

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, October 14, 1986

Mr. Tate called the meeting to order at 7:35 P.M.

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

Approval of the minutes of the September 30, 1986, Meeting:

MOTION: Mr. Looper moved to approve the Planning Commission minutes of September 30, 1986, as written. Mrs. Simmons seconded the motion. The motion was approved unanimously 6-0.

PUBLIC HEARINGS

Thomas O'Rourke (Centerville 76) - Variance of Front Yard Setback Requirement/Special Approval Amendment

Mr. Schwab reviewed the variance request for a front yard setback requirement submitted by Thomas O'Rourke, owner of the Centerville 76 service station located at 998 South Main Street. The zoning on the parcel is B-2. The purpose of the variance is to further request a special approval amendment to allow construction of a 24 ft. by 30 ft. canopy over the pump island along East Spring Valley Road. The required front yard setback is 50 ft. and the applicant is requesting a 7 ft. setback. Staff felt that the filling station use in comparison to other business uses was unique since the canopy was necessary to operate the business at this location.

Staff recommended to approve the variance request subject to the following condition:

1. The minimum building setback line shall be varied to ten (10) feet instead of seven (7) feet.

The reason for this condition is that a variance is that a variance should be the minimum variance that accomplishes the purpose of the request. General State guidelines, referring to filling stations, show a 10 ft. setback from the right-of-way are canopies.

Special Approval Amendment

Mr. Schwab reviewed the application for a Planning Commission Special Approval requesting the construction of the canopy along the south side of the existing building. The existing pumps would be removed and replaced during the construction of the canopy structure. The existing pumps on the west side of the building have a canopy in place that has been constructed with a pitched roof style. The building has a

mansard style roof. The proposed canopy suggests that the construction have a flacia face which would differ from those designs existing. Mr. Schwab pointed out that the applicant did intend, at some time in the future, to replace the existing canopy with one that would match the proposed style.

Staff recommended to approve the Special Approval Amendment with the following condition:

1. The architectural design of the proposed canopy shall match the architecture of either the existing canopy (pitched roof) or of the existing principal building (false mansard roof) to create a unified design on the premises.

Mr. Swartz asked if the location of the proposed canopy would interfere with the widening of Spring Valley Road.

Mr. Schwab stated that there are no detailed drawings of the improvement. However, the sketches indicate that this will not create any interference.

Mr. Looper asked if by allowing a 10 ft. setback instead of the requested 7 ft., it would require the pumps to be moved.

Mr. Schwab stated the pumps would have to be moved or a smaller canopy would have to be used.

Mr. Thomas O'Rourke, applicant, stated that moving the pumps would not create any unnecessary expense since they will be replaced anyway; however, moving them back 3 ft. would tighten up the parking area along the south side of the building.

MOTION: Mr. Hall moved to approve the Variance and Special Approval Amendment requests by Thomas O'Rourke for Centerville 76 located at 998 South Main Street to allow the construction of a canopy with the following conditions:

1. The minimum building setback line shall be varied to ten (10) feet instead of seven (7) feet.
2. The architectural design of the proposed canopy shall match the architecture of either the existing canopy (pitched roof) or of the existing principal building (false mansard roof) to create a unified design on the premises.

Mrs. Simmons seconded the motion. The motion was approved unanimously 6-0.

OLD BUSINESSCrockett/Leen - Lot Split

Mr. Hosfeld left the meeting room at this time due to a possible conflict of interest.

Mr. Schwab reviewed the requested lot split stating that he had discussed the concerns of the Planning Commission during their last meeting with the City Attorney. It is the opinion of the City Attorney that the request not be granted based on the idea that undersized lots would be created, as well as the ramifications of such actions should the owners have disputes concerning the maintenance of the property. The City Attorney did point out that should the Planning Commission approve this request, protective covenants could be placed on the deed; however, he did have enough concern with the legal implications that he did not recommend the split.

MOTION: Mr. Looper moved to remove the lot split request from the table. Mr. Hall seconded the motion. The motion was approved unanimously 5-0.

Mr. and Mrs. Thomas Leen and Mr. and Mrs. Russell Crockett, applicants, were present to discuss their request.

Mr. Crockett pointed out that they would be more than willing to have protective covenants written that would satisfy the City Attorney.

