

CENTERVILLE PLANNING COMMISSION  
Minutes of Tuesday, February 27, 1979  
Regular Meeting

OFFICIAL MINUTES

Mr. Tate called the meeting to order at 7:40 p.m. DATE 3/27/79

Attendance: Mr. Elmer C. Tate, Jr., Mr. Brian Bergsten, Mr. Francis Cash, Mr. Dallas Horvath, Mr. Roland McSherry, Mr. Bernard Samples, Mrs. Marian Simmons. Also present: Mr. Karl M. Schab, City Engineer; Mr. Robert N. Farquhar, Law Director; Mr. Joseph S. Minner, Administrative Assistant; Mr. Alan C. Schwab, Planner; Mr. Jim Schneider, Centerville/Washington Park District.

SETTING OF PUBLIC HEARINGS

Zoning Ordinance Amendment

An Ordinance Amending Ordinance No. 15-1962, The Zoning Ordinance And The Ordinance No. 28-73 Relating To The Regulation Of Signs.

To be heard Tuesday, March 27, 1979 at 7:30 p.m. in the City Building.

CUMMUNICATIONS

Temporary Sign Request by Bob Stern

Mr. Schwab stated he had received a letter from Mr. Robert Stern concerning a temporary sign permit for a sign at Alex-Bell and Clyo Roads and also along the Nearing property on Alex-Bell Road. The signs are up. They do meet the requirements (size). Mr. Bergsten objected to the appearance of the signs. He further stated that the information on the signs seems to be misleading for a R-O-I zoned district.

Mr. Schwab stated that certain types of office, service, and research uses can go in this district. The land is defined on the sign as an industrial district which is a conditional use in the district. The duration of the sign permit should be placed in the motion.

Mr. Tate stated that normally a 6 month sign permit duration is allowed. He also asked if the developer is aware of the uses that are permitted in a R-O-I district.

Mr. Schwab stated that the developer had been in contact with the Planning Department.

MOTION: Mr. Bergsten moved to approve the temporary signs for a period of 30 days with the removal of the signs to occur after that time. Staff is directed to check the physical condition of the signs and verify that the information on the signs is accurate. Seconded by Mr. Horvath. Approved unanimously.

Curb Cut Request on Spring Valley and SR 48 by Heinz and Dybvig

Mr. Schwab stated that there has been a request for a curb cut on Spring Valley Road on the southeast side. Mr. Schwab presented the sketch of the proposed curb cut to the Planning Commission members.

Many questions were asked by the Planning Commission members and a decision was made to send the matter to the Transportation Coordinating Committee (TCC) for their recommendation.

#### NEW BUSINESS

##### Orville Bean's Flying Machine and Fix-It Shop - Site Plan Amendment

This is a site plan amendment to the now existing Steak & Ale Restaurant. It is strictly an architectural change to the restaurant. The zoning is Entrance Corridor (EC). There will be no change to the site plan layout. The developers are aware of the High Hazard Study that is being done in the area. The copy of the sign will be changed. There was a slide presentation of the exterior changes.

Mr. Jerry Novak, representing the project, stated that they are modifying the restaurant into a more family type restaurant. The prices will be lower and a different menu will be offered. This will be the third one of its kind in the country. All three of these restaurants were originally Steak & Ale restaurants. Upon approval of these modifications, the change over should take place in 2 or 3 months. The architecture will be done in a rustic style.

Mr. Samples asked for a description of the sign.

Mr. Schwab stated that the sign will remain the same with a different logo.

Planning Commission asked how much the existing sign area exceeds the size permitted in the ordinance.

Mr. Schwab stated that the size exceeds the requirement by a considerable amount.

MOTION: Mr. Samples moved to approve the Amendment to the Site Plan (Architectural Alterations) to Orville Bean's Flying Machine and Fix-It Shop. Seconded by Mrs. Simmons. Approved unanimously.

Mr. McSherry asked what the colors will be to the exterior of the building.

Mr. Novak stated a grayish color. Basically it will be all board on the outside.

##### Walnut Hills Estates, Sec. 1A and 1B - Record Plan Amendment

Mr. Schwab made a slide presentation of the project. He explained that this amendment is to split previously approved Section 1 into two sections. In order to do this, a record plan amendment is needed. The project is located south of Centerville-Station Road and west of Wilmington Pike in the southeast portion of the City limits. The major change involved is dividing the bond figures.

Mr. Schab stated that the only other change is a request to delete the sewage easement at the rear of the lots on the north side of Lausanne Drive in Section 1B and use the easement at the front of these lots. Also a park deed will be required.

