

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

Mr. McSherry called the meeting to order at 7:40 p.m.

Attendance: Mr. Brian Bergsten, Mr. Roland McSherry, Mr. Dallas Horvath, Mr. Bernard Samples. 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. Absent: Mr. Elmer C. Tate, Jr., Mr. Francis Cash, Mrs. Marian Simmons.

Mr. Samples moved to approve the minutes of February 27, 1979, Planning Commission meeting as written. Seconded by Mr. Horvath. Approved unanimously.

Mr. Bergsten moved to approve the minutes of the special meeting of March 13, 1979 as written. Seconded by Mr. Samples. Approved unanimously.

SETTING OF PUBLIC HEARINGS

Alex Investment Company - Southwest corner of SR 725 (Alex-Bell Road) and Clyo Road

Rezoning from R-0-I to R-4  
To be heard April 24, 1979 at 7:30 p.m. in the City Building.

Douglas M. Wilson - 54 Laura Avenue

Variance on side yard requirement  
To be heard April 24, 1979 at 7:30 p.m. in the City Building.

COMMUNICATIONS

Mr. Schwab stated that there is a joint Council-Planning Commission meeting tentatively scheduled for Monday, April 9, 1979.

PUBLIC HEARINGS

Mr. McSherry stated that we have one public hearing tonight regarding an amendment to the Zoning Ordinance.

An Ordinance Amending Ordinance No. 15-1961, The Zoning Ordinance And The Ordinance No. 28-73 Relating To The Regulation Of Signs.

Mr. Schwab stated that this ordinance would eliminate the requirement that a temporary sign has to be reviewed by the Planning Commission. It takes out the limited period of time as determined by the Planning Commission. Those would now be issued through the Building Inspection Department along with normal sign permits.

Mr. McSherry asked if this would be any temporary sign.

Mr. Schwab stated that the Building Inspection Department would issue the temporary sign permit up to thirty (30) days. The ordinance is kind of vague and it might be better handled through a policy.

Mr. Bergsten asked for a staff recommendation.

Mr. Schwab stated that we can leave the procedure as it is and just make a policy change to the ordinance. All temporary sign permits come before Planning Commission unless they are in the Architectural Preservation District. Mr. Schwab stated that this procedure does not always work.

Mr. McSherry asked why this didn't work.

Mr. Schwab stated that the LaRosa's Pizza came in for a temporary sign to close the restaurant temporarily and to let people know that they would be reopening in a matter of weeks. By the time it would appear on the Planning Commission agenda, the building has already been closed and reopened. He stated that a reasonable request could be handled very easily with a rubber stamp.

Mr. McSherry stated that he thought a policy would be better and Planning Commission would still have control in case we have a serious problem.

Mr. Schwab stated he agreed with Mr. McSherry. Planning Commission could direct the Building Inspector to use his own discretion up to a period of thirty (30) days or so, then it would have to come before the Planning Commission for an extension.

There were no speakers for or against the ordinance amendment.

Mr. Farquhar stated that his only comment would be that it would probably be a better idea to reject the ordinance and pass a motion that all temporary signs could be permitted at the discretion of the administration for thirty (30) days and anything in excess of thirty (30) days should be before the Planning Commission. This would not inconvenience anyone and would not create a hardship for anyone.

Mr. McSherry stated that sounded reasonable to him and it would still give the Planning Commission control.

Mr. McSherry closed the public hearing.

MOTION: Mr. Horvath moved that the ordinance be denied. Seconded by Mr. Bergsten. The vote was unanimous.

Mr. Farquhar stated he thought it would be in order to pass a motion establishing a policy.

MOTION: Mr. Horvath moved to direct the Building Administration to issue temporary approval for signs up to thirty (30) days at their discretion and after that period of time be submitted to the Planning Commission. Seconded by Mr. Bergsten. Approved unanimously.

#### NEW BUSINESS

##### Hidden Hills, Sec. 2 - Record Plan

Mr. Schwab made a slide presentation of the Record Plan for Hidden Hills, Sec. 2, located south of East Whipp Road, east of Marshall Road, and west of the Penn Central Railroad. This section is situated on a 3.7 acre parcel which provides six (6) lots plus one (1) common lot. The zoning is R-1. There is one common area with one lot fronting on Millbank Drive.

That is the only lot existing west of the railroad track. The Record Plan that is being reviewed tonight is essentially a radial section of lots around a cul-de-sac. The only thing unusual is that we have one piece of common ground that would adjoin the previous piece of common ground. They are going to include the common ground in the previous homeowners' association for Section One, but not these lots. These lots will not be a part of the homeowners' association, but the piece of common ground will be.

There is an easement for public access to Section One to allow school children to walk to school. Also, the easement allows access to the common parcel.

Staff recommendation is that this be conditionally approved with the following conditions:

1. I-675 right-of-way line be changed to (Hwy. N  $72^{\circ} 29' 20''$  E 293.17 ft.) as pointed out by the State.
2. Reserve "A" be changed to read Reserve "E".
3. A 2 ft. concrete walkway be constructed in the public access easement between lots 48 and 49.

