

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, March 27, 1990

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

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

Approval of the minutes of February 27, 1990:

MOTION: Mr. Foland moved to approve the Planning Commission minutes of February 27, 1990, Regular Meeting, as written. Mr. Swartz seconded the motion. The motion was approved 6-0-1 with Mr. Durham abstaining.

PUBLIC HEARINGS

Marathon Petroleum Company - Major Use Special Approval

Mr. Schwab reviewed the Major Use application submitted by the Marathon Petroleum Company to be located on the southwest corner of Whipp Road and Wilmington Pike. The zoning on the 22.593 acre parcel is Business Planned Development, B-PD. The request is for construction of a shopping center and to approve specific plans for a service station on the corner outlot. The proposed shopping center building size is 129,717 sq. ft. of gross floor area and the service station building size is 2,888 sq. ft. of gross floor area. The parking requirement for the shopping center is 5.5 spaces per 1,000 sq. ft. of gross floor area and 5.9 spaces are proposed excluding the outlots. The service station is required to have 18 spaces on their specific outlot and the applicant is proposing 18 to satisfy the parking standard. Road improvements will be required to be made to Wilmington Pike.

The zoning on the northwest corner of Wilmington Pike and Whipp Road is General Business, B-2, which is bounded on the north directly across from the existing single-family housing by Multi-Family, R-3. Mr. Schwab stated that the business zoning has been in place for the area in question prior to the early 1970's. When the current zoning configuration was adopted, it was based on the realignment of Whipp Road. The zoning boundaries were changed slightly to accommodate that realignment. He explained that the biggest change that occurred when the category of B-PD was applied to the property was that a Major Use Special Approval application was required to be submitted for public hearing review as to the total development of that parcel. The uses are basically the same for the former as well as the current zoning on the property; however, with the major use requirement, the area will have controlled access to the entire site. The former B-2 zoning would

allow individual lots to be split from the overall acreage, with review of a specific site plan to be reviewed by the Planning Commission approval of each specific lot without a public hearing requirement.

The reason for the change in the zoning classification category was to require developers to come in with an overall comprehensive plan for properties in excess of 10 acres so that the property developed in a more cohesive fashion.

At this particular time, the intent is for the service station to be constructed during the current building season. The shopping center will develop at a later time, however, it could develop sooner should the developer wish to do so. With the service station being the first phase of development, a temporary detention pond will be constructed to be removed and replaced by a larger retention pond which will be located in the southeast corner of the site. Two (2) curb cuts are proposed along Wilmington Pike, one (1) of which is a right-only pattern, and one (1) curb cut is proposed along Whipp Road to access the service station.

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

1. 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.
2. Adequate covenants approved by the City Attorney shall be recorded to provide for the future private maintenance of the proposed temporary and permanent stormwater retention basins.
3. The required 100 foot buffer strip along the west and south property lines abutting Fox Run Condominiums shall be maintained in its natural state. Additional landscape screening shall be planted along the service driveway for this screening shall be subject to approval by the Planning Department.
4. The developer shall add an additional lane of pavement, curb, gutter, stormwater drainage and sidewalk along Wilmington Pike in accordance with plans approved by the City Engineering Department.

In lieu of the above improvement, the City Engineering Department may require a temporary improvement that consists of a left turn lane along Wilmington Pike at each the entrance

to the shopping center and the south entrance to the service station with the monetary difference between the temporary improvement and the above "permanent" improvement to be placed in escrow with the City to be used for the future widening of Wilmington Pike in front of the development. The temporary improvement plans must be approved by the City Engineering Department.

