

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, April 29, 1980

Mr. Tate called the meeting to order at 7:36 p.m.

Attendance: Mr. Elmer C. Tate, Jr., Mr. Brian Bergsten, Mr. Bernard Samples, Col. Stanley Morrow, Mr. Robert Chappell, Mrs. Marian Simmons (where noted). Absent: Mr. Dallas Horvath. 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 March 25, 1980, Planning Commission Meeting:

MOTION: Col. Morrow moved to approve the Planning Commission minutes of March 25, 1980, as written. Mr. Samples seconded the motion. The motion was approved unanimously.

Mrs. Simmons arrived at this time.

SETTING OF PUBLIC HEARINGS

The following items were set for public hearings on Tuesday, May 27, 1980 at 7:30 p.m. in the City Building:

Fox, Richard - Variance on Addition to a Non-Conforming Use
Location: 7555 Clyo Road

Greenbrier Commons - Sign Variance
Location: 1225 E. Alex-Bell Road

Fulmer's Foods - Sign Variance
Location: 261 E. Alex-Bell Road

COMMUNICATIONS

Walnut Grove Subdivision - Petition for the Deletion of Sidewalks

Mr. Tate stated that a petition for the deletion of sidewalks in the Walnut Grove Subdivision had been received by the Planning Department.

Mr. Donald Mayer, representing the residents of Walnut Grove, stated that he came here tonight to represent the group of residents in the Walnut Grove Subdivision that are not in favor of having sidewalks in the area. Mr. Mayer stated that their subdivision is located in a secluded setting with many trees around it. The homes that were under construction are now completed and most of the landscaping is done. The residents do not want to endanger the trees that are in the path of the sidewalk pattern. Safety is not an issue because the street is a dead end street. The other streets in the area do not have sidewalks on both sides which would make Walnut Grove Drive look inconsistent. Most residents are in favor of dropping this sidewalk requirement and it is the understanding of the residents that this can be done through petitioning the City Planning Commission.

Mr. Roger Perkins, 221 Walnut Grove Drive, asked why the record plan recorded with the County does not show sidewalks.

Mr. Schwab stated that the approved construction drawings do show sidewalks. The record plan never shows sidewalks, catch basins, or any improvements. A record plan shows right-of-way, size of lots, the bearings on the lot lines, easements, etc. The actual improvements are shown on the construction drawings.

Mr. Schwab made a presentation of the history of the Walnut Grove Subdivision. A staff report was prepared and submitted to the Planning Commission which reviewed the happenings on this project from November 11, 1976 to April 23, 1980.

Mr. Schwab explained that the bond posted by the developer covers the improvements that are to be made in the subdivision. It was further explained that the Subdivider's Agreement that was filed by the developer is an agreement that states that all improvements shown on the construction drawings will be in place within one (1) year and if not, the City has the ability to proceed with these improvements under the bonding money. The developer for the Walnut Grove Subdivision entered into an agreement with the City on June 27, 1977 and posted a bond of \$168,500 as an assurance that all the improvements would be made. The Planning Commission has extended for over a period of two (2) years the deadline for installation of these improvements. Mr. Schwab pointed out that the City has an agreement with the developer that these improvements will be installed.

Mr. Perkins stated that there no sidewalks leading into the subdivision from SR 48. The people who would be using these sidewalks would be the residents of Walnut Grove who predominantly signed the petition to delete the sidewalks. The first time the residents were aware of this requirement was the first part of April. He stated that the residents were not notified by anyone including the City before this time.

Mr. Tate explained that it is not the City's responsibility to contact the residents. In most cases, these improvements would be in place before the lots are developed. The policy of sidewalks in the Walnut Grove Subdivision has been determined since the beginning of its submission to the Planning Commission. At no time did the City change the policy that sidewalks were required on both sides of the streets. There is a possibly an argument with the developer or the builder, but not with the City. Legal action might be taken against the developer, but not the City.

Mr. Samples stated that he would like to go on record that he does not agree with the policy that these sidewalks be installed. He asked if the matter could be reconsidered by the Planning Commission since the residents and builders will be responsible for the costs.

Mr. Farquhar stated that the matter is between the City and the developer. If the developer had done his job in the first place, these improvements would have been installed before the residents moved in. Since the matter has been reviewed several times in the past, he stated that he does not feel that reconsidering it would be appropriate.

Mr. Bergsten stated that the residents are overlooking the fact that a sidewalk system is an improvement that will benefit the community as a whole.

Mr. Samples requested a poll of the individual Planning Commissioners to see if it should be reviewed or let it stand as is.

Mr. Bergsten stated he did not want to reopen the issue.

Mr. Tate stated he did not want to reopen the issue.

