

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, June 30, 1987

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

Attendance: Mr. Elmer Tate Jr., Chairman; Mr. Robert Looper; Mr. David Hall; Mrs. Marian Simmons; Mr. Robert Chappell (where noted). Absent: Mr. Robert Hosfeld; Mr. Stanley Swartz. Also present: Mr. Alan Schwab, City Planner; Mr. Robert N. Farquhar, City Attorney; Mr. Steve Feverston, Assistant City Planner.

Approval of the minutes of the June 9, 1987, Meeting:

MOTION: Mrs. Simmons moved to approve the Planning Commission minutes of June 9, 1987, as written. Mr. Looper seconded the motion. The motion was approved 4-0.

COMMUNICATIONS

Dayton, Power and Light Co. - Lot Split

Mr. Schwab reviewed a request by The Dayton Power and Light Company (DP&L) for a lot split (easement) to divide two (2) parcels of property that the company owns south of Zengel Drive, east of Pleasant Hill Drive and west of Silvertree Lane. The zoning on the property is R-1d, single-family residential with 15,000 square feet minimum lot size. There are currently 2 existing lots owned by DP&L. The request is to maintain the 2 lots in the same configuration; however, in order to sell the one five (5) acre lot to a separate owner, a 25 foot easement across this 5 acre lot to the 2.8 acre remaining lot must be created.

Staff recommended to approve the request as submitted.

Mr. Tate stated that he did not want to approve something that would place the existing gravel driveway on the future owner's lot, citing maintenance of the gravel driveway as his concern.

Mr. Harry Baughn, DP&L, submitted a concept of the 5 acre parcel for single-family development. The concept plan, as shown, places the access easement at the rear of two (2) of those single family lots.

Mr. Hall and Mr. Looper indicated that if they owned one (1) of those lots, they would prefer the driveway to be gravel rather than a paved surface.

MOTION: Mr. Looper moved to approve the request by The Dayton Power and Light Company to establish an easement on Lot #2 of their property located along Zengel Drive, as submitted. Mr. Hall seconded the motion. The motion was approved unanimously 4-0.

PUBLIC HEARINGSOtto W. Keene - Variance

Mr. Schwab reviewed the application submitted by Otto W. Keene requesting a side yard variance along the southeastern side of his property located at 5530 Knollcrest Court. The property is zoned R-1c which requires a 12 foot side yard setback and the applicant is requesting a 5 foot side yard setback in order to construct a carport. Mr. Schwab stated that there is a 5 foot utility easement along this same lot line, however, the construction of the carport would not encroach into this easement.

Staff recommended to approve the variance as requested due to the triangular shape of the lot and the lack of depth to the lot.

Mr. Tate opened the public hearing.

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

Mr. Hall asked how the driveway would be constructed.

Mr. Schwab indicated that it could be constructed to the lot line without any type of approval from the City.

Mrs. Simmons asked if the neighbors had been notified of the applicant's proposal.

Mr. Keene, applicant, stated that he did speak with his neighbors and they had no objection to the carport structure. He stated that they favored a carport structure rather than a detached garage structure.

MOTION: Mrs. Simmons moved to approve the variance application submitted by Otto W. Keene, property located at 5530 Knollcrest Court., as submitted. Mr. Looper seconded the motion. The motion was approved 3-0.

Due to a possible conflict of interest, Mr. Tate did not vote on the variance application issue.

C. B. Development Company - Variance

Mr. Chappell arrived at this time.

Mr. Schwab reviewed the variance application submitted by the C. B. Development Company located at 72-78 Westpark Road. The zoning on the property is I-1, Light Industrial. The request is to eliminate a sidewalk that was required under the Zoning Ordinance by virtue of a previous application which was approved to construct a warehouse building on the site. The Zoning Ordinance now requires a sidewalk to be constructed within the

public right-of-way if an addition is made to an existing structure, if such sidewalk does not formally exist.

Staff recommended that the variance request be denied based on no uniqueness to the property and on the requirement to encourage the addition of a sidewalk system where a major dollar expenditure occurred, even though sidewalks may not exist on any other lots in the area. The intent of the Zoning Ordinance requirement is to complete a sidewalk system as improvements are made to individual properties.

Mr. Schwab stated that there are basically two (2) issues before the Planning Commission--the first is the variance application in question; and, the second is whether the Planning Commission feels that the sidewalks should be required on developed properties as additions and improvements to those properties are requested.

