

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, July 29, 1980

Mr. Tate called the meeting to order at 7:00 p.m.

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

OLD BUSINESS

Architectural Preservation District Ordinance

Mr. Schwab stated that there are three (3) major concerns that were addressed during the last Planning Commission meeting. They include the membership of the BAR, signage, and the color chart. Staff has looked at all three (3) of these areas. A new board representation section has been drafted that would make Council attempt to have a board makeup that would include four (4) members of a seven (7) member board being property owners and business persons within the APD. One (1) member will be a member of the Historical Society and two (2) other persons will be from neither of those categories. This formula seems to be the best compromise that staff can come to. Some other minor changes include the deletion of landscaping except for screening requirements.

The color chart issue was looked into at some length and it was determined that without some type of color regulations we could not have an effective APD. It was decided that at some point in time a chain store would come in with some type of stock building with a bright offensive color scheme that most of the business people and residents would find unsatisfactory. Mr. Schwab stated that 95% of the District displays extremely good taste in color scheme which would not create a controversy under the regulations of the proposed ordinance. In most cases, it will be a matter of consulting the color chart which will include almost every conceivable color that is available and have it submitted to and approved by staff. This will keep a chain business from coming into the District and attracting attention to their business using an unsatisfactory color scheme and also distracting from the businesses in the District.

Ms. Janet Bender, stated that the only comment she would like to make is concerning the representation of the business people on the BAR. She stated that she would like to stress total representation of the business people. She stated that she could see the idea of the member on the Historical Society but not the two (2) people who are not involved in the APD.

Mr. Tate stated that a majority of people from the District on the BAR is going about as far as you can go. There has to be some outside influence and some outside view. This District is not set up strictly for the business people. It is set up for the City of Centerville and because of this factor there should be representation from outside of the District.

Mr. Samples stated that he had lived in Cincinnati for sixteen (16) years before moving to Centerville six (6) years ago. He stated that he chose Centerville specifically because he and his wife saw a little sign that said Architectural Preservation. He stated that he did not even know that Centerville existed. He stated that he wasn't sure exactly what the sign meant except that there was some effort being made to preserve historic architecture within the District. Mr. Samples stated that he is a resident of the Black Oak area, but would like to think that someone from his area were representing his interests and sit on the BAR.

Mr. Horvath stated that he agrees that four (4) people from the APD should be included in the membership of the BAR. He stated further that he believes that the businessmen that want to go into the APD should be rewarded some way with a tax abatement program as long as they conform to the ordinance. The more they conform to the ordinance, the more tax abatement they should have. Mr. Horvath stated that also many people come into the District not knowing what they are getting into. Some sort of brochure should be put together that would be given to the prospective buyer explaining what the APD is and what the business person is getting into.

Mr. Andy Kleinhenz stated that he would like a work session between the City and the businessmen before the public hearing on August 26, 1980, if a public hearing is set.

Mr. Tate stated that this draft copy will be submitted to the business people, the BAR, Planning Commission, and all interested persons for review. He stated that a public hearing will be set for August 26, 1980. This will allow time for review before the public hearing.

Mr. Kleinhenz asked why the signage portion of the ordinance is separate from the proposed AP Ordinance.

Mr. Tate stated that it will be a part of the overall sign ordinance for the City.

Mrs. Simmons stated that at one time the business people wanted the signage to be taken out of the AP Ordinance and made separate.

Mr. Horvath stated that just because the Planning Commission passes a recommendation to Council this does not mean there won't be any changes in the ordinance. Council will make the decision--Planning Commission only makes a recommendation.

Mr. Minner stated that if there is a desire for the business people to get together and have a work session with staff and/or other City officials to discuss this matter before the public hearing on August 26, 1980, then perhaps it should be set for no later than the end of next week.

Mr. Tate set a work session for August 12, 1980, at 7:30 p.m. for interested business persons, property owners, and members of the BAR and Planning Commission.

Copies of the draft ordinance were distributed to the interested people in attendance.

Approval of minutes of June 24, 1980, Planning Commission Meeting:

MOTION: Mr. Samples moved to approve the Planning Commission minutes of June 24, 1980, as written. Col. Morrow seconded the motion. The motion was approved unanimously.

