

CENTERVILLE PLANNING COMMISSION  
REGULAR MEETING  
Tuesday, October 28, 1980

Mr. Tate called the meeting to order at 7:35 p.m.

Attendance: Mr. Elmer C. Tate, Jr., Mr. Dallas Horvath, Mr. Bernard Samples, Col. Stanley Morrow, Mr. Brian Bergsten, Mr. Robert Chappell, Mrs. Marian Simmons. Also present: Mr. Alan C. Schwab, City Planner; Mr. Karl M. Schab, City Engineer; Mr. Robert N. Farquhar, City Attorney; Mr. Joseph S. Minner, Assistant City Manager.

Approval of minutes of September 30, 1980, Planning Commission Meeting:

MOTION: Mr. Samples moved to approve the Planning Commission minutes of September 30, 1980, as written. Mr. Horvath seconded the motion. The motion was approved 4-0-3. Mr. Bergsten, Mrs. Simmons and Mr. Chappell abstained.

COMMUNICATIONS

Mr. Schwab stated that developers for Shadybrook have again requested that their preliminary plan remain on the table.

The Greenbrier Commons preliminary plan revision has been withdrawn at the request of the developers.

The Centerville Recycling Center has requested that their application for a conditional use be withdrawn.

Mr. Schwab stated that each Planning Commissioner should have received a copy of a letter from Dr. Paul Louis who spoke in favor of the rezoning application for the parcel located at 201 West Spring Valley Road during the last regular Planning Commission meeting.

The Planning Department received a petition opposed to the rezoning application request by Paul A. and Jean Lemon, property located at 155 East Franklin Street.

Goodwill Industries - Temporary Sign Request

Mr. Schwab stated that late this afternoon he was contacted by Goodwill Industries requesting the placement of a temporary sign for a 30-day period. He stated that Beerman Realty has requested that the Goodwill trailer be relocated to the rear of the store to provide additional parking for the upcoming Christmas season, as well as parking for those persons who use the RTA Park and Ride. The proposed sign will be 4' x 8' and will meet the requirements of temporary signs. The sign, however, will be placed within 25 feet of the right-of-way which would require approval of the Planning Commission. He stated that if it is the wish of the Planning Commission to approve this temporary sign, staff will locate a satisfactory site for the sign.

MOTION: Mr. Samples moved to approve the request by Goodwill Industries for a temporary sign subject to staff approval. Approval shall be for a 30-day period. Mr. Chappell seconded the motion. The motion was approved unanimously.

PUBLIC HEARINGSLemon, Paul A. and Jean - Rezoning from R-2 to O-S

Mr. Schwab made a slide presentation of the request for a zoning change from R-2 to O-S for a parcel of land located at 155 East Franklin Street. The acreage on the parcel is .64 acres. He stated that the rezoning history on this particular parcel of ground dates back to 1968 when a rezoning request from R-2 to R-3 was withdrawn. In 1974, a rezoning request from R-2 to A-P was denied and again in 1976, a request from R-2 to A-P was denied. He stated that the existing use of the structure is single-family residential which is surrounded by single-family uses to the north, south, and west. A church is situated on the parcel to the east of the property in question. He stated that the two (2) parcels on East Franklin Street to the west of the property in question are zoned A-P, however, they do maintain a single-family residential use.

Mr. Schwab stated that in the Master Plan the overall concept looks at major nodes in the community and tries to focus office-commercial type uses at those major nodes which are primarily intersections of major thoroughfares within the community. The present zoning throughout the community reflects this attempt to cluster professional office uses. If this rezoning were approved, it would encourage "strip" office zoning along and City thoroughfares. There is sufficient vacant land zoned to permit professional offices in the community. He stated that currently East Franklin Street is underdesigned to carry its current traffic volume. Mr. Schwab stated that we are trying to preserve the arterial capacity of the highway. One way to do that is to stop in and out movements off of driveways. This property may not have a driveway directly into East Franklin Street, but would tend to pull traffic along Cemetery Road and into East Franklin Street.

Mr. Schwab stated that this particular property is well buffered from the negative effects of East Franklin Street. The surrounding residential properties would be negatively affected by the proposed rezoning. Many of these residential properties are already more severely impacted by East Franklin Street than the property in question. He stated that granting of the requested rezoning would confer special privileges to the applicant that are denied other similarly situated properties in the area. Staff feels that if this rezoning were granted, properties all along Franklin Street would also fit into the same category. For that reason, staff recommends disapproval.

Mr. Charles Allberry, attorney representing Paul A. and Jean Lemon, stated that the property in question is not similar in many respects from the surrounding properties in that on a point by point basis, the staff recommendations should not be considered. If these recommendations are considered, they should not be followed. He stated that the present A-P zoning which exists to the west, provides for uses up to a B-1 classification. A B-1 use is a much broader use than that of an O-S classification. He stated that the church to the east of the property which has a lot of traffic on Sundays is certainly not of a residential character. He stated that the property

north is owned by Mary Wainscott and she is not opposed to the rezoning. Mr. Allberry stated that the area to the south is across Franklin Street and, therefore, would have no impact on the residential character. The property has an existing residence which is quite large and has really outgrown its purpose as a single-family residence. He stated that the owners feel a better use would be to establish an office or several offices within the structure. He stated that two (2) businesses presently occupy structures to the west in the adjacent A-P District. It is discriminatory against the applicants not to allow them a similar use.

