

CENTERVILLE PLANNING COMMISSION  
REGULAR MEETING  
Tuesday, September 11, 1990

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

Attendance: Mr. Robert Hosfeld, Chairman; Mr. Arthur Foland; Mr. Scot Stone; Mr. James Durham; Mr. Stanley Swartz; Mr. Bernard Samples. Absent Mr. Peter McMahon. 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 August 28, 1990:

MOTION: Mr. Durham moved to approve the Planning Commission minutes of August 28, 1990, as written. Mr. Foland seconded the motion. The motion was approved unanimously 6-0.

PUBLIC HEARINGS

John G. Black Enterprises, Inc./Hills Building and Construction Services - Rezoning

Mr. Schwab reviewed the Rezoning application submitted by John G. Black Enterprises, Inc., owner of Parcel No. 1, and Hills Building and Construction Services, owner of Parcel No. 2, to allow the development of the parcels for single-family and multi-family residential uses. The acreage is located east of Bigger Road and south of proposed Clyo Road and Thomas Paine Settlement.

Parcel No. 1 is currently zoned R-PD, Residential Planned Development and is requested to be rezoned to R-1c, Single-Family Residential for the 4.768 acre site. This particular triangular-shaped parcel was previously approved for 38 condominium units as a part of Thomas Paine Settlement. Parcel No. 2 is currently zoned R-1c, Single-Family Residential and is requested to be rezoned to R-PD, Residential Planned Development for the 4.866 acre site.

The intent of the rezoning application is to cluster the multi-family development and to cluster the single-family development zoning classifications. John G. Black Enterprises, Inc., is proposing to construct the single-family development and Hills Developers would construct the multi-family development. The overall ratio of single-family to multi-family zoning would remain the same as the parcels are virtually the same size.

Staff recommended approval of the application as requested.

Mr. Hosfeld opened the public hearing.

Mr. Gregg Taylor, John G. Black Enterprises, Inc., was present to answer any questions concerning the project.

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

MOTION: Mr. Samples moved to recommend approval to Council of the Rezoning Application Z-90-61 submitted by John G. Black Enterprises, Inc./Hills Building and Construction Services. Mr. Stone seconded the motion. The motion was approved unanimously 6-0.

M. K. Miller/International Basic Resources, Inc. - Major Use Special Approval

MOTION: Mr. Foland moved to remove the Major Use Special Approval application for M. K. Miller/International Basic Resources, Inc., from the table. Mr. Samples seconded the motion. The motion was approved unanimously 6-0.

Mr. Schwab reviewed the revised Major Use application submitted by M. K. Miller/International Basic Resources, Inc., for the 13.341 acre tract located north of Alex-Bell Road (SR 725) and east of Loop Road. The zoning on the property is Business Planned Development, B-PD. The purpose of the request is to construct a business park on the site. As part of this project, road improvements will be required to Alex-Bell Road.

Mr. Schwab stated that the previous plan reviewed by the Planning Commission was tabled due to several concerns by the members. Those concerns included the safety of the intersection of Loop Road and Alex-Bell Road; the internal access between the properties; the curb cut to Loop Road which crosses the property line for the veterinary clinic located to the north; and the request for a reduction of the buffer strip along the east property line.

The revised plan has basically addressed the previous concerns. This plan shows a public street extend from Loop Road to the east adjacent to the veterinary clinic property which will cul-de-sac at the rear of the clinic property. This street will provide five (5) lots, one (1) of which would include the existing historic house on the applicant's property. The plan indicates there will be no direct access to Alex-Bell Road from any of the lots with frontage on Alex-Bell Road because of the grade problem that presently exists. All access will be provided by the public street. The existing curb cut for the veterinary clinic would have to be relocated to the south with direct access from the public street as well.

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

1. A ten (10) foot wide green strip shall be required along the north side of the proposed public street adjacent to the veterinary clinic.
2. The location of the access driveway from the proposed public street to the veterinary clinic shall be subject to approval by the City Engineer.

