

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, January 29, 1980

Mr. Horvath, acting-chairman, called the meeting to order at 7:40 p.m.

Attendance: Mr. Dallas Horvath, Mr. Brian Bergsten, Mr. Bernard Samples, Col. Stanley Morrow, Mr. Robert Chappell. Absent: Mr. Elmer Tate, Jr., Mrs. Marian Simmons. Also present: Mr. Alan C. Schwab, City Planner; Mr. Karl M. Schab, City Engineer; Mr. Robert N. Farquhar, City Attorney; Mr. Bill Johnson, Washington Township Service/Street Director.

Approval of minutes of January 29, 1980, Planning Commission Meeting:

MOTION: Mr. Samples moved to approve the minutes of December 18, 1979 Planning Commission meeting as written. Mr. Bergsten seconded the motion. Motion approved unanimously.

COMMUNICATIONS

Mr. Schwab stated that as a matter of information, the temporary placement of a trailer at the Centerville Place Shopping Center which was approved at the December Planning Commission meeting did create some problems.

The trailer placement was approved in order to allow a survey to analyze the demand for a Fitness World to be located in the shopping center. After the use permission was approved by the Planning Commission, building and electrical permits were not obtained. Also, citizens were calling the City saying that memberships were being sold from the trailer and the representatives were informing people that the spa would be in place in the shopping center within a matter of a week or two.

With all the problems arising from not having building and electrical permits, actions were initiated by the City to shut off electricity and close the place up before the temporary period expired. With all this confusion, the Fitness World people shut the trailer up and left. It is the understanding of the City that money will be refunded to the people who signed up for the spa. Mr. Schwab stated that the Police Department is monitoring the situation.

Mr. Eric Hungerford, Beerman Realty Company, stated that there is some misunderstanding being created with the general public. Mr. Hungerford stated that he was told by the Fitness World people that what they were telling their customers is that they would be open in the shopping center within eight to ten weeks. The Fitness World people were negotiating in good faith with the Beerman Realty Company and both parties believed that a lease would result. The reason that they pulled out of the shopping center was because the negotiations on the lease broke down. A lease was not signed and that ended any hope that they would locate in the shopping center. The investigations of the Fitness World people by the Beerman Realty Company has

indicated that Fitness World is a new company, but they are certainly honest. They are in the process of refunding the money to people who paid in memberships.

Mr. Schwab stated that the reason he raised the issue was because it was reported that the Fitness World would be taking a survey and the Planning Commission approved the use of taking a survey not for a sales use. In the future, when someone asks for a temporary use, perhaps the Planning Commission should be more detailed as to what the use is going to be.

Mr. Farquhar stated that in the future, the Planning Commission might require more detail as to what they are going to do on the application and then approve only that application. It can be specified that no sales or membership fees can be made.

Mr. Hungerford stated that he had told the Fitness World people that he thought they were premature in selling memberships. The representatives of Fitness World told Mr. Hungerford that they would not be able to obtain an accurate survey without selling memberships.

Mr. Schwab stated that the temporary sign for Centerville Place has been taken down. They are entitled to a real estate sign that will remain within the guidelines of the sign ordinance.

Walnut Grove Subdivision - Extension of Time to Install Sidewalks

Mr. Schwab read the letter from Mr. Hugh E. Wall, III, representing the Walnut Grove Land Company, stating that an extension of time to install the sidewalks and final blacktop application is being requested for the Walnut Grove Subdivision.

The original deadline for these improvements was June 27, 1978. The developer, obviously having not made the deadline, is requesting that the time period for making these improvements to extended to June 30, 1980.

Mr. Schwab stated that the staff recommendation is that this time period be granted only to April 30, 1980.

Mr. Horvath asked what the problem is in putting these improvements.

Mr. Schab stated that there have been various problems. He stated that this procedure has been done for other developers in the past. The installation of sidewalks can be postponed as long as it is still covered by a bond.