Mr. Tate stated that if the sidewalk develops one (1) lot at a time, it will not be affective. He stated that the City should construct the sidewalk system in these areas and simply assess the property owners.

Mr. Charles Bossi, applicant, stated that the issue of constructing the sidewalk is not a financial one. He stated that if the City determined the sidewalk is necessary, he would put it in; however, he felt that it would serve no purpose since it would only start a sidewalk system that may never be completed.

Mr. Tate stated that two (2) similar applications are in the process of being filed.

Mr. Hall stated that be granting a variance for one property, the Planning Commission would be defeating the purpose for the provision in the Zoning Ordinance. He suggested perhaps waiting until adjacent properties develop and requiring the sidewalk improvements to take place in a unified fashion.

Mr. Bossi stated that the area in question is completely developed at this time.

Mr. Hall stated that the applicant had found a way to further develop his property and get himself into this situation--it is possible for other sites to develop in the same manner.

Mr. Looper stated that he felt that a variance should not be granted, but rather a change in the ordinance should be made.

Mr. Hall agreed that if the City desires sidewalks in a mature development, they should be constructed and the property owners assessed for that improvement.

Mr. Tate opened the public hearing.

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

Mr. Farquhar suggested that the Planning Commission grant the applicant an additional six (6) months to construct the sidewalks and, during that time, a change to the Zoning Ordinance could be considered. If this requirement for sidewalks is deleted from the Zoning Ordinance, the requirement for the sidewalks for this application could be removed at that time.

Mr. Bossi stated that he did not object to the application being tabled in order to resolve this issue.

MOTION: Mr. Hall moved to table the variance request and to grant a six (6) month abatement period on the installation of the required sidewalk. Mrs. Simmons seconded the motion. The motion was approved unanimously 5-0.

Mr. Looper stated that the Zoning Task Force is meeting on July 16, 1987, to review a separate issue. He strongly recommended that the Planning Commission request review of this sidewalk requirement issue at that meeting.

Mr. Tate asked Mr. Looper to request this matter be reviewed by the Zoning Task Force and a recommendation be made to the Planning Commission.

Marathon Petroleum Co. - Variance/Planning Commission Special Approval

Mr. Schwab reviewed the applications submitted by the Marathon Petroleum Company for their facility located at 199 North Main Street requesting the placement of a new pump island within 2 feet of the public right-of-way and the construction of a canopy over this pump island to overhang the right-of-way by 9 feet. The zoning on the property is Architectural Preservation (A-P). Mr. Schwab stated that it appears the reason for the wider right-of-way in this location was the result of storm drainage structures formally in this area.

Mr. Schwab pointed out that normally this type of application would be reviewed by the Board of Architectural Review (BAR) with their recommendation sent to the Planning Commission; however, the BAR has failed to generate a quorum at their last two (2) meetings. The Planning Commission must act on this application without a recommendation from the BAR since the time period will lapse before the BAR would have an opportunity to meet again.

Staff recommended approval of the variance application because the right-of-way in this particular location is of unique circumstance and no longer serves a purpose.

Staff recommended approval of the Planning Commission Special Approval application subject to the following conditions:

1. Approval of this application shall be contingent on the City granting the related pending variances requested by the applicant. These variances are to allow encroachment of the canopy over the public right-of-way and to allow the pump islands to be setback two (2) feet from the public right-of-way.
2. The mansard roof proposed on the canopy shall be changed to a pitch roof design subject to the approval of the Planning Department.
3. Lighting under the canopy shall be limited to a total of six (6) 400 watt metal halide fixtures (two fixtures per pump dispenser island).
4. The advertising signs on the pump dispenser shall be eliminated. Only directional and instructional signs appropriately sized for use by the operator of the pump dispenser shall be permitted.

Mr. Tate opened the public hearing.

Mr. Gary Hermann, Marathon Petroleum Company, stated that they would prefer to have 10 light fixtures for the facility from a safety and marketing aspect. He indicated that although they would prefer to have a more standard canopy, they recognize that the APD does have specific requirements that Marathon Petroleum will work to achieve.

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

Mr. Schwab indicated that the approval for the improvements to the Ashland Oil project included a condition that the lighting be reviewed by a lighting consultant to determine the proper amount of lighting to be used on the site.

Mr. Pete Allesee, Marathon Petroleum Company, stated that they need the lighting in order to market their product properly.

