

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, May 29, 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. Stanley Swartz; Mr. James Durham. Absent: Mr. Scot Stone. Also present: Mr. Alan C. Schwab, City Planner; Mr. Steve Feverston, Assistant City Planner.

Approval of the minutes of May 8, 1990:

MOTION: Mr. Foland moved to approve the Planning Commission minutes of May, 1990, Regular Meeting, with the following change:

On Page 4, in the Motion for David H. Ellinger, the vote should read "6-0" instead of "7-0".

Mr. Swartz seconded the motion. The motion was approved 6-0.

PUBLIC HEARINGS

D'Amico's and Manzo's Italian Restaurant - Variance of Side Yard Requirement

Mr. Schwab reviewed the Variance application submitted by D'Amico's and Manzo's Restaurant, 79 South Main Street, requesting a reduction of the side yard requirement from 10 feet to 5 feet. The zoning on the property is Architectural Preservation District (APD). The variance is being requested in order to enlarge the kitchen area to add an automatic dishwashing machine which is being required by the County Health Department, as well as to add a grease trap facility for the restaurant kitchen.

Mr. Schwab stated that the applicant had inquired about purchasing the alley property owned by the City in order to satisfy the side yard requirement, however, the City had no interest in selling the property. The condominium association to the west of the site has also voiced an interest in purchasing the property.

Staff recommended denial of the Variance based on the following analysis:

1. Staff found no unique circumstance or characteristic to this property or building that creates a hardship to the owner or tenants that would warrant the granting of this variance.
2. There is room on this parcel where an addition of similar area may be constructed without a variance.
3. The difficulty or inability to comply with other codes such as building, plumbing, electrical or health is not proof of hardship when considering a variance from the provisions in the Zoning Ordinance.

Mr. Hosfeld opened the public hearing.

Mr. Fred Weir, contractor for the applicant, stated that he believed the situation is unique since the waste line comes out that section of the building. To realign the entire layout of the restaurant would not be cost effective to remain at this location.

Mr. Swartz asked the width of the alley the City is not willing to sell.

Mr. Schwab stated that the alley is 11 feet wide.

Mr. Samples stated that since an offer was made by the applicant to purchase the property from the City which was rejected, he would support the variance request.

Mr. Foland asked who maintained the fence on the adjoining property.

Mr. Weir stated that the applicant had maintained it in part with the homeowners association to the west.

Mr. Gary McDermott, 74 Cranston Court, stated that the homeowners association sent out a survey to each member requesting their opinion of this variance. Sixty (60) surveys were sent out to which 18 were returned. The results of those returned were one (1) in favor of the variance, one (1) had no opinion, and the remainder was against the request. Some additional comments from the survey included concerns about loss of trees and the building addition would not be visually pleasing for the entrance to the condominium development.

Ms. Reva Minton, 61-G Winchester Place, stated that the condominium association has also tried to purchase the 11 feet of property. She stated that Village Square has helped maintain that area during the past 20 years and does not feel it should be sold to the applicant.

Mrs. Staup, 41 Cranston Court, stated that the narrow entrance width of 24 feet as it now exists is too narrow for the amount of traffic generated from the businesses along Cranston Court and South Main Street, in addition to the condominium traffic. She stated that if the property were sold to the applicant, and/or the building addition were constructed, the possibility of widening the entrance could not occur. Ms. Staup stated that their fear is that the applicant will sell the property at some point in time and the new owners will not maintain the property as well as the current owners.

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

Mr. Hosfeld asked if there were any alternatives to the proposed layout of the site.

Mr. Weir stated that issue was not evaluated based on the layout of the existing plumbing.

Mr. Durham stated that the use of the property is too big for the lot which does not make the situation unique.

Mr. Samples stated that the addition to the building would not disturb the condominium association from maintaining the grass strip at their entrance and, further, would not prevent the street from being widened at a later date.