Mr. Bergsten asked if the sidewalks are not in place by April 30, 1980, what can be done.

Mr. Farquhar stated one of two things. An extension of time can be granted again, or the City proceeds under the bond. The City would write to the bonding company and tell them that they are in default--the time limit has been exceeded. If necessary, the City would file a suit to recover under the bond.

Mr. Bill Johnson stated that there have been problems in this area and the Township would like to see this matter cleared up as soon as possible. The City and Township are in complete agreement on this matter, he stated.

MOTION: Col. Morrow moved to approve the bond extension to install sidewalks and final blacktop in Walnut Grove Subdivision to April 30, 1980; and should sidewalks not be completed at that time, action should be taken through the bonding.. Mr. Bergsten seconded the motion. Motion approved unanimously.

Shadybrook - Preliminary Plan

Mr. Schwab stated that a representative of Shadybrook contacted the City and requested that this project be permanently tabled until we hear from them again either in person or by writing requesting that the project be withdrawn from the table.

Mr. Farquhar introduced Mr. Robert Chappell who was recently appointed by City Council to fill a vacancy on the Planning Commission.

PUBLIC HEARINGS

Joe's is a Fish House - Sign Variance

Mr. Schwab made a slide presentation of the sign variance request for Joe's is a Fish House located at 2 Loop Road. The zoning on the property is B-2. The actual sign variance would pertain to sign projection of a wall sign. The maximum projection permitted is 4 feet. The request is for an 8.25 feet projection. The sign upon which the variance is being requested is already in place.

The sign projects from the building, but does not interfere with the sidewalk that leads up to the entrance. Mr. Schwab stated that although sign approval was not given as a part of the site plan approval of this project, the plan did show the projecting sign on that plan. The sign was also shown on the artist's rendering. The two (2) signs for the project are well under the total signage that could be allotted for this building based on this frontage.

Mr. Schwab stated that in reviewing the standards for granting a variance, this request does not meet all of them. Staff's recommendation is to deny this variance based on the fact that it does not meet these requirements. Mr. Schwab stated that it would be fair to point out in the applicant's behalf that had staff been more alert, the requirement for a projecting sign would have been pointed out since a sign of this type was indicated on the site plan.

Mr. Norman Hyams, property owner, stated that it was just an error by the architect. Because of this error, they are respectively requesting that the variance be granted.

Mr. Bergsten asked if a precedent would be set that the Planning Commission would live to regret should the variance be granted.

Mr. Farquhar stated that variances do not set precedents because a variance is always considered a unique case.

Mr. Horvath stated that the sign is done in taste and not oversized.

MOTION: Mr. Samples moved to approve the variance with respect to the projecting sign for Joe's is a Fish House as requested. Mr. Bergsten seconded the motion; Motion approved unanimously.

UNFINISHED BUSINESS

Mr. Schwab stated staff is still in the process of making changes to the ordinance as listed on the agenda and it is recommended that it remain on the table.

NEW BUSINESS

Third National Bank - Site Plan

Mr. Robert Chappell stated that he is currently doing consulting work for Third National Bank and should probably abstain from any discussion on this project. Mr. Chappell then excused himself from the meeting.

Mr. Schwab gave a slide presentation of the site plan for the Third National Bank located south of Spring Valley Road and west of SR 48 adjacent to the City Building. The zoning on the parcel is B-2. The parking requirement in this zoning district is seven (7) spaces--twenty-eight (28) spaces are being proposed. One additional curb cut is being requested directly across from the Centerville Square Shopping Center. The signs are not a part of this application.

Staff recommends approval of this site plan with the following conditions:

1. Right-of-way 43 feet from centerline of Spring Valley Road be dedicated to the City along the front of the property.
2. Spring Valley Road be widened along the front of the property with 20 feet of pavement from the centerline plus a 2 foot berm.
3. Provide an improved radius to the western side of the westernmost curb cut on Spring Valley Road.
4. Construct a curb along the entire southern property line to eliminate traffic flow between the bowling alley and the bank drive in the window area.
5. The applicant submits an amended storm drainage plan approved by the City Engineer.

