

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, September 30, 1980

Mr. Tate called the meeting to order at 7:39 p.m.

Attendance: Mr. Elmer C. Tate, Jr., Mr. Dallas Horvath, Mr. Bernard Samples, Col. Stanley Morrow. Absent: 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; Mr. Jim Schneider, Centerville-Washington Park District.

Approval of minutes of August 12, 1980, Planning Commission Work Session:

MOTION: Col. Morrow moved to approve the Planning Commission minutes of the August 12, 1980 Work Session, as written. Mr. Horvath seconded the motion. The motion was approved 2-0-2. Mr. Tate and Mr. Samples abstained.

Approval of minutes of August 26, 1980, Planning Commission meeting:

MOTION: Mr. Samples moved to approve the Planning Commission minutes of August 26, 1980, as written. Col. Morrow seconded the motion. The motion was approved 3-0-1. Mr. Horvath abstained.

SETTING OF PUBLIC HEARINGS

The following item was set for public hearing on Tuesday, October 28, 1980 at 7:30 p.m. in the City Building:

Lemon, Paul - Rezoning from R-2 to O-S
Location: 155 East Franklin Street

COMMUNICATIONS

Resurrection Evangelical Lutheran Church

Mr. Schwab stated that the conditional use application for the Resurrection Evangelical Lutheran Church has been reviewed by Council. Council has approved the application with the Planning Commission conditions along with two additional conditions. The two additional conditions include screening be added along the rear property line and that access to the property be from the rear (Norwich Lane).

Centerville City Schools - Request for Political Sign

Mr. Schwab stated that the Planning Department received a request from Mr. and Mrs. Charles Whitaker requesting placement of a banner advertising the school levy. The banner will read "Support School Operating Levy - Be a D.O.E.R.". The original request was to have the banner in front of the high school at 500 East Franklin Street stretching across the street.

Mrs. Whitaker stated that they have reconsidered this placement and would like the banner placed completely on school property.

MOTION: Mr. Horvath moved to grant the Citizens Committee for the Passage of the School Operating Levy in November approval to place banners across school property in total for advertising of the levy. Mr. Samples seconded the motion. The motion was approved unanimously.

PUBLIC HEARINGS

Slouffman, Leroy - Variance on Front Setback Requirement

Mr. Schwab made a slide presentation of the request for a variance on front setback requirement to provide for a garage addition at 2826 Shetterly Lane. The zoning on the property is R-1. Under the R-1 zoning, a 40 foot front setback is required. The variance request is for a 30 foot setback. Mr. Schwab stated that the intent is to convert the current garage space to additional living space and add garage space to the east side of the existing house.

Mr. Schwab pointed out from viewing the aerial photos that the existing house is one of the more modest houses in the plat and is also one of the largest area lots in the plat. He stated that the standards for granting a variance according to the Zoning Ordinance have been met.

Staff recommendation is to grant this variance as requested.

Mr. Tate opened the public hearing. There being no speakers for or against the issue, Mr. Tate closed the public hearing.

MOTION: Col. Morrow moved to approve the variance on a front setback requirement at 2826 Shetterly Lane as requested. Mr. Horvath seconded the motion. The motion was approved unanimously.

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

Mr. Farquhar pointed out that since this item is a rezoning, it will require a vote of five in order to send a recommendation to Council.

Mr. Schwab made a slide presentation of the rezoning request to change the zoning of the parcel located at 201 West Spring Valley Road from R-1 to R-3. The purpose of the requested rezoning is to convert the existing residential house to a doctor's office. The applicable land regulations for a R-3 district would provide for single-family and two family residential, as well as conditional uses which include clinic or medical health center and residential offices.

Mr. Schwab stated that after a great amount of research by staff, it is staff recommendation to disapprove this rezoning application. This decision was concluded after the following items were considered:

1. The City Comprehensive (Master) Plan does not designate professional office zoning at this location.
2. The City Comprehensive (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.

