

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, August 29, 1989

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

Attendance: Mr. Robert Hosfeld, Chairman; Mr. James Durham; Mr. Stanley Swartz; Mr. Arthur Foland; Mr. Scot Stone; Mr. Peter McMahon. Absent: Mrs. Marian Simmons. 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 8, 1989:

MOTION: Mr. Foland moved to approve the Planning Commission minutes of August 8, 1989, as written. Mr. Swartz seconded the motion. The motion was approved 5-0-1 with Mr. Hosfeld abstaining.

COMMUNICATIONS

There were no communication items.

PUBLIC HEARINGS

Mr. Swartz excused himself from the meeting and left the room because of a potential conflict of interest.

British Petroleum - Rezoning from O-S, Office-Service to B-2, General Business

Mr. Schwab presented the application by British Petroleum Oil Company (B. P.) to rezone 2.994 acres located along Wilmington Pike at the southwest corner of future Clyo Road from O-S, Office-Service to B-2, General Business. The parcels under option to purchase by B. P. are the property at 6239 Wilmington Pike, the location of the Historic Ebenezer Andrew House, circa 1835, which was formerly Investmark Realty and the land directly to the north which is owned by Joseph Rippe. The land to be rezoned does not include the historic house. Vacant and agricultural land to the north and west, the historic Ebenezer Andrew House and the St. Francis Church to the south and a commercial development to the east are the land uses currently surrounding the parcel. The zoning history on the parcels that are the subject of this rezoning are as follows: The Ebenezer Andrew property was rezoned from single-family residential to office-service in 1984, and portion owned by Joseph Rippe was rezoned to office-service in 1975.

The Master Plan of Centerville for this area shows this land to be developed as low density single-family residential. The dividing line between commercial development to the north and the single-family development to the south is the centerline of proposed Clyo Road. The rezonings to Office-Service in this area were granted to serve as a buffer between the commercial and residential developments. The City Policy Plan promotes the clustering of

business/commercial development into nodes at major roadway intersections within the city and discourages strip commercial development along major thoroughfares.

Staff recommends disapproval of this application.

1. The City Master Plan designates low density single-family residential use of the subject tract of land. However, this tract of land was rezoned in two separate actions to O-S, Office Service after the adoption of the Master Plan.
2. The City Master Plan promotes the clustering of commercial land at major transportation nodes within the community and cautions against strip commercial zoning along the major roadways within the City.
3. There is an abundance of vacant commercial zoned land in this area of the City.
4. The rezoning of the subject tract of land to B-2 does not follow a logically defensible boundary other than the land needs for the applicant's proposed uses.
5. The proposed land to be rezoned leaves an illogically zoned residual O-S zoned district which in the case of the Rippe portion abutting proposed Clyo Rd. would not have enough frontage to meet the minimum lot frontage for an O-S zoned lot.
6. The amount of land involved in the rezoning is reasonably small.
7. The proposed rezoning is in the opinion of staff a "spot zoning" (See the attached article on spot zoning).

Mr. Hosfeld opened the Public Hearing.

Mr. Tim Rickert, Smith & Schnake, 200 Court House Plaza NE, Dayton, Ohio spoke as representative for B. P. He stated that he disagreed with the conclusion by the Planning Department that this rezoning is a spot zone. He stated that there is commercial development to the east in Sugarcreek Township along Wilmington Pike and nearly the entire strip along Wilmington is zoned for commercial or industrial development. The land to the north is zoned for commercial development and the parcel is surrounded by Office-Service on the south and west sides which will still provide a buffer between this commercial land and the residential lands to the south and west. The church to the south further adds to the buffering. He also stated that B. P. does not have any plans at this time to demolish the Ebenezer Andrew House.

Mr. Bob Archdeacon, Woolpert Consultants, spoke as a representative for B. P. He presented a conceptual plan for the development of the service station, pump islands, canopy, and car wash. He stated that the applicant would have no objection to adopting this site plan as a part of the rezoning.

Mr. Farquhar stated that tying a rezoning to a specific site plan is considered a contractual zoning and would not be legally enforceable. He stated that the zoning of a property entitles that property to all uses permitted in that zoning district. He stated that in this case if the property were rezoned to B-2, any use allowed in that zoning district may be permitted for that site.

Mr. Vic Green, Partner of Investmark Realty, spoke in favor of the rezoning. He stated that just north of this site the zoning in Centerville steps down in a manner very similar to this proposed rezoning. He stated that north of relocated Whipp Road, the northwest corner is zoned B-2, General Business. The B-2 zone is surrounded by Multi-Family on the north and west sides and B-PD south, across relocated Whipp Road. The multi-family zone buffers the single-family to the north much the same way the O-S zone buffers this proposed rezoning. He stated that when considering the zoning, B. P. attempted to imitate what currently exists to the north. He stated that he disagreed with Mr. Schwab that this request is a spot zone. He stated that he would consider the business and multi-family zones south of the church spot zones.