SETTING OF PUBLIC HEARINGS

The following items were set for public hearing on Tuesday, August 26, 1980 at 7:30 p.m. in the City Building:

Centerville Associates Ltd. - Sign Variance

Location: South Main Street (Centerville Place Shopping Center)

An Ordinance Amending Ordinance Number 15-61 And Repealing Ordinances Numbers 80-71, 20-73, 70-72 And 36-79 By Changing The Powers Of The Planning Commission And Board Of Architectural Review.

COMMUNICATIONS

Mr. Schwab stated that the sign variance that was denied for Greenbrier Commons was appealed to Council. That appeal has been set for public hearing.

Mr. Schwab stated that the site plan amendment for Winters Bank was approved by Council with a condition that a no left turn sign be added at the westernmost exit on Whipp Road.

Mr. Schwab stated that regarding Nutt Road Estates-Two, the original approval of Planning Commission was appealed to Council because of the condition that a stub street be constructed to the east. The appeal was not submitted within the time limit. At that point, a letter requesting reconsideration was sent to the Planning Commission. The request for reconsideration has been withdrawn. The City is also in receipt of a letter from an attorney representing the owner of the property east of the Nutt Road Estates site. The letter states that this property owner is considering development in the near future and would like to have a stub street provided into the property.

Stuttgart Automotive

Mr. Schwab stated that Stuttgart Automotive has submitted a letter requesting that a temporary sign be placed at Bigger Road and Thomas Paine Parkway from the present to late fall or early winter. The purpose for this request is to advertise the business which is slow due to poor economy. This sign must be acted upon by Planning Commission since an off-site sign is not permitted under the Zoning Ordinance. Mr. Schwab stated that details will have to be worked out in terms of size and the exact time period it's allowed to remain.

MOTION: Mr. Horvath moved to approve a temporary sign for ninety (90) days with size, color, and placement at the discretion of staff. This temporary sign can be renewed at the end of the time period. Mr. Chappell seconded the motion. The motion was approved unanimously.

Mikula, Stephen - Alteration on Sign Design

Mr. Schwab stated that the Planning Commission previously approved a variance for setback and sign area for Ambassador Realty located on North Main Street just north of Zengel Drive. The approved variance was for a triangular shaped sign which involved an area of 32 sq. ft. The applicant was unable to construct the approved sign because of the cost of the sign. At this point, the applicant would like to erect a substitute sign which would be constructed of weather treated wood. A light fixture will be placed in the top of the sign to illuminate it. The sign will be approximately 20 sq. ft. per side. The approved variance was for setback from SR 48 and sign area of 32 sq. ft. per side. This newly proposed sign would be within the limits of the approved variance. If the Planning Commission has no problems with the design of this newly proposed sign, it can be approved by a simple motion to alternate the construction of the sign.

MOTION: Mr. Samples moved to approve the request for a change of sign design as requested by Stephen Mikula of Ambassador Realty. Col. Morrow seconded the motion. The motion was approved unanimously.

PUBLIC HEARINGSRevere Village Apartments - Sign Variance

Mr. Schwab made a slide presentation of the requested variance which would be a landscape type sign to be located at the Revere Village Apartments north of Spring Valley Road and west of SR 48 in the City of Centerville. He stated that the proposed sign would achieve two (2) goals. First, it would further identify the complex and second it would eliminate an eyesore of exposed bedrock that is on the site.

Mr. Schwab stated that there is 64 sq. ft. of total signage permitted. There is an existing sign at the entrance which uses up part of the permitted sign area if not all of it. The request is to add approximately one thousand (1,000) additional feet of signage. He stated that the proposed variance does not meet the standards for which a variance is granted. If it is the pleasure of the Planning Commission to grant this variance, staff would only make a recommendation that perhaps the scale of this sign is a little out of character with what is surrounding it and the letters should be scaled down one third (1/3) to one half (1/2) of the proposed sign. Staff feels that something scaled down to two thirds (2/3) of the proposed size would still be readable and in better scale with the building itself.

Staff recommendation is to disapprove the variance since it does not meet the standards of the ordinance with a stipulation that if the variance is granted, the sign be down sized to fit better with the scale of the buildings.