5. Appropriate cross easements for vehicular access and parking between the shopping center and service station approved by the City Attorney shall be required before a lot split is granted.
6. All driveways to the service station site shall be restricted to right turn movements only.
7. The position of the service station driveway onto Whipp Road shall be subject to approval by the City Engineer. The end of the median on Whipp Road may require alteration, at the expense of the developer, to accommodate this driveway.
8. The north service station driveway onto Wilmington Pike shall be perpendicular to Wilmington Pike.
9. The Planning Commission must approve detailed building elevation drawings for the shopping center and service station showing the materials and colors for all proposed buildings and canopy.
10. Dumpster location(s) and required screening shall be approved by the City Planning Department.
11. All exterior lighting shall be approved by the City Planning Department.
12. Non of the signs shown shall be approved as part of this application.
13. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.

Mr. Harold Forshaw, Mr. Wally Stump and Mr. Greg Yetzer, representing Marathon Petroleum, were present to review the project. Mr. Forshaw stated that Marathon has contracted to purchase the one (1) acre site on the southwest corner of Whipp Road and Wilmington Pike to construct the service station/convenience store. This particular site will have six (6) pump islands.

Mr. Foland stated that the drawings submitted did not indicate that each side of the building was finished and asked if each would, in fact, be finished.

Mr. Forshaw indicated that each side would be finished as in the case of their facility located in the City at the Main Street and Spring Valley Road intersection.

Mr. McMahon asked if each outlot would satisfy their own parking requirement.

Mr. Forshaw stated that each outlot would provide the number of parking spaces for their own individual requirement.

Mr. Hosfeld opened the public hearing.

Mr. Howard Kaffman, 5884 Overbrooke Road, asked what type of uses could be developed on the outlots.

Mr. Schwab stated that any commercial uses would be permitted.

Mr. Lee Hall, 2591 Old Whipp Court, submitted a petition in opposition to the development plan signed by himself as well as surrounding property owners. He stated that many years ago when the properties north of Whipp Road were annexed to the City, the former Mayor Hoy assured those property owners that their residential properties would be protected. Mr. Hall stated that their feeling is that the development of this project will not only add to the current stormwater drainage problem, but will create noise and light pollution. The development of a service station will only increase already existing safety and traffic problems which have been created with the construction of I-675 and the commercial development further to the south. Mr. Hall stated that the areas to the south and west are required to have a buffer, and asked what type of buffer will be required for residents to the north.

Mr. Schwab stated that there would not be a buffer requirement to the north other than the 20 ft. green space requirement since the property has a 5-lane roadway as its northern boundary.

Mr. Hall stated he did not feel that the entrance to Centerville along Wilmington Pike would be very appealing with the addition of a Starvin' Marvin. He stated that Mayor Heintz stated in a past issue of the "Town Crier" that enhancing the visual quality of life enhances Centerville's stability. Mr. Hall stated that it is not enhancing the quality of life at all by approving a Starvin' Marvin at this particular corner.

Mr. Alfred Dexter, 5881 Overbrooke Road, was concerned as to what type of screening would be provided in order to restrict pedestrian traffic between the project and the residential areas. He asked at what height the buildings would be constructed and if they would blend with the existing architectural designs in the area. Mr. Dexter also was interested as to how the stream on the site would be tiled.

Mr. Schwab stated that the screening in addition to the buffer strip could be fencing or evergreen trees which would grow in excess of the 6 ft. requirement. He stated that in the past developers have installed evergreen trees instead of fencing because they are less of a maintenance problem. He stated that because the applicant is not interested in developing the shopping center at the present time, specific plans have not been filed to address the tiling of the existing stream.

Mr. Jim Price, 5865 Overbrooke Road, stated that on many occasions he has inquired to the zoning on the property in question, and was told that it was zoned multi-family. He stated that he was informed of this meeting by accident and not by notification by the City. Mr. Price stated that the current traffic situation at the Overbrooke Road and Whipp intersection as well as intersections further to the west are quite hazardous which will only increase with additional development in the area. He stated that if the road improvements are for 5 to 10 years in the future, the shopping center development should be constructed at that time. Mr. Price suggested that another shopping center should not be developed with vacant spaces within the area which will only create litter problems and additional noise pollution.

