

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, April 26, 1994

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

Attendance: Mr. Scot Stone, Chairman; Mr. Arthur Foland; Mr. Peter McMahon; Mr. James Durham; Mr. Jack Kostak; Mr. Robert Hosfeld.
Absent: Mr. Stanley Swartz. Also present: Mr. Alan Schwab, City Planner; Mr. Steve Feverston, Assistant City Planner; Mr. Greg Horn, City Manager.

MOTION: Mr. Foland moved to excuse Mr. Swartz from the meeting as he gave prior notice to staff. Mr. McMahon seconded the motion. The motion was approved unanimously 6-0.

Approval of minutes:

MOTION: Mr. Hosfeld moved to approve the Planning Commission minutes of March 29, 1994, as written. Mr. McMahon seconded the motion. The motion was approved unanimously 5-0-1 with Mr. Durham abstaining.

NEW BUSINESS

LaChapelle - Record Plan

Mr. Schwab reviewed the Record Plan for LaChapelle stating that this plan coincides with the Special Approval application approved by the Planning Commission at their last meeting. This development is located on the southwest corner of Alex-Bell Road (SR 725) and Pelbrook Farm Drive. The zoning on the 10.5647 acre parcel is R-1c, Single Family Residential. There are 19 lots proposed for this particular development. Thoroughfare improvements to Alex-Bell Road and parkland dedication are required, however, fees-in-lieu of the improvements and dedication will be required in this particular development.

Staff recommended to approve the Record Plan subject to the following conditions:

1. In lieu of requiring an additional lane of pavement, sidewalks, curb and storm sewers, Alex-Bell Road shall be improved by the developer to the extent that provides safe ingress and egress to Pelbrook Farm Drive, stormwater drainage and a temporary sidewalk. The design of these temporary improvements shall be subject to the approval by the City Engineer. The monetary difference between the full width improvement and the temporary improvements shall be placed in escrow with the City to be used for the future widening of Alex-Bell Road.

2. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.
3. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.
4. In lieu of completion of the required improvements prior to 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.
5. Prior to the signing of the record plat by the City, the developer shall pay a fee-in-lieu of parkland dedication in accordance with the provisions of City Ordinance 15-86, the City Parkland Dedication Ordinance.
6. Section 5.07, paragraph C, entitled "Driveways and Sidewalks", contained in the Declaration of Covenants, Conditions and Restrictions for LaChapelle in Centerville shall be modified to state that: "All driveway aprons and sidewalks in the right-of-way shall be constructed in accordance to the Street Construction Standards of the City of Centerville. These minimum standards may be increased by the ARB, with the approval of the City Engineer, so as to be uniform throughout the community."
7. Section 5.22, entitled "On-Street Parking", contained in the Declaration of Covenants, Conditions and Restrictions for LaChapelle in Centerville shall be deleted. The City Attorney stated that a private property owners has no right to control parking of vehicles in a public right-of-way.

Mr. Dale Mesple', representing Westwood Partners, stated that all staff recommendations have been reviewed and they have no objection to any of those conditions.

Mr. McMahon objected to several of the proposed covenants, conditions and restrictions for the development stating some were too restrictive.

Mr. Durham stated that if the developers want to incorporate strict conditions into the covenants, they have the right to do so.

Mr. Stone agreed stating that the Planning Commission does not have the authority to regulate the contents covenants since they are private agreements. The exception would be issues that involve the public right-of-way.

Mr. Foland felt that the proposed covenants were ill-prepared.

Mr. Mesple' stated that is it not their intention to be in conflict with City law and where they are in conflict, they will do their best to correct those issues. He stated that their purpose is to maintain a well-designed development and have gone an extra step to make it possible, when the developers are gone, for the new community to have the power to force someone to comply with the standards.

MOTION: Mr. McMahon moved to recommend approval of the Record Plan for LaChapelle to Council subject to the following conditions:

1. In lieu of requiring an additional lane of pavement, sidewalks, curb and storm sewers, Alex-Bell Road shall be improved by the developer to the extent that provides safe ingress and egress to Pelbrook Farm Drive, stormwater drainage and a temporary sidewalk. The design of these temporary improvements shall be subject to the approval by the City Engineer. The monetary difference between the full width improvement and the temporary improvements shall be placed in escrow with the City to be used for the future widening of Alex-Bell Road.
2. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.
3. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.
4. In lieu of completion of the required improvements prior to 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.
5. Prior to the signing of the record plat by the City, the developer shall pay a fee-in-lieu of parkland dedication in accordance with the provisions of City Ordinance 15-86, the City Parkland Dedication Ordinance.
6. Section 5.07, paragraph C, entitled "Driveways and Sidewalks", contained in the Declaration of Covenants, Conditions and Restrictions for LaChapelle in Centerville shall be modified to state that: "All driveway aprons and sidewalks in the right-of-way shall be constructed in accordance to the Street Construction Standards of the City of Centerville. These minimum standards may be increased by the ARB, with the approval of the City Engineer, so as to be uniform throughout the community."

7. Section 5.22, entitled "On-Street Parking", contained in the Declaration of Covenants, Conditions and Restrictions for LaChapelle in Centerville shall be deleted. The City Attorney stated that a private property owners has no right to control parking of vehicles in a public right-of-way.

Mr. Foland seconded the motion. The motion was approved unanimously 6-0.

Kenny Rogers Roasters - Planning Commission Special Approval

Mr. Schwab stated that staff has discussed this plan with the representatives of Kenny Rogers Roasters and concluded that the application should be tabled until some details are corrected on the plan.

MOTION: Mr. Foland moved to table the Special Approval application submitted for Kenny Rogers Roasters until the details of the plan are corrected. Mr. Hosfeld seconded the motion. The motion was approved unanimously 6-0.

Mr. Durham stated that he understood that the zoning on this parcel has been in place for many years, however, feels it is bad planning to place business zoning adjacent to the Cheltenham subdivision.

There being no further business, the meeting was adjourned.

*Set adj. 5/10/94
Chairman*