3. Sufficient vacant land zoned to permit professional offices exists in the community.
4. Spring Valley Road is presently underdesigned to carry its current traffic volume. Additional commercial driveways along the roadway would result in decreased traffic volume carrying capacity of the highway and reduced safety to persons traveling the highway.
5. The present residence on the property is well buffered from the negative effects of Spring Valley Road on the property.
6. The surrounding residential properties would be negatively affected by the proposed rezoning. Many of these residential properties are already more severely impacted by Spring Valley Road than the property in question.
7. The granting of the requested rezoning would confer special privileges to the applicant that are denied other similarly situated properties in the area; hence, would constitute "spot zoning".

Mr. Tate opened the public hearing.

Mr. Jim Jacobs, architect for the applicant, showed a model of the proposal for the property. He explained that the model reflects how he had intended to protect the neighborhood with this design. The parking is to be placed to the rear of the property. He stated that the applicant is willing to grant the 43 foot right-of-way for the future expansion of Spring Valley Road. He stated that the conditions on the site would be one (1) doctor with the practice of plastic surgery. Other employees would include nurses and a business agent. The practice would operate out of this office two (2) or three (3) days per week with the doctor seeing up to thirty (30) patients per day. Mr. Jacobs stated that being numbered to this small amount of people, he doesn't think it will have any affect on Spring Valley Road.

Msgr. Paul Louis, 9715 Sheehan Road, stated that he has lived at the residence in question for the past ten years. He stated that the four (4) parcels to the east of the parcel in question should also be rezoned to R-3 to provide for residential office uses. He stated that he is quite pleased with the layout of the proposed doctor's office, and hopes that sometime in the future the remaining four (4) parcels will develop with an attractive treatment as well. Msgr. Louis stated that the neighborhood will benefit from a doctor being in the area. If there is a need for a doctor, there will be one within 300 feet of the residential area.

He stated that concerning the traffic, this will not be a contributing factor as the office will be in use approximately ten (10) hours a week. The doctor will maintain the majority of his practice in his downtown office. Msgr. Louis requested that the application be looked at for what is the betterment of the City.

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

Mr. Tate explained that due to a lack of a quorum, the application will be tabled until the next regular meeting.

Mr. Horvath stated that he did want it made known that the Planning Commission has been given a copy of a petition signed and submitted by several people residing in the area opposing the rezoning of the parcel located at 201 West Spring Valley Road.

Mr. Tate stated that as a point of interest, if the doctor wished to operate his practice at this location providing he resided in the house and employed no outside help, he would be perfectly within his right to do so.

MOTION: Mr. Horvath moved to table the rezoning application and the conditional use application as requested by Celine Percy. Col. Morrow seconded the motion. The motion was approved unanimously.

Shadybrook - Preliminary Plan

Mr. Tate stated that it is the wish of the engineering firm to leave the preliminary plan for Shadybrook on the table.

NEW BUSINESS

Greenbrier Commons - Preliminary Plan Revision

Mr. Schwab made a slide presentation of the revised preliminary plan for Greenbrier Commons located north of SR 725 (Alex-Bell Road) and west of Bigger Road in the City of Centerville. The zoning on the parcel is E-C. The acreage on the parcel is 16.3 acres. The number of units proposed is 155, 49 more units than the previously approved 106 units. The density on the previously approved plan is 6.1 dwelling units per acre. The parking requirement is 2 spaces per dwelling unit. The proposed parking provides less than 2 parking spaces per dwelling unit.

In the area of the manor homes, the parking provided is one (1) garage space and one (1) space in the apron area of the driveway. Under the Zoning Ordinance, this would be unacceptable. The space on the apron area does not constitute a space. They would have to be two (2) spaces that could be accessed without interference from another vehicle.