Mr. Leen stated that he felt the City Attorney was looking at the request in a cold fashion and did not understand their personal concerns.

Mr. Hall stated that the Zoning Ordinance was written to appeal to the desires of good, sound development and planning. He emphasized that although he understood the concerns of the applicants, lots could not be zoned on the basis of everyone's personal needs.

Mr. Tate stated that even if the applicants were to supply additional information at the next meeting as suggested by Mr. Crockett, the Planning Commission did not feel it would change their minds. He, therefore, suggested that the request be denied and the applicants could appeal the Planning Commission decision to Council.

MOTION: Mr. Looper moved to deny the lot split request by Crockett/Leen. Mr. Hall seconded the motion. The motion was approved unanimously 5-0.

Mr. Hosfeld returned to the meeting at this time.

An Ordinance Which Establishes Parkland Dedication Of Fees-In-Lieu Requirements For New Residential Subdivisions Or Developments

MOTION: Mr. Hall moved to remove the Ordinance from the table. Mrs. Simmons seconded the motion. The motion was approved 6-0.

Mr. Schwab reviewed the three concerns the Planning Commission had with the proposed Ordinance at the last meeting. The first concern was if fees collected under the provisions of the Ordinance could be used for purchasing parkland outside the City.

Mr. Schwab stated that the Ordinance was written in such a way that only land within the City or adjacent to the City could be purchased with fees collected under this Ordinance.

The second concern was how the basis for determining the ratio of parkland to persons as a standard in the Ordinance. The City Attorney has indicated that the Planning Commission can determine a reasonable standard for the community that can be substantiated meeting the public health, safety and welfare of the community.

The third issue is the penalty clause in the current Ordinance. The City Attorney felt that it would be the determination of the Planning Commission as to whether there be no clause, use the existing clause, or modify the existing penalty clause.

After discussion of their concerns, the following recommendation to Council was made.

MOTION: Mr. Hall moved to recommend adoption of the Ordinance with the following modifications:

1. Section 12: Modify, as recommended by staff, to allow land or fees to be obtained on a proportional basis as the plat develops.
2. Modify Section 17 on the criminal penalty to include a provision to withhold the issuance of building permits.
3. Consideration be given to referencing the Zoning Ordinance and Subdivision Regulations in the licensing requirements so that any applicant will be aware of these requirements of those Ordinance provisions.

Mr. Looper seconded the motion. The motion was approved unanimously 6-0.

NEW BUSINESSNorwich Lane - Record Plan (Street Dedication)

Mr. Schwab reviewed the Record Plan for the extension of Norwich Lane to become a dedicated street as was a condition of Tifton Greens reviewed by Council earlier in the year. The location of the street dedication is an extension of existing Norwich Lane west of Olde Greenbrier Lane. The zoning on the .66 acre parcel is R-PD and O-PD.

Staff recommended that the Record Plan be approved with the following conditions:

1. The Washington Township Fire Department shall approve the layout of fire hydrants with 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.

MOTION: Mrs. Simmons moved to recommend approved of the Record Plan for Norwich Lane with the following conditions:

1. The Washington Township Fire Department shall approve the layout of fire hydrants with 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. Looper seconded the motion. The motion was approved unanimously 6-0.

Deer Run Road - Record Plan (Street Dedication)

Mr. Schwab reviewed the Record Plan for the extension of Deer Run Road to become a dedicated street as was a condition of approval for Deer Run reviewed earlier in the year by Council. The location of the street is an extension of existing Deer Run Road along the west side of Clyo Road. The zoning on the .619 acre parcel is R-PD. Thoroughfare improvements included in this plan would be the median break to allow access to the street from Clyo Road.

Staff recommended that the Record Plan be approved subject the following conditions:

1. The Washington Township Fire Department shall approve the layout of fire hydrants with 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.

MOTION: Mr. Hall moved to recommend approval of the Record Plan for Deer Run Road with the following conditions:

1. The Washington Township Fire Department shall approve the layout of fire hydrants with 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.

Mrs. Simmons seconded the motion. The motion was approved unanimously 6-0.

The Planning Commission members discussed the tentative meeting schedule for the month of December. The Planning Commission will meet on December 9, 1986, for the final meeting of the year unless otherwise necessary.

There being no further business, the meeting was adjourned.