Mr. Schwab stated that the issue is that this particular property does not have any unique situation in comparison to surrounding properties. There is, however, no characteristic that would allow staff to recommend this request for approval and not give the same consideration to other properties in the APD that would perhaps like to construct additions to their buildings.

MOTION: Mr. Samples moved to deny the Variance application submitted by D'Amico's and Manzo's Italian Restaurant, 79 South Main Street. Mr. McMahon seconded the motion. The motion was approved unanimously 6-0.

Mr. Hosfeld informed Mr. Weir of the option to appeal the decision of the Planning Commission to Council.

South Metro Park - Major Use Special Approval

Mr. Schwab reviewed the Major Use application submitted by Moody-Woodley Development for a 33.4 acre parcel located west of Bigger Road, south of I-675 and north of Thomas Paine Parkway. The zoning on the property is Industrial Planned Development, I-PD and Business Planned Development, B-PD. The purpose of the request is to construct a business/industrial park. Road improvements will be required for the complete construction of South Metro Parkway.

Mr. Schwab stated that a 60 foot strip of land east of Centerville Storage Inns was retained the developer for the construction of the roadway necessary for the development of the project. The only street to the entire development will be located along this strip and extend from Thomas Paine Parkway north, turn east and back south to form a loop street.

A variance to reduce the 100 foot buffer strip to 40 feet in the area of the project which abuts Thomas Paine Condominiums is also being requested as a part of the application. As a part of this proposal to reduce the buffer strip, the developer is proposing to provide a earthen mound and a more dense landscape plantings to make the buffer strip perform at or above what the Zoning Ordinance requires with the 100 foot width with lesser plantings.

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

1. The radius of the westernmost curve on South Metro Parkway shall be increased to a radius acceptable to the City Engineer.
2. No variance shall be granted reducing the minimum building setbacks along Bigger Road (50 ft. min.), I-675 (50 ft. min.) or Thomas Paine Development (100 ft. min.).
3. No variance shall be granted reducing the buffer strip abutting the Thomas Paine Development from the required 100 foot width to 40 feet.
4. Detailed landscape plans for screening the buffer strip shall be subject to approval by the Planning Department.
5. A revised 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.
 - a. The stormwater drainage system, particularly as it ties into the Thomas Paine system, needs to be reviewed in greater detail.
 - b. A larger basin(s) providing stormwater retention and/or detention for the entire development shall be required.
 - c. The use of small permanent or temporary detention basins on each lot is not acceptable to the City Engineer.
6. Adequate covenants approved by the City Attorney shall be recorded to provide for the future private maintenance of the proposed stormwater retention/detention basin(s).
7. All interior lot lines shall be deleted from the plan.
8. Sidewalks, 5 feet in width, shall be constructed along both sides of South Metro Parkway.
9. A temporary turnaround shall be constructed at the terminus of South Metro Parkway. The design shall be subject to approval by the Engineering Department. The turnaround shall be removed when South Metro Parkway is extended.
10. No driveway access shall be permitted to Bigger Road. The existing driveway and curb-cut shall be removed and the curbing on Bigger Road restored by the applicant.

11. The lot located in the northwest corner of the development appears to be too narrow to successfully develop without variances.
12. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.

Mr. Hosfeld opened the public hearing.