Mr. Tate opened the public hearing.

Mr. Doug Rhinehart, Landscape Creations, stated that the letters are proposed to be made out of a gravel material but it is a decorative gravel material called Merrimac Pebble. It is buff in color and would go well with the brick of the buildings. The green material surrounding the letters is a ground cover that grows very well in

sun and produces a light blue blossom in the spring. It will be planted with a one (1) foot spacing and within one (1) year will be a solid mass in between each letter. A San Jose Juniper will be used around the mulched area and will grow to approximately eighteen (18) inches high which will give the sign some height. It will spread very quickly. The letters will be constructed of a pressure treated material. Each letter will be surrounded with a edging material which will be four (4) inches high and will be filled up with the buff colored gravel.

Mr. Rhinehart stated that the sign will not become weed infested because Landscape Creations does maintain Revere Village and this project will also be maintained by that firm.

Mr. Tate asked if the letters were custom made and if so if they could be made any size.

Mr. Rhinehart stated yes each letter is custom made and can be made any size.

Mr. Samples asked what guideline was used to determine the size of the letters.

Mr. Rhinehart stated that he was concerned that if the letters were made to small they would appear blurred when a person went closer to the sign where it will be more beneficial to Revere Village. He stated that the size could be cut down, however, he did not know how much.

Mr. Bergsten asked how erosion will be handled on the slope.

Mr. Rhinehart stated that they will be using an erosion netting around the ground cover and where the junipers are. It is a burlap material that is staked and placed.

Mr. Bergsten asked what will be done with the large rocks that will be taken out of that area.

Mr. Rhinehart stated that they will be used in other areas of the complex.

Mr. Horvath asked how thick the mulch will be and if it will be deep enough to maintain the weeds before the spreading junipers really take hold.

Mr. Rhinehart stated that the mulch will be 2 to 2-1/2 inches thick and also a preemergent weed killer will be used first.

Mr. Tate closed the public hearing.

MOTION: Mr. Bergsten moved to approve the sign variance for Revere Village Apartments as requested. Mrs. Simmons seconded the motion. The motion was approved unanimously.

OLD BUSINESS - continued
Shadybrook - Preliminary Plan

Mr. Schwab stated that the engineering firm has requested that the preliminary plan be tabled until next month when they have plans for moving forward with it.

Mr. Tate stated that the project can remain on the table.

NEW BUSINESS

Lyons-McEwen Plat, Sec. 1 - Record Plan

Mr. Schwab made a slide presentation of the record plan for Lyons-McEwen Plat, Section 1, located north of SR 725 and west of McEwen Road in Washington Township. The acreage is 5.1 acres. The number of lots being proposed at this particular time is one (1). Thoroughfare improvements are required on McEwen Road.

Mr. Schwab stated that the record plan does include the right-of-way dedication of sixty (60) feet from the existing centerline of the roadway, the throat area does conform to the approved preliminary plan, there is a forty (40) foot right-of-way access road which will be actually twenty-six (26) feet back to back from the curb line, and an additional twelve (12) feet of pavement and two (2) feet of berm added to the entire length of McEwen Road to the end of the radius to the proposed Lyons Road.

Staff recommendation is to disapprove the record plan until the following items can be resolved:

1. Grading plan for the whole preliminary plan area be altered to minimize the flood hazard potential to the site.
2. Restriping of centerline on McEwen Road from SR 725 to the bridge just north of proposed Lyons Road.
3. The storm drainage system be redesigned to meet with the approval of the City Engineer and the receipt of a Subdivider's Agreement.
4. Subject to the receipt of a Performance Bond and an Inspection Fee approved by the City Engineer.

Mr. Schab stated that this particular area does flood frequently. He stated that there are a number of problems with the drainage as he has just discussed with Mr. Bob Archdeacon, representing the developer. Mr. Schab stated that the main problem now is a storm sewer shown taking the water from the north side of SR 725 to the south side. It is discharging in such a way that the only possible fall of slope of the ditch is about 0.35%. Mr. Schab stated that he does not believe that this is sufficient. A new concept of a drainage plan should be submitted.