The members of Planning Commission felt that a lighting consultant should also determine the lighting issue as in the case of Ashland Oil.

MOTION: Mrs. Looper moved to approve the variance application as requested by the Marathon Petroleum Company for their facility located at 199 North Main Street. Mrs. Simmons seconded the motion. The motion was approved unanimously 5-0.

MOTION: Mrs. Simmons moved to approve the Planning Commission Special Approval application submitted by Marathon Petroleum Company subject to the following conditions:

1. Approval of this application shall be contingent on the City granting the related pending variances requested by the applicant. These variances are to allow encroachment of the canopy over the public right-of-way and to allow the pump islands to be setback two (2) feet from the public right-of-way.
2. The mansard roof proposed on the canopy shall be changed to a pitch roof design subject to the approval of the Planning Department.
3. A lighting consultant be hired by the City to work with City Staff and the applicant, to determine what lighting intensity would be appropriate for this location.
4. The advertising signs on the pump dispenser shall be eliminated. Only directional and instructional signs appropriately sized for use by the operator of the pump dispenser shall be permitted.

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

NEW BUSINESS

Cedar Cove - Major Use Special Approval

Mr. Schwab reviewed the Major Use Special Approval application for Cedar Cove located along the east side of Clyo Road north of Alex-Bell Road (SR 725). The zoning on the 18.5 acre parcel is Residential Planned Development (R-PD). The request is to construct 106 condominium units on the site for a density of 5.72 dwelling units per acre. The road improvements proposed as a part of this development are to extend existing Norwich Lane west to Clyo road in order to serve this new development. The parkland ordinance requires a .7884 acre fee-in-lieu of land for this particular project, based on one half credit given to the proposed private open space within the project. The units, in general, are to be a 2-story townhouse style with either 1 or 2 car garage spaces. Mr. Schwab stated that the several lakes shown on the plan have been designed to be used for retention and detention purposes.

Staff recommended to approve the Major Use Special Approval application subject to the following conditions:

1. The developer shall dedicate the 60 foot wide right-of-way and construct Norwich Lane as a public street across the southern portion of the property. Permits for a maximum of 63 dwelling units shall be issued by the City before the developer shall be required to record a plat dedicating the Norwich Lane Extension in accordance with the City Subdivision Requirements.
2. All private streets shall be constructed to City Standards excepting roadway width subject to approval by the City Engineer.
3. A sidewalk plan within the development approved by the City Planning Department shall be required.
4. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.
5. 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.
6. Prior to the issuance of the City of any zoning or building permits for the development, the developer shall pay the fee-in-lieu of parkland dedication. The amount of the fee shall be determined by an appraisal by a qualified independent appraiser approved by the Planning Commission in accordance with the provisions of City Ordinance 15-86, The City Parkland Dedication Ordinance.

Mr. Charles Simms, applicant, stated that they would have no objections to the staff recommendations as presented.

Mr. Gary Weaver, architect, stated that their attempt in this project is to create an attractive appearance from Clyo Road by staggering the setback of the building in that area. This will allow for the addition of green space along Clyo Road and also add interest to the project. Mr. Weaver stated the entrance to the project will have the two largest bodies of water and with the addition of a fountain and bridge in these areas, it should make a lasting impression of this community. The 106 units have been separated into smaller villages by constructing smaller cul-de-sacs. The units will be somewhat interchangeable so that each building will have its own character in a traditional colonial design. The brick textures will be changed throughout the community in order to maintain their individuality. The units will range in size from 1,000 to 1,400 square feet and will offer quality features.

Mr. Bill Denlinger, Woolpert Consultants, stated that the 20 foot streets within the project will not allow parking, however, parking will be provided within the landscaped island areas. The parking ratio, not including parking areas along the streets themselves, is 2.1 spaces per unit.

Mr. Looper expressed some concern as to the marketability of additional condominium units in this area of the City.

Mr. Simms stated that their project will be somewhat different than the others in the area because of the flexibility of the unit types within the project. He stated that they have been in the south Dayton area for many years and feel that this is the type of community that will be successfully marketed. He stated that should they require some modifications to their plan, their understanding is that this approval procedure would allow that flexibility to reconsider the plan by the City. Mr. Simms stated that the entire project will be completed over 3 to 4 years, constructing approximately 30 units per year.

