

**CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, August 30, 1988**

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

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

Approval of the minutes of the August 16, 1988, Meeting:

MOTION: Mr. Chappell moved to approve the Planning Commission minutes of August 16, 1988, as written. Mr. Simmons seconded the motion. The motion was approved unanimously 5-0-2 with Mr. Swartz and Mr. Hosfeld abstaining.

PUBLIC HEARINGS

TdM Construction Company - Parking and Paving Variance/Special Approval

Mr. Schwab reviewed the Variance and Special Approval applications submitted by TdM Construction Company located at 21 East Ridgeway Road in the Architectural Preservation District (APD). The applicant is proposing to construct an addition to the existing structure. As a result of this addition, the parking and paving setback cannot meet the 10 foot requirement. The variances requested are to allow a one (1) foot setback along the east property line, a 2 foot setback along the north property line, and a 7 foot setback along the west property line.

The Board of Architectural Review (BAR) has reviewed the Special Approval application and recommended its approval subject to the following conditions:

1. The wood siding used on the building addition shall match the siding on the existing building.
2. New roofing material shall match the existing roofing material.
3. Building and roof colors shall be subject to approval by the Planning Department.

Staff recommended that the variance be approved based on the following analysis:

1. The subject property is an irregular shaped parcel and is narrow in width.
2. The APD section of the Zoning Ordinance requires parking lots to be located in the rear yard of a premises.

3. The standard 42 foot width of a parking lot plus a 10 foot parking lot setback on either side cannot fit within the dimensions of the rear yard. The applicant suffers a hardship that is unique to this property and precludes the reasonable use of this property.

Mr. Tate opened the public hearing.

Mr. Charles Burkhardt, adjacent property owner, stated that he had no objection to the addition to the building and the variances that would be required as a result of the addition to provide proper parking areas. He also stated that he has requested that TdM extend his fence between their properties from the carport to the rear property line.

Mr. Don Patton, representing TdM Construction, stated that they are in desperate need of the expansion of their office space and that has created the need for the variance request. He stated that parking at the rear of the building will be primarily employee parking and the spaces in the front will be for client parking. Mr. Patton indicated that the recommendations of staff and the BAR would be satisfied should the applications be approved. He also stated that TdM agrees to extend Mr. Burkhardt's fence from the carport to the rear property line.

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

Mr. Chappell asked what kind of fence would be erected and would this fence match the existing fence or replace the portion of fence currently in place as well as extend it to the rear property line.

Mr. Burkhardt stated that there is currently a privacy fence in place that begins at the front corner of his carport and extends along the west property line into the rear yard to also screen the back porch.

Mr. Patton stated that the new fence will match the existing board privacy fence. The new fence will begin at the northwest corner of the carport, follow the property line and end at the rear property line.

MOTION: Mr. Swartz moved to approve the Variance application submitted by TdM Construction Company, 21 East Ridgeway Road, as requested. Mr. Chappell seconded the motion. The motion was approved unanimously 7-0.

MOTION: Mrs. Simmons moved to approve the Planning Commission Special Approval application submitted by TdM Construction Company, 21 East Ridgeway Road, subject to the following conditions:

1. The wood siding used on the building addition shall match the siding on the existing building.
2. New roofing material shall match the existing roofing material.
3. Building and roof colors shall be subject to approval by the Planning Department.
4. A fence shall be constructed along the east property line; the fence shall match the existing fence and shall extend from the northwest corner of the carport on the property located at 27 East Ridgeway Rd. and end at the rear property line.

Mr. Hosfeld seconded the motion. The motion was approved unanimously 7-0.

Tom Harrigan Chrysler/Plymouth - Sign Variance

Mr. Schwab reviewed the variance request from Tom Harrigan Chrysler/Plymouth, 95 Loop Road, for signage to exceed the sign area of 64 square feet and sign height of 12 feet at a 55 foot setback permitted this Business Planned Development, B-PD zoning district. The applicant is requesting a total sign area of 422 square feet and a sign height of 36 feet for the car dealership.

Staff recommended that the sign variance be denied based on no unique circumstances to the property.

Mr. Tate opened the public hearing.

Mr. Jim Hardin, Wilson Sign Company representing the applicant, stated that the applicant does indeed have a unique situation created by the surrounding businesses that have larger signage. He indicated that his client's business is overpowered with signage from the dealership's competitors. He stated that the Dodge Dealership across the street has the same sign as his client has requested. He also stated that the General Motors Dealerships along Loop Road have larger signs.