Mrs. Martha Boice, 7712 Eaglecreek Drive, spoke addressed the Planning Commission concerning the historic Ebenezer Andrew House. She stated that representatives of B. P. have contacted her about the historic house located on this property. She stated that B. P. indicated to her that they do not intend to tear down the house which is of great concern to her.

Mr. Joe Rippe, 8294 Butterworth Road, Mainville, Ohio spoke in favor of the rezoning. Gave a brief synopsis of the history of his property He stated that he has millions of dollars invested in his property and has the most to lose if this corner property is not developed in an acceptable manner. He stated that this corner would be the entrance to his property and must make a good impression. He also stated that the Planning Commission must consider what is being developed across Wilmington Pike in Sugar creek Township.

There being no additional speakers Mr. Hosfeld closed the Public Hearing.

Mr. Durham stated that he would not be in favor of this rezoning. He stated that the zoning boundaries proposed are for the convenience of B. P. to construct their facility and does not take into consideration the impact on the lands and zones surrounding it. He stated that it would appear that the remaining Office-Service Zone to the west would be unbuildable. He stated that he

agrees with the concept of the Master Plan in clustering commercial land. He also stated that he agrees that all commercial development be kept north of future Clyo Road. He also stated that there is more than enough existing commercial land along Wilmington Pike in which to locate a service station.

Mr. McMahon asked if B. P. were aware of the sign regulations for Centerville when considering this location.

Mr. Archdeacon stated that they were and again stated that B. P. would be amenable making the site plan as shown a condition to approval of the rezoning request.

Mr. Larry Snyder, British Petroleum, 930 Tennessee Avenue, Cincinnati, Ohio addressed the Planning Commission. He stated that they would comply with all of Centerville's sign regulations.

Mr. Foland stated that the Planning must consider all uses that may be permitted when considering a rezoning. He also stated that he was not in favor of the rezoning.

Mr. Archdeacon asked the Planning Commission if they would consider tabling this request and that they schedule a working session to further consider this matter.

Mr. Durham stated that he would not be in favor of a work session. He stated that the rezoning as presented is not acceptable and a work session would not change his mind. He stated that if the intent of the request for tabling this rezoning by the applicant is to modify their request and provide information as to the impact on surrounding lands, he would agree to a work session.

Mr. Archdeacon asked for a five minute recess to discuss this with other representatives of B. P.

Mr. Hosfeld granted a five minute recess.

The Planning Commission reconvened.

Mr. Archdeacon stated that they would provide the information requested and explore reconfiguring the zoning boundaries if the rezoning were tabled.

MOTION: Mr. Durham moved to table the request by British Petroleum Oil Company. Mr. Foland seconded the motion. The motion was approved unanimously 5-0.

Mr. Swartz returned to the meeting at this time.

NEW BUSINESSPark Estates - Planning Commission Special Approval

Mr. Schwab reviewed the Special Approval application submitted for Park Estates located on the north side of Centerville Station Road approximately across from Forest Field Park. The zoning on the 7.928 acre parcel is R-1c, single-family residential. The developer is requesting 11 lots in the residential cluster development with the average lot size averaging 20,000 square feet. Road improvements will be required, along Centerville Station Road, as well as parkland dedication.

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

1. The developer shall dedicate the 43 feet wide right-of-way from centerline along the north side of Centerville Station Road across the entire southern portion of the property.
2. In lieu of adding one (1) lane of pavement including curb, gutter, sidewalk, and stormwater drainage improvements, across the entire frontage along Centerville Station Road, the developer shall pay an amount to the City approved by the City Engineer to the City to be used for the future widening of Centerville Station Road.
3. A stormwater drainage plan shall be approved by the City Engineer 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. Lot 12 shall be dedicated to the Centerville-Washington Park District to satisfy the requirements of the City Parkland Dedication Ordinance.
5. A public access to the Park shall be required with the location and details to be determined at the time the record plan is reviewed by the City.

Mr. Brad Judge, John Judge Engineering Company, stated that they are agreeable to all of staff conditions.

Mr. Durham ask if lots number 1 and 3 were buildable lots.

Mr. Schwab stated that the building setbacks shown on the plans are less than in a typical R-1c development which may be flexed in a cluster development similar to the way lot size and width are flexed. He stated that the front yard on Centerville Station Road is shown as 25 feet instead of 35 feet. Because some of building setbacks were flexed allowed for more buildable area on the proposed lots.

Mr. Foland stated that he felt that because of the topography and configuration of the lots, there were too many lots proposed on this parcel.