Mrs. Simmons stated she did not want to reopen the issue because it is a policy of the City and the Planning Commission is a body of the City. She stated that she is personally in favor of sidewalks and finds them to be very important.

Mr. Samples stated that he feels that the sidewalks should be waived because a special factor exists.

Col. Morrow stated that a requirement for sidewalks is a good requirement. If sidewalks are not put in during the platting process, the system will never be consistent. Some areas of Black Oak without sidewalks are now seeking ways to have sidewalks installed to provide a good walkway system.

Mr. Chappell stated that the Planning Commission must be consistent with their policy. To extend development without sidewalks would not correct anything. This situation is a result of failure of the developer to complete his obligation to the City. Under these circumstances, he stated he sees no reason to review the matter again.

Mr. Tate advised the residents that they could have any information or materials that the City has to pursue legal action.

PUBLIC HEARINGS

Perfect Real Investment Co., Beekman Manufacturing Corp., and Nelson Malloch - Rezoning

Mr. Schwab made a slide presentation of the rezoning application for the land located on the northeast corner of SR 725 (Alex-Bell Road) and Loop Road. The acreage in question is a total of 63.3 acres. The existing zoning is part Entrance Corridor (E-C) and part Light Industrial (I-1). The proposed zoning is part Commercial (B-2) and part Multi-Family (R-4). There is a small sliver of land between the applicant's property and Loop Road zoned B-3 which came into being during the layout and construction of Loop Road.

The proposed rezoning site has 6% to 25% slopes to the rear portion of the parcel. There is a stream located on the parcel which is aggravated by poorly drained soil. This land with all these factors would not be suitable for industrial development. Industrial sites are suitable to gently sloping lands with soil that is well drained.

Staff's recommendation is to approve this rezoning with a condition that the sliver of land to the west of the proposed rezoning area be rezoned to match the applicant's B-2 and R-4 zoning.

Mr. Bob Archdeacon, Woolpert Consultants, stated that there have been efforts to market the industrial zoned land and due to the topography of the area, nothing was able to be worked out. Under these circumstances, it is now being proposed to develop the land in a way that would be suitable to the topography.

A common drive will be constructed in the area between the B-2 and the R-4 zoning out to Loop Road. A lake is being proposed for an aesthetic look as well as providing additional retention for the increased runoff which will occur due to development of the land.

Mr. Victor A. Green, Mills and Wright Realtors representing the applicants, stated that they have tried to come up with a plan for development that would be highly marketable today. Luxury apartments or condominiums seem to be the best use for this ground. The idea is to make these units individual buildings and not a complex type development.

Mrs. Dorothy Harman, resident of Willowhurst Drive, stated that this area is a beautiful area and if anything, it would make a beautiful park. She stated that she is concerned about the drainage problem that will occur in the Village South area when development is finished. Also, it will create more traffic which Alex-Bell cannot handle.

Mr. Green stated that the advantage to this development is that Alex-Bell will be widened one (1) lane for the length of the entire project.

Mr. Farquhar stated that the rezoning of the sliver zoned B-3 will have to be rezoned by the Council in a separate application. It can be City initiated, but in a separate application.

Mr. Schab stated that regarding the drainage, development will cause additional draining problems. However, they will be addressed at the time the plans come in for review. The idea of a lake will probably alleviate a big portion of the increase in water.

MOTION: Mr. Bergsten moved to recommend to Council the approval of the rezoning request by Perfect Real Investment Co., Beekman Manufacturing Corp., and Nelson Malloch as requested. Mr. Chappell seconded the motion. The motion was approved unanimously.

Banc Ohio - Sign Variance

Mr. Chappell stated that he is currently involved in negotiations which may involve Banc Ohio and therefore, will remove himself from the meeting.

Mr. Schwab stated that a sign variance is being requested for the Banc Ohio located in the Centerville Place Shopping Center. The request is for a freestanding ground mounted sign with a variance for sign area and setback. The required setback is 25 feet from the right-of-way and the requested setback is 5 feet from the right-of-way.

The maximum size for a freestanding sign is 50 square feet and the requested sign area is 105.4 square feet total. These dimensions are almost identical to the sign that was approved for the Citizens' Federal also located in the shopping center.

Mr. Lyle Szabo, representing Banc Ohio, stated that this sign is being submitted in accordance with the wishes of the Planning Commission to have a ground mounted sign in order to blend in with others in the area.

MOTION: Col. Morrow moved to approve the sign variance request for Banc Ohio as submitted. Mr. Samples seconded the motion. The motion was approved unanimously.

Mr. Chappell returned to the meeting.

OLD BUSINESS

Ippisch, Martin - Lot Split

Mr. Schwab reviewed the lot split request for the landlocked parcel located at 7850 Normandy Lane. The proposed lot split would create a flag lot with 45 feet of frontage. After consulting with the City Attorney, it was concluded that the lot can be split to allow access to the parcel.