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

Mr. Loper stated that some of the ground signs along Loop Road were legal when they were constructed fifteen years ago while others were granted variances. He stated that the City has since passed a new sign ordinance limiting the size and height of ground signs. The large and tall signs on adjacent properties are not justification for granting a variance.

Mr. Foland stated that an additional sign of similar height and area merely adds to the clutter of this area and would not be visible since it would blend in with the other signs.

MOTION: Mr. Looper moved to deny the Variance application submitted by Tom Harrigan Chrysler/Plymouth, 95 Loop Road, as requested. Mr. Foland seconded the motion. The motion was approved unanimously 7-0.

Mr. Tate informed the applicant of his appeal rights.

Tifton Greens (Greeneco Corporation) - Sign Variance/Fence Height and Type Variance

Mr. Schwab reviewed the Variance application submitted by the Greeneco Corporation requesting a sign variance, and fence height and type variance for the Tifton Greens condominium project located on Clyo Road just west of Bigger Road. The zoning on the parcel is Residential Planned Development, R-PD. The fence variance proposes a fence height in the front yard of 7.5 feet which exceeds the 4 foot front yard height; a fence height in the side yard of 8.33 feet which exceeds the 7 foot height; and proposes the use of a solid board privacy fence in the front yard which is prohibited. He stated that the average fence height is about 8 feet overall. A sign variance is requested to allow a second ground mounted sign to be attached to the fence at the entrance to the project. The project is permitted to have only one (1) sign.

Staff reviewed the application and gave the following analysis:

1. This property is unique by the fact that the buildings were positioned on the site with the rear facing Clyo Road. This effectively places the rear yard, the private areas of these units, adjacent to Clyo Road. The Zoning Ordinance defines this area as front yard. Building walls that face into the complex and not to property lines are not defined as having front, side or rear yards.
2. A solid board privacy fence is necessary in that portion of the front yard on Clyo Road where the rear of the building faces the street to assure the privacy of those residents living in that particular building.
3. The requested fence is setback 35 feet from the Clyo Road right-of-way.
4. A fence with a height of 7.5 feet is excessive in the front yard and would not be the minimum variance necessary to provide an effective screen for the residents of these dwelling units.

5. An earth mound, approximately 3 feet in height and landscaped, is situated between the sidewalk and the fence. The mound screens a portion of the fence from view and over time the trees and other landscaping will further shield the fence from view on Clyo Road.
6. Given the uniqueness of this particular situation in this development, the setback of the proposed fence and the landscaped mound, a fence having a maximum height of 6 feet would be appropriate.

Based on that analysis, staff recommended to:

Deny the variance requests for all fence heights as requested.

Approve a variance to permit a solid board privacy fence, having a maximum height of 6 feet to be placed in the front yard subject to the following conditions:

1. This variance shall only apply to that portion of the front yard along Clyo Road that is east of Tifton Green Drive as shown specifically on the site plan submitted with the variance request.
2. The fence shall be setback a minimum of 35 feet as shown on the site plan submitted with the variance request.

Approve a variance to permit the second ground sign mounted on the fence to be displayed as a temporary sign during construction of this project.

Mr. Tate opened the public hearing.

Mr. Paul Weiser, resident of Kantwell Lane in Greenbrier Condominiums, voiced his concern about fence height. He stated that some of the building fronts within Greenbrier Commons face outward towards Tifton Greens and some of those residences are within 10 feet of the property line. He stated that although the fences being considered this evening are not adjacent to Greenbrier, the Greenbrier Homeowners are concerned about the precedent set if these variances are approved.

Mr. John Judge, John Judge Engineering representing the applicant stated that the fence along Clyo Road is particularly necessary to provide privacy to the residents living in those units. He stated that all of the fences are intended to be 7 feet in height. When the areas around the units are finished graded, all fences should be about 7 feet tall. He also stated that they would be happy to work closely with the Greenbrier Homeowners Association to resolve the fence issue adjacent to Greenbrier.

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

Mr. Schwab stated that the areas in question have been final graded and the fences in these areas exceed 7 feet in height and average about 8 feet.

Mr. Foland stated that there is another fence on the east property line that is the same height as the other fences.

Mr. Looper stated that ignorance of the law is no grounds to grant a variance. He stated that the developer is a professional engineering firm that has worked in the City for many years on many projects and should be aware of the zoning laws of this community. He expressed his concern that recently the Planning Commission is reviewing more variance requests where the developer has installed signs or constructed structures in such a manner that is contrary to the standards in the Zoning Ordinance and then applies for variances to resolve their error.