Mr. Allberry stated that the O-S district was created as a transitional district so as not to adversely affect residences. He stated that the proposed use would not adversely affect these residences. The existing structure is presently suitable for its proposed use. It has eight (8) entrances on the ground level, two (2) entrances on the second floor which has a deck surrounding the back of the property, it has over five thousand (5,000) square feet of floor space, it has adequate parking which has access off of Cemetery Road. It is the belief of the applicants that having a parking area for business off Cemetery Road would not affect the traffic pattern on East Ridgeway Avenue, nor would it substantially affect the traffic volume on East Franklin Street. At this time, no other curb cut is proposed off of Franklin Street. The lot allows adequate parking space for its proposed use. It would allow thirty (30) parking spaces if that is deemed necessary. Presently, there is adequate screening. There is a six (6) foot wooden split fence along the rear property line and adequate shrubbery and trees on the lot. If a parking area were constructed on the property, it would not require substantial removal of the trees.

Mr. Allberry stated that the proposed use is for medical and dental offices which would benefit the residents in the central portion of Centerville. He stated that because of the existing A-P District, he does feel that the staff recommendation based on clustering around major nodes in the area does not have much force because presently the A-P District allows businesses. He stated that this property is near the center of town, and this is a node anyway. He stated that adequate land is available for business use is not a forceful argument because the applicant's property and structure currently exist and would not require substantial structure change. This use would not put a burden on the residences, schools, traffic patterns, City services, and would provide a tax base.

Mr. Allberry stated that the use would not adversely affect the residences. He stated that the A-P use was not viewed as having an adverse affect on the residences and one of a lesser classification would not either. He stated that the staff analysis that this would constitute "spot zoning", is not valid because the applicant does not agree that this is "spot zoning". He stated that the case laws are clear that the mere size of the land is not determinate whether this is "spot zoning" or not. Mr. Allberry stated that the applicants wish the Planning Commission would look upon their application favorably; they believe that this will be a benefit to the City by increasing its tax base and will not adversely affect the City or the residences in the area.

Mr. Tate opened the public hearing.

Mr. Richard Miller, 128 East Ridgeway Avenue, stated that he agrees with the staff recommendation. He stated that the area is residential in nature and if this is rezoned to office use, it will require parking. To provide parking all the trees will be cut down and then it will not fit in with the residential area. He stated that when a residential structure is converted to business, the upkeep of the property is usually let go. Mr. Miller stated that zoning should protect the residents that are there.

Mr. Kenneth Poff, 146 East Ridgeway Avenue, stated that when the school was approved it presented a lot of problems with additional traffic through the residential area. He stated that Cemetery Road was just a gravel driveway years ago and blacktop was put down but the roadway itself was never widened. He stated when two (2) cars pass on this road, there is no extra room. Mr. Poff stated there are enough traffic problems in that area and we do not need to add to them by rezoning this parcel in question to O-S. He stated that as a matter of clarity, Mrs. Mary Wainscott signed the petition opposing the rezoning.

Mrs. Mildred Eby, 136 East Ridgeway Avenue, stated that Cemetery Road originally served as a driveway back to the cemetery. That land has never been widened. She stated that there is not really enough room for two (2) cars. The school children walk to school along this narrow road where there are no sidewalks provided. Mrs. Eby expressed her concern for the safety of these children stating that this is one major reason not to put more traffic on Cemetery Road.

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

MOTION: Mr. Samples moved to deny the application for rezoning submitted by Paul A. and Jean Lemon. Mrs. Simmons seconded the motion. The motion was approved unanimously.

#### OLD BUSINESS

#### Percy, Celine - Rezoning from R-1 to R-3

Mr. Schwab made a slide presentation of the rezoning request on a parcel of land located at 201 West Spring Valley Road to change the zoning from R-1 to R-3. The purpose of this rezoning is to convert an existing single-family residential use to a doctor's office. The parcel in question is surrounded by Archer Park to the north and west, and single-family residential to the south and east.

Mr. Schwab stated that the intent of the Master Plan does not designate professional office zoning at this location. The Master Plan encourages clustering of professional office uses at major transportation nodes within the community. This proposed zoning would encourage "strip" office zoning along City thoroughfares. Spring Valley Road is presently underdesigned to carry its current traffic volume.

The granting of this application would confer special privileges to the applicant that are denied other similar properties in the area which would constitute "spot zoning".

Percy, Celine - Conditional Use Application

Mr. Schwab made a slide presentation of the proposed conditional use for the parcel located at 201 West Spring Valley Road. He stated that the existing residence would be added onto mostly in the rear of the structure with the parking area to the rear.