Mr. Richard Pavlak, developer, stated that eliminating the sewer in the back of the lots is strictly his desire. An additional 100 ft. of sewer would be put in the street area. He stated that he merely did not like the arrangement of the sewer easements and it is only an engineering change.

Mr. Tate stated that this is suitable with him as long as it is approved with the County Sanitary Department. Mr. Schab agreed with this.

Mr. Cash asked where the water line runs.

Mr. Schab stated it is on the south side of the street. Mr. Schab further stated that as far as the performance bond is concerned, he would like to defer this recommendation until the projects comes before Council.

Planning Commission is looking at the layout right now stated Mr. Schab.

Mr. Tate stated that he sees no changes.

MOTION: Mr. Cash moved to approve the Record Plan Amendment for Walnut Hills Estates, Sec. 1A and 1B subject to a bond being posted and a deed being placed in escrow for the park area. Seconded by Mr. McSherry. Approved unanimously.

#### Nutt Road Estates, Sec. 2 - Record Plan

Mr. Schwab made a slide presentation of the project which includes 38 acres located south of Nutt Road and west of the Penn Central Railroad. It has provisions for 59 lots. The record plan is in conformance with the preliminary plan. The Park District requested that the Park Lot (94) be exempted from the covenants. A 10 ft. easement and a 2 ft. concrete walkway be placed between Lots 72 and 73 to provide access to the park. Also, it has been requested that Settlement House Road and Court have different names in order to avoid confusion.

The recommendation of staff is to have sidewalks on both sides of all streets and cul-de-sacs except on Settlement House Court. Approval should also be subject to receipt of a bond figure.

Mr. Bob Archdeacon, Woolpert Company, stated that regarding the name of the streets (Settlement House Road and Court) they thought the names were a good idea, however, they can be changed with no problem.

Mr. Schwab indicated that this presents a problem for the Fire Department.

Mr. Archdeacon stated that there will be no problem with the sidewalks between Lots 72 and 73 for access to the park. He stated that there is a problem with sidewalks on the cul-de-sacs.

Mr. Tate stated that the Planning Commission has been through this issue before and it would have to be appealed to Council.

Mr. Tate asked Mr. Farquhar what the current policy of sidewalks in the Township is.

Mr. Farquhar stated that the policy of sidewalks in the Township is looked into in each individual case.

Mr. Horvath stated that he thinks sidewalks should be consistent throughout the development.

Mr. Archdeacon stated that sidewalks were waived on the cul-de-sacs in Section 1.

Planning Commission members agreed that sidewalks should be put in for access to the park area.

Mr. Archdeacon stated that he does not feel it is necessary to put sidewalks on cul-de-sacs.

Mr. Tate stated that it is useful for keeping children off the street.

Mr. Archdeacon stated that the sidewalks should not be used for playgrounds. Each lot gives children 1/2 acre to play on. Mr. Archdeacon stated that he raised 4 boys and they never played on the sidewalks.

Mr. McSherry suggested they do use them to walk to school.

After further discussion concerning sidewalks it was decided to have sidewalks on Ashpark on the north side of the street to the ball of the cul-de-sac; on Hickory View on the north side of the street to the ball of the cul-de-sac. There should also be the name change on Settlement House Court in accordance with request from the Fire Department as well as the Montgomery County Planning Commission.

Mr. Schab stated there were small changes in the construction drawings, however, they have been worked out. He stated that the bond figure is in the amount of \$40,000 for sidewalks and \$292,000 for roadways and storm sewers. The inspection fee is \$.20 per linear foot.

Mr. Jim Schneider stated that approval should be subject to the Park District and the developer's engineers getting together and agreeing to the location and construction of the outlets for the storm sewers in the Park Lot.

MOTION: Mr. McSherry moved to approve Nutt Road Estates, Section 2 subject to the sidewalks along the north side of Ashpark and Hickory View to the ball of the cul-de-sacs, the naming of Settlement House Court be replaced to the satisfaction of the Washington Township Fire Department, and a performance bond of \$292,000 for street and storm sewer and \$40,000 for sidewalks. Mr. Horvath seconded the motion. Approved unanimously.

#### Salisbury (formerly Windsor Woods) - Preliminary Plan

Mr. Schwab made a slide presentation of the project located south of Mad River Road and east of Yankee Street, stating that the name has been changed to Salisbury. Mr. Schwab stated that access to the project would be strictly off of Yankee Street. The street layout is one long branch cul-de-sac. He explained that with the other developments around it, this layout of streets is the only conceivable way in which to use this parcel.

When this project was before the Township Zoning Board it was stated that as a condition for approval, mounding along the south project boundary required.