Mr. Bob Archdeacon, Woolpert Consultants, stated that the developer, during the time of the development of the Storage Inns immediately west of this project, retained the 60 foot strip of land for the purpose of access for this project. The feeling was that access from Thomas Paine Parkway would be less hazardous than access along Bigger Road. Mr. Archdeacon stated that they have proposed a reduction in the required 100 foot buffer strip to 40 feet with more intense plantings. He stated that this was approved by the City in the Centerville Business park along the west side of Bigger Road and they were proposing the same treatment for South Metro Park. The requested setback requirements for this development were based on the setback along I-675 being a rear yard and should, therefore, be 35 feet. He stated they considered South Metro Parkway to be their front yard which would be setback at 50 feet. He requested the setbacks be approved at 35 feet based on the normal consideration for the 50 foot setback is based on a standard street development which would include 15 feet to 20 feet between the pavement and the property line. Along I-675, there is approximately 90 feet from the edge of pavement to the property line. This reduction would not affect any property owners in this area. This same situation is also true along Bigger Road. Mr. Archdeacon stated that the stormwater drainage plan will be discussed with the City Engineer. Should the 100 foot buffer strip be required by the City, it will be requested to provide a retention area within the 100 foot in the form of a dry basin. Mr. Archdeacon further questioned the need for a 5 foot sidewalk, stating that an increase in pedestrian traffic would be minimal and a 4 foot width would seem adequate.

Mr. Archdeacon stated that concerning the driveway in place along Bigger Road, they would request that the driveway be permitted should the developer of that particular lot desire to use it as a secondary access. He stated that the concern of staff that the lot in the northwest corner of the development is under option at this time. That particular developer sees no problems with the width, and Mr. Archdeacon felt it could be developed without any variances necessary.

Mr. Hosfeld asked why a 5 foot sidewalk is necessary.

Mr. Schwab stated the requirement is a 5 foot width along a 60 foot wide industrial street.

Mr. Swartz asked about the setback requirements.

Mr. Schwab stated that the Ordinance states any frontage along a public street is a front yard and requires the front yard setback standard. Even though the property has no access to the public street is immaterial.

Mr. Gary Woodley, developer, stated that the original access to the property was to along Bigger Road, however, that was not workable. The 200 feet radius on South Metro Parkway, which was originally the secondary access to Bigger Road, does meet the Subdivision Regulations and would allow development along both sides of the street.

Mr. Byron Hall, 6421 Little John Circle, stated that his major concern is the proposed reduction of the 100 foot buffer strip to 40 feet. He stated that a problem in planting trees along the top of a mound is that they do not retain sufficient water to survive and become a maintenance headache. Further, Mr. Hall stated that he would be concerned with any drainage ponds in the buffer strip.

Mr. Chuck Laundrie, Paine Woods Association, stated he was also concerned with the reduction of the buffer zone. He stated that they are in the process of circulating a petition opposing this reduction. He stated that there is also a concern as to the proposed access to the property which will add to the congestion at the Bigger Road and Thomas Paine Parkway intersection.

Mr. Joe Hager, 6390 Thomas Paine Parkway, stated that correspondence has been sent to the City opposing the reduction of the buffer strip. He stated that he realized that this area was zoned industrial, however, they also realized that the 100 feet buffer strip is a standard in the Ordinance that was required to protect adjoining properties.

Ms. Betty Mickie, 6368 Joseph Place, stated her unit is 10 feet from the property line and she enjoys the existing condition, and would be opposed to the variance in the 100 foot standard. She stated that she felt the area is too congested at this time and does not feel access from Thomas Paine Parkway will help the situation. Ms. Mickie stated that there are currently water problems in the area and would object to detention basins being placed in the buffer strip.

Mr. Charles Witty, 6466 Little John Circle, stated his concern was the decrease in property value as the developers keep chipping away the adjacent properties. He requested that the 100 foot buffer strip be required to protect their residential community.

Mr. Ray Jenkins, 6369 Joseph Place, asked why there had been a request for a reduction in the buffer strip.

Mr. Woodley stated that Centerville Business Park had been developed with the reduction and it worked for that particular development. He stated it seemed more desirable to add additional

plantings and reduce the area in width. Mr. Woodley stated that they do not feel strongly about the issue and will meet the 100 foot standard if that is the desire of the City and residents of Thomas Paine. He stated, further, that they wish to keep an option on the retention because the desire is to create retention as the individual lots are developed. The placement of a pond on the property as was created in Centerville Business Park is not desirable because the topography of the site does not allow it to be aesthetically pleasing to the industrial park. If the pond is not aesthetically pleasing, the tendency is that the lot owner does not maintain it properly.