Mr. Archdeacon, representing the developer, stated that after discussing this matter with Mr. Schab that the project is requested to be placed on the table.

MOTION: Mr. Horvath moved to table Lyons-McEwen Plat, Sec. 1.
Mr. Chappell seconded the motion. The motion was approved unanimously.

Resurrection Evangelical Lutheran Church - Conditional Use

Mr. Schwab made a slide presentation of the proposed conditional use for the Resurrection Evangelical Lutheran Church located north of SR 725 (Alex-Bell Road) and east of Olde Greenbrier Lane in the City of Centerville. The zoning on the parcel is E-C. All uses in an E-C district are conditional uses. The parking spaces required number one (1) space per six (6) seats in the auditorium of the church. There are three (3) phases of building being proposed. The first phase (an 85 seat worship area) would require fourteen (14) spaces. Eighteen (18) spaces are being proposed. The second phase (a 300 seat auditorium) proposes sixty-two (62) spaces with only fifty (50) required. The third phase will be additional classrooms which would not increase the parking requirement under the Ordinance.

Staff does suggest, however, that even though the proposed number of parking spaces does meet the requirement in the Ordinance, that more parking should be provided. Mr. Schwab stated that the current parking requirement is based on one (1) parking space per six (6) seats in the auditorium. He stated that a more practical figure would be one (1) parking space per three (3) seats; therefore, the parking requirement would approximately double. This figure was determined through research of more modern ordinances. Mr. Schwab pointed out that what is being proposed does meet the Zoning Ordinance.

Under E-C zoning, the intent is to create a minimum of principle access points and to use reverse access to parking located in the side or rear yard of buildings along the E-C zoned district.

Staff recommendation is to approve the conditional use application subject to the following conditions:

1. The number of parking spaces provided for each phase be doubled.
2. Parking be located behind the front building line. One of the requirements of the E-C district is that wherever the front building line is to a major arterial, the parking must be located behind that line.
3. Access to the site be restricted to Norwich Lane. The proposed plan shows a curb cut on Alex-Bell Road. Staff feels that the access should be given from Norwich Lane to Olde Greenbrier Lane. This treatment of the access would meet with the intent of the E-C district. A church use would be a very appropriate use in which to eliminate a curb cut on Alex-Bell Road.
4. The planting strip along the east property line be a minimum of ten (10) feet wide. The E-C Ordinance requires that the parking be a minimum of twenty-five (25) feet away from any lot line devoted to a residential zone. Staff does not feel that the proposed two (2) foot planting strip is adequate.

5. Screening be added along the rear property line.
6. A landscaping plan for the site be supplied.
7. Sixty (60) feet of right-of-way from centerline of SR 725 be dedicated to the City.
8. A storm water drainage plan for the site be submitted and approved by the City Engineer.

Mr. Simon Bartzak, trustee of the Church, stated that most of staff's recommendations could be met. However, that would like to have an approval with an access from Alex-Bell Road. At the time the Church was searching for property, they were trying to find a parcel that would have access to a main thoroughfare. He stated that if they forfeit the access to the main thoroughfare, they would defeat their purpose.

Mr. Samples asked if the additional parking spaces would create a problem.

Mr. Bartzak stated no, that would be no problem.

Mr. Tom Szumlic, architect representing the Church, stated that he would like to take exception to the parking requirement. The parking requirement has been met. He stated that in order to retain a residential character to this area, to increase the parking in this area might be detrimental. Also it would cut down on the recreational area for the Church. He stated he contests the requirement of additional parking as well as rear access.

Mr. Schwab stated that in looking at the first stage of development, the parking would be adequate. It needs to be expanded at the point of the next two phases. He stated that with double bays, it appeared that during the final phase, the parking starting at the building line and going back to the rear building line would provide the suggested number of parking spaces by staff.

Mr. Bergsten asked Mr. Szumlic what he would proposed for an overflow parking situation.

Mr. Szumlic stated that they had been given guidelines to follow and they have done that.

Mr. Bergsten stated that then there are no plans for overflow parking if such a condition does come up in the future.

Mr. Szumlic stated that specifically no there are none.

