

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, November 12, 1991

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

Attendance: Mr. Robert Hosfeld, Chairman; Mr. Arthur Foland; Mr. Peter McMahon; Mr. Scot Stone; Mr. James Durham; Mr. Stanley Swartz. Excused Absent Members: Mr. Bernard Samples. Also present: Mr. Alan C. Schwab, City Planner; Mr. Steve Feverston, Assistant City Planner.

MOTION: Mr. Foland moved to excuse Mr. Samples from the meeting as he is out of town. Mr. Swartz seconded the motion. The motion was approved unanimously 6-0.

Approval of the minutes of October 29, 1991:

MOTION: Mr. Stone moved to approve the Planning Commission Regular Meeting minutes of October 29, 1991, as written. Mr. McMahon seconded the motion. The motion was unanimously approved 6-0.

COMMUNICATIONS

Centerville Woods - Request for Extension of Approval

Mr. Schwab stated that Centerville Woods is a residential cluster development which was approved by the City in November of 1989. The approval given at that time was to a plan showing a layout with an average lot size exceeding the 15,000 sq. ft. minimum lot size required in the R-1d zoning classification. The location of this project is an extension of the existing neighborhood southwest of the City Building. The area involved abuts Joy Elizabeth Drive and its plat to the north, and to the rear of the Centerville Place Shopping Center. This request for the approval extension has been submitted by Beerman Realty for an additional two (2) years.

Staff recommended to approve the request based on no changes to the plan that was approved by the Planning Commission.

Mr. Durham stated that the plan was a bad plan when it was approved. An extra long cul-de-sac was approved with a stub street backing into lots 10 and 11. He stated that he sees no reason to extend approval to something that does not work economically and felt it should be denied.

The members of the Planning Commission agreed with Mr. Durham's comments.

MOTION: Mr. Foland moved to deny the request by Beerman Realty for an approval extension for Centerville Woods, residential cluster development. Mr. Durham seconded the motion. The motion was approved unanimously 6-0.

PUBLIC HEARINGSB. P. Oil - Sign Variance

Mr. Hosfeld opened the public hearing. There being no speakers, the public hearing was closed.

Mr. Schwab stated that the application by B. P. Oil had been withdrawn, however, due to the public hearing being published it, in fact, had to be heard. He stated that this does not preclude the possibility that B. P. Oil may come back in the future with a different variance request pertaining to their signage.

SuperAmerica (Ashland Oil Co.) - Building Setback Variance/Special Approval

Mr. Schwab reviewed the Variance and Special Approval applications submitted by the Ashland Oil Company requesting approval for the alternate construction plans for a SuperAmerica facility located on the northwest corner of Wilmington Pike and Whipp Road. This particular Special Approval application is based on the approval of the proposed Variance application requesting a building setback variance. The subject of the variance is to allow a building setback of 10 feet rather than the required 50 feet when abutting residential property. The applicant has purchased additional property north of the station site with the intent that in exchange of approving the building setback variance, more intense screening and landscaping would be provided to benefit the surrounding neighborhood with a park setting.

Mr. Schwab stated that the purpose of the building setback abutting a residential use is to protect the residential properties. Based on SuperAmerica having purchased this residential land, and improving it as parkland, staff found this to be a unique circumstance.

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

1. The R-3 zoned land adjacent and north of the proposed gas station must be donated to the City in a manner acceptable to the City as proposed by the applicant. This land shall be improved by the applicant according to the plans submitted with this application, including grading of the earthen mound for screening, construction of the stormwater detention basin, and landscaping. The applicant shall, also, construct a sidewalk along the south side of Old Whipp Court across the frontage of the R-3 zoned northern parcel in accordance with

plans approved by the City Engineering Department. The applicant must agree in a manner acceptable to the City Attorney to maintain this land even after the above improvements have been made and ownership is transferred to the City.

2. Building within the 50 foot setback side yard for which this variance is being granted shall be limited to a maximum height of 24 feet to the highest point on the roof, no more than a total gross building area of 4,000 square feet may be located within the 50 foot side yard, the roof must be sloped with a minimum pitch of 4/12, and the exterior building surfaces must be of earthtone colors approved by the City Planning Department or Planning Commission.

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

1. The Planning Commission approve a variance for the proposed SuperAmerica Gas Station to allow the proposed building to be setback 10 feet instead of the required 50 feet from the north B-2 zoned property line.
2. The R-3 zoned land adjacent and north of the proposed gas station must be donated to the City in a manner acceptable to the City as proposed by the applicant. This land shall be improved by the applicant according to the plans submitted with this application, including grading of the earthen mound for screening, construction of the stormwater detention basin, and landscaping. The applicant shall, also, construct a sidewalk along the south side of Old Whipp Court across the frontage of the R-3 zoned northern parcel in accordance with plans approved by the City Engineering Department. The applicant must agree in a manner acceptable to the City Attorney to maintain this land even after the above improvements have been made and ownership is transferred to the City.
3. 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.
4. A covenant approved by the City Attorney shall be recorded that permits the City to have access to the stormwater detention basins for emergency maintenance.