The developer for Salisbury has expressed an interest in maintaining a row of trees along Yankee Street. Any widening of the pavement would require the trees to be cut down. The required dedication is 45 ft. from the centerline which is provided. He does want to preserve the trees as long as possible.

Mr. Schwab stated in looking at the area, the trees would have to be cut down. Also, the Fire Department has reviewed the plan and stated that they have reservations about the layout of the cul-de-sac, Old Bond Court.

Mr. Bob Zimpher, representing the developer for Salisbury said that Yankee Street will be widened at some time in the future. They thought perhaps the trees could be preserved until that time. The trees would be giving screening to the homes along Yankee Street. When the widening takes place, the trees would be removed and hopefully the new trees in the development would be large enough to provide screening.

Mr. Tate stated that he would like to have the trees removed and the utility poles moved back prior to development of the subdivision. This would avoid any problems with residents in the future.

Mr. Zimpher asked if the money could be placed in escrow to remove the trees at a later date.

Mr. Tate stated no because costs would go up by the time the trees would be cut down. He requested that the trees be uprooted immediately.

Mr. Schwab stated that there are a few good trees but the best trees in the area are in the back of the development.

Mr. Schwab stated that the County Engineer's Office has reviewed the preliminary plan for Salisbury, along with the widening scheduled for Yankee Street, and has given its approval.

Mr. Cash asked about a recommendation on the widening of Yankee Street.

Mr. Schwab stated that this is considered at the time of record plan review.

Mr. Cash asked the length of the cul-de-sac.

Mr. Schab stated that it is 1,031 ft. long. The Subdivision Regulations provides for a cul-de-sac not to exceed 600 ft. in length. There is a 36" sanitary sewer line along the green space. In this case, the cul-de-sac is only serving a few lots.

Mr. Schwab stated that there is very limited circulation pattern as well as limited access in this development.

Mr. McSherry asked if there would be an advantage to a larger radius in a larger cul-de-sac. If this were the case, we would have to delete the sidewalks.

Mr. Schab stated we have right-of-way at the end of the cul-de-sac in order to extend it if the Planning Commission so wishes. He stated also that sidewalks will be considered at the time of record plan review.

Mr. McSherry stated that he would rather have a bigger turning radius and eliminate the sidewalks.

Mr. Tate stated that this does not have to be addressed tonight.

Mr. McSherry stated that he would like to see a 55 ft. radius.

MOTION: Mr. McSherry moved to approve the Preliminary Plan for Salisbury as submitted except to amend Chancery Lane cul-de-sac to 55 ft. radius of right-of-way.. Seconded by Mr. Cash. Approved unanimously.

### Thomas Paine Settlement #3 - Preliminary Plan

Mr. Schwab made a slide presentation showing the 7.6 acre tract located east of Bigger Road and north of Thomas Paine Parkway. The zoning is R-3 which under the current said classification allows multi-family. There are 64 units being provided in this section. The density is a little over 5,000 sq. ft. per unit. The parking requirement is just 2 spaces per unit. They are providing 2 garage spaces plus .7 visitor spaces per unit. There will be 3 access points onto Thomas Paine Parkway. The preliminary plan shows on-street parking for extra visitor parking. This provides only 24' of pavement. There are concerns regarding the 3 access points on the curve area of Thomas Paine Parkway. Staff does not consider this an ideal layout.

Mr. Schwab stated that the basic issue is that the whole condominium project is 3 sections. We have approved 2 of those 3 sections. We are in the final section. Zoning approval that was given on this project only provides for a total of 162 units to be built. With completion of this section as it is shown, that would be the maximum number of units they are allowed. Under the current zoning, that would make the one remaining parcel unbuildable. There is some question whether the Park District wants that area for open space.

Mr. Schwab stated that his recommendation would be that as this is the completion on development of this parcel of land that this portion of the preliminary plan should include the roadway (Clyo) and the vacant lot north of the proposed Clyo Road. Construction drawings of Clyo Road are completed from Alex-Bell Road to Wilmington Pike. The recommendation would be that this project be responsible for constructing their section of Clyo Road in its entirety to specifications of those current construction drawings, because if the extension of Clyo Road were not proposed, we would not allow that many units to access off of Bigger Road.

Mr. Bergsten asked the time limit of the completion of Clyo Road.

Mr. Schwab stated that the engineering drawings of Clyo Road have been completed. Clyo Road is ready for construction with funding.

Mr. Bergsten asked the status of the sanitary sewers.

Mr. Schab stated that there is a dispute, regarding the extension of the sewers, between Montgomery County, Greene County and Bellbrook.