Mr. Durham expressed concern about the close proximity a house may be placed next to Centerville Station Road.

Mr. Tipton, property owner, addressed the Planning Commission. He stated that the development in general slopes away from Centerville Station Road. The lots that abut this road fall away from it very quickly and then tend to flatten out which would restrict how close you could build to the street. He also stated that there is a large tree line that would mask the street from the houses.

Mr. Durham stated that he was satisfied with the opinion expressed by Mr. Schwab.

MOTION: Mr. Durham moved to approve this request for a cluster development subject to the following conditions:

1. The developer shall dedicate the 43 feet wide right-of-way from centerline along the north side of Centerville Station Road across the entire southern portion of the property.
2. In lieu of adding one (1) lane of pavement including curb, gutter, sidewalk, and stormwater drainage improvements, across the entire frontage along Centerville Station Road, the developer shall pay an amount to the City approved by the City Engineer to the City to be used for the future widening of Centerville Station Road.
3. A stormwater drainage plan shall be approved by the City Engineer 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. Lot 12 shall be dedicated to the Centerville-Washington Park District to satisfy the requirements of the City Parkland Dedication Ordinance.
5. A public access to the Park shall be required with the location and details to be determined at the time the record plan is reviewed by the City.
6. No lot shall have access to Centerville Station Road.

Mr. McMahon seconded the motion. The Motion was approved 5-1 with Mr. Foland voting no.

Tom Harrigan Chrysler/Plymouth - Planning Commission Special Approval

Mr. Schwab reviewed the Special Approval application submitted for Tom Harrigan Chrysler/Plymouth located at 95 Loop Road. The zoning on the property is B-PD, Business Planned Development. The request is to construct a 10,800 square foot service building to the existing car dealership.

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

1. The Planning Commission specifically approves the painted concrete block and metal siding wall materials proposed for this addition.
2. Any exterior lighting added with this addition shall require the approval of the Planning Department.
3. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineering Department.
4. The new paved areas shown on the plan are to be asphalt or portland concrete.
5. Parking areas on either side of the new building shall be omitted subject to approval of the City Engineering Department to allow a proper turning radius for emergency equipment.

MOTION: Mr. Foland moved to approve the Planning Commission Special Approval for Tom Harrigan subject to the following conditions:

1. Approve the painted concrete block and metal siding wall materials proposed for this addition.
2. Any exterior lighting added with this addition shall require the approval of the Planning Department.
3. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineering Department.
4. The new paved areas shown on the plan are to be asphalt or portland concrete.
5. Parking areas on either side of the new building shall be omitted subject to approval of the City Engineering Department to allow a proper turning radius for emergency equipment.

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

Cheltenham, Sections 2, 3 and 4 - Record Plans

Mr. Schwab reviewed the Record Plans submitted for Cheltenham located north of Alex-Bell Road and west of Wilmington Pike. The zoning on the entire property is R-1c, single-family residential. The parcel for Section 2 is 15.094 acres and proposes 24 lots; the parcel for Section 3 is 8.648 acres and proposes 9 lots; and, the parcel for Section 4 is 11.66 acres and proposes 20 lots. A parkland requirement will be satisfied with the dedication of land.

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

1. The Section 2 Record Plan shall be changed to simplify the lot lines between lots 41, 42 and 43, and between lots 46, 47 and 48 subject to the approval of the Planning Department.
2. Prior to the signing of the Section Two Record Plan by the City, the developer shall convey to the Centerville-Washington Park District the 3.318 acre Park Lot shown in Section Three Record Plan in compliance with the requirements of the City Parkland Dedication Ordinance.
3. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.
4. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.
5. In lieu of completion of the required improvements prior to the recording of the plat, a performance bond in an amount acceptable to the City Engineer shall be posted by the developer with the City of Centerville.

Mr. Roger Terrill, Woolpert Consultants, addressed the Planning Commission. He stated that they are agreeable to the conditions recommended by the Planning Department.

MOTION: Mr Foland moved to approve the record plans for Cheltenham Sections 2, 3 and 4 subject to the following conditions:

1. The Section 2 Record Plan shall be changed to simplify the lot lines between lots 41, 42 and 43, and between lots 46, 47 and 48 subject to the approval of the Planning Department.

2. Prior to the signing of the Section Two Record Plan by the City, the developer shall convey to the Centerville-Washington Park District the 3.318 acre Park Lot shown in the Section Three Record Plan in compliance with the requirements of the City Parkland Dedication Ordinance.
3. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.
4. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.
5. In lieu of completion of the required improvements prior to the recording of the plat, a performance bond in an amount acceptable to the City Engineer shall be posted by the developer with the City of Centerville.

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

There being no further business, the meeting was adjourned.

*Approved
R. Stapfel 9/12/89*