5. The applicant shall add an extra lane of pavement, curb, gutter, stormwater drainage, and sidewalk along the portion of the applicant's property to be developed along Wilmington Pike. In lieu of some or all of this improvement, the City Engineer may require an amount of money equivalent to the cost of any improvement not required by the City Engineer to be made at the time of the applicant's development to be placed in escrow by the applicant to go toward the future improvement of Wilmington Pike. The applicant's property along Wilmington Pike shall include the north R-3 zoned parcel of land that the applicant has proposed donating to the City.
6. The color of the building brick, roof and trim must be approved by the Planning Department.
7. The steel columns for the canopy are to be completely faced with brick that matches the brick used on the building.
8. Detailed plans for the screening of the dumpster, including a gate to screen the front of the dumpster from view, must be approved by the City Planning Department.
9. All exterior lighting including lighting under the gas station canopy shall be approved by the City Planning Department. The light level proposed on the application under the canopy is not acceptable and no approval is being given for this lighting plan.
10. None of the signs shown on the plans shall be approved as part of this application.

Mr. Hosfeld opened the public hearing.

Mr. John Koverman, Attorney representing Ashland Oil, and Mr. Jim DeSelms of Ashland Oil, were present for the review of the project applications.

Mr. Koverman stated that it is their feeling that the plan now being proposed is a better plan for the surrounding neighborhood, but will help the use of the property as well. The proposed plan allows for better traffic flow for the site.

Mr. Foland asked if SuperAmerica agreed with the conditions outlined in the staff recommendation.

Mr. Koverman agreed with the conditions as recommended by staff stating that the question of donating the land to the City would have to be worked out with the City Attorney to properly accomplish the intent.

Mr. Durham stated that he felt brick would be the appropriate building material for the dumpster screening especially since the columns were to be constructed of brick as well.

Mr. McMahon asked what the reduction would be in the overall number of multi-family units in the remaining R-3 parcels.

Mr. Schwab stated that it would reduce the number of units from 16 to approximately 10 units.

Mr. Lee Hall, 2591 Old Whipp Court, stated that since moving into his residence in 1965, many changes have taken place in the area. He stated that the buffer that the residents along Whipp Road were promised by then Mayor Paul Hoy, has disappeared as a result of a 5-lane road. Mr. Hall stated that he opposed the variance request based on the fact that a plan has been approved and the newly proposed plan is a result of wanting a bigger and better operation for the good of that company. The proposed screening will not necessarily block the view of the building as you could still look through the trees. Mr. Hall stated that the proposed park area would most probably result in undesirables coming into the area. Also, the proposed detention pond could create a safety problem for the children that live in the area. He stated that should the variance be granted, this would infringe his right to have the assurance that the Zoning Ordinance standards are upheld to provide the proper distance between his property and the lights, sound and fumes that will be present with a gas station use on the corner. Mr. Hall felt that there is no unique circumstance or hardship on the property owner and, therefore, the variance should not be warranted. Mr. Hall presented a petition to the members of the Planning Commission stating their opposition to the variance request.

Ms. Denise Jacobs, 2561 East Whipp Road, stated that although she is aware that the original plan has been approved for a gas station, she does not feel that the existing road system can support it at this time. She stated that a playground located behind a gas station does not seem practical. Ms. Jacobs stated that an additional concern is the landscaping materials and how they will be maintained. She stated that she felt that there is a way to mutually work through this problem together, but what she sees proposed is insufficient.

Mr. Foland asked for an explanation of the detention area.

Mr. Schwab explained that a detention pond is a displaced area in the ground that would be a sloped grassed area and would hold water for a few hours after a rain storm. He further reviewed the proposed landscape materials stating that the height of these proposed trees is much greater than what is required by the City.

Mr. Ron Harward, 2707 Millbridge Court, stated he was not opposed to the plan, however, he was concerned about the park area becoming a undesirable congregating area. This would be determined by how it is landscaped. Additionally, the mound area should be higher to alleviate noise problems that will affect the surrounding neighborhood. He stated that he was aware a station would be located at this site, however, he just wanted it to be in the best setting possible.

Mr. Durham stated that the Planning Commission felt that the original plan approved by the City would be a terrible situation for the people residing on Old Whipp Court even though that plan met all the requirements and standards of the City. He stated that the Planning Commission worked very hard to get something better for the neighborhood. This included getting the landscaping, mounding, substantial size trees, the canopy shielded from most of the houses, etc. Mr. Durham asked Mr. Koverman the reason SuperAmerica is requesting the variance and is obviously spending more money with the proposed plan.

