

CENTERVILLE PLANNING COMMISSION  
REGULAR MEETING  
Tuesday, January 29, 1985

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

Attendance: Mr. Elmer C. Tate, Jr.; Mr. Robert Looper; Mr. Brian Bergsten; Mrs. Marian Simmons; Mr. Robert Hosfeld; Mr. David Hall; Mr. Robert Chappell (where noted). Also present: Mr. Alan C. Schwab, City Planner; Mr. Karl M. Schab, City Engineer; Mr. Steve Feverston, Planner; Mr. Jon Bormet, Assistant City Manager.

Approval of the minutes of December 6, 1984:

MOTION: Mr. Hall moved to approve the Planning Commission minutes of December 6, 1984, as written. Mr. Looper seconded the motion. The motion was approved unanimously 6-0.

Approval of minutes of December 18, 1984:

MOTION: Mr. Looper moved to approve the Planning Commission minutes of December 18, 1984, as written. Mr. Hall seconded the motion. The motion was approved 4-0-2 with Mrs. Simmons and Mr. Bergsten abstaining.

Mr. Chappell arrived at this time.

SETTING OF PUBLIC HEARINGS

The following item was scheduled for public hearing for Tuesday, February 26, 1985, at 7:30 P.M., to be heard in the City Building:

Huntington Bank - Sign Variance  
Location: 60 Loop Road

PUBLIC HEARINGS

U-Haul/Union 76 - Variance on Outdoor Storage

Mr. Schwab reviewed the requested by the U-Haul Company on behalf of the Union 76 station located on the northeast corner of SR 48 (South Main Street) and Spring Valley Road. The purpose of the requested variance is for outdoor storage of U-Haul trucks and trailers. The zoning on the parcel is B-2, Roadside Business. The trucks are presently being stored on the property to the east and north of the building. Mr. Schwab explained that the B-2 zoning classification prohibits outdoor storage and sales of items. That has been interpreted to include this type of activity. A notice of violation was issued by the Zoning Inspector requesting compliance with the Zoning Ordinance. This application is requesting release of further action by the Zoning Inspector.

In reviewing the variance checklist, staff concluded that the request did not meet the guidelines for granting a variance. Staff, therefore, recommended that the application be denied.

Mr. Tate opened the public hearing.

Mr. Mike Nichols, U-Haul Company, stated that he did not agree with the interpretation of the Zoning Ordinance regarding outdoor storage. He stated that the violation that they were cited for in the Zoning Ordinance

made no mention of outdoor storage. He stated that the areas in Centerville that this type of business is permitted would not be advantageous to the business. Mr. Nichols stated that they would be willing to come to some kind of compromise in order to keep the business, however, they did not really know what it would be.

Mr. Tom O'Rourke, owner of the Union 76 station, stated that he had been renting equipment from the U-Haul Company for approximately 2 years. He stated that the equipment is always kept to the rear or side of the station in order to make it as orderly as possible. Mr. O'Rourke stated that this is a vital part of his business, especially since there are no other locations in Centerville that this equipment is available. He stated that the equipment is all licensed vehicles and he debated that licensed vehicles would be classified as outdoor storage.

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

Mr. Bergsten asked if automobile dealerships were handled under the same zoning restrictions.

Mr. Schwab stated that automobile dealerships were listed as a permitted use in a B-2 district. He stated that it has been interpreted over the years that this type of rental equipment is considered storage.

Mr. Hall asked if any opinion from Counsel had been obtained on storage use of this fashion.

Mr. Schwab stated that an opinion had been obtained for a situation on this same property, which was at the time under the ownership of another person, that involved the parking of tree trimming vehicles on this site overnight in exchange for servicing this equipment with gasoline. At that time, it was considered a storage use which is only permitted as a conditional use in the light industrial district since it was a contract of storage situation. Mr. Schwab stated that a variance hearing can be an interpretation process of its own.

Mrs. Simmons suggested that a legal opinion be obtained before a decision is made by the Planning Commission.

MOTION: Mrs. Simmons moved to table the request submitted by the U-Haul Company/Union 76 in order to obtain a legal opinion from the City Attorney. Mr. Hall seconded the motion. The motion was approved 6-0-1 with Mr. Looper abstaining.

