

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, September 26, 1989

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

Attendance: Mr. Robert Hosfeld, Chairman; Mr. James Durham; Mr. Arthur Foland; Mr. Scot Stone; Mr. Peter McMahon. Absent: Mr. Stanley Swartz. There is currently one (1) vacancy on the Planning Commission. Also present: Mr. Alan C. Schwab, City Planner; Mr. Steve Feverston, Assistant City Planner; Mr. Robert N. Farquhar, City Attorney; Mr. Mike Haverland, Administrative Assistant.

Approval of the minutes of September 12, 1989:

MOTION: Mr. Foland moved to approve the Planning Commission minutes of September 12, 1989, as written. Mr. McMahon seconded the motion. The motion was approved unanimously 5-0.

COMMUNICATIONS

In a letter from Council to the Planning Commission, it was explained that a legal brief was submitted to Council to explore the applicability of a court case in an Ohio decision which upheld the removal of legally nonconforming signs in that community. After Council became aware of that decision, they felt the City should explore whether or not to adopt an ordinance similar to that ordinance in Lakewood, Ohio. The Council is interested in receiving input from the Planning Commission regarding this item.

Mr. Durham stated that if this type of ordinance is going to be considered seriously, there has to be some kind of thought as to what staff considers any of these areas to be a problem. The Architectural Preservation District would probably be the biggest area since most of the signs within the City are located in the District.

Mr. Hosfeld suggested that staff gather information as to the number of signs, their locations and the property condition in those areas.

Mr. Durham stated that a relationship has to be established between deterioration of areas in the City and the existence of nonconforming signs in those areas.

MOTION: Mr. Durham moved to request the Staff to prepare the information discussed as to the number of signs, sign locations and property conditions, for review during a future Work Session. Mr. Foland seconded the motion. The motion was approved unanimously 5-0.

Mr. Schwab stated that a letter of resignation was submitted to Council by Planning Commission Member Marian Simmons. With regret, Council accepted her resignation which has created a vacancy on the Planning Commission.

PUBLIC HEARINGSBackus, Charles L. and Faye I. - Rezoning from R-1d to O-S

Mr. Schwab reviewed the Rezoning application submitted by Charles L. and Faye I. Backus requesting a rezoning of the properties located at 252 and 262 West Franklin Street from R-1d, Single-Family Residential, to O-S, Office-Service zoning containing a total of 1.0789 acres. These particular lots extend along West Franklin Street from Gershwin Drive west to the City corporation line and contain two existing single-family houses. The land uses to the north are vacant, residential and commercial; to the south is single-family residential; to the east are a church and school; and to the west are vacant, agricultural which extends into commercial further to the west.

Staff recommended to deny the application based on the following points:

1. The City Master Plan designates low density single-family residential use of the subject tract of land.
2. There is an abundance of vacant commercial zoned land in the City that permits office use.
3. The rezoning of the subject tract of land to O-S, Office-Service does not follow a logically defensible boundary other than it is all the land the applicant owns in the area.
4. The church and school to the east are permitted legally conforming uses in the R-1d zoning district.
5. The amount of land involved in the rezoning is reasonably small.
6. The proposed rezoning is in the opinion of staff a "spot zoning".

Mr. Hosfeld opened the public hearing.

Mr. Paul Striebel, architect, stated that he was hired by the applicant to determine the highest and best use for the property without creating a negative affect on the surrounding properties. Mr. Striebel stated that after working on some sketches, he concluded the some type of professional office would be the best use for the properties. The traffic pattern would allow ingress to the property along West Franklin Street and egress from Gershwin Drive which is already a controlled intersection. Mr. Striebel stated that he did not feel that rezoning the property to office use would be considered spot zoning. He stated that through the development of the City and the Township the current zoning is actually spot zoning.

Mr. Charles Stansell, resident of Gershwin Drive, was concerned as to the maintenance of the existing trees in the area which screen the neighborhood from West Franklin Street. He stated that he felt the City should purchase the property in order to preserve the entrance to the City. Mr. Stansell stated that with the development occurring in the Township to the west, that area looks like a jungle and he did not want that appearance to continue into the City.

Mr. and Mrs. Nuttall, residents of Gershwin Drive directly behind the site, were concerned about traffic using Gershwin Drive to access the site. They stated that the curve on Gershwin Drive would not allow traffic to access the property safely in any way.