If it is the desire of Planning Commission to recommend approval of the rezoning and act on the conditional use, staff would recommend to approve the conditional use application subject to the following:

1. The parcel be rezoned to R-3 from existing R-1 zoning.
2. All parking be relocated in the rear of the property.

Even though this application is very similar to the Lemon rezoning, Mr. Samples stated that he feels that it should be disapproved on its own merit.

Col. Morrow stated that he has more of a problem with the proposal because of the remodeling of the building which would take away the residential appearance in a residential area.

Mr. Schwab stated that a consideration should be that the properties in the immediate area will most likely apply for a rezoning at some point in order to sell off the lots as commercial instead of residential. He stated that every community has a certain demand for office use. All you can do is accommodate that demand and control it in some fashion with where those office uses go. When a parcel is rezoned to accommodate an office use, it makes the areas that were provided for office use less desirable.

MOTION: Mr. Horvath moved to deny the rezoning application submitted by Celine Percy for the parcel located at 201 West Spring Valley Road. Mr. Samples seconded the motion. The motion was approved unanimously.

MOTION: Mr. Horvath moved to recommend denial of the conditional use application for the parcel located at 201 West Spring Valley Road filed by Celine Percy. Mr. Bergsten seconded the motion. The motion was approved unanimously.

NEW BUSINESSThe Bluffs of Normandy - Revised Record Plan

Mr. Schwab stated that within the past year the Planning Commission has reviewed and approved the preliminary and record plans for The Bluffs of Normandy. He stated that new owners have acquired the project and proposed some minor changes to the plan which do not involve a change in the street layout. It does involve a change in the building pads, the type of units, and the gross floor area. He stated that this plan is basically the same plan that was approved by the Planning Commission previously. The record plan that was approved previously has never been recorded. This is a minor amendment to that plan that was never recorded.

Mr. Schwab made a slide presentation of the revised record plan for The Bluffs of Normandy project located at the southeast corner of Alex-Bell Road and Normandy Lane in Washington Township. The proposed 69 condominium units cover an area of 11.2 acres. There are 162 parking spaces provided. Thoroughfare improvements are required primarily to Alex-Bell Road with an intersection improvement to Alex-Bell Road and Normandy Lane.

The streets within the project will be private streets. There is a walkway which would allow the Fire Department or ambulance access to the community facilities. There are three (3) emergency access points that will not normally be open, but will be built with a subbase to carry fire trucks. One of these access points along Normandy Lane will have an improved road that will be able to carry emergency vehicles up to the community facilities.

Staff recommends approval of the revised record plan subject to the following conditions:

1. Asphalt paved parking spaces in front of the middle emergency entrance from Normandy Lane be eliminated.
2. Fire hydrant locations be approved by the Washington Township Fire Department.
3. A Subdivider's Agreement with a Performance Bond and an Inspection Fee in an amount approved by the City Engineer be posted.

Mr. Abe Bodenstein, Tri-City Engineering representing the developer, stated that the three (3) conditions present no problem to the developer and these conditions will be met. He stated that the parking spaces will have to be discussed with the Washington Township Trustees as 162 parking spaces were promised. That should present no problem, since the deletion of two (2) spaces is basically a request of the Fire Department. He stated that some shift of buildings and sanitary sewer lines have taken place in order to save some significant trees on the site.

MOTION: Mr. Horvath moved to approve the revised record plan for The Bluffs of Normandy subject to the following conditions:

1. Asphalt paved parking spaces in front of the middle emergency entrance from Normandy Lane be eliminated.
2. Fire hydrant locations be approved by the Washington Township Fire Department.
3. A Subdivider's Agreement with a Performance Bond and an Inspection Fee in an amount approved by the City Engineer be posted.

Col. Morrow seconded the motion. The motion was approved unanimously.

Polo Club Estates, Sec. 1 - Release of Performance Bond

Mr. Schab stated that the performance bond of \$171,500 for Polo Club Estates, Sec. 1 is recommended to be released subject to receipt of a one (1) year maintenance bond in the amount of \$8,575.

MOTION: Mr. Horvath moved to release the performance bond of \$171,500 for Polo Club Estates, Sec. 1, subject to a one (1) year maintenance Bond in the amount of \$8,575. Mrs. Simmons seconded the motion. The motion was approved unanimously.

Woodbourne, Sec. 34 - Release of Performance Bond

Mr. Schab stated that it is the recommendation of staff to release the performance bond of \$3,500 for Woodbourne, Sec. 34, subject to a one (1) year maintenance bond in the amount of \$500.

MOTION: Mr. Samples moved to release the performance bond of \$3,500 for Woodbourne, Sec. 34, subject to a one (1) year maintenance bond in the amount of \$500. Mrs. Simmons seconded the motion. The motion was approved unanimously.

There being no further business, the meeting was adjourned.

*Anna Tate 11/25/80*