Friendship Village of South Dayton, Inc. - Rezoning from R-1 to E-C/  
Conditional Use Application

Mr. Schwab reviewed the rezoning and conditional use applications submitted by Friendship Village of South Dayton, Inc., requesting a change in the zoning from R-1 single-family residential to E-C Entrance Corridor. The location of the 15 acre parcel is north of the northeast corner of Whipp Road and Marshall Road. The purpose of the conditional use application is to construct a retirement center and nursing home under the E-C zoning if it is granted. The entire parcel is surrounded by single-family residential with the exception of the school which is located on the west side of Marshall Road. The Comprehensive Plan indicates that low density single-family residential development should be appropriate for this area. If

the parcel is rezoned to the E-C classification, all uses are conditional uses and must be reviewed and approved by City Council.

Staff recommended to disapprove the rezoning application based on the following reasons:

1. The City Master Plan designates low density single-family residential land use for this land.
2. The City Policy Plan residential land use goal is to maintain the character of the community as predominately low density single-family residential.
3. Large tracts of undeveloped E-C zoned land exists within the City.
4. The granting of the requested rezoning would confer special privileges to the applicant that are denied other similarly situated properties in the area.

Mr. Schwab stated further that staff had some concern if the E-C zoning were granted it could be possible that the parcel could be developed in many other ways than what is proposed. If Council did not agree that any other proposals were acceptable, the owners would have legal recourse to get that decision overturned by the courts.

The conditional use application proposes 200 elderly apartment units to be constructed 100 at a time, and a 60 bed nursing home which would be the final phase. The parking proposed would number 278 spaces. Improvements and the widening of Marshall Road would be necessary to serve this area. The circulation pattern within the site is to be a loop drive around the entire facility with parking off of that loop drive. There would be no access to Essex Way which is a stub street to the east of the parcel and leads to the adjoining Red Coach subdivision area. Buffer areas have been indicated on the plan on the north, south and east sides of the parcel to screen the development from the adjoining residential areas.

Staff recommended the following conditions to the conditional use application should the rezoning be granted:

1. Forty-three (43) feet of right-of-way from the centerline of Marshall Road across the front of the property be dedicated to the appropriate public authority.
2. The equivalent of one (1) lane of pavement widening shall be added to Marshall Road across the front of the property. This widening shall include curb, gutter, storm drainage, and sidewalk improvements in the public right-of-way along the east side of Marshall Road. These plans shall be subject to the approval of the City Engineer.
3. Vehicular access to Essex Way shall be prohibited; however, pedestrian access shall be permitted.
4. The two (2) temporary cul-de-sacs in Phase 1 shall be paved with a hard surface.

5. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Twp. Fire Department.
6. The emergency vehicular access between the buildings shall be capable of supporting a 75,000 pound load.
7. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.
8. The plan for all exterior lighting shall be subject to the approval of the City Planner.
9. The tennis courts shall not be illuminated.

Mr. Tate opened the public hearing.

Mr. Robert Hadley, Attorney for Friendship Village, Mr. Henry Gathigan, Executive Director for Friendship Village, and Mr. Earl Hayes, Architect for Friendship Village, were present for the review of their application. Mr. Hadley explained that the facility is a non-profit facility and their trustees are made up of businessmen throughout the Dayton area supporting the idea of a retirement village. The village is a "life care" concept which offers apartment type living for their residents for the remainder of their lives. It also offers skilled nursing care when it is necessary so that the resident does not have to leave the community. The proposed apartment units will be 1 and 2 bedroom units which will range from \$39,000 to \$79,000 each. The design of the buildings is of brick veneer construction with a mansard roof. Mr. Hadley stated that the site only abuts approximately 10 to 12 homes and that is important when considering the impact on the neighborhood. The ravine to the south of the site effectively cuts off the other properties to the site. He stated that they have reviewed different sites for a period of 6 years before choosing this location. The other E-C districts in the City simply do not meet the needs of this type of facility.