Mr. Schwab stated that obviously staff's concern is that, although the parking requirement has been met, when granting a conditional use one of the items to review is the impact on the area in general. With the residential area to the rear of the Church and not knowing what might develop to the adjoining properties, with inadequate parking, people attending the Church will find their own place to park which might be Norwich Lane, it might be parking for the Greenbrier project, or it might be whatever develops in the area.

Mr. Tate stated that he is not in favor of running the access to the rear of the parcel onto a residential street. He stated he would rather see a curb cut on Alex-Bell Road. The parking spaces should conform to the Ordinance and should they need more parking in the future, they will have to put it in.

Mr. Szumlic asked if the drainage plan and landscaping plan can be waived until the Church secures the property.

Mr. Tate stated that is a reasonable request.

Mr. Horvath stated that his concern is that the area is zoned E-C to reduce the number of curb cuts along a major arterial and this project if approved as submitted will not follow the intent of the E-C district.

MOTION: Mr. Samples moved to recommend approval of the conditional use application for the Resurrection Evangelical Lutheran Church to Council with the following conditions:

1. Parking be located behind the front building line.
2. The planting strip along the east property line be a minimum of 10 feet wide. The ordinance required 25 feet of width minimum.
3. Screening be added along the rear property line.
4. Sixty feet of right-of-way from centerline of SR 725 be dedicated to the City.

Mr. Chappell seconded the motion.

Mr. Tate, in reference to the screening to be added to the rear of the property, asked who was being screened from who.

Mr. Schwab stated that the Church is being screened from the residential properties.

Mr. Szumlic stated that is a good point. There is a conflict with the screening concept because the future parsonage would be screened from the residential area.

Staff's concern is that there could be many uses that would occur on the properties such as a play area, etc., that would not be residential.

Mr. Tate stated that he failed to see a reason for screening along the rear property line.

Mr. Samples stated that he would like to amend his motion.

FINAL MOTION: Mr. Samples moved to recommend approval of the conditional use application for the Resurrection Evangelical Lutheran Church to Council with the following conditions:

1. Parking be located behind the front building line.
2. The planting strip along the east property line be a minimum of 10 feet wide. The ordinance required 25 feet of width minimum.
3. Sixty (60) feet of right-of-way from centerline of SR 725 be dedicated to the City.
4. A landscaping plan and a storm water drainage plan be supplied at the appropriate time.

Col. Morrow seconded the motion. The motion was approved 6-1.
Mr. Horvath voted no.

Springstone Lea - Record Plan

Mr. Schwab made a slide presentation of the proposed record plan for Springstone Lea located north of Centerville Station Road and east of Clyo Road in the City of Centerville. The proposed project covers an area of 9.4 acres providing eleven (11) lots. The zoning on the project is R-1. Thoroughfare improvements are required along Centerville Station Road.

The street width has been shown on the record plan as 28 feet to conform to the street standards. Twenty-six (26) feet of street was added along Centerville Station Road when the Plymouth Notch development was developed. The proposed record plan shows 28 feet of street width with sidewalks being at the rear of the right-of-way which would match the improvements made to Plymouth Notch.

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

1. An 8" water main feed the hydrant located between lots #2 and #3.
2. Utility easement language should be changed to specifically permit cable television lines.
3. Striping, signs, and pavement marking plan for the Centerville Station Road improvements be approved by the City Engineer.
4. Subject to the receipt of a performance bond and an inspection fee and the signing of a subdivider's agreement approved by the City Engineer.

Mr. Al Wahby, representing the developers, stated that he had discussed the project with staff prior to the meeting and there is no objection to any of those requirements.

Mr. Schab stated that if it is the pleasure of the Planning Commission to approve this record plan, the performance bond should be submitted in the amount of \$124,374.00 as well as an inspection fee of \$300.00.

MOTION: Mr. Horvath moved to recommend approval of the record plan for Springstone Lea to Council as submitted with the following conditions:

1. An 8" water main feed the hydrant located between lots #2 and #3.
2. Utility easement language should be changed to specifically permit cable television.
3. Striping, signs, and pavement marking plan for the Centerville Station Road improvements be approved by the City Engineer.
4. Receipt of a performance bond in the amount of \$124,374.00, inspection fee in the amount of \$300.00, and the signing of a subdivider's agreement.