Mr. Schwab reviewed some of the history of the project. He stated that the original preliminary plan contained a density of 9.3 dwelling units per acre. The plan called for 400 units on 43 acres. In the existing development, the first section (east side of Olde Greenbrier Lane) contained a density of 12.46 dwelling units per acre. The 1-B section (west side of Olde Greenbrier Lane) contained 8.33 dwelling units per acre. Section 2 contained approximately 6.45 dwelling units per acre. The original Council approval had 9.5 dwelling units per acre. The density on a particular section went from about 12 dwelling units per acre, to 8 dwelling units per acre, down to 6 dwelling units per acre, and now back to the requested 9.5 dwelling units per acre. This is a modestly high figure in terms of a condominium development. This is, however, approximately the same density as was previously approved.

Staff recommendation is to approve the revised preliminary plan with the following conditions:

1. That the approval of this revised preliminary plan layout is subject to the approval by the City Engineer of a satisfactory final storm drainage plan.
2. That a revised plan increasing the number of parking spaces per dwelling unit be submitted and approved by the City Planner prior to submission of the plan before City Council.
3. The Park District is requesting some tie in to the proposed park on the vacant land to the east.

Mr. Val Lapsins, Judge Engineering, stated that they figured the acreage as 17.5 acres for the total site. Therefore, the total density is 8.9 dwelling units per acre. He stated that concerning parking, the parking is designed to be in front of the garage because of the new design in the manor home. There are 17 buildings containing 124 units; there are 3 buildings containing 4 units each, and 14 buildings of 8 units each. Each unit has a one (1) car garage and the other parking space is in front of the garage. The smaller units are approximately 1100 square feet--the larger units are 1424 square feet. The townhouse building which are to the north, are similar to those under construction. Mr. Lapsins stated that the storm drainage plan will be provided. He stated there is no problem with a tie in to the park. He stated that this building design is what they are now using in Chicago and this is what they are wanting to bring to Centerville.

Mr. Tate asked what price range these units will be in.

Mr. Lapsins stated he did not know at this time.

Mr. Tate stated that he agrees with staff that the parking is not adequate. He stated that you are allowing a single garage for each dwelling unit with one (1) space in the driveway. He stated that in this area most of these people will be two (2) car families.

Mr. Lapsins stated that they will look at the parking situation and see what can be accomplished.

Mr. John Nocivelli, 1318 Daventry Court, stated that the units in the project now are 1500 square feet with a base price of \$79,000. He stated he would hate to see anything go into the project that would be detrimental to the existing sections.

Mr. Bob Lord, President of the Homeowners' Association residing at 1203 Chevington Court, stated that they received very little notice on the revised preliminary plan.

Mr. Tate stated that property owners are not notified unless the project requires a public hearing.

Mr. Schwab stated that when this project goes before Council, it will require a public hearing. At that time the residents will be notified.

Mr. Lord stated that the project now has three (3) phases of development which each reflect three (3) varying styles of change. He stated that in the first section each unit has a split between one (1) and two (2) car garages with very little extra parking. He stated that anything less than two (2) car parking would be absolutely unacceptable from the Association's standpoint. He stated that as he understands the manor home style, it is somewhat less than the town-house style that provides a single-family concept and now exists within the project. He stated that the Association feels that this new concept will change the value and the intent of the project dramatically. Mr. Lord stated that if another style were implemented into the project, it will create an unsightly problem. He stated that bringing in this volume of people into the project will drastically limit the use of the recreational facilities and therefore, the facilities will not be adequate for the residents in the project.

Mr. Tate pointed out that the density is approximately the same as it was approved in the original preliminary plan.

Mr. Lord stated that what he is trying to point out is that the facilities are not adequate for the number of people in the project.