Mr. William Rider stated his concern was about the construction of South Metro Parkway next to his property. He stated the roadway will increase his required setback from 20 to 35 feet and will create problems when he expands his building.

Mr. Schwab stated that the construction of the street in front of Mr. Rider's property will create a corner lot. Therefore, the setback would be required to be 35 feet rather than 20 feet which is currently required. Mr. Schwab stated that a benefit would be that by having the street constructed, it would allow the property to be split and, therefore, developed as a separate lot.

Mr. Rider stated that his intent is to develop the property further with the addition to the current 90 foot wide structure which is too narrow at this time. If the plan is approved, the maximum building width will be reduced to 75 feet.

Mr. Doug Barker, Adams Circle, stated that his concern is the additional traffic as well as industrial traffic using Thomas Paine Parkway as a through street once Clyo Road is complete. He stated that the variances to allow the green space requirement approved for the Storage Inns on the corner of Bigger Road and Thomas Paine Parkway created blight in the area. With the addition of the roadway, it will only add to the blight of the appearance of the mass of concrete and asphalt.

Ms. Gloria Baggot, 6391 Adams Circle, made some suggestions as to an alternative roadway pattern.

Mr. McMahon pointed out that Mr. Woodley did not own the land she was suggesting for use.

Mr. Woodley stated that their property has 3 frontages. I-675 cannot provide access of any kind, Bigger Road due to the grade and visibility problems is not acceptable, which only leaves access to Thomas Paine Parkway.

Ms. Linda Clemens, Paine Woods Association, stated that the traffic problems in the area are significant and she would like the City to work towards a more creative solution to the traffic problem.

Ms. Cindy Obringer, 6362 Joseph Place, expressed her concern about safety of the children crossing Thomas Paine Parkway to the Association's swimming pool once the roadway is completed to Clyo Road. She stated that also there is a runoff problem in the area of the proposed buffer strip and perhaps detention ponds would help the situation.

Mr. Larry Fanning, Thomas Paine resident, stated that the top of the existing mound along the Thomas Paine property is level with the vacant land and, therefore, brings the runoff from the site over the mound and onto the Thomas Paine property.

Mr. James Jones, 6395 Jason Lane, suggested a traffic signal should be installed at the Bigger Road and Thomas Paine Parkway intersection.

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

Mr. Durham stated that he did not have enough information provided to make a decision on the way the retention should be possibly be located.

Mr. Archdeacon stated that they would like to have the flexibility of locating it in the buffer area. As each lot develops, review by the City will be required.

Mr. Hosfeld was concerned about the affect on the property to the east of South Metro Parkway regulating the new setback requirements established as a result of a corner lot being created.

Mr. Farquhar stated that this is probably a classic variance situation. The City would not want to create a non-conforming use situation and that would occur with the construction of the street without a variance. He stated, however, he wanted to take time to study the situation to see what the City's legal obligations were to the property owner.

Mr. Durham requested that Mr. Farquhar investigate the situation to see what the City's responsibility is as a result of the change in the property's zoning requirements. He stated that under Ohio law, the property owner may have a right to maintain the original setback requirements without a variance procedure necessary.

Mr. Foland asked if the temporary turnaround would remain through the entire development of South Metro Parkway.

Mr. Archdeacon indicated that the turnaround would be extended through each lot as it develops until the street is complete.

Mr. Foland suggested that condition #11 concerning the northwest corner of the development be developed without variances be removed from any motion the Planning Commission might make.

Mr. Durham stated that he was concerned with the proximity of South Metro Parkway to the access driveway to the Storage Inns as well as Bigger Road.

Mr. Schwab stated that he would like to discuss that concern with the City Engineer.

Mr. Archdeacon stated that even though a plan was approved many years ago to access the property from Bigger Road, the City has discouraged that access. The reason the developer retained the 60 foot strip was to provide a roadway for access to the property. Mr. Archdeacon asked if the City had a truck route plan.