Mr. Schwab stated that the area that is considered a rear yard for the property will have the drive-in overhang come within one (1) foot of the property line. The rear yard requirement is 20 feet. By approving this site plan, a variance will be made.

The signs are not part of this application. The setback requirement for the sign is twenty-five (25) feet from the proposed right-of-way. If Planning Commission does approve this plan, it should be stated if the sign setback variance is being approved or not being approved as a part of this site plan. Mr. Schwab stated that the sign area is within the guidelines of the sign ordinance.

Mr. Horvath asked if there are any concerns about the rear setback-- if four (4) lanes are really necessary.

Mr. Schwab stated staff's concern was mainly the stacking capability. With four (4) lane capability, stacking should not be a problem. What the applicant is asking for is about what you would want for this size of facility.

Mr. Horvath suggested that in order to encourage a left turn from the drive-in window area, perhaps the plantings should be curved along the curb area.

MOTION: Mr. Bergsten moved to recommend approval to Council the application for the Third National Bank for their facility south of Spring Valley Road and west of SR 48 with the following conditions:

1. The right-of-way be 43 feet from the centerline of Spring Valley Road dedicated to the City.
2. Spring Valley Road itself be widened along the front of the property to 20 feet from the centerline plus a 2 foot berm.
3. An improved radius on the western side of the westernmost curb cut on Spring Valley, that an attempt be made to work out a more equitable curb radius there.
4. A curb be constructed along the southernmost property line to eliminate traffic between the site and the siteself of the property and recommend that the plantings on the eastern side of the facility be curved around toward the southern side.
5. An amended storm drainage plan be approved by the City Engineer.
6. This approval does not extend to any signage shown on the site plan.

Mr. Samples seconded the motion.

Mr. Eric Hungerford, representing the property owner which is Third National Bank, stated that he was confused about the additional right-of-way over the existing road that is there that will be needed for right-of-way purposes.

Mr. Schwab stated that the Thoroughfare Plan requires 43 feet of right-of-way, the total profile being 86 feet. The existing right-of-way there now is 30 feet, so an additional 13 feet is being required.

Mr. Hungerford stated that on behalf of the property owner that additional right-of-way will be made available as required. The bank will make the improvements in accordance with the agreement of the City.

The motion was approved unanimously.

Mr. Chappell returned to the meeting.

Lyons-McEwen Plat - Preliminary Plan

Mr. Schwab made a slide presentation of the preliminary plan for Lyons-McEwen Plat located north of SR 725 and west of McEwen Road in Washington Township. The acreage on the parcel is 21.4 acres. The zoning is commercial. The number of lots on the proposed plan is 17. Thoroughfare improvements are required along McEwen Road. A frontage road is being proposed along SR 725 with a single access point which would be across from the Jewish Temple driveway on the south side of SR 725.

Staff recommends approval of this preliminary plan with the following conditions:

1. There is extensive regrading being done in the area which does concern staff that a potential flood hazard may be created. For this reason, staff would like to have a grading and storm drainage plan be submitted to the City and approved by the City Engineer.
2. The dedication of right-of-way along McEwen Road be increased from 35 feet to 41 feet. Mr. Schwab stated that the County required 82 feet of right-of-way for McEwen Road south of SR 725 and is requesting that this area be consistent.
3. The curb cut on SR 725 be located opposite the driveway according to the intent of the Dayton Mall Thoroughfare Plan.
4. The SR 725 curb cut throat be increased to 100 feet minimum from the future 5-lane SR 725 curb to the frontage road curb. Staff's opinion is that this increase is necessary due to traffic conflicts and stacking problems.
5. It is a concern of the Fire Department that no water line is shown being extended. The Fire Department's recommendation is that a water line be run along or in the area of the frontage road and the hydrants be located that would allow fire fighting to take place without laying hoses across SR 725.
6. Staff would recommend that the SR 725 access road pavement be widened from 24 feet to 28 feet. A 24 foot road would invite parking and people are going to have trouble passing through.