Mr. Farquhar stated that it is possible that with only a 45 foot frontage, although the lot split is granted, a zoning certificate would not be issued because it will not meet the frontage requirement. Just because a lot split is given, does not mean that a zoning certificate will be issued to build a house.

Mr. Schwab stated that the motion could state that two (2) options are available. The first option would be to approve the lot split as presented and the second option would be to approve it if the ordinance requires a 60 foot frontage. If the answer is not either of these options, then the matter can be reconsidered.

MOTION: Mr. Tate moved to approve the lot split with either a 45 foot or 60 foot frontage whichever will allow a building to be constructed on the rear lot. Mr. Samples seconded the motion. The motion was approved 5-1. Mr. Bergsten voted no.

Mr. Tate stated that the two projects tabled at a previous meeting, should remain on the table (Ordinance and Shadybrook).

NEW BUSINESS

Springstone Lea - Preliminary Plan

Mr. Schwab made a slide presentation of the preliminary plan for Springstone Lea located north of Centerville Station Road between Wilmington Pike and Clyo Road in the City of Centerville. The acreage included in the preliminary plan is 9.4 acres. The zoning on the parcel is R-1, single family residential. The number of lots proposed on this plan is eleven (11). Thoroughfare improvements are required on Centerville Station Road.

There is a large gas line easement on the property that would restrict any houses being built on that easement. One lot (Lot #5) does not meet the front yard requirement so by approving this plat there would be a variance granted to that.

Under the Subdivision Regulations, the throat of the street would be required to go straight back 100 feet before the proper radius turns could be incorporated. In view of the number of lots to be serviced by this street, staff concluded that that is an insignificant point.

The proper 43 feet of right-of-way is proposed to be dedicated in accordance with the Thoroughfare Plan and widening of the street is also proposed. A 24 foot street width is being proposed within the plat. The buildable areas have been shown on the lots to avoid confusion.

Staff recommends that a stub street be provided to the west given the long shape of the lot and there is a vacant lot to the west that will very likely develop at some point in time. Staff felt that a request for this stub street is reasonable. The street width should be increased to 28 feet in accordance with the Subdivision Regulations. A sidewalk should be added to one (1) side of Stone House Road in accordance with the sidewalk policy. Water lines should be approved by the Washington Township Fire Department as per their request.

Staff recommends approval with these four (4) conditions.

Mr. Al Wahby, representing the developer, stated that there has been consideration given not only to the plat process and the street building, but the lots and the quality of the lots for a high standard type of residences. A major effort was done to preserve the various trees. The area within the island will remain in the ownership of the developer to preserve an existing well located in that area. The street width was proposed as 24 feet instead of the required 28 feet because of the limited number of lots it will service. He stated that the increase of water line size from 6 inches to 8 inches as requested by the Fire Department should be no problem. The improvements to Centerville Station Road should be looked into further at the time of record plan review. By actual field measurements, there are a variety of dimensions along this road resulting over a number of years of various levels of right-of-way improvements which have occurred. Mr. Wahby stated because there is a question of right-of-way in their minds, it is requested that this subject be discussed and debated with the Engineering Department as to what would be the most logical width of pavement. Concerning the stub street to the west, because the plat is limited in size, they would like the characteristic of intimacy and privacy to remain. The sidewalks may not be essential for this reason also.

Mr. Tate asked if the street is intended to be a dedicated street.

Mr. Wahby stated that it is.

Mr. Tate stated that it will take a lot of research to determine whether this street width can vary from regulations. Sidewalks will be required.

Mr. Bergsten expressed concern that without a stub street to the west a string of cul-de-sacs will result.

Mr. David Blum, owner of the parcel, stated that they have tried to consider the neighbors on each side of them as well as the entire community. He stated that regarding the width of Centerville Station Road, if the road is widened to the suggested 32 feet, when the road is widened further to the east and west it will be up to their neighbors' front yards. This is a concern that would effect the neighbors on Centerville Station Road and they are wondering whether it is a wise move.

Mr. Tate stated that he would like to see Stone House Road be straightened out at the intersection of Centerville Station Road to accommodate at least one car length instead of having it at a angle.

Mr. Bergsten asked if there has been any contact with the property owner to the west with the idea of pursuing a joint development of both parcels at the same time.

Mr. Blum stated that they have contacted the neighbors on both sides and even though they are not opposed to the development of the land in question, they are not interested in developing the adjacent land.

MOTION: Mr. Tate moved to recommend approval to Council of the preliminary plan for Springstone Lea subject to the street width being 28 feet and sidewalks being installed on one side of the street. Mrs. Simmons seconded the motion. The motion was approved 5-1. Mr. Bergsten voted no.

There being no further business, the meeting was adjourned.