There was some concern voiced from some of the residents as to the building height, screening on the site and how the development would directly affect their properties.

Mr. Schwab explained that in an O-S district, a building height can be a maximum of 35 feet, approximately 2-1/2 stories. The parking/paving setback requirement is 25 feet from the rear property line. The building setback requirement would be 50 feet from the rear and side property lines. The screening between the zoning districts would require a 6 foot screen to buffer the office use from the residential uses; however, the existing vegetation could be removed as the Zoning Ordinance does not provide for it to remain under the existing zoning or the proposed zoning classification.

Mrs. Robert Yoder, 41 Gershwin Drive, stated that she was concerned not only about the existing traffic, but the additional traffic which will be a hazard to the increasing number of children to the neighborhood.

Mr. Robert Yoder, 41 Gershwin Drive, asked exactly what types of uses could potentially exist under the O-S zoning classification.

Mr. Schwab reviewed the uses which could exist under the O-S classification providing they met the standards in the Zoning Ordinance for development.

Mr. Walter Buchanan, representing the applicant, stated that the two (2) properties located at the "gateway to Centerville" constitutes urban blight as they are today. He stated that he did not feel that it is anything that the City should be proud of. In respect to the owner of those properties, he cannot economically convert the properties into something worthwhile under residential zoning that the City could be proud of. Mr. Buchanan stated that he agreed that the City should be careful as to what developed on these properties because it is the "gateway to Centerville". It would be very desirable and it would upgrade the neighborhood if the rezoning were approved to allow the development of a modern professional building.

Mr. McMahon asked what the Township plan was for the Miller farm area to the west.

Mr. Buchanan stated that the Township Master Plan proposes office buildings along SR 725 approximately one (1) lot deep with residential adjacent to the properties along Gershwin Drive. The Master Plan also proposes Normandy Lane to continue from its present termination point at SR 725 to turn dramatically west in order to allow development of office and commercial uses along its path.

Mr. Striebel stated that to clarify one concern of the residents, traffic should not increase through the neighborhood with the office development.

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

Mr. McMahon asked what the history was on the marketing of the properties.

Mr. Buchanan stated that the properties had been listed for approximately 1-1/2 years with no interest in them as residential uses.

Mr. McMahon stated that he did not feel the properties were viable as residential uses. He stated that if office-service were permitted on the site in question, it would generate 12 to 15 jobs in Centerville that should give the City an additional \$5,000 to \$6,000 in income taxes per year; the value of the property will increase which will increase the property taxes \$1,500 to \$2,000 per year at least. Mr. McMahon stated that as a residential use, it does not make economic sense for the City as well as the owner.

Mr. Foland was concerned with any development of the properties which could increase the drainage runoff in the area.

Mr. Hosfeld reminded those persons in attendance that the issue before the Planning Commission was for rezoning only and a specific application would be required for review should rezoning approval be granted to insure the proper development of the site.

Mr. Durham stated that with the surrounding zoning classifications in place and the future development plans to the west, it is inevitable that the zoning on the two properties in question will not remain residential. It is important to zone them in such a way that will place strict restrictions on their development and protect the surrounding neighborhood at the same time. Mr. Durham suggested that the zoning on the strip of properties along the south side of West Franklin Street from Virginia Avenue west to the corporation line be rezoned to Architectural Preservation District (APD) in order to achieve those goals.

MOTION: Mr. Durham moved to table the rezoning application submitted by Charles L. and Faye I. Backus and directed staff to prepare a study as to what the zoning should be along the south of West Franklin Street between Virginia Avenue west to the corporation line as soon as possible.

There was no second to the motion.

Mr. Schwab stated that the architectural controls would be strict under APD zoning, however, it would also allow B-1 commercial uses on the properties.

Mr. Yoder stated that he would be opposed to APD zoning based on the commercial uses that could potentially occur. He stated that he felt the O-S zoning would be more appropriate.

Mr. Durham stated that the site in question is only a one (1) acre site which would drastically limit its development.

Mr. Foland asked if retail use would be a possibility on the one (1) acre site based on the size of the building and the parking requirement it would generate.

Mr. Schwab stated that a one (1) acre site could allow a convenience store, etc., and still meet the requirements in the Zoning Ordinance.

Mr. Buchanan stated that the applicants preference is to rezone the properties to O-S and second to APD.