Mr. Koverman stated that his clients simply wants the nicest station in that area and is willing to spend the additional money to do so. He stated further that the screening and landscaping is required to be maintained under the City ordinances, however, it would be acceptable to them to have that condition placed in the motion specifically.

Mr. Jeff Jacobs, 2561 East Whipp Road, stated that with the development of the R-3 land, the park area will definitely become a place for a playground.

Mr. McMahon stated that whether the area is developed with the more intense screening or not, the area would still be a potential play area for children.

Mr. Durham stated that with the proposed plan, the situation appears to be a better one. With a lesser number of multi-family units, you will have less traffic and fewer people in the neighborhood than you would with the original plan.

Mr. Koverman stated that they would also accept a condition of approval to have the area posted that no children should be in that area. If the residents observe such an occurrence, they could call the station and the SuperAmerica personnel would see to it that those children are removed from the premises.

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

The remaining members of the Planning Commission agreed with Mr. Durham's comments stating that they supported the efforts of Ashland Oil to enhance and upgrade the project for the benefit of the surrounding neighborhood.

MOTION: Mr. Foland moved to approve the Variance application submitted by Ashland Oil Company for SuperAmerica to be located on the northwest corner of Wilmington Pike and Whipp Road subject to the following conditions:

1. The R-3 zoned land adjacent and north of the proposed gas station must be designated and maintained as parkland or open space in a manner acceptable to the City Attorney. This land shall be improved by the applicant according to the plans submitted with this application, including grading of the earthen mound for screening, construction of the stormwater detention basin, and landscaping. The applicant shall, also, construct a sidewalk along the south side of Old Whipp Court across the frontage of the R-3 zoned northern parcel in accordance with plans approved by the City Engineering Department. The parcel may be donated to the City as proposed by the applicant. The applicant must agree in a manner acceptable to the City Attorney to maintain this land after the above improvements have been made if ownership is transferred to the City.
2. Building within the 50 foot setback side yard for which this variance is being granted shall be limited to a maximum height of 24 feet to the highest point on the roof, no more than a total gross building area of 4,000 square feet may be located within the 50 foot side yard, the roof must be sloped with a minimum pitch of 4/12, and the exterior building surfaces must be of earthtone colors approved by the City Planning Department or Planning Commission.

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

MOTION: Mr. Foland moved to approve the Special Approval application submitted by Ashland Oil Company for SuperAmerica to be located on the northwest corner of Wilmington Pike and Whipp Road subject to the following conditions:

1. The Planning Commission approve a variance for the proposed SuperAmerica Gas Station to allow the proposed building to be setback 10 feet instead of the required 50 feet from the north B-2 zoned property line.

2. The R-3 zoned land adjacent and north of the proposed gas station must be designated and maintained as parkland or open space in a manner acceptable to the City Attorney. This land shall be improved by the applicant according to the plans submitted with this application, including grading of the earthen mound for screening, construction of the stormwater detention basin, and landscaping. The applicant shall, also, construct a sidewalk along the south side of Old Whipp Court across the frontage of the R-3 zoned northern parcel in accordance with plans approved by the City Engineering Department. The parcel may be donated to the City as proposed by the applicant. The applicant must agree in a manner acceptable to the City Attorney to maintain this land after the above improvements have been made if ownership is transferred to the City.
3. 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.
4. A covenant approved by the City Attorney shall be recorded that permits the City to have access to the stormwater detention basins for emergency maintenance.
5. The applicant shall add an extra lane of pavement, curb, gutter, stormwater drainage, and sidewalk along the portion of the applicant's property to be developed along Wilmington Pike. In lieu of some or all of this improvement, the City Engineer may require an amount of money equivalent to the cost of any improvement not required by the City Engineer to be made at the time of the applicant's development to be placed in escrow by the applicant to go toward the future improvement of Wilmington Pike. The applicant's property along Wilmington Pike shall include the north R-3 zoned parcel of land that the applicant has proposed donating to the City.
6. The color of the building brick, roof and trim must be approved by the Planning Department.
7. The steel columns for the canopy are to be completely faced with brick that matches the brick used on the building.
8. Detailed plans for the screening of the dumpster, including a gate to screen the front of the dumpster from view, must be approved by the City Planning Department. The dumpster screening materials shall be the brick that matches the brick used on the building.

9. All exterior lighting including lighting under the gas station canopy shall be approved by the City Planning Department. The light level proposed on the application under the canopy is not acceptable and no approval is being given for this lighting plan.
10. None of the signs shown on the plans shall be approved as part of this application.

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

There being no further business, the meeting was adjourned.

Julian H. Toland