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. 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.
5. The required 100 foot buffer strip along the eastern property lines abutting the Chardonnay Valley Condominiums shall be maintained in its natural state except that a portion of the stormwater retention/detention basin may be permitted in the southeast corner of the buffer strip. In NO case shall any of the existing trees be removed to accommodate the basin and NO grading shall occur in the buffer strip that will result in the destruction of the existing trees. Additional evergreen landscape screening shall be planted in the buffer strip. Detailed landscape and grading plans for this buffer strip shall be subject to approval by the Planning Department.
6. The developer shall dedicate 60 feet of right-of-way along Alex-Bell Road to the City.
7. The developer shall add an additional lane of pavement, curb, gutter, stormwater drainage, and sidewalk along Alex-Bell Road in accordance with plans approved by the City Engineering Department. In lieu of the above mentioned improvement, the City Engineering Department may accept monies, of an amount equal to the aforementioned improvement, to be placed in escrow with the City to be used for the future widening of Alex-Bell Road in front of the development.
8. A temporary sidewalk shall be constructed along the entire frontage of Alex-Bell Road subject to approval by the City Engineer.
9. A permanent sidewalk, five (5) feet in width, shall be constructed along the entire frontage of Loop Road and on both sides of the new public street. The sidewalk shall be installed at the right-of-way line and not adjacent to the curb.

Mr. David Oakes, Engineer for the project, stated that all access points have been eliminated except the one (1) access point from Loop Road. The detention basin is to be located to the east of the property with a small portion to within the required 100 foot buffer strip. Mr. Oakes stated that he was well aware that there is to be no interference to the existing trees within that 100 foot strip. He stated that the other concerns of the Planning Commission have been addressed.

Mr. Samples asked what would be the future of the historic house on the property.

Mr. Jim Spangler, real estate agent for the property, stated that the house will be most likely converted to a restaurant.

Mr. Swartz asked if the conditions staff recommended were acceptable to the applicant.

Mr. Oakes stated that they were acceptable.

Mrs. Dorothy Harmon, Willowhurst Street, stated she was representing her son and was requesting a continuance since he did not have an opportunity to review the revised plan.

Mr. Farquhar stated that if the Planning Commission was comfortable with taking action on the project, it would not be appropriate to continue it since the project was continued previously.

Mrs. Harmon asked if buffering would be required along Alex-Bell Road and Loop Road.

Mr. Schwab stated buffering was not required since the roadway is considered the buffer.

Mrs. Harmon stated that she could foresee a great number of traffic accidents as a result of increased traffic at the Alex-Bell Road/Loop Road intersection. She stated that she is unable to use the bedrooms on the north side of her house because of the noise. She asked what type of tenants would be occupying the property.

Mr. Oakes stated that the landscaping will be minimal because of the development of the street improvements. He stated that not knowing who will purchase each individual lot, as those projects come to the Planning Commission for approval, specific landscaping plans will be approved.

Mr. Spangler stated interest has been shown for medical buildings as well as interest in the historic house for a restaurant use.

Mr. Foland stated he was concerned about the access to Loop Road/Alex-Bell Road for lots 1 through 3.

Mr. Swartz stated that he felt the access is something that should be reviewed on an individual basis as each of the sites develops. He stated he would rather wait to see what might be proposed in order to comment on the individual plans. He felt making a condition at this time would be too restrictive.

MOTION: Mr. Swartz moved to recommend approval of the Major Use Special Approval application to Council for M. K. Miller/International Basic Resources, Inc., subject to the following conditions:

1. A ten (10) foot wide green strip shall be required along the north side of the proposed public street adjacent to the veterinary clinic.
2. The location of the access driveway from the proposed public street to the veterinary clinic shall be subject to approval by the City Engineer.
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. 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.
5. The required 100 foot buffer strip along the eastern property lines abutting the Chardon Valley Condominiums shall be maintained in its natural state except that a portion of the stormwater retention/detention basin may be permitted in the southeast corner of the buffer strip. In NO case shall any of the existing trees be removed to accommodate the basin and NO grading shall occur in the buffer strip that will result in the destruction of the existing trees. Additional evergreen landscape screening shall be planted in the buffer strip. Detailed landscape and grading plans for this buffer strip shall be subject to approval by the Planning Department.
6. The developer shall dedicate 60 feet of right-of-way along Alex-Bell Road to the City.
7. The developer shall add an additional lane of pavement, curb, gutter, stormwater drainage, and sidewalk along Alex-Bell Road in accordance with plans approved by the City Engineering Department. In lieu of the above mentioned improvement, the City Engineering Department may accept monies, of an amount equal to the aforementioned improvement, to be placed in escrow with the City to be used for the future widening of Alex-Bell Road in front of the development.
8. A temporary sidewalk shall be constructed along the entire frontage of Alex-Bell Road subject to approval by the City Engineer.

9. A permanent sidewalk, five (5) feet in width, shall be constructed along the entire frontage of Loop Road and on both sides of the new public street. The sidewalk shall be installed at the right-of-way line and not adjacent to the curb.

Mr. Samples seconded the motion. The motion was approved 4-1-1 with Mr. Foland voting no and Mr. Durham abstaining.

#### B. P. Oil Company - Record Plan

MOTION: Mr. Stone moved to remove the Record Plan for B. P. Oil Company from the table. Mr. Samples seconded the motion. The motion was approved unanimously 6-0.

Mr. Schwab reviewed the Record Plan for B. P. Oil Company for construction of their service station to be located on the southwest corner of Wilmington Pike and Proposed Clyo Road. The 2.826 acre parcel is zoned B-2, General Business. Thoroughfare improvements will be required to Clyo Road.

Mr. Schwab stated that the delay in the review of this Record Plan has been the issue of the dedication of right-of-way. B. P. Oil preferred that the right-of-way area be condemned by the City rather than the area be dedicated to the City. The legislation has been introduced to Council and is moving forward and is expected to be approved. Mr. Schwab stated that the Record Plan would have to be changed slightly to reflect that action of condemnation.

Staff recommended approval of the Record Plan subject to the following conditions:

1. In lieu of the applicant constructing the portion of proposed Clyo Road on the applicant's property, the applicant must petition the City to be assessed for the cost of construction of Clyo Road.
2. The plans for water lines and fire hydrants shall be approved by the Washington Township Fire Department.

Mr. Schwab stated that meetings have been progressing with property owners along future Clyo Road concerning the assessment project. It appears that the project could go forward and be under construction as soon as next summer should no problems in the assessment procedure arise.

Mr. Farquhar stated that the court order on the condemnation has been filed so the condemnation proceedings have concluded.

Mr. Durham asked if that is the case, why is the plan the Planning Commission is reviewing have the standard right-of-way dedication included.

Mr. Schwab stated that the form has to be worked out with Montgomery County.

Mr. Durham stated that the Planning Commission is being asked to approve something that is going to be changed.

Mr. Bob Archdeacon, Woolpert Consultants representing B. P. Oil, stated that the plan given to the Planning Commission was the original submission of the Record Plan. This plan was tabled due to a concern B. P. Oil had with the dedication issue. B. P. Oil has proceeded with condemnation of the property with their cooperation and the cooperation of the City. What the Record Plan will require is a note on the Record Plan stating that the right-of-way area has been condemned citing a particular Ordinance number. Mr. Archdeacon submitted a revised plan stating the condemnation note on it.

MOTION: Mr. Durham moved to recommend approval of the Record Plan for B. P. Oil Company to Council subject to the following conditions:

1. In lieu of the applicant constructing the portion of proposed Clyo Road on the applicant's property, the applicant must petition the City to be assessed for the cost of construction of Clyo Road.
2. The plans for water lines and fire hydrants shall be approved by the Washington Township Fire Department.
3. The appropriate revised Record Plan shall be submitted to the City including the following:

Note:

1. The proposed right-of-way shown is subject to condemnation action by the City of Centerville, Case No. 90-3635.

Mr. Samples seconded the motion. The motion was approved 6-0-1 with Mr. Swartz abstaining.

There being no other business, the meeting was adjourned.

*for the Chairman*  
*A.H. Fisher*