7. Lot #2 should be changed from a straight angled corner to a radius similar to Lot #1.

Mr. Bob Archdeacon, representing the owner of the property, stated that he would address each of staff's recommendations one at a time.

1. Mr. Archdeacon stated that the entire property extends from McEwen Road over to relocated Yankee Street. Several years ago, this land was rezoned by the Washington Township Trustees to special use for commercial purposes. After that rezoning, they applied for ditch assessment for the relocation of Holes Creek and the entire property brought above flood plain for the 100-year storm. This has been approved. The regrading that is being done now is in compliance with that approval. Everything built on this site will meet all State and local requirements for the 100-year storm.
2. Mr. Archdeacon stated that it is his understanding that this that this is being considered under Centerville's 3-mile jurisdiction and the Centerville Thoroughfare Plan which calls for 35 feet dedication. He asked the basis for the request for additional right-of-way.

Mr. Schwab stated that is what the County is requesting and the City would be amending the Thoroughfare Plan by requiring this 41 feet right-of-way.

Mr. Archdeacon asked if the Thoroughfare Plan had been amended.

Mr. Schwab stated it has not.

Mr. Archdeacon stated that we are now operating under the provisions in the current Thoroughfare Plan. He stated if he can be shown justification for the necessity of the additional right-of-way and have a guarantee that it is going to be complied with for all future plats, there would be some consideration given for this request.

Mr. Schwab stated that the City has been working under the 35 feet requirement. He stated that the Thoroughfare Plan should be amended officially.

3. Mr. Archdeacon stated that the curb cut is located opposite the driveway according to the intent of the Dayton Mall Thoroughfare Plan.
4. Mr. Archdeacon stated that he does not agree with the increase in the curb cut throat on SR 725. There is 70 feet between the edge of the future widening of the 5-lane SR 725 and the south edge of the access road. This provides for ample turning radius and ample traffic circulation.

Mr. Schwab stated that this situation was looked at with the traffic engineer and this recommendation was what was worked out. T.C.C. also recommended that 100 feet be a minimum.

5. Mr. Archdeacon stated that plans for preliminary approval do not require the submission of preliminary utility plans. There is a 12 inch water line extended across SR 725 at Lyons Road with an 8 inch stub out to the east. It is the intent that an 8 inch line will be constructed along the north side of SR 725 parallel to the access road.
6. Mr. Archdeacon stated that the Centerville Subdivision Regulations require a 20 foot pavement on access roads. He stated that the road has been widened out to 24 feet because it is a commercial area. Twenty-eight (28) feet would be with the consideration that there will be parking on both sides of the street. There will be no parking at all along this access road because the Washington Township parking requirements provide for ample parking on each individual parcel. However, the 4 feet is subject to negotiation.

Mr. Schwab stated that the 28 feet is a request of the Fire Department as well as T.C.C.

Mr. Bill Johnson stated that in regard to maintenance, the 28 feet width is more desirable. As far as no parking on the street, it is very difficult to enforce.

7. Mr. Archdeacon stated that radius will be on the southeast corner.

Mr. Horvath stated that there are several questions to be worked out and asked Mr. Archdeacon if he would agree to tabling the project.

Mr. Archdeacon stated he would agree to tabling the project. He stated also that perhaps a meeting with staff could be arranged before the next Planning Commission meeting.

MOTION: Mr. Bergsten moved to table the Lyons-McEwen Plat preliminary plan until such time as staff's concerns have been addressed and resolved particularly to the legality of the question of the increased dedication of right-of-way from 35 feet to 41 feet. Mr. Chappell seconded the motion. Motion approved unanimously.

There being no further business, the meeting was adjourned.

Mallas J. Horvath
Acting Chairman