Mr. Harry Shay, 1212 Chevington Court, stated that the project in its three (3) different phases has introduced three (3) different styles, the fences are falling down in the new phase and the builder will not take care of the warranty on them. He stated that to allow a phase four to go in with these manor homes is just a cluttering look and is destroying this fine City. This will continue to destroy the City if something is not done--this place has got to be stopped now. He stated that the builder wants to put more units in this project so he can make more money. Mr. Shay stated that the builder has slabs poured and will not build them until they are sold. He stated that if the Planning Commission approved the proposed section, there will be a mass exodus of people from Greenbrier. People are not going to buy into a cluttered up junk yard like Greenbrier is turning into.

Mr. Herbert Brown, 1173 Bourne Mouth Court, stated that he bought and sold units in phase one and phase two as a part of his real estate business. He stated that there is a terrific parking problem in phase one. In phase two, all the units were built with two-car garages with eight (8) or ten (10) extra parking spaces which is not a whole lot better because people do not utilize their garage space. He stated that he sees no reason why in the development of phase four the design of phase two and three cannot be continued. Mr. Brown stated that what is now being proposed shows the largest unit as 1400 square feet. He stated that some of the existing units have up to 1800 square feet. This new proposal obviously does not fit in with what is already there. He stated that the recreational facilities are fine facilities, but they cannot take care of 400 families. He stated that by approving the plan for additional units, the nicest condominium area in Montgomery County will be destroyed.

Mrs. Jack Cary, resident of Olde Greenbrier Lane, stated that she is concerned with the apartment type design that is being proposed. She stated that she and her husband bought in the Greenbrier complex for their retirement home in order to avoid the apartment style of living. She stated that she prefers the townhouse design which reflects a single-family style. Mrs. Cary stated also that she is concerned with only having access to the project from Olde Greenbrier Lane.

Mrs. Carol Powell, resident of Greenbrier Commons, stated that she would like to see more access other than just Olde Greenbrier Lane. She stated that this one access point will not be able to carry the volume of traffic that will be generated by additional units, as well as the church that was approved last month.

Mr. Tate stated that Planning Commission approved the church with access off of Alex-Bell Road. At the time of final approval, Council changed the access to the rear (off Norwich Lane) as this is the intent of the E-C zoning district.

Mr. Nocivelli stated that he knows that the development has 400 units approved. He stated that the residents of Greenbrier Commons would just like to see the same concept used throughout the remainder of the project.

Mr. Horvath stated that he is in agreement with the residents. The residents went into the project with a certain concept in mind and the final section should at least equal the existing units.

MOTION: Mr. Horvath moved to table the revised preliminary plan for Greenbrier Commons until October 28, 1980. Col. Morrow seconded the motion. The motion was approved unanimously.

State Route 48 - Record Plan (Street Dedication)

Mr. Schwab made a slide presentation of the proposed record plan for a street dedication along the east side of SR 48 between Spring Valley Road and Marco Lane in Washington Township. The plan is a northern extension of the frontage road on which the existing McDonald's Restaurant is now situated. The area of the street dedication covers .53 acres. Thoroughfare improvements will be required to the frontage road. The intent in the first stage of construction is to build Third National Bank on the southernmost part of this site.

Mr. Schwab stated that this particular design was a compromise design reached and implemented primarily by virtue of the Township zoning condition that established as a zoning condition a 20 foot wide frontage road. This particular design would not begin to adhere to the requirements of the City Subdivision Regulations in terms of the requirements for a frontage road either in spacing back from SR 48 or in the width of the frontage road. By virtue of the Township zoning regulation, which is basically the mechanism by which the City got involved, this is a compromise design that was arrived at that was felt in a minimal way better suited the conditions that are developing along the east side of SR 48 rather than the minimal design which did not recognize the minimal zoning condition design which did not recognize the five-lane future design for SR 48.

Mr. Bill Johnson, Washington Township Service Director, submitted a letter to the Planning Department with several criticisms of the design of the frontage road. There is only a curb on one side of the roadway. The width of the roadway is less than the standard 28 feet of our normal residential street. The width of the frontage road is only 20 feet which is the minimum for a normal business frontage road.

