

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, October 29, 1985

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

Attendance: Mr. Elmer C. Tate Jr.; Mr. Robert Looper; Mr. Dave Hall; Mr. Brian Bergsten. Absent: Mrs. Marian Simmons; Mr. Robert Hosfeld; and Mr. Robert Chappell. Also present: Mr. Alan C. Schwab, City Planner; Mr. Karl Schab, City Engineer; Mr. John Petzold, legal counsel; Mr. Steve Feverston, Assistant City Planner; Mr. Jon Bormet, Assistant City Manager.

Approval of the minutes of September 24, 1985:

MOTION: Mr. Hall moved to approve the Planning Commission minutes of September 24, 1985, as written. Mr. Looper seconded the motion. The motion was approved unanimously 4-0.

SETTING OF PUBLIC HEARINGS

None.

PUBLIC HEARINGS

Bob Ross Mercedes Benz - Sign Variance

Mr. Hall excused himself from the meeting to avoid a potential conflict of interest.

Mr. Schwab presented the application for Bob Ross Mercedes Benz located on the southeast corner of SR 48 and Loop Road. The zoning on the property is B-2, Roadside Business. The applicant is requesting to vary the setback, height and total area of the proposed ground sign, as well as the number and sign area of the wall signs. The zoning ordinance allows for a ground sign to be six (6) feet in height at the minimum setback line which is twenty-five (25) feet from the public right-of-way. The applicant has requested a sign height of twenty-five (25) feet and a setback of seventeen and one-half (17.5) feet. The zoning ordinance permits a ground sign to have a maximum area of thirty-two (32) square feet per sign face and sixty-four (64) square feet in total area. The applicant has requested forty-nine (49) square feet per sign face and ninety-eight (98) square feet in total area. The zoning ordinance allows only one distinct building frontage where wall signs may be located regardless if the property is a corner lot or not. The applicant is requesting four building frontages. The zoning ordinance permits a maximum wall sign area for this property of one hundred forty-four (144) square feet. The applicant has requested one hundred seventy-eight (178) square feet of wall sign area.

In reviewing the variance checklist, staff felt that this particular property had no unique characteristic which would warrant the granting of a variance. It was, therefore, the recommendation of staff to deny the variance request.

Mr. Tate opened the public hearing.

Mr. Adrian Rose, of Cushwa Drive, spoke to the variance request. He stated

that he would be opposed to the size, height and setback of the proposed ground sign. He further stated that the Mercedes Benz logos proposed for the building walls were unnecessary.

Mr. Tate closed the public hearing.

There was a lack of a quorum to act on this variance request.

MOTION: Mr. Bergsten moved to continue the public hearing to the next meeting. Mr. Looper seconded the motion. The motion was approved unanimously 3-0.

Mr. Hall returned to the meeting at this time.

UNFINISHED BUSINESS

Michael Darr - Lot Split

Mr. Schwab stated that the applicant has requested to split two (2) existing lots into four (4) lots at the end of Stanley Mill Drive. This application was tabled at the last meeting to allow the applicant time to explore different options.

Mr. Michael Darr, applicant, stated that he has been in contact with the County Sanitary Department and he is willing to dedicate an easement to them allowing access to the water and sewer lines that would be placed in this easement. He also stated that he would be willing to construct a private drive, according to city standards, that would be able to support a fire truck or a load of 7,500 pounds per square foot. The street would be only one lane wide however.

Mr. Bergsten stated that he would not be in favor of allowing development to occur in a manner that circumvents the subdivision regulations. He stated that the proposed private drive be a public street having the same width as the existing Stanley Mill Drive.

MOTION: Mr. Bergsten moved to remove this application from the table. Mr. Looper seconded the motion. The motion was approved unanimously 4-0.

MOTION: Mr. Looper moved to deny this application for a lot split. Mr. Bergsten seconded the motion. The motion was approved 3-0-1 with Mr. Tate abstaining from the vote.

Mr. Tate advised the applicant of his right to appeal this decision to City Council.

NEW BUSINESS

Throckmorton Brothers, Inc.