Mr. Larry Stevens, 5840 Overbrooke Road, expressed his concern as to how property owners are notified. He stated that his additional concerns are the increase in noise from trucks unloading merchandise to the shopping center, as well as the changes in the traffic patterns through the neighborhood. He stated that the improvement to the Wilmington Pike and Whipp Road intersection with the addition of the traffic signal have not really helped the traffic congestion at peak hours. Further developing the area will only increase a problem which is already out of hand. Mr. Stevens suggested that in addition to a visual barrier, some type of sound barrier should also be required.

Ms. Ann Hall, 2719 Kings Arm Circle, stated that the City could require anything to screen her view of the proposed building from her particular unit. She stated that the development of a shopping center, which was told by the City offices would not occur, would increase the traffic and create additional air pollution. Also, the occurrences of vandalism will increase drastically. The retention pond would be an additional safety hazard to small children in the area.

Mr. Jeff Laravie, 2681 Old Whipp Court, stated his concerns of lighting spillover from the development site and asked if buffering between his single-family home and the future multi-family development on the south side of Old Whipp Court would be provided. He stated that with all the existing commercial properties currently developed, the site in question should be maintained as greenspace with the addition of a pond and a gazebo to help beautify the area.

Mr. Schwab stated that screening would not be required between the residential uses because there is a division of the properties with the roadway in place.

Ms. Martha Walters, 2608 Kings Arm Circle, stated that she felt it should be important to take into consideration the environment and wildlife which is being sustained by the small creek on the site.

Mr. Hosfeld asked Mr. Farquhar to explain the legal aspects of what is being requested.

Mr. Farquhar stated that the problem in this case is that private property ownership is involved and they are entitled to make any reasonable use of their property. The City is permitted to place reasonable restrictions on the development, but the City is not allowed to take their property. If the land were to be developed as a park, then someone would have to purchase it to develop it as a park.

Ms. Laura Allen, 5845 Overbrooke Road, stated that the area in question is predominantly residential and felt that the service station should be located on the south side of I-675 which already has much commercial development. She stated if further that the idea of a park is an excellent one since this particular area of Centerville is lacking in parkland.

Mr. Howard Kathman, 5884 Overbrooke Road, voiced his concern for the development of a service station and the traffic conditions it will generate.

Ms. Denise Babarnic, 5877 Overbrooke Road, stated that the awkwardness of the access to the service station, which was a point made by staff, seems to say that it is not a good site for its development.

Mr. Jim Price stated that if this application is creating such a stir, the City should consider rezoning it to multi-family as the residents understood it to be in the past.

Mr. Samples asked Mr. Farquhar to respond to Mr. Price's suggestion.

Mr. Farquhar stated that rezoning would not a proper consideration as the business zoning classification has been with this parcel for a minimum of 20 years and is addressed as such in the Comprehensive Plan.

Ms. Martha Walters stated that even though the Planning Commission seems unyielding in the idea of a rezoning, nothing is written in stone.

Ms. Ann Hall indicated that it was her feeling that the developer of this property shared in the improvement cost to Whipp Road in order to provide a better development situation for himself.

Mr. Hosfeld stated that most projects are required to make road improvements as a part of their development.

Mr. Tom Breen, 2604 Kings Arm Circle, stated that he moved to Centerville because of the vision of the residential area. He felt that the Starvin' Marvin seems out of place with its plastic and bright appearance. He stated that a publication he had stated that Centerville is an Architectural Preservation District and this development does not preserve the architecture in the area.

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

Mr. Durham stated that he felt that the plan was a bad plan based on the unacceptable placement of access controls on the site. He stated that placing a service station on this corner given the current traffic problems are only to compound future development. He suggested that the service station location be relocated further to the south on Wilmington Pike or at least the site be turned towards Whipp Road for less traffic congestion.

Mr. Foland stated that the traffic problem concerned him in this area of the City, and he agreed with the concerns of Mr. Durham.