Mr. Farquhar stated that the City did have a truck route plan established and it could perhaps prohibit traffic from the residential area of Thomas Paine Parkway as suggested by Mr. Archdeacon.

Mr. Foland stated that there seemed to be too many problems to make a decision on the application at this meeting.

MOTION: Mr. Foland moved to table the Major Use application for South Metro Park until June 12, 1990. Mr. Durham seconded the motion. The motion was approved unanimously 6-0.

Mr. Woodley agreed that the additional information should be obtained from the City Engineer and the City Attorney to determine if there are any other alternatives available.

Loop Road Business Park - Major Use Special Approval

Mr. Schwab reviewed the Major Use application submitted by M. K. Miller/International Basic Resources, Inc., requesting the construction of a Business Park to be located North of Alex-Bell Road and east of Loop Road. The zoning on the 13.341 acre parcel is Business Planned Development, B-PD. Road improvements will be required to Alex-Bell Road as a part of this project.

Mr. Schwab stated that when the property was zoned to B-2, Council had substantial concern with the access points to the property. At that time, the applicant, which is the same applicant of this application, entered into a deed restriction that limited the curb cuts along Loop Road to 2, in addition to existing Overview Drive; and, 1 curb cut would be provided along Alex-Bell Road for the business zoned land because of the hazardous topography.

Staff recommended that the application be denied based on the following reasons:

1. Lack of a specific access plan detailing internal vehicular circulation particularly to lots 1 and 2.

- a. There is no resolution to the problems pertaining to the joint access driveway on Loop Road at the north end of the development.
 - b. Lot 1 and 2 are not integrated into the internal circulation plan and would be guaranteed direct access onto either Alex-Bell Road, Loop Road or both.
 - c. The design of the public street connecting Alex-Bell Road to Overview Drive (labeled as Versailles Drive on the plans) would have the potential for cut-through traffic.
2. No specific detail was submitted substantiating adequate intersection site distance from the public street onto Alex-Bell Road or onto Overview Drive (labeled as Versailles Drive on the plans).
 3. The configuration of lot 7, the existing historic house on this lot and its proximity to the public street creates problems with non-conformities as well as the probability that variances would be required to provide for reasonable use of this lot. There is a question as to the ability to provide adequate parking on this lot.
 4. No stormwater drainage plan nor preliminary stormwater drainage calculations were submitted with the application.
 5. There is a significant grade difference between Interstate Executive Center and this development that has not been addressed.
 6. No variance should be granted reducing the minimum buffer yard.
 7. No screening plan for the buffer strip has been submitted.
 8. Sidewalks, 5 feet in width shall be constructed on both sides of the new public street and along the entire Alex-Bell Road frontage.

Mr. Hosfeld opened the public hearing.

Mr. David Oakes, Civil Engineers of Southwest Ohio, stated that the development proposes 7 lots ranging in size from slightly less than 1 acre to 2.4 acres. A public street is proposed from Alex-Bell Road to Overview Drive. Five (5) of the 7 lots will have access from the new public street. Alex-Bell Road will be widened in the area of the development as part of this project as well as the installation of sidewalks along Alex-Bell Road. One (1) variance is being requested to reduce the buffer strip between the proposed development and Chardon Valley to the east from 100 feet to 75 feet. Mr. Oakes stated that the wooded area and topography give a natural buffer which is a unique circumstance. The existing ~~May~~

structure on lot #7 is to be renovated to provide a bed and breakfast or a restaurant at some point in time. Mr. Oakes stated that the location chosen for the access from Alex-Bell Road was reviewed with the City Engineer and although it is the best site for the roadway, it does not meet the State's minimum standards for site distance. A project for improvements to Alex-Bell Road will improve the site distance problem. Mr. Oakes stated that the stormwater drainage requirements will be met, and the owner of this property does have permission to tie into the detention ponds at the bottom of the hill. It is, however, undecided at this time whether on-site detention will be used or the tie-in method will be used. All landscaping requirements will be adhered to on the property including the buffer strip.