Mr. McMahon stated he is more comfortable with the O-S zoning.

MOTION: Mr. McMahon moved to approve the rezoning for the properties located at 252 and 262 West Franklin Street as requested by Charles L. and Faye I. Backus from Single-Family Residential, R-1d to Office-Service, O-S.

There was no second to the motion.

MOTION: Mr. Durham moved to recommend denial of the rezoning for the properties located at 252 and 262 West Franklin Street as requested by Charles L. and Faye I. Backus from Single-Family Residential, R-1d to Office-Service, O-S. Mr. Foland seconded the motion. The motion was approved 4-1 with Mr. McMahon voting no.

Mr. Durham suggested that the two (2) properties be rezoned to APD and the strip east to Virginia Avenue be studied by staff to determine its proper zoning classification.

Mr. Hosfeld and Mr. Foland were concerned that this method would be spot zoning.

Mr. Durham stated that APD zoning is directly across the street so it would tie into that district until the study is made.

MOTION: Mr. Durham for Planning Commission to initiate a rezoning application for the properties located at 252 and 262 West Franklin Street to Architectural Preservation District. Mr. Stone seconded the motion. The motion was approved unanimously 5-0.

The Planning Commission directed staff to prepare a study for review of the properties along the south side of West Franklin Street between Gershwin Drive east to Virginia Avenue to determine the what would be the most appropriate zoning classification.

UNFINISHED BUSINESS

Ronald E. Kincaid - Planning Commission Special Approval

Mr. Schwab stated that Mr. Kincaid has submitted a contract to purchase the former railroad right-of-way property which has been the cause of delay in his project. Mr. Kincaid requested that the application remain on the table to enable this matter to be settled so that the project can move forward.

The members of Planning Commission agreed to let the project remain on the table until the next meeting.

B. P. Oil Company - Rezoning

Mr. Schwab reviewed a revised plan submitted by B. P. Oil for the site located on the southwest corner of proposed Clyo Road and Wilmington Pike. This plan was submitted to address the concerns of the Planning Commission voiced during the previous meeting. Mr. Schwab stated that the layout of the three (3) acres is basically the same as the original submittal with the exception of a hypothetical layout of the residual O-S land on the Rippe property and on the Investmark property. This revised plan was submitted to staff with a request that it be taken to Work Session. Mr. Schwab stated that the Planning Commission directed Staff to schedule a Work Session for this project if new information was submitted which was significantly different that would warrant a Work Session. Mr. Schwab stated that this plan is being presented to night for the Planning Commission to determine whether or not the revised plan is what the Planning Commission had in mind to review.

MOTION: Mr. Foland moved to remove the Rezoning application submitted by B. P. Oil from the table. Mr. McMahon seconded the motion. The motion was approved 4-1 with Mr. Durham voting no.

Mr. Foland stated that he did not see any changes in the revised plan than what was submitted at the previous meeting.

Mr. Durham agreed stating that his reason for voting no on removing the application from the table was to send a message to the applicant that this revised plan is not what the Planning Commission had in mind to reconsider. The concerns of the Planning Commission were broader issues as to how the development along Wilmington Pike will affect the surrounding areas.

Mr. Dave Rickert, B. P. Oil, stated that the revised plan was an attempt to respond to the concerns the City had of buffering between the residential areas and the business areas. He stated that they only prepare an concept of what could be developed on the residual land. He stated that B. P. Oil only has an option on the 3-acre parcel and that revised plan is all they can really hypothesize as to what can go there. The actual layout of the station can only be done a limited number of ways in order for it to be effective. The reason for submitting the revised plan was to address the boundary areas that are going to remain an O-S zoning around the station.

MOTION: Mr. McMahon moved to recommend denial of the Rezoning application submitted by B. P. Oil to Council. Mr. Foland seconded the motion. The motion was approved unanimously 5-0.

NEW BUSINESS

Woodley Development - Planning Commission Special Approval

Mr. Schwab reviewed the Special Approval application submitted by Woodley Development for a vacant lot along the south side of Centerville Business Parkway approximately across from the east side of the Western Ohio Building. The zoning on the parcel is Industrial Planned Development, I-PD. The purpose of the request is to construct a 12,758 sq. ft. office/warehouse building. The building materials proposed are brick with some intermixed colors of contrasting brick. A standing metal roof will be used on the front of the building. Two (2) access points along Centerville Business Parkway will provide a circular traffic flow on the site.