Mr. Swartz did not object to the request stating that the traffic generated by the service station would be no worse than that of a fast food restaurant. He stated that staff would require the proper conditions that would address the potential problems. He stated that there is nothing the City can do about the uses on the property, only to require the proper screening and architecture, building materials, colors, etc., to protect the surrounding properties.

Mr. McMahon stated that the only change he sees in zoning was from B-2 which would not require a public hearing, to B-PD which gives the City more control over the development of the property to include more restrictive standards.

Mr. Durham stated that in looking at the site approval, the Planning Commission has to look at the entire 22 acres involved. He felt that 3 outlots crowded onto this corner with curb cuts was not appropriate. With the existing B-PD zoning, in looking at the traffic conditions, the conditions of the site including its slope, and its proximity to a residential area, the City has some control as to where the buildings go on the site. He felt that there are other ways that this particular corner could be configured.

Mr. Hosfeld stated that he did not feel that the plan was a bad plan, but suggested that Marathon use some creativity and sensitivity to the area. He suggested that perhaps the buffer area be expanded and other, more appropriate uses for the site should be considered such as office buildings. A market study may indicate that which would be more architecturally in contrast as to what the City would like to have develop.

MOTION: Mr. Durham moved to recommend denial of the Major Use Special Approval application to Council. Mr. Foland seconded the motion. The motion was approved 4-3, with Mr. Samples, Mr. McMahon and Mr. Swartz voting no.

K-Mart Corporation - Variance of Satellite Dish Antenna Height/Size

Mr. Schwab reviewed the application submitted by the K-Mart Corporation, located on the northeast corner of South Main Street and Spring Valley Road, requesting a height and size variance concerning the installation of a satellite dish antenna. The dish is proposed to be located on the roof of the building at the southeast corner. The 6 ft. in diameter dish exceeds the 4 ft. standard in the ordinance, and would exceed the permitted 4 ft. height standard contained in the separate ordinance for satellite dish antennas.

Mr. Schwab stated that staff reviewed the different locations in which the antenna could be located and felt that the request was not unreasonable. He stated that since the building has two (2) frontages it being almost against the property line, virtually all of the ground area that would accommodate the proposed size dish antenna is in the front yard and, therefore, not an acceptable location under the ordinance either. Mr. Schwab stated that the 6 ft. dish size is necessary in order to make the system work for K-Mart.

Given the limitations of the property, staff recommended that the variance be approved as requested.

Mr. Hosfeld opened the public hearing.

Mr. Terry Brookbank, Assistant Manager of the K-Mart store, stated that because the store will be transmitting as well as receiving information, the 6 ft. dish is the minimum size that will accomplish those tasks. He stated that they did not feel that ground mounting the antenna was in their best interests or that of the City.

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

MOTION: Mr. Samples moved to approve the Variance application as requested by the K-Mart Corporation, 898 South Main Street, for a satellite dish antenna to be located on the roof of the existing building not to exceed 6 feet in diameter or 8 feet in height. Mr. Foland seconded the motion. The motion was approved unanimously 7-0.

NEW BUSINESS

Whipp Road Plat - Record Plan

Mr. Schwab reviewed the replat for the Whipp Road record plan which was a part of the Wilmington Pike/Whipp Road intersection improvement project. He stated that this replat is necessary due to a mistake by the surveyor which resulted in the roadway being partially constructed 3.5 ft. to far to the south. The solution was to seek an agreement to move the roadway slightly to the south and, therefore, the record plan now has to be corrected to reflect where the road actually is located. A small vacation along what is now Old Whipp Road was also in error which also needs to be corrected as well. This corrected record plan will establish the proper right-of-way for the Whipp Road/Old Whipp Court project.

MOTION: Mr. Stone moved to recommend approval of the Record Plan for Whipp Road Plat to Council. Mr. Samples seconded the motion. The motion was approved unanimously 7-0.