Mr. Archdeacon stated that there were plans prepared for sanitary sewers. There was an assessment petition signed by the property owners for the future 4-lane divided Clyo Road.

Mr. John Chaney, developer, stated that this site is served by a lift station into the Woods Apartments and this is approved for this project and a portion of Olympic Industrial area. There is a homeowner's association for the existing 2 sections. The open space can go to the Park District or it will be returned to the homeowner's association.

Mr. Archdeacon stated that he did check the construction drawings for Sec. 2 of the condominium project and they do show the on-street parking.

Mrs. Simmons asked the radius of the first turn into the project.

Mr. Schab stated that it appears to be a 20 ft. radius.

Mr. McSherry stated that he is more concerned about the second turn in, that it looks a little awkward.

Mr. Archdeacon stated the right side of the driveway can be straightened out.

Mr. Bill Rogers, attorney for the development, presented an aerial photo of the area.

Much discussion followed concerning the construction of Clio Road.

Mr. Rogers stated that the developer is not arguing that when Clio Road comes in, the homeowners back in that area are not going to pay for it on an assessment basis. At this stage of construction we would be putting in an isolated stretch of roadway that may not be joined for 1, 5, or 10 years.

Mr. Tate stated that when the development first came in, the construction of Clio Road was a condition of approval.

Mr. Rogers stated that this was not a condition of Section 3. It is a condition of the entire development when Clio Road is cut through.

Mr. Tate stated that you are down to it now. Thomas Paine Settlement has been constructed around to the area of Clio Road proposed.

Mr. Cash stated that this extension is on the Thoroughfare Plan and the Planning Commission is bound to see to it that it is done.

Mr. Rogers stated he is aware of this and that is why he is here--that this situation is peculiar.

Mr. Tate suggested that this project should be set for a joint work session with Council at the earliest possible date and the whole matter should be tabled until that time.

MOTION: Mr. Horvath moved to table Thomas Paine Settlement #3 for a work session with Council. Mr. McSherry seconded. Approved unanimously.

#### Beechwood One - Preliminary Plan Amendment

Mr. Schwab made a slide presentation of the preliminary plan for Beechwood One. The acreage is 96.7 with 152 lots, located south of Spring Valley Road, east of the Penn Central Railroad, and southwest of Clio Road.

Mr. Schwab stated that a change in engineering firms and minor changes brought about an amendment in the preliminary plan for the project. The road layout has remained the same. Staff has made minor changes through recommendations. Westfield Lane and Woodview Court are used already in Montgomery County. There are a lesser number of lots.

Mr. George Reinke, developer, stated that some of the lots have been enlarged from the previous plan. The street pattern is the same just less lots. Section 1 and 2 have been recorded.

Mr. Cash questioned just one stub street.

Mr. Schwab reviewed several reasons why this is the case. At some time, the area to the south will tie into Clyo Road. Staff comments that street layout has been approved on the original preliminary plan.

Mr. Schwab stated that in the next section, we will see a link to Clyo Road. Essentially, we are approving the plan with 6 less lots.

MOTION: Mrs. Simmons moved to approve the Preliminary Plan Amendment for Beechwood One. Seconded by Mr. McSherry. Approved unanimously.

#### Bigger Plan - Record Plan

Mr. Schwab made a slide presentation of the project. The parcel is located on the southeast corner of Thomas Paine and Bigger Road. It involved approximately an acre of land. The zoning is I-1. There are 2 lots. The reason for this instead of a lot split is because it does involve a public storm sewer. There is an easement from the Woods Apartment complex--there is a public storm sewer which passes under the roadway. The reason for requiring a plat is so that we can make sure we have an easement and inspection and bond for this storm sewer to be sure that we maintain its integrity up to the Woods Apartment area. There are 2 items on this plat.

Number 1 is that 35 ft. building setback line should be 50 ft. from Bigger Road in an I-1 district. Under the previous zoning (business), the requirement was 35 ft., however, it is now zoned industrial.

Number 2 is that currently our Thoroughfare Plan calls for 86 ft. of right-of-way which would be 43 ft. from the centerline which would require an additional 2 ft. of right-of-way. The other consideration is that the Bigger Road improvement project which is in the construction drawing phase. What is planned in this area would require a 55 ft. right-of-way from the centerline if the Bigger project goes in its current form. The ramping for Bigger Road when it goes up over I-675 to the north begins in this area and the State will be requiring a right-of-way from the centerline that is about 62 ft.

