

Mr. Durham stated that if the drive is deleted, a requirement should be made to preserve the 100 ft. buffer area on the west and southwest areas of the site as well as on the southeast side of the site for maximum preservation of the current natural vegetation be required.

Mr. Durham asked Mr. McGill if the restriction on delivery hours would present any problems.

Mr. McGill stated if the hours are reasonable, from perhaps 8:00 AM to 7:00 PM, they should not be a problem. He stated that all deliveries are made by a dock-seal condition so that the truck backs up to the building and it is totally sealed. He stated that in reference to the retaining wall, he would prefer to create the slope and landscape it to make it more attractive than the vertical mass that would be created by a retaining wall. To soften the impact of the building to the surrounding area, it would be more beneficial with landscaping.

MOTION: Mr. Durham moved to recommend approval of the Major Use Special Approval application submitted by the CSZ Corporation subject to the following conditions:

1. The stormwater detention basin shown on the plans shall be relocated to the northeast outside the required 100 foot buffer strip to the Fox Run Condominium Properties along the south and west sides of the applicant's property with the revised plan to be approved by the City Planning and Engineering Departments. Also, the regrading and stormwater drainage work shown on the plans that encroach into the same above mentioned buffer strip shall be eliminated and this buffer strip shall not be disturbed.

2. The required 100 foot buffer strip along the west and south property lines abutting Fox Run Condominiums shall be maintained in its natural state except that grading work or removal of vegetation may be permitted behind the Dayton Sports and Rec. Building and shall be in accordance with plans approved by the City Planning Commission. That portion of the buffer strip affected by grading work shall be intensively landscaped. Additional evergreen landscape screening shall be planted throughout the entire buffer strip or nearby to meet the City Zoning Ordinance screening requirement. Detailed landscape plans for this screening shall be subject to approval by the Planning Commission. A solid wooden privacy fence of a design approved by the Planning Commission shall be required along the west and south sides of the shopping center to limit pedestrian access to the Fox Run Condominium properties.
3. Dumpster location, containers, and concealment with the required screening shall be approved by the City Planning Dept. Additional screening approved by the Planning Department shall be required for the trash compactor and dumpster located at the southwest corner of the Dayton Sports and Rec. building.
4. A revised landscape plan for the entire site must be approved by the Planning Commission that addresses all landscaping requirements.
5. All exterior lighting shall be approved by the City Planning Dept.
6. The non-emergency use of an outdoor speaker system for paging, music, advertising or any other purpose shall be prohibited.
7. The applicant shall provide to the City Engineer appropriate evidence that they have adequately addressed any potential Federal Wetland requirements.
8. A stormwater drainage plan shall be approved by the City Engineering Dept. 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.
9. Adequate covenants approved by the City Attorney shall be recorded to provide for the future private maintenance of the proposed stormwater retention basin. These recorded covenants shall specifically permit emergency maintenance and access by the City in a manner approved by the City Attorney.

10. The southern driveway to Wilmington Pike shall be restricted to prohibit left turns from the site to Wilmington Pike in accordance with detailed plans approved by the City Engineer. If approved by the State of Ohio and the City Engineer the raised median on Wilmington Pk. may be modified to permit left turns from Wilmington Pk. into this driveway. The cost for this modification to Wilmington Pk. shall be paid by the applicant. The applicant shall work with the City Engineer and the State of Ohio to maximize the stacking capacity of the left-turn lanes on northbound Wilmington Pike to this development and Whipp Road.
11. At the time the Outlot along Wilmington Pk. is developed, the City Engineer may require the construction by the developer of a raised curb and/or sidewalk across the Wilmington Pk. frontage of the Outlot.
12. Detailed design of the raised curb areas within the parking and driveway areas of the shopping center must be approved by the City Engineer. The main driveway between Whipp Rd. and Wilmington Pk. within the shopping center must be redesigned in a manner approved by the City Engineer to reduce the potential vehicle speeds on this road and to reduce the possibility that this road will be used as a cut-through by vehicular traffic.
13. Low mounding and/or landscaping approved by the City Planning Commission shall be installed along Wilmington Pk. and Whipp Rd. to block visibility of cars and headlights within the shopping center parking lot.
14. Detailed building elevations including materials and colors must be submitted to and approved by the City Planning Department.
15. None of the wall signs shown on the plans are being approved as part of this application. All wall signs must comply with the City Zoning Ordinance. The sports figures intended to be placed on the walls of the Dayton Sports and Rec. building are wall signs and a variance must be approved by a separate application to permit these figures in excess of the maximum wall signage permitted under the City Zoning Ordinance. The ground (pylon) sign variances requested along Whipp Rd. and along Wilmington Pike are not approved as a part of this application.
16. The outdoor storage, sale, or display of any materials shall be specifically prohibited. Temporary sidewalk sales permitted within the City Zoning Ordinance are an exception to this provision.

17. The City Attorney must approve cross-easements for vehicular access, parking, and maintenance before any lot split may be approved to divide this property into separate lots.
18. Deliveries to any business located in this shopping center shall be restricted to the hours between 8:00 AM and 7:00 PM.

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

MOTION: Mr. Durham moved to amend the original motion to delete the paved drive on the south and east sides of the proposed Dayton Sports and Recreation building. Mr. McMahon seconded the motion. The motion was approved unanimously 5-0.

There being no further business, the meeting was adjourned.

Paul J. Durham 3/14/95