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

1. A revised site plan be approved by the Planning Department that incorporates a 10 foot parking and paving setback along the side lot lines and incorporates the required 5% interior landscaped area into the parking lot.

Mr. Gary Woodley, representing Woodley Development, concurred with the staff recommendation.

MOTION: Mr. Stone moved to approve the Special Approval application submitted by Woodley Development, to be located in Centerville Business Park, subject to the following condition:

1. A revised site plan be approved by the Planning Department that incorporates a 10 foot parking and paving setback along the side lot lines and incorporates the required 5% interior landscaped area into the parking lot.

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

Golshan, Kazem - Planning Commission Special Approval

Mr. Schwab reviewed the Special Approval application submitted by Kazem Golshan requesting approval of the remodeling and addition of 544 sq. ft. to the existing building located at 400 North Main Street. The zoning on the parcel is Office-Service, O-S. The existing brick exterior is proposed to be covered with gray dryvit, a stucco-like material, and the window pattern would change drastically. The roof color would change to black and gray.

Staff recommended to approve the Special Approval subject to the following conditions:

1. The Planning Commission specifically approves the gray stucco-like (dryvit) siding materials proposed to cover the entire red brick exterior of the existing building and the proposed addition.

Stucco is a concrete siding material which the Zoning Ordinance generally deems inappropriate in commercial zoning districts in the City and requires the Planning Commission to approve as a siding material on a case-by-case basis.

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.

Mr. Paul Striebel, architect, stated that the applicant had hired his firm to create some changes to the existing building based on his and other tenant opinions of the building to have something more attractive. Their desire is to first have additional window space on the exterior walls as well as do something with the unattractive brick material. Mr. Striebel stated that dryvit material is a great material if it is used properly.

Mr. Poland stated that he did not feel that the proposed material would fit in well with the buildings around it.

Mr. Stone agreed stating that the buildings on either side of the site are colonial design.

Mr. Durham stated that he agreed with Mr. Striebel that the brick used on the buildings is very unattractive and the design submitted is very aesthetically pleasing. Mr. Durham stated that he understood the concern of maintenance, however, cedar siding would be a permitted material that would essentially have the same maintenance problems.

MOTION: Mr. Durham moved to approve the Special Approval application submitted by Kazem Golshan, property located at 400 North Main Street, subject to the following conditions:

1. The Planning Commission specifically approves the gray stucco-like (dryvit) siding materials proposed to cover the entire red brick exterior of the existing building and the proposed addition.

Stucco is a concrete siding material which the Zoning Ordinance generally deems inappropriate in commercial zoning districts in the City and requires the Planning Commission to approve as a siding material on a case-by-case basis.

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.

There was no second to the motion.

MOTION: Mr. Foland moved to approve the Special Approval application submitted by Kazem Golshan, property located at 400 North Main Street, subject to the following conditions:

1. The proposed dryvit material not be approved.
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.

Mr. Stone seconded the motion. The motion was approved 3-1-1 with Mr. Durham voting no and Mr. McMahon abstaining.

Mr. Schwab stated that the applicant does have the right to appeal the decision to Council.

An Ordinance Amending Ordinance No. 11-86, The Zoning Ordinance Of Centerville, Ohio, Enacting Revised Minimum Residential Rear Yard Requirements For Certain Lots In The City Of Centerville, Ohio In Accordance With The Provisions Of Chapter 713 Of The Ohio Revised Code.

Mr. Schwab explained that this proposed amendment to the Zoning Ordinance is an attempt to make the rear yard setback requirements in a R-1c and R-1d zoning districts work with those areas already developed. The purpose for this Ordinance is to alleviate the need for variance applications to be reviewed based on new standards in the Zoning Ordinance that do not address situations created by past requirements.

Mr. Hosfeld opened the public hearing.

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

After much discussion, the Planning Commission agreed that the Ordinance should be changed to state in the supplemental provision to draw a line 100 feet from the front lot line in the same manner as in determining the minimum front yard. This was based on the typical lot depth throughout the City being 150 feet.

MOTION: Mr. Durham moved to recommend approval of the Ordinance to Council with the change in the figure in the supplemental provision from 105 feet to 100 feet. Mr. Stone seconded the motion. The motion was approved unanimously 5-0.

*Approved 10/31/89
Robert Hosfeld*