If we follow the State's recommendation, we would require 60 ft. from the centerline or approximately another 20 ft. from the current right-of-way line and requiring 50 ft. of setback would make these lots not buildable. They would have to replat. Staff recommendation is that we require an additional 2 ft. of right-of-way as per our Thoroughfare Plan.

The other issue would be sidewalks on the north side of these two lots. When the Thomas Paine project was originally submitted it showed sidewalks going all along the south right-of-way all the way to Clyo Road.



The sidewalks were never put in and the letter of credit expired and there is no bond for the City to go back and require the sidewalks. The roadway was never accepted.

Mr. Tate asked why we are reviewing this lot split.

Mr. Archdeacon stated the developer wants to sell off the two lots. He stated further that the City was concerned about the developer building the storm sewer and asked that the record plan be submitted as we have done.

Mr. Cash asked why the whole area is not being platted.

Mr. Archdeacon stated because the developer is not ready to develop the third lot.

Mr. Cash stated you would not have to develop it.

Mr. Archdeacon stated yes but an additional bond would be required.

Mr. Archdeacon stated that he feels the sidewalks should be put in on an assessment basis. He stated further that you do not require a sidewalk when issuing building permits.

Mr. Tate asked for Mr. Schwab's recommendation.

Mr. Schwab stated that his recommendation is to approve this plat as shown with 2 ft. of additional right-of-way along Bigger Road, 50 ft. setback shown to Bigger Road and will leave the sidewalk up to the Planning Commission.

Mr. Schwab stated that this area is an industrial area and site plans will not have to go before Planning Commission, so if you want sidewalks you will have to decide now.

Mr. Cash stated that this is a place you would want sidewalks because of the different zoning districts in the immediate area.

MOTION: Mr. Cash moved to approve Bigger Plat subject to the entire parcel being platted, the recommendations of the Planner, and bonding of the sidewalks. Seconded by Mr. Bergsten.

Mr. Farquhar stated you cannot make an owner plat more than what he wants to plat.

Mr. Schwab stated that if it were not for the storm sewer, a lot split would be granted.

Mr. Archdeacon asked if the City would stamp the deed if the developer posted bond for the storm sewer.

Mr. Schwab stated he would be opposed to that.

Mr. Schwab stated that subdivisions are broken down into two classifications--major and minor subdivisions. If it is a minor subdivision, a lot split is granted and a lot of the provisions are waived. If the subdivision has public improvements involved, it must be brought before Planning Commission.

Feb 27, 1979

MOTION: Mr. McSherry moved to approve the Record Plan for Bigger Plat subject to two additional feet of right-of-way along Bigger Road (41 to 43 feet east of the centerline), distance of the building setback line from the right-of-way line of Bigger Road to be 50 feet, and with the sidewalks on the north side of the lots. Seconded by Mr. Horvath. Vote was 4-2-1. Mr. Samples and Mr. Bergsten voted no. Mr. Cash abstained. Motion carried.

Standard-Wilmington Subdivision - Record Plan

Mr. Schwab made a slide presentation of the Standard Oil site plan and record plan located north of SR 725 and west of Wilmington Pike. Mr. Schwab stated that the station is located on a parcel of approximately one acre and that parcel is zoned B-2. Three (3) curb cuts have been requested. The permitted signage is 1.5 sq. ft. per linear foot of building frontage. Standard Oil is requesting 2 freestanding signs and 2 wall mounted signs for a total of 665 sq. ft. of signage.

Mr. Schwab distributed a conceptual picture of the proposed station to Planning Commission.

Mr. McSherry questioned the freestanding signs.

Mr. Schwab stated there would be 2.

Mr. Schwab stated that Olympic Drive is proposed to join into Thomas Paine Parkway.

Mr. Schwab stated that his recommendation would be to approve Standard-Wilmington Subdivision subject to the site plan, meeting with the approval of the Wilmington Pike Task Force.

Staff would like additional time to bring it before the Wilmington Pike Task Force and to have a Planning Commission work session.

Mr. Archdeacon stated it took about 1-1/2 years to gain the access point to Wilmington Pike for Olympic Drive. The preliminary plan was approved showing the curb cuts.

Mr. Schab stated that he did not believe a plan was submitted with curb cuts and approved by Council.

Mr. Tate stated that the curb cut was not to be allowed on Wilmington Pike and not a curb cut that close to Wilmington Pike.

Mr. Tate stated that we should table this item until more legal work can be done.

MOTION: Mr. Horvath moved to table Standard-Wilmington Subdivision for a work session. Seconded by Mr. McSherry. Approved unanimously.

A work session was scheduled for Tuesday, March 13, 1979 at 7:30 p.m.

There being no further business, the meeting was adjourned.