Mr. Schwab reviewed the request submitted by Throckmorton Brothers for a temporary garden center to be located on the northwest corner of East Franklin Street and Compark Road. The vacant Sohio building on the site will be utilized for storage and sales transactions. Two (2) curb cuts closest to the

intersection will be closed. The purpose of the temporary garden center is for the sale of Christmas Trees. This application is identical to first temporary garden center, by Throckmorton Brothers, at this location in the spring. The time period for the temporary garden center would extend from November 15 through December 31. The proposed "V" shaped sign exceeds the maximum sign face area permitted by the zoning ordinance. The sign would comply if each face were folded back to back where both sides were not visible at any one point.

Staff recommended approval of the request subject to the condition that the proposed temporary sign comply with the sign ordinance.

Mr. Hall stated that this garden center, by selling Christmas Trees, competes directly with the service clubs and other non-profit organizations whose sales directly benefit the community.

MOTION: Mr. Looper moved to recommend approval to City Council the application for Throckmorton Brothers, Inc. subject to the condition that the temporary sign not be in a "V" shaped configuration. Mr. Bergsten seconded the motion. The motion was approved 3-1 with Mr. Hall voting against the motion.

Strahler, Conrad C. & W. Jane - Lot Split

Mr. Schwab reviewed the application for a lot split requested by Mr. and Mrs. Strahler. The property is located on the northwest corner of Westerfield Drive and White Birch Drive. The zoning on the property is R-3. A two-family dwelling unit exists on the site. The applicant has requested the lot be split along the common wall between the dwelling units. Should the lot split be granted, both lots would be below the minimum lot area required by the zoning ordinance. A similar lot split was approved by the Planning Commission on Princewood Drive in approximately 1980. Based on this previous approval, staff recommended approval of this lot split.

Mr. Hall stated that he would not be in favor of splitting a double family residence due to the fact that each lot would be below the minimum lot size, the potential of conflicts between the two property owners, and aesthetic considerations.

MOTION: Mr. Hall moved to deny the application for a lot split. Mr. Looper seconded the motion. The motion was approved unanimously 4-0.

Burger King/Firestone Service Center - Conditional Use/Site Plan

Mr. Schwab reviewed the plan for a Burger King Restaurant and Firestone Service Center to be located in the Cross Pointe Centre north of Alex-Bell Road (SR 725) and east of SR 48. This is the same location for which an application was earlier submitted for the construction of a Rocky Rococo Pizza shop. This application was subsequently withdrawn. This application was different in that it proposed a large increase in the buffer area in front of the properties. The buffer area would be a mound covered with a landscaped area to soften the impact of these uses on the neighborhoods.

Staff recommended approval of the application subject to the following conditions:

A revised site plan shall be submitted to and approved by the City Planning Department, incorporating the following information:

1. Detailed architectural elevations of all buildings;
2. A detailed grading and landscaping plan for the earth berm located at the front of the property;
3. Location and screening design for any dumpster located on the site;
4. The location and type of all exterior lighting fixtures;
5. Fire hydrant location(s) and water line plans approved by the Washington Township Fire Department;
6. Fifteen (15) foot minimum radius turns on the inside curbs for the drive-through lane approaching and leaving the menu board call-in parking space.

Mr. Schwab advised that signage for these two businesses was not being submitted at this time.

Mr. Bergsten asked about the location of the dumpsters. He also asked about the number of parking spaces required for the Burger King and Firestone.

Mr. Schwab stated that the Firestone Service Center would have internal provisions for trash pickup and that the Burger King dumpster location would be the same as that for the previous location. He further stated that there would undoubtedly be enough spaces proposed since they are located in a shopping center. If there was any overflow spaces required, the employees would probably park in the shopping center parking lot.

At this point, several residents in the area asked for and received permission to state their opinions.

Mr. George Monington, 185 Cushwa Drive, spoke as a representative of the residents. He read a letter stating those concerns. A copy of this letter is attached to these minutes.

Mr. Ron Honeycutt, 121 Cushwa Drive, stated that he felt that if these plans had been originally submitted on the shopping center plans, the residents would have been against the center.

Mr. Bob King, 124 Cushwa Drive, asked what the next steps in this application procedure would be.

Mr. Schwab advised that the Planning Commission would make their recommendation to City Council who would take final action on this application.

Mr. Jeff Tulloch, Vice President of the Linclay Corporation stated that he had met with the residents about their concerns. He stated that the Firestone

Service Center will have a similar architectural design as the rest of the center. He felt his company was interested in reaching a compromise with the residents that wouldn't be objectionable.

The residents expressed concern about the possibility of the Burger King being open until 3 A.M.