Taking all of this into consideration, Mr. Schwab stated we still have to respect the situation by which we are involved in this project at all. That is, the Township zoning condition that we have no control over. He explained that the current design shows a continuation of the same design with a 20 foot wide roadway and a curb only on the easternmost side of the roadway. There will not be any intersections along this section of the frontage road. The frontage road will continue straight across the properties to the north.

Staff recommendation is to approve the design as submitted with the following conditions:

1. There be a 20 foot wide roadway with a 2 foot berm established on the non-curb side of the frontage roadway.
2. A performance bond and subdivider's agreement be filed in amounts agreeable to the City Engineer.

Mr. Tate asked why the City is involved with a street dedication in the Township.

Mr. Schab stated that the City is involved because the plan was submitted as a plat.

Mr. Schab stated that if it is the desire of Planning Commission to approve this plan, it should be approved subject to an inspection fee of \$74.00 and the performance bond will have to be determined.

Mr. Tate asked Mr. Gene Brown, representing the developer, if there would be a problem with those conditions.

Mr. Brown stated there would be no problem.

Col. Morrow indicated that the manager of McDonald's is concerned because of the poor condition of the frontage road and who will maintain it especially snow removal.

Mr. Schab stated that there are problems with the existing section of the frontage road. It is not acceptable now because only the first layer has been constructed. He stated that the base material is also bad and about fifty percent (50%) of the road will have to come out before it is replaced. He stated that he did talk to the manager of McDonald's who did express her concern. Mr. Schab stated that the performance bond is still out for this project. When the frontage road was put in it was only put in because McDonald's stated that they had to start on their restaurant.

Mr. Schab stated that McDonald's was told that they could construct their restaurant, but to be aware that before the second layer comes in, before we accept it, before the bond is released, there will have to be many spots removed.

MOTION: Mr. Horvath moved to recommend approval of the record plan of the street dedication for SR 48 to Council subject to the following conditions:

1. There be a 20 foot wide roadway with a 2 foot berm on the non-curb side of the frontage road.
2. Receipt of a \$74.00 inspection fee.
3. Subject to receipt of a performance bond in an amount to be determined by staff.

Mr. Samples seconded the motion. The motion was approved unanimously (4-0).

Thomas Paine Settlement No. 3 - Record Plan

Mr. Schwab made a slide presentation of the record plan for Thomas Paine Settlement No. 3 located north of SR 725 (Alex-Bell Road) and east of Bigger Road in the City of Centerville. The acreage for the final section of this development is 14.4 acres. The zoning on the parcel is R-3 which under the "grandfather clause" permits multi-family. The proposed number of units is 103. There will be 219 parking spaces provided in this section. Thoroughfare improvements are required along Clyo Road.

This record plan reflects the preliminary plan that was reviewed and worked out with Council. A ninety (90) foot strip of right-of-way for Clyo Road will be dedicated to the City and improved to the full Thoroughfare Plan specifications.

Mr. Schwab stated that one thing that was not taken into account on the construction drawings and the bond estimates was private streets that would service the condominium units. Several months ago, the Subdivision Regulations were changed to require bonding or private streets.

Staff recommendation is to approve Thomas Paine Settlement No. 3 with the following conditions:

1. The performance bond be increased to include the private street within the project and those amounts are to be determined by the City Engineer.
2. A Subdivider's Agreement be filed with the City.

Mr. Bob Archdeacon, representing the developer, stated that he was not aware of the ordinance that was passed concerning bonding of private streets. He stated that they will comply with the ordinance.

MOTION: Mr. Horvath moved to recommend approval of the record plan for Thomas Paine Settlement No. 3 to Council with the following conditions:

1. The performance bond be increased to include the private streets within the project.
2. The performance bond of an amount agreed to by the City Engineer and a Subdivider's Agreement be filed with the City.

Col. Morrow seconded the motion. The motion was approved unanimously (4-0).

There being no further business, the meeting was adjourned.

Elmer [Signature]
10/28/80