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

Bigger Plat, Lot #1 - Record Plan

Mr. Schwab made a slide presentation of the proposed record plan for Bigger Plat, Lot 1 located north of SR 725 (Alex-Bell Road) and east of Bigger Road on the north side of Thomas Paine Parkway in the City of Centerville. The zoning on the parcel is I-1. The acreage for the remaining unplatted acreage of the parcel out of which this 1.7 acres would be subdivided would be 5.1 acres. Mr. Schwab stated currently there are several uses on both sides of Thomas Paine Parkway. When the condominium project went in to plat for the condominiums it platted only the roadway right-of-way going back to the condominiums. The lots that have occurred to the east of the condominium project were developed by minor lot splits and approved administratively. According to the Ordinance, they are entitled to five (5) lots splits before a record plan has to be submitted. At this point, they have used up their five (5) lot splits.

Staff's concern is that the approximate five (5) acre tract is being whittled down with drainage improvements that need to be made to Bigger Road as well as the right-of-way along Bigger Road to be dedicated and potential improvements along Bigger Road. Mr. Schwab stated that we are looking at approximate five (5) acres with several costs of development to be made over a small area. It would be possible that one owner could occupy the remaining parcel of ground and none of the improvements would have been made.

The normal way for this development to have occurred would have been to plat the whole five (5) acre area, divide it into blocks, and time the improvements to be made and the right-of-ways to be dedicated. Mr. Schwab stated that it appears to him that the owner of the parcel is working around the Subdivision Regulations by making use of the lot splits up to the maximum number and now submitting

a record plan that involves no improvements to the remaining portion. Then it is no longer economically feasible for anyone to develop the lot and make those improvements so they just buy the whole piece of ground and occupy it. Staff feels that it makes more sense to have these improvements spread out over all of these lots that remain. Staff also feels that an interconnecting drive is mandatory. Mr. Schwab stated that this connection could tie in with the already approved Olympic Drive to the north. The more we allow development to split off lots and utilize the lots to the west, the less possibility we have of being able to require those necessary improvements to the community in this area.

Staff would like to see the whole parcel platted and the improvements made. Then whatever lot splits might be necessary by the needs of whatever customers or potential buyers could be met by simply splitting those lots into reasonable parcels.

Staff recommendation is to disapprove the record plan until the area of the record plan is enlarged to include the remaining unplatted land. Mr. Schwab suggested that the parcel be laid out in blocks and the improvements made. The parcel can then be split into lots for whatever would be necessary to the users. He stated that now we are creating ridiculously long lots. It appears that most of the parcels are only using the front part of the lots which is a poor use of this land. These long lots are being created due to a lack of a street system that exists now.

Mr. Norman Fear, representing Huber Management, stated that he is here to ask Planning Commission to help save an industry that is in the City now. He stated that this decision will be made by the Planning Commission recommendation as to if it will stay in the City and grow. The problem is that their lease is ready to expire in the spring and they are anxious to start construction on their new building immediately on this parcel of land.

Mr. Fear stated that the problem was caused by the former City Planner when Mr. Schwab talks about making the property economically unfeasible to develop by another lot split. At one time, it was very possible to develop this property. However, the former City Planner decided that a better use of this property would be industrial. Mr. Fear stated that over their objections, the Planning Commission rezoned the parcel industrial. The improvements that Mr. Schwab refers to cannot economically be made. He stated that he was responsible for bringing in Centerville's second largest industry--Dimco-Gray. He stated that now he is asking the Planning Commission to help save an industry in the City who wants to locate on this particular lot. He stated he is asking for approval of this record plan to help retain an industry that has been a part of the Centerville community and wants to expand and hire more people. He stated that he is sure that if Planning Commission disapproves the plan, the industry will go to another community.

Mr. Tate stated that he does not feel that the corporation taking over this piece of property should be required to pay for the improvements. He asked what the staff's proposed improvements are that are required.

Mr. Schwab stated that the improvements that are needed are additional right-of-way and improvements along Bigger Road, Olympic Drive be tied into Thomas Paine Parkway, and some type of drainage improvement.