Mr. Tulloch replied that the businesses in the center are required to have a minimum of hours but there is no requirement as to a maximum number of hours.

MOTION: Mr. Hall moved to recommend denial of this application to City Council. Mr. Bergsten seconded the motion. The motion was approved unanimously 4-0.

Country Place, Sec. 1 and 2 - Performance Bond Release

Mr. Schab stated that a final field inspection by Centerville and Washington Township was recently made on the Country Place subdivision. All corrections have been executed by the developer and Washington Township has accepted the roadway for public use and maintenance. It was recommended to release the full amount of the performance bond of two hundred thousand five hundred dollars (\$200,500) subject to the receipt of a Maintenance Bond of ten thousand dollars (\$10,000) for the duration of one year to be made out to Washington Township.

MOTION: Mr. Looper moved to release the Performance Bond for The Country Place, Sections 1 and 2 as recommended by staff. Mr. Hall seconded the motion. The motion was approved unanimously 4-0.

Ron R. Kronenberger Realty Inc. - Site Plan

Mr. Schwab reviewed the request submitted by Ron R. Kronenberger Realty for a shopping center to be located on the northern 4.6 acres of the property located at 166 North Main Street. This application is a Procedure 4 application and that requires review by both the Planning Commission and the Board of Architectural Review since this property is located in the Architectural Preservation District. Both boards will review the application and forward their recommendations to City Council who will vote on the application at their meeting.

The elements of the application to be reviewed by the Planning Commission are use, structures, setback, paving, parking, screening(location and height), and storm water drainage. The elements of the application that were reviewed by the Board of Architectural Review were the architectural elevation, screening (material only), exterior lighting, and signage.

Mr. Schwab stated that this application was proposing side yard parking and this would be prohibited under the Architectural Preservation ordinance unless a variance was granted.

Staff recommended approval subject to the following conditions:

1. The applicant shall be required to construct a new brick sidewalk within the public right-of-way across the entire front of the property adjacent

to North Main Street in accordance with plans and specifications approved by the City Engineer.

2. A revised plan shall be submitted subject to the approval of the City Planner incorporating the following revision to the parking layout:

The boulevard parking area at the side of each building shall be changed to a row of parking spaces off each side of a single center two-way driveway between the access to North Main Street and the rear parking area.

3. Screening seven (7) feet high shall be required along the entire north, south, and east property line; however, screening shall not extend into the front yard.

Screening shall also be required between the back of each building and the corresponding side lot line to block the paved area behind each building (directly north and south of each building) from being viewed from North Main Street. Dumpsters located in this area do not need to be individually screened.

If landscaping is the screening material utilized, the ten (10) foot planting strip width shall be increased to minimum of twenty (20) feet.

4. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.
5. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be subject to the approval of the City Engineer.

Note:

- A. Notwithstanding discussions of the past to the contrary between the applicant, other parties involved, and the City Planning Dept. Staff, the position of the City Planning Department at this time, after discussion with the City Attorney, is that a retail shopping center is a permitted use within the Architectural Preservation District.
- B. The document entitled "Old Town Estates, A Land Use Study" authored earlier this year by Steve Feverston, an employee of the City Planning Department, was prepared to meet a requirement of a University of Cincinnati class attended by the author. Although this document deals in part with a portion of the property that is the subject of this application, this document was not financed, authorized, or adopted by the City of Centerville, its Council, or any of its Boards or Commissions.

To the best of the City Planner's knowledge, distribution of this document was limited to the Gerber Family, the realtor representing the Gerber Family, and the other members of Mr. Feverston's class. In the remote case that any member of the City Planning Commission, the Board of Architectural Review, or the City Council has read this

document or discussed the contents of this document with another person who has read the document, the City Planning Dept. recommends that this document not be used as a basis for any decision regarding this application.

Mr. Harvey McCormick, 175 Maple Avenue, representing the Concerned Citizens of Centerville, stated that he didn't feel the area needed another shopping center. He expressed concern about the increase in traffic and the safety of the neighbors and the large amount of parking. He presented a petition to the Chairman of the names and addresses of those citizens opposed to this application.

Mr. Tate asked for the Board of Architectural Review's recommendation.

Mr. Feverston read the recommendation of the Board of Architectural Review

Mr. Hall asked what the building mass was.