Mr. Hadley stated that no access to Essex Way would be permitted and they agree that it should not be permitted. He stated if the area were developed single-family residential, access would be permitted to Essex Way and would affect the neighborhood more than what is proposed. He stated that he did not agree with the one part of the staff report that stated the granting of the E-C zoning would confer special privileges denied to others. Mr. Hadley stated that he felt that the issue would be reversed since E-C zoning was recently granted to St. Leonards and the situation was the same. He stated further that the proposal for elderly housing was meeting the objections of the Policy Plan adopted one (1) year ago by the City.

Mr. Henry Gathigan stated that they chose this particular location because its bounded by residential areas which is what Friendship Village is all about. He stated that most residents will come from approximately 8 miles around and these people want to reside in their own community which is familiar to them.

Mr. James P. Hickey, Attorney for the North Centerville Neighborhood Association, stated that the application should not even be considered because the Zoning Ordinance stated that the "owner or owners of such

tract of land" can make application. He stated that the applicants have a contract to purchase on the land, but do not currently own it.

Mr. Schwab stated that the opinion of the City Attorney was that the application could be heard.

Mr. Hickey stated that he would move that the application be dismissed based on this fact that the owners did not make application.

Mr. Tate stated they would go forward with the hearing and take Mr. Hickey's motion into consideration.

Mr. Hickey objected that all the requirements of a E-C application plan were not included in the plan for review by the neighborhood association, for example, the location of the air conditioner units. He suggested that the requirements would be approved at a later date when the same group of people in attendance at this meeting would not be available for the consideration of the additional requirements. Mr. Hickey referred to the Comprehensive Plan that earmarks the entire Red Coach area as single-family residential. He stated further that Marshall Road in the Plan was to be a minor thoroughfare, not a large collector. The definition of a minor thoroughfare, he pointed out, is a 2 lane road, the reason being that it serves a residential neighborhood. Mr. Hickey stated that the applicants have stated that they have no plans to use Essex Way which is a public road. He stated that their property is adjacent to that road and the City cannot stop them from using it. He stated it is the duty of the Planning Commission to uphold the integrity of the community and asked that they do so by voting no on this application.

Mr. George Walter, 5631 King Authur Drive, opposed the rezoning of any part of the vacant area. He submitted a petition of opposition to the rezoning by citizens and residents concerned with the development of the area. He stated they were objecting based on the following reasons: it would be an eyesore, lower property values, congestion of traffic, and drainage problems. He stated that it is their opinions that there are other areas in the City which have appropriate zoning for this type of development.

Mr. Richard Maul, 5661 King Arthur Drive, stated that the plans he has reviewed shows the proposed buildings being 80 to 120 feet from the property lines. He stated that would be fine if the buildings were one (1) story, however, a 3-story building would not be acceptable.

Mrs. Martha Boice, Centerville Historical Society, stated that the house accessed from Marshall Road is the Moses Irwin House (pre-1840) which is one of a collection of stone buildings in Ohio. She stated that the Planning Commission should take into consideration the protection of this building should the rezoning be approved.

Mr. Hadley stated that they would be prepared to make an amendment to the application for a 2-story design with the number of units not to exceed 130. He stated that should help the residents with their concerns of the height of the building and density. He stated further that they would also agree that should the project not go forward, the E-C zoning classification would be relinquished back to the R-1 zoning. He stated that given today's economy, the highest and best use of this property would be as they have proposed.

Mrs. Katherine Bailey, 6999 Torreyson, stated that the previous owner did not allow the purchase of that property even as park land because he did not want to change the character of the neighborhood. She stated that she was definitely opposed to the rezoning change even with a 2-story design.

Mr. Gathigan stated that the previous owner was still living at the time of the sale of the property. His wife is aware of the proposal of this 15 acres and is in favor of the project.

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

The members of the Planning Commission determined that they would like to study the facts discussed and make their decision at the next meeting.

MOTION: Mr. Chappell moved to table the rezoning and conditional use applications in order to get a legal opinion from the City Attorney and study the facts presented during the hearing. Mrs. Simmons seconded the motion. The motion was approved 6-0-1 with Mr. Bergsten abstaining.

#### UNFINISHED BUSINESS

##### Tom Harrigan Olds - Temporary Sign

Mr. Tate stated that this request will remain on the table for one additional month and a decision will be made at the next regular meeting.