COMMUNICATIONS

Towne Properties

Mr. Farquhar stated that he had received correspondence from the attorney for Towne Properties explaining that they had a problem with a refinancing the existing Villager Apartments located on Fireside Drive in the City of Centerville. The financing company is requesting assurance that should the project be destroyed, it could rebuild as it exists. The project is nonconforming to the current zoning on the property. Mr. Farquhar pointed out that many uses in the City are nonconforming and refinancing is achieved without this type of requirement by the financing company.

Mr. Durham stated that he did not see how the Planning Commission could provide such an assurance when, in fact, the City has determined that a certain uses and densities are unacceptable under the current zoning standards.

The members of Planning Commission were in agreement with Mr. Durham on this issue and took no action on the matter.

Mr. Swartz and Mr. Stone removed themselves from the meeting at this time due to a possible conflict of interest.

PUBLIC HEARING/NEW BUSINESSB. P. Oil Company (Sohio) - Variance/Planning Commission Special Approval

Mr. Schwab reviewed the applications submitted by B. P. Oil requesting construction of a new gas station, car wash and automobile repair garage on the property located on the southwest corner of Wilmington Pike and proposed Clyo Road. Access proposed to the site includes 2 full movement curb cuts along Clyo Road and 2 full movement curb cuts along Wilmington Pike. Phase I of the site will include a sales/canopy area on the northeast side of the site with the car wash immediately to the south of that building. Phase II will be the car service center which is proposed to be on centered on the west side of the lot. The proposed building will be constructed of a sandwiched-metal material. Mr. Schwab also stated that the historic house is shown on the site plan to be removed and stated that the applicant does not intend to demolish the house and the wording should be stricken from the plans.

A variance is being request for the setback of the canopy along Clyo Road proposed to be placed at a 30 ft. setback rather than the required 50 ft. setback.

Staff recommended approval of the variance subject to the canopy being only a roof supported by columns that remains open in nature with no walls. Mr. Schwab stated that this recommendation is based on past applications where the Planning Commission has viewed canopies as a unique circumstance, although technically structures under the zoning definition.

Staff recommended that the Special Approval application be approved subject to the following conditions:

1. The canopy setback variance must have been approved by the Planning Commission;
2. Right-of-way for future Clyo Road on the applicant's property must be dedicated to the City by the applicant;
3. In lieu of the applicant constructing the portion of proposed Clyo Road on the applicants' property, the applicant must petition the City to be assessed for the cost of construction of Clyo Road;
4. The applicant must dedicate to the City 60 feet of right-of-way width from centerline along Wilmington Pike across the front of the property to be developed;

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;
6. The Clyo Road driveway nearest to the intersection of proposed Clyo Road and Wilmington Pike and both driveways on Wilmington Pike are to be limited to right turn into and right turn out of vehicular turns;
7. No signs shown on the plans are being approved as part of this application;
8. The Planning Commission must specifically approve the metal sandwich building materials proposed on the plans;
9. Architectural elevations of the exterior of the proposed ProCare Car Service Garage must be approved by the Planning Commission.
10. Detailed plans for the screening of the trash enclosure must be approved by the Planning Department;
11. All exterior lighting, including lighting under the canopy, must be approved by the Planning Department;
12. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.

Mr. Hosfeld opened the public hearing.

Mr. Dave Rickert, representing Sohio, generally concurred with the staff recommendations, however, he stated he would like the right to review the assessment costs at a time when those costs will be available. He stated that their main concern is that both curb cuts along Wilmington Pike remain as full movement access points. Mr. Rickert stated that the Wilmington Pike Task Force plans have always indicated that these access points would be full movement, and that played a major role in Sohio selecting this particular site as well as the site layout.

Mr. Bob Archdeacon, Woolpert Consultants, stated that the full movement curb cut is a major concern. He stated that not only did the Wilmington Pike Task Force plan indicate a full movement curb cut, but the preliminary plans for a 5-lane profile of Wilmington Pike prepared for Greene County and the City of Centerville showed a full movement driveway as well.

