

CENTERVILLE PLANNING COMMISSION  
REGULAR MEETING  
Tuesday, January 26, 1988

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

Attendance: Mr. Elmer Tate Jr., Chairman; Mr. Robert Looper; Mr. Robert Hosfeld; Mrs. Marian Simmons; Mr. Arthur Foland; Mr. Mr. Stanley Swartz. Absent: Mr. Robert Chappell. Also present: Mr. Alan C. Schwab, City Planner; Mr. Steve Feverston, Assistant City Planner; Mr. Robert N. Farquhar, City Attorney.

Mr. Tate announced that City Council, effective immediately, had adopted a "No Smoking" policy for the Council Chambers and Law Library.

Approval of the minutes of the January 12, 1988, Meeting:

MOTION: Mr. Looper moved to approve the Planning Commission minutes of January 12, 1988, as written. Mr. Foland seconded the motion. The motion was unanimously approved 5-0-1 with Mr. Swartz abstaining.

PUBLIC HEARINGS

Centerville Mill - Variance of Side Yard Requirement

Mr. Schwab made a slide presentation of the request by Centerville Mill to vary the side yard requirement in the former railroad right-of-way along the northwest corner of Franklin Street and Clyo Road. A 20 foot side yard setback is required in this I-1 zoning district and the applicant is requesting a 1 foot setback.

In review of the proposal, staff made the following analysis:

1. The existing lot is narrower than the minimum lot size as required by the Zoning Ordinance for this zoning district. The existing lot is wide enough to be considered as a buildable lot.
2. The requested 1 foot side yard building setback variances allows for total development of this portion of the site without any allowances for buffers between adjacent buildings, land uses, pavement areas, or the creation of landscaped areas between buildings and pavement areas. The requested variances are contrary to the spirit and intent of the Zoning Ordinance.
3. The requested variances are not the minimum variances necessary to allow for reasonable development of the property.

4. A ratio of lot width to side yard building setback is considered by the Planning Department to be the minimum variance necessary to allow for reasonable development of the property.

Based on that analysis, staff recommended the following:

Deny the requested side yard building setback variance.

Approve a side yard building setback variance for both side yards as follows: (This Variance applies only to the former Railroad Right-of way.)

1. The portion of this lot that extends from East Franklin Street, north approximately 350.25 feet and having a width of approximately 47 feet at the minimum front yard building setback line shall have a side yard building setback requirement of six (6) feet.
2. The remaining portion of this lot having a width of approximately 66 feet shall have a side yard building setback requirement of nine (9) feet.

Approve a side yard parking and paving setback variance for both side yards as follows: (This Variance applies only to the former Railroad Right-of-way.)

1. The portion of this lot that extends from East Franklin Street, north approximately 47 feet at the minimum front yard building setback line shall have a side yard parking and paving setback requirement of three (3) feet.
2. The remaining portion of this lot having a width of approximately 66 feet shall have a side yard parking and paving setback requirement of five (5) feet.

Mr. Tate opened the public hearing.

Mr. Willard Wilson, applicant, stated that the requested 1 foot variance was the same variance granted to Centerville Builders located on the southwest corner of Franklin Street and Clys Road 2 years ago. He stated that if his variance was not approved as requested, the property is virtually undevelopable.

Dr. Thomas Connair, 963 East Franklin Street, stated that his concern is the decreased visibility of the intersection that would occur with the construction of a building without proper setback. He stated that the increase in traffic volume over the past several years, as well as the increase in emergency calls to St. Leonards Center, should not be complicated further by a reduction in visibility.

Mr. Schwab stated that the setback is approximately 50 feet from the right-of-way and would be adequate for sight distance. He pointed out, however, that would be a front yard setback and not a subject of this application.

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

Mr. Hosfeld asked if staff had an idea as to what might be expected to develop on this property.

Mr. Schwab stated that a specific site plan would have to be submitted for review and approval by the City, however, it could be constructed within the dimensions that the Planning Commission would approve as a part of this variance application.

Mr. Hosfeld stated that he would like to approve a development plan for the site which would improve the appearance of one of the major intersections in the City; however, he stated he would like to see a specific plan in which to base the variance consideration.

Mr. Wilson stated that he was willing to hear any suggestions the Planning Commission might give him in trying to develop this property; however, he stated they needed variances in order to proceed with any development.

Mr. Foland asked the applicant if there could be a compromise of the recommendations as provided by staff.

Mr. Wilson stated that if the side yard building setback were approved to be 3 feet on each side of the 350.25 foot section of the property, it could develop. He stated, however, if the parking and paving setback for the same area were not waived, a 3 foot wide strip would be created that would not have any use.

Mr. Looper stated that he felt that a 3 foot building setback, as well as no paving setback, was not adequate. He stated that he could not remember approving variances of this type without reviewing a site plan at the same time.