Mr. Feverston advised that it is approximately 18,800 sq. ft. and explained that staff's recommendation of 5,000 sq.ft. was to keep the building size in the character of the Architectural Preservation District.

Mr. Bergsten stated that he felt the use seemed inappropriate in the AP District.

Mr. Tate stated that he felt there was too much proposed for one lot and expressed concern about the flow problem with parking in the rear of the center.

A citizen residing on Maple Avenue expressed concern about the fact that this egress would come into North Main Street between the two egresses from Colonial Court and would compound the traffic problem there.

Mr. Kronenberger asked the Planning Commission to consider his application since the use is an approved use for the property.

MOTION: Mr. Looper moved to recommend denial of this application to City Council. Mr. Bergsten seconded the motion. The motion was approved unanimously 4-0.

Avis Used Car Dealership - Site Plan

Mr. Schwab reviewed the application for the construction of a used car dealership located on the north side of Loop Road east of and adjacent to the Voss Chevrolet new car dealership.

Staff recommend approval of the application subject to the following conditions:

1. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.

2. The plan for all exterior lighting shall be subject to the approval of the City Planner. The lighting plan shall minimize the impact of the exterior lights on the adjacent residential neighborhood.

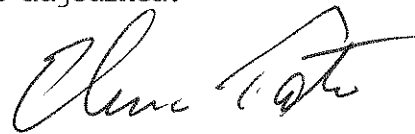
3. Fire hydrant location(s) and water line plans shall be subject to the approval of the Washington Township Fire Department.

MOTION: Mr. Looper moved to approve this application subject to staff's recommendations. Mr. Bergsten seconded the motion. The motion was approved unanimously 4-0.

The next regular meeting was scheduled for Tuesday, November 12, 1985, at 7:30 P.M. in the council chambers.

The regular Planning Commission meeting for December was scheduled for Tuesday, December 10, 1985, at 7:30 P.M. in the council chambers.

There being no further business, the meeting was adjourned.



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Centerville Planning Commission

As a spokesman for some of the residents of Washington Park. We are here to voice our objections to the proposed variance request of Linclay Corp. As voting residents of Centerville, we would expect you, our representatives, to recommend a negative note for this variance request.

We will not stand by and see our residential neighborhood destroyed and our peace and quiet disturbed for the profit motives of a few without voicing our disapproval.

This is an issue of grave importance. The developer, Linclay Corp., submitted a development plan which we approved. Crosse Point is the result of that decision. Now, Linclay is pleading for a variance. If this plan for outlots had been in the original plan we doubt it would have met with your approval. The short time upon since the original approval does not warrant a change of attitude. Now that they realize the residents are happy with the shopping center, they want to take advantage of us in order to realize greater profits.

As voting citizens of Centerville, we do not approve of these tactics. This kind of business is not in the best interest of our community and we want the planning commission to disapprove this request for variance.

We plan to join other Centerville citizens to form a political action group to see that the city residents are served and that their wishes are not subdued by special interest groups.

Our objections are listed herewith:

1. This variance is not in compliance with the original plan which sited one building instead of two in the outlot in question.
2. Light and sound barriers are inconsistent and inadequate.
3. The covenants and deed restrictions will not be enforceable if the lots are resold.
4. Restaurants like Burger King advertise open hours to 3 a.m.
5. There are pull in parking spaces facing Alex-Bell. This constitutes a light distraction to traffic on the highway and creates a traffic hazard.

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6. Businesses which create automobile traffic also create added noise. The intense stress this causes nearby residents is alleviated by the erection of sound barriers between highways and homes. No barriers are being considered for this project other than a very narrow strip of green space.
- 6A. Operating hours for businesses need to be considered for the well being of the neighboring citizens. Restrictions should allow no variance from normal business hours - 8 a.m. to 9 p.m.
7. Police protection cannot be enforced on private property. Traffic noises such as screeching tires and sudden acceleration cannot be regulated.
8. In order to preserve the character of our city, business districts must be clearly defined with no overflow effects on the adjacent residential neighborhoods. Fast food operations have many ramifications on the adjoining areas. They need to be placed in zones which have been previously designated.
9. Parking restrictions are being reconsidered by the City of Centerville. It is in the best interest of our city that this property be in compliance with those restrictions.

These are the primary objections to this proposal. As representatives we are sure you will deny Linclay's request for a variance.

Concerned Citizens