Father Bruce and Walt Collins, representing St. Francis Church, were concerned with the additional traffic to Wilmington Pike and if screening would be required the Rectory and historic house to the south of the Sohio site.

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

Mr. Durham stated that he felt there was no basis for granting the variance. The applicant created the lot by negotiating for the purchase of the property to fit its needs. The applicant appears to be crowding a stock piece of material onto the site which is not a unique circumstance.

Mr. Hosfeld agreed stating that he did not feel it met the standards for granting a variance.

Mr. Foland stated that during the rezoning process, the Planning Commission asked if the result of their work would allow Sohio to develop their site. Their answer at that time was yes, they could meet all the standards for development with no problem.

Mr. Archdeacon stated that there was a misunderstanding and they did not realize that the canopy was considered a structure and had to maintain the 50 ft. setback. This particular site plan was the one submitted at the time of rezoning; however, they did not realize a variance would be required.

Mr. Larry Snyder, Standard Oil, stated that they have room to move the canopy back and it can be moved. He stated that their intention was not to offend the City, the request was based on other variances granted.

MOTION: Mr. Durham moved to deny the Variance application submitted by B. P. Oil (Sohio) for a setback requirement at their site located on the southwest corner of Wilmington Pike and proposed Clys Road. Mr. Foland seconded the motion. The motion was approved unanimously 7-0.

Mr. Durham asked why no paving setbacks were shown on the plan.

Mr. Schwab stated a 10 ft. parking and paving setback is required, however, a common driveway is centered on the property line to accommodate the property directly to the south.

Mr. Durham asked if there would be any obligation to build the common driveway or could the property to the south be sold to a party who would reject these plans and paving would remain in place to the property line.

Mr. Archdeacon indicated that the record plan that will have to be reviewed and approved by the City will have a reciprocal driveway easement along the south property line.

Mr. Foland stated that he felt restricting the curb cut along Wilmington Pike to right-in/right-out only was not appropriate based on the plans that have been place for many years.

Mr. Samples agreed that this change should not take place at this time.

Mr. McMahon felt that the wording on the plan referring to removal of the existing historic house should be deleted.

MOTION: Mr. Foland moved to approve the Special Approval application submitted by B. P. Oil (Sohio) for the property located on the southwest corner of Wilmington Pike and proposed Clyo Road subject to the following conditions:

1. Based on the denial of the variance, revised plans shall be submitted to staff for approval of building locations on the lot.
2. Right-of-way for future Clyo Road on the applicant's property must be dedicated to the City by the applicant;
3. In lieu of the applicant constructing the portion of proposed Clyo Road on the applicants' property, the applicant must petition the City to be assessed for the cost of construction of Clyo Road;
4. The applicant must dedicate to the City 60 feet of right-of-way width from centerline along Wilmington Pike across the front of the property to be developed;
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;
6. The Clyo Road driveway nearest to the intersection of proposed Clyo Road and Wilmington Pike and the north driveway on Wilmington Pike are to be limited to right turn into and right turn out of vehicular turns;
7. No signs shown on the plans are being approved as part of this application;
8. The Planning Commission must specifically approve the metal sandwich building materials proposed on the plans;

9. Architectural elevations of the exterior of the proposed ProCare Car Service Garage must be approved by the Planning Commission.
10. Detailed plans for the screening of the trash enclosure must be approved by the Planning Department;
11. All exterior lighting, including lighting under the canopy, must be approved by the Planning Department;
12. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.

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

Additional Discussion

The members of Planning Commission agreed that all property owners within a 500 ft. radius of a property which has applied for an project requiring a public hearing, shall be notified by first class mail on an individual basis.

The member of Planning Commission agreed that in the case of canopies being constructed on a site, those canopies should maintain the same standards as a building relating setback requirements.

There being no further business, the meeting was adjourned.

Robert J. Hatfield
5/8/90