MOTION: Mr. Hosfeld moved to approve the variance application for only the variances located on the former railroad right-of-way parcel as follows:

1. A three (3) foot side yard building setback and a zero (0) foot parking and paving setback shall be maintained along the east and west property lines of the former railroad right-of-way parcel of land extending from East Franklin Street north to terminate on said parcel at a line parallel to East Franklin Street which approximates an extension of the northernmost current boundary of the adjacent Centerville Mill property and is approximately 1,310 feet north of the centerline of East Franklin Street and parallel to said centerline. No variances are being granted north of this line across the former railroad right-of-way.

Mrs. Simmons seconded the motion. The motion was approved 4-2 with Mr. Looper and Mr. Foland voting no.

J. Milton Zimmerman - Rezoning from R-PD to B-2

Mr. Schwab reviewed the request by J. Milton Zimmerman to rezone 7.718 acres located west of South Main Street (SR-48), south of Bristol Drive, and north of the Revere Village Apartments from R-PD, Residential Planned Development to B-2, General Business. The purpose of the request is to allow construction of a commercial development. The property is surrounded by single family residential to the north, multi-family to the south and agricultural to the west.

Mr. Schwab stated that when the Master Plan was developed and adopted by the City, strip type shopping areas were not encouraged. Large areas of land were designated for commercial development in close proximity to major transportation roads. The property in question was designated as a multi-family residential development with single-family abutting it on either side.

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

1. The City Master Plan designates multi-family residential land use for this land.
2. The City Master Plan specifically recommends against extending "strip" commercial zoning into this area.
3. The City Policy Plan discourages rezoning from non-business to business use and promotes the clustering of business/commercial development.

4. The City Policy Plan residential land use goal is to maintain the character of the community as predominately low density single-family residential.
5. Large tracts of undeveloped business zoned land exist within the City.
6. The granting of the requested rezoning would constitute an invalid "spot zoning" that is:
  - a. A small parcel of land is being singled out for special and privileged treatment (business zoning);
  - b. The singling out of this parcel is not in the public interest but only for the benefit of the land owner;
  - c. The rezoning of this parcel is not in accordance with the City Master Plan.

Mr. Tate opened the public hearing.

Mr. George Oberer, representing the applicant, stated that the area proposed to be commercial is not directly adjacent to single-family development. He indicated that the acreage directly across SR 48 will be seeking rezoning to commercial which would continue commercial zoning from the point south to Spring Valley Road. He stated that although there are commercial properties at Centerville Place along South Main Street, there are definite flooding problems.

Mr. Dale Schaffer, 50 Bristol Drive, submitted a letter he prepared outlining his concerns of rezoning the area to B-2. He stated that Revere Village Apartments provide a well-planned break between commercial and single-family zoning. This would be a disruption of the logical zoning boundaries established for the City based on the Master Plan and the Policy Plan adopted by the City.

Ms. Barbara Oxley stated that she does not feel that additional commercial areas are necessary since available commercial zoning is still available and the additional traffic volume is definitely not needed in their neighborhood.

Mr. Mike Pierce, 298 Concept Court, stated this concern was that the commercial zoning would expand further if this application would be approved, therefore increasing traffic volume to their neighborhood and changing its residential character.

A resident of 36 Bristol stated that he has placed confidence in the City to maintain the residential character of the community as described in the plans adopted by the City.

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

Mrs. Simmons stated that she still felt that this application, if approved, would establish spot zoning.

Mr. Looper stated that this particular tract of land was discussed during the review for the adoption of the Zoning Ordinance in 1986. He stated at that time the City felt that the land should be developed as some type of residential and, therefore, zoned it appropriately. Mr. Looper stated that he does not think that the feelings of the people who approved the Zoning Ordinance have changed.

MOTION: Mr. Foland moved to deny the application submitted by J. Milton Zimmerman requesting rezoning of 7.718 acres from R-PD to B-2 based on the 6 points outlined in the staff analysis. Mr. Hosfeld seconded the motion. The motion was approved unanimously 6-0.

#### NEW BUSINESS

##### Cedar Cove, Section 1 - Record Plan

Mr. Schwab stated that this record plan was submitted to allow the development of the first section of Cedar Cove located east of Clys Road and west of the Steeplechase Apartments. The zoning on the 9.533 acre parcel is R-PD, Residential Planned Development, on which one (1) lot would be created. The purpose of this record plan is to establish the streets and utility easements in the first section of the development.

Staff recommended that the record plan be approved as submitted.

Mr. Foland asked if any of the streets involved in this first section would be public streets.

Mr. Schwab stated that the streets within the development would all be private streets.

MOTION: Mrs. Simmons moved to recommend approval of the record plan for Cedar Cove, Section 1, to City Council as submitted. Mr. Swartz seconded the motion. The motion was approved unanimously 6-0.

There being no further business, the meeting was adjourned.