Mr. Bob Archdeacon stated that the improvement to Bigger Road was agreed to by the State if and when I-675 is constructed. Also, they proposed Olympic Drive as a temporary access.

Mr. Tate stated that if I-675 does not develop, then none of these improvements will be necessary.

Mr. Schwab stated that if I-675 materilizes into a on-grade highway, then a interior street would be advantagous in order to tie the two (2) developments together rather than having an arterial street linking them. It seems that some type of tie in to the area to the north would be very desireable for the future layout regardless of what happens in terms of I-675.

Mr. Schwab stated that what he is suggesting is that by splitting off the lots up to this point, they have boxed into a smaller and smaller piece of land where they can make the argument that it is uneconomical to develop all improvements over five (5) acres that remain. Before it was ten (10) acres--now it is whittled down to five (5) acres. Tommorrow we will be looking at a lot split on the corner and then onto Bigger Road. It all boils down to a bad development plan by the developer in order to avoid making those improvements on his land. It appears to be a little checker game.

Mr. Fear stated that it is not humanly possible to split the cost of the improvements over a five (5) acre parcel and be competitive in the market. He stated that City rezoned it, not Huber Management.

Mr. Samples stated that some of the members of Planning Commission received a letter from the potential buyer for the parcel (Lot 1). The letter indicated that an answer on the approval of this record plan was needed a month ago. Mr. Samples asked why the plan was submitted so late.

Mr. Fear stated that solution to the problems could not be resolved. He stated that he had discussed the plan with Karl Schab, Alan Schwab, the City Manager, and members of Council to show his concerns, but until you get a proposal nothing ever happens. He stated that he was trying to submit something that would get approved and this plan is the only thing that will work in the time constraints that we are now working with.

Mr. Archdeacon stated that the Planning Commission is discussing having improvements that he does not think the City can require because the State has not yet relinquished their right of intent to acquire that right-of-way even though they have not acquired it.

Mr. Tate stated that he is aware of that and if the State does not do anything we have potentially a very bad situation. He stated that Huber Management would be very happy if the State were to come in and acquire this land.

Mr. Tate asked why the lots were made so long.

Mr. Fear stated that it will provide future expansion to the existing businesses not with the idea of selling off the back portion of it.

Mr. Tate asked how many more lots could be developed in this area.

Mr. Fear stated anywhere from one (1) to three (3).

Mr. Tate stated that if it were the intent of the developer to avoid making the improvements, he apparently succeeded because there is nothing left there to do anything with.

Discussion among Planning Commission members indicated that they agreed that the chance to get the improvements was lost when the other lot splits were made.

Mr. Schwab made a suggestion that he and Mr. Fear had worked on as what to do with this whole parcel. The only solution that they could come up with that did not require dollars and cents improvements was that 55 feet of right-of-way be dedicated to the City with no improvements to be made.

Mr. Fear stated that if they dedicated the additional right-of-way to the City, could that be traded for curb cuts on Bigger Road. This would provide lots coming in off of Bigger Road. He asked if there would be a problem with giving him two (2) or three (3) curb cuts on Bigger Road.

Mr. Tate stated that there would be a problem because the I-675 project will not allow another curb cut any closer than what the City has now at Thomas Paine Parkway. Any more curb cuts were ruled out by the State.

Mr. Fear stated that if they contacted the State, they could press the issue for a decision as to if they are going to acquire the property or not.

Mr. Tate stated that if curb cuts are granted on Bigger Road the developer will be required to make improvements to Bigger Road.

Mr. Fear stated that he was asking for the dedication of the additional right-of-way for the curb cuts.

Mr. Tate stated that he does not feel that is in the best interest of the City.

Mr. Archdeacon stated that the record plan cannot be approved subject to dedication of the additional right-of-way because it is in land designated to be acquired for the State improvements.

Mr. Tate suggested that the record plan be forwarded to Council with a recommendation for approval. Also, they should be given an idea of what has transpired on this project so far.

MOTION: Mr. Tate moved to recommend approval of the record plan for Bigger Plat, Lot 1, to Council as submitted. Mr. Samples seconded the motion. The motion was approved 6-1. Mr. Horvath voted no.

Clara Tate, 8/29/80