Mr. Chappell agreed and stated that he will review this variance request as if no fences have been installed.

Mr. Tate stated that there is a need to have a privacy fence in the front yard where those residential units back up to Cloy Road.

MOTION: Mr. Looper moved to take the following action on the Variance application submitted by the Greeneco Corporation for Tifton Greens:

1. Deny all variances pertaining to fences.
2. A temporary sign shall be approved to be displayed on the fence for a period of one (1) year commencing August 1, 1988.

Mr. Hosfeld seconded the motion. The motion was approved 5-2, with Mrs. Simmons and Mr. Tate voting no.

Mr. Tate informed the applicant of his appeal rights.

Buchsieb, Walter C. - Rezoning from R-1c to APD

Mr. Schwab reviewed the Rezoning application submitted by Metropolitan Concepts, Inc., representing Walter C. Buchsieb, to rezone .53 acres of land located at 7950 Normandy Lane. The purpose of rezoning the existing residence from Single Family Residential, R-1c to Architectural Preservation District, APD, is to convert the use to an office building. The parcel in question is bounded to the north and east by single-family residential, to the west by business and to the south by vacant land. The applicant has also submitted a concept plan for the use of this parcel in conjunction with two adjacent parcels inside the APD.

Staff recommended to deny the Rezoning application based on the comprehensive plan showing this parcel as low-density single-family residential, and this rezoning would extend the business district north on Normandy Lane into a residential area.

Mr. Tate opened the public hearing.

Mr. Ted Donnell, Metropolitan Concepts, Inc., stated the rezoning would be a logical extension of the business district. Referring to the concept plan, he stated that the vacant corner lot is too narrow for development given the current building and parking setback requirements and screening requirements. The rezoning of this parcel would allow all three (3) parcels to be developed in a logical manner having parking and vehicular circulation linked together.

Mr. Walter Buchsieb, property owner, stated he would like to construct his new dental office on the vacant corner lot, but without this rezoning, it would not be feasible both physically or economically.

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

MOTION: Mr. Hosfeld moved to recommend approval of the application to Council as requested by Metropolitan Concepts, Inc., to rezone .53 acres located 7950 Normandy Lane from R-1c to APD. Mr. Looper seconded the motion. The motion was approved unanimously 7-0.

NEW BUSINESS

Park Place - Record Plan

Mr. Schwab reviewed the Record Plan for Park Place located along Centerville Station Road west of Forest Field Park and east of Station House Road. The zoning on the 4.3996 acre parcel is Single-Family Residential, R-1c, proposing 7 lots. Thoroughfare improvements will be required along Centerville Station Road and a fee-in-lieu of parkland dedication will be required as a part of this Record Plan.

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

1. In lieu of requiring an additional lane of pavement, sidewalks, curb, and storm sewers, Centerville Station Road shall be improved by the developer to the extent that provides safe ingress and egress, stormwater drainage and includes a temporary sidewalk. The design of these temporary improvements shall be subject to the approval by the City Engineer. The monetary difference between the full width improvement and the temporary improvements shall be placed in escrow with the City to be used for the future widening of Centerville Station Road.
2. Sidewalks shall be constructed on both sides of Forest Field Court.
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 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.
6. Prior to the signing of the record plat by the City, the developer shall pay a fee-in-lieu of parkland dedication in accordance with the provisions of City Ordinance 15-86, the City Parkland Dedication Ordinance.

MOTION: Mrs. Simmons moved to recommend approval of the Record Plan for Park Place subject to the following conditions:

1. In lieu of requiring an additional lane of pavement, sidewalks, curb, and storm sewers, Centerville Station Road shall be improved by the developer to the extent that provides safe ingress and egress, stormwater drainage and includes a temporary sidewalk. The design of these temporary improvements shall be subject to the approval by the City Engineer. The monetary difference between the full width improvement and the temporary improvements shall be placed in escrow with the City to be used for the future widening of Centerville Station Road.
2. Sidewalks shall be constructed on both sides of Forest Field Court.
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 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.
6. Prior to the signing of the record plat by the City, the developer shall pay a fee-in-lieu of parkland dedication in accordance with the provisions of City Ordinance 15-86, the City Parkland Dedication Ordinance.

Mr. Hosfeld seconded the motion. The motion was approved unanimously 7-0.

There being no further business, the meeting was adjourned.

A handwritten signature in cursive script, appearing to read "Chris [unclear]", with a long horizontal line extending to the right.