#### NEW BUSINESS

##### David L. Sarber Office Building (Southmont Realty) - Site Plan

Mr. Schwab reviewed the proposed site plan submitted by David L. Sarber for an office building to be located at 93 West Franklin Street in the APD. This is the site of the former Southmont Realty building which was the victim of damage of an unattended truck that rolled into it in December, 1983. The BAR, at that time, approved an application for demolition; however, that demolition has not yet occurred pending legal action by the insurance companies.

Mr. Schwab stated that the proposed two-story building will be red brick with two stucco chimneys on each end. This application has been reviewed by the BAR and their main concern was the size of the building in comparison to the surrounding buildings. Their recommendation to Council was to make several changes to address the massing element of the building in relation to the adjoining properties. Those changes included setting the building back an additional 8 ft. and to set back the "wings" on each side of the doorway so that it does not appear as one big massive building.

The parking requirement for this office building is 16 spaces and the applicant more than meets that minimum requirement by proposing 26 spaces.

Staff recommended that the site plan be approved subject to the following conditions:

1. The building shall be setback 20 ft. from the public right-of-way.
2. A detailed stormwater drainage plan incorporating either retention or detention shall be subject to approval by the City Engineer.

3. A 4 ft. wide planting area and entrance walkway shall be provided at the rear of the building.
4. Bumper blocks shall be required for all parking spaces.

Mr. Tate asked how close the driveway will come to the Peking Inn.

Mr. Schwab stated that the applicant had purchased additional land from the Peking Inn for this project. He stated that it appears that the driveway will be approximately 20 ft. from the Peking Inn.

Mr. Schab stated that when the drainage situation is reviewed by the City staff, some kind of retention will be required which could delete two (2) parking spaces along the property line.

Mr. Gary Gunnoe, attorney for the applicant, stated that in previous meetings there were some concerns by interested parties. Compromises were made by all of these parties concerned and it was subsequently recommended for approval by the BAR. He stated that concerning the stormwater drainage, the plan does indicate catch basins to the rear of the property and also realized that there may be additional recommendations by the City Engineer that they will have to comply with. Mr. Gunnoe submitted eighteen (18) signatures of people in the immediate area that were in agreement with the proposed plan. He stated this is the general feeling with the exception of the Historical Society.

Mr. Gunnoe stated that Mr. Sarber had purchased 42 ft. of land from the Peking Inn and along with the existing 49 ft. lot, the total lot will be 91 ft. He stated that the limestone from the existing structure will be retained and used to construct the wall along the east property line. Mr. Gunnoe stated that in response to the recommendations outlined by staff, they would be in agreement with each of the four (4) conditions.

MOTION: Mr. Looper moved to recommend approval of the site plan submitted by David L. Sarber to Council subject to the following conditions:

1. The building shall be setback 20 ft. from the public right-of-way.
2. A detailed stormwater drainage plan incorporating either retention or detention shall be subject to approval by the City Engineer.
3. A 4 ft. wide planting area and entrance walkway shall be provided at the rear of the building.
4. Bumper blocks shall be required for all parking spaces.

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

Mrs. Janet Thobaben, President of the Historical Society and member of the BAR, stated that she had returned from her vacation to attend this meeting even though she was not present at the BAR meeting when the recommendation for approval to Council was made. She stated that the proposed building in the opinion of the Historical Society is not appropriate for the APD. She stated that this will be the beginning of the erosion of the APD. Mrs. Thobaben stated that the architecture of the building is colonial which is Williamsburg and not Centerville.

Mr. Tate stated that the BAR was appointed for review of situations like this and if they do not do anything concerning architecture when these applications are submitted for their review, it will not happen at the Planning Commission stage. He stated that architecture is not a consideration reviewed by the Planning Commission and if the BAR members had any specific concerns, those concerns should be submitted to Council.

Mr. Roger Krass, member of the BAR, stated that during the review of this project with the BAR, none of the four (4) members present found any objections in looking at the Ordinance in relation to the proposed building. He stated that the applicant wants to maximize the use of his land and the BAR could find no reason to oppose that use.