Mr. Jim Spangler, Heritage Realty representing the property owner, requested that a work session be scheduled to discuss the details and concerns of the plan.

Mr. Joe Harmon, representing his mother who resides at 531 Willowhurst, agreed with the staff recommendation that the application be denied. He stated that the minimum setback standards should be maintained based on the proximity of this development to the residential development in the area. He stated that it is hard to understand the need for proposing a change in the setback standards since there are no specific uses proposed for the property. There is currently a stormwater problem in the area. Additional curb cuts along Loop and Alex-Bell Roads could be hazardous to the intersection itself and would compound the traffic problems.

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

Mr. Durham asked Mr. Oakes if a work session were scheduled would there be flexibility in what was originally proposed.

Mr. Oakes stated that there were other options available as to what was being reviewed.

Mr. Durham stated that preliminary drawings should be submitted showing the different options Mr. Oakes referred to be reviewed at a work session.

Mr. McMahon pointed out that he would not be in favor of a variance for reducing the buffer strip.

Mr. Hosfeld stated that a work session will be scheduled when information is submitted to staff that they feel is complete enough to review. Mr. Hosfeld stated further that his concern is the curb cut along Alex-Bell Road and the safety aspect involved.

MOTION: Mr. Durham moved to table the application submitted for Loop Road Business Park to be discussed in a work session. Mr. Swartz seconded the motion. The motion vote resulted in a 3-3 tie with Mr. Samples, Mr. McMahon and Mr. Foland voting no.

MOTION: Mr. Foland moved to deny the application submitted for Loop Road Business Park. Mr. Samples seconded the motion.

Mr. Swartz stated that he felt the plan should be tabled to try to work through the concerns of the Planning Commission. If the project were tabled, an additional filing fee and application would have to be filed.

Mr. McMahon stated that his concern was the matter of the maximum decision time period.

Mr. Schwab stated that the applicant could agree to an extension on the project should be become necessary.

Mr. Oakes agreed to an time extension to withdraw the application from the 90 day maximum decision time period.

Mr. Foland withdrew his motion and Mr. Samples withdrew his second.

MOTION: Mr. Durham moved to table the application submitted for Loop Road Business Park to be discussed in a work session. Mr. Samples seconded the motion. The motion was approved 5-1 with Mr. Foland voting no.

NEW BUSINESS

K & G Bike Shop - Planning Commission Special Approval

Mr. Schwab reviewed the application submitted by K & G Bike Shop, 116 West Franklin Street, requesting approval to construct an addition to the west side of the existing building. The zoning on the property is Architectural Preservation District, APD, and the elevations will be reviewed by the Board of Architectural Review for their review. Fifteen (15) parking spaces are being proposed to satisfy the 15 space requirement.

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

1. The architectural design of the building addition shall be subject to approval by the Board of Architectural Review.
2. 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.

3. The south property line shall be screened from the building setback line to the eastern lot line.
4. The north edge of the parking lot shall be removed to provide, at a minimum, a separation of 2.5 feet between the proposed addition and the parking lot.

Mr. David Muha, representing the applicant, was present to review the application.

The members of Planning Commission agreed that the plan met all the standards in the Ordinance.

MOTION: Mr. Durham moved to approve the Special Approval application submitted for K & G Bike Shop, 116 West Franklin Street, subject to the following conditions:

1. The architectural design of the building addition shall be subject to approval by the Board of Architectural Review.
2. 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.
3. The south property line shall be screened from the building setback line to the eastern lot line.
4. The north edge of the parking lot shall be removed to provide, at a minimum, a separation of 2.5 feet between the proposed addition and the parking lot.

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

There being no further business, the meeting was adjourned.

Robert J. Heffel
6/14/90