MOTION: Mrs. Simmons moved to recommend approval of the Major Use Special Approval for Cedar Cove, subject to the following conditions:

1. The developer shall dedicate the 60 foot wide right-of-way and construct Norwich Lane as a public street across the southern portion of the property. Permits for a maximum of 63 dwelling units shall be issued by the City before the developer shall be required to record a plat dedicating the Norwich Lane Extension in accordance with the City Subdivision Requirements.
2. All private streets shall be constructed to City Standards excepting roadway width subject to approval by the City Engineer.
3. A sidewalk plan within the development approved by the City Planning Department shall be required.
4. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.
5. 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.

6. Prior to the issuance of the City of any zoning or building permits for the development, the developer shall pay the fee-in-lieu of parkland dedication. The amount of the fee shall be determined by an appraisal by a qualified independent appraiser approved by the Planning Commission in accordance with the provisions of City Ordinance 15-86, The City Parkland Dedication Ordinance.

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

Kentucky Fried Chicken - Planning Commission Special Approval

Mr. Schwab reviewed the Planning Commission Special Approval application submitted by Kentucky Fried Chicken requesting approval to convert the existing Ponderosa Restaurant site, located at 6230 Far Hills Avenue, to a Kentucky Fried Chicken Restaurant. The .96 acre parcel is zoned B-2 and, more specifically, is located on the southeast corner of Far Hills Avenue (SR 48) and North Village Drive. Although the existing will be demolished and replaced with a new structure, the site plan layout will remain basically the same. The structure will be of brick material, with a mansard style roof and a cupola is to be located at the front of the structure. The main entrance and 33 parking spaces will be oriented on the south side of the restaurant. Employee parking is to be located on the east side of the site with the new brick dumpster area directly to the north of that parking area. The traffic pattern is to be a one-way circulation around the building with an escape exit to North Village Drive. The drive-thru window is to be on the north side of the building with 8 stacking spaces between the call-in point and pickup window. Mr. Schwab stated that the new structure will reduce the amount of paved area on the site and, therefore, will not require additional retention to what currently exists.

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

1. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.
2. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.
3. Any sign placed on, above, or incorporated into the cupola is considered a roof sign under the sign section of the City Zoning Ordinance and, therefore, prohibited.
4. The building location be permitted to be relocated slightly back should it be necessary in order to maintain a 20 foot setback from the sanitary sewer lines on the site.

Mr. Fred Williams, architect, stated that the new concept is providing 48 seats in the restaurant for their customers. He stated the design of the new restaurant will reduce the amount of pavement on the site and felt that its addition will be an attractive one to the area.

Mr. Looper asked the color scheme of the building.

Mr. Williams stated that the building material will be of red brick with a gray mansard asphalt shingle roof.

MOTION: Mr. Looper moved to approve the Planning Commission Special Approval application submitted by Kentucky Fried Chicken subject to the following conditions:

1. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.
2. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.
3. Any sign placed on, above, or incorporated into, the cupola is considered a roof sign under the sign section of the City Zoning Ordinance and therefore prohibited.
4. The placement of the building, if required to be moved because of a sanitary sewer line shall be subject to approval by the Planning Department.

Mrs. Simmons seconded the motion. The motion was approved 5-0.

Deer Run Road/Hartcrest Lane - Record Plat (Street Dedication)

Mr. Schwab reviewed the Record Plan (Street Dedication) for Hartcrest Land and Deer Run Road located in the Deer Run Condominium project along the west side of Clio Road south of Alex-Bell Road (SR 725). The zoning on this .762 acre area is Residential Planned Development (R-PD). This Record Plan would allow the project to continue into its second phase of development.

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

1. The Washington Township Fire Department shall approve the layout of fire hydrants within the plat.
2. 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.

June 30, 1987

PC

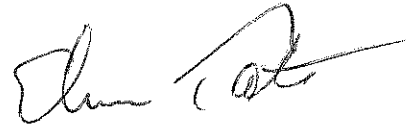
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MOTION: Mr. Chappell moved to approve the record plat for Deer Run Road and Hartcrest Lane subject to the following conditions:

1. The Washington Township Fire Department shall approve the layout of fire hydrants within the plat.
2. 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. Hall seconded the motion. The motion was approved unanimously 5-0.

There being no further business, the meeting was adjourned.

A handwritten signature in black ink, appearing to be "Elmer" followed by a stylized flourish.