#### Walden Place - Site Plan

Mr. Schwab reviewed the proposed site plan for Walden Place located at 15 Westerly Lane in the APD. The acreage of the project is 2.28 acres. There is an existing single family residence and garage on the property at the present time. The request is to convert this to a multi-family use with a density of 7.0 units per acre. The permitted density is 5.5 units per acre. The parking requirement is two (2) spaces per unit which would be a minimum of 32 spaces required. The proposed site plan offers 44 spaces. He stated that improvements will be required to Westerly Lane.

The most significant change to this plan in comparison to the others is that Westerly Lane will be cut straight through and will be a private street. The street will be constructed at a 20 ft. width without curbs.

Staff recommended approval of the site plan with the following conditions:

1. Before any construction begins, a perpetual maintenance agreement between all the property owners on Westerly Lane acceptable to the Centerville Municipal Attorney be legally recorded.
2. A detailed stormwater drainage plan incorporating either retention or detention shall be subject to approval by the City Engineer.
3. The entire length of Westerly Lane to SR 48 be improved to standards approved by the City Engineer.
4. The water line and fire hydrant plans be approved by the Washington Township Fire Department.
5. The easternmost drive off of Westerly Drive shall be 20 ft. wide at its entrance.
6. All drives intersecting Westerly Drive shall have a 15 ft. minimum turning radius.

Mr. Bergsten asked if, of the plans for this project approved in the past, any were approved with the density being more than what is permitted.

Mr. Schwab stated that there have been plans approved with greater densities, the rationalization being that the site is located in the APD where everything is situated a little closer in spacing.



MOTION: Mrs. Simmons moved to recommend approval of the site plan for Walden Place to Council subject to the following conditions:

1. Before any construction begins, a perpetual maintenance agreement between all the property owners on Westerly Lane acceptable to the Centerville Municipal Attorney be legally recorded.
2. A detailed stormwater drainage plan incorporating either retention or detention shall be subject to approval by the City Engineer.
3. The entire length of Wasterly Lane to SR 48 be improved to standards approved by the City Engineer.
4. The water line and fire hydrant plans be approved by the Washington Township Fire Department.
5. The easternmost drive off of Westerly Drive shall be 20 ft. wide at its entrance.
6. All drives intersecting Westerly Drive shall have a 15 ft. minimum turning radius.

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

Paul J. Striebel, Architect - Site Plan

Mr. Schwab reviewed the site plan submitted by Paul J. Striebel for the conversion of a residence at 175 West Franklin Street in the APD to a mixed office-residence use. The applicant intends to have his residence in the upper level and his business in the lower level. The parking requirement for the site is 8 spaces and the applicant is proposing 14 spaces. A stucco masonry wall is proposed to help buffer the site from the adjacent single-family residence.

Staff recommended approval of the site plan with the following condition:

1. A detailed stormwater drainage plan incorporating either retention or detention shall be subject to approval by the City Engineer.

Mr. Schwab stated further that the BAR during their review of the project, recommended to the Planning Commission that the existing driveway on the west side of the property be removed. He stated that the applicant wanted to retain the driveway area for parking his personal vehicles. The issue of parking layout is under the jurisdiction of the Planning Commission and if they agree with the BAR, another condition should be placed on the approval to delete the 2 spaces.

The Planning Commission members concluded that the parking spaces could remain since they were located on the side of the property rather in the front.

MOTION: Mr. Hall moved to approve the site plan submitted by Paul J. Striebel subject to the following condition:

1. A detailed stormwater drainage plan incorporating either retention or detention shall be subject to approval by the City Engineer.

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

Rules of Procedure

MOTION: Mrs. Simmons moved to approve the revised Rules of Procedure for the Planning Commission to include the procedures for residential family group homes. Mr. Hall seconded the motion. The motion was approved unanimously 7-0.

OLD BUSINESS

An Ordinance Amending Ordinance No. 15-61, The Zoning Ordinance And All Amendments Thereto, By Amending The Provisions Which Pertain To Signs And Penalties For Violations Of The Ordinance For All Zoning Districts Within The City.

A Work Session was scheduled for Tuesday, February 12, 1985, at 7:30 P.M., to be held in the Law Library, in order to review and discuss the proposed Sign Ordinance.

There being no further business, the meeting was adjourned.

2/26/85  
Elmer A. [Signature]