Mr. Schwab stated that Mr. Schab will have the bond figures and will address the drainage.

Mr. Al Wahby, Professional Engineers and Planners representing the developer, stated that the final construction drawings are not being reviewed for Hidden Hills, Sec. 2. He stated that some drainage problems had been discussed with Mr. Schab and were taken care of today.

Mr. Schab stated that there were some property owners on Millbank Drive present at this meeting who are concerned about the drainage problem.

Mrs. McAlpin of 6390 Millbank Drive and Mr. Eisenhauer of 6396 Millbank Drive are the concerned property owners.

Mrs. McAlpin stated that all the water from the lots located above them drains down onto their lots. She stated that after talking to Mr. Schab he explained there is a retaining pool above Penn Central Railroad and some of that water is draining down onto their properties. They would like to see this problem eliminated. With the development of the next section, they are going to have additional drainage problems. They would like to have somewhere on the Record Plan that this drainage problem be taken care of.

Mrs. McAlpin stated that she plans on doing some tiling in their yard to improve the drainage situation.

Mr. Wahby stated that this problem was discussed and the engineers did include such an arrangement to ensure that the existing circumstance be improved and ensure the future. At this time, the water runs without a defined channel so that it would drain properly into the catch basin. The approved plan will ensure that a ditch be created to carry this water and carry it properly to the catch basin. This information is on the engineering drawings.

Mr. Schab stated that he was on the site today and was observing the water coming from Section One. He stated that once the channel is in and the 24" storm tile is provided, that it will not create any more water and it should take care of the drainage problem that now exists. Any house or any kind of driveway will be creating more of a runoff immediately from this property. The water coming from Section One will be taken care of by having a drain swale between those two lots (47 and 48) and this water will be taken down to Marshall Road in a proper way. Mr. Schab stated that he believes that this will be an improvement to Mrs. McAlpin's property.

Mr. Schab stated that the water that now comes down from under the railroad track to the back of Mrs. McAlpin's lot would be channeled between lots 47 and 48 down to the new cul-de-sac so the water would not go onto her property.

Mrs. McAlpin asked if that would be done by the swale.

Mr. Schab stated that would be done under bond. The bond will be in the amount of \$18,500.00 and the swale must be put in before development goes ahead.

Mr. Eisenhauer stated that at the end of paving on Marshall Road there is a drainage ditch--a catch basin just south of Marshall Road--right now the water goes down the temporary ditch across the road and into that catch basin. Will there be a culvert under that road.

Mr. Schab stated that since the temporary ditch will be gone, the new ditch will carry the water.

Mr. Eisenhauer stated he does not know how you are going to take the surface drainage off of lots 46 and 47.

Mr. McSherry stated that the water from up above is going to go between lots 47 and 48 so you won't get the water. It will travel into the gutter and then into the catch basin, the way it does everywhere in town.

Mr. Eisenhauer stated that the catch basin is located on the corner of Marshall Road and Millbank Drive just about 10 ft. from the corner. The water comes down there in the winter time from the back of the lots and there is enough water there at this time to freeze on the street six to eight inches deep on the street.

Mr. Wahby stated that all of the water coming down with the exception of part of lots 46 and 47 is going to be in that swale. The balance of the property north and all the other lots are going to drain in a system of storm pipe and catch basin. That is the standard way of doing it. It is for your protection that we have this swale going along the west side of Lot 46.

Mr. Schab stated that the specifications for catch basins states that they are to be placed approximately 300 ft. apart, however they can be placed at a lesser distance than that. The plan shows that the catch basins are approximately 250 ft. apart and that puts them closer together than is required. The plan does agree to the standards and the City cannot make them put in additional catch basins.

Mr. Schab stated that he believes that there will be less problems than do exist right now. He stated that it is his belief that the water which is coming across the railroad will be taken in a different way. Mr. Schab stated that Mrs. McAlpin has in the back of her yard a low area by which the ground water level gets sometimes wet, and this improvement will not create a dry back yard at all times but it will be better than it is now. Mrs. McAlpin will be having some water yet which collects naturally from the high lots. Mr. Schab stated that if tiles are put in as indicated, it will be a good idea. At certain times, there will be some problems, but Mr. Schab stated that he believed that they will be minor in nature.

Mr. McSherry asked if Mr. Wahby agreed with the staff recommendations.

Mr. Wahby stated that he did.

Mr. Schab stated if Planning Commission accepts this plan, it should be made subject to an inspection fee of \$34.00 and a bond of \$18,500.00 which will include a sidewalk.

Mr. Bergsten stated that he noticed that the utility easements on the lots run along the front of the lot. Why is that?

Ms. Susan Johnson, Professional Engineers and Planners, stated that the reason the easements are shown on the front of the lots is because Dayton Power & Light and Ohio Bell asked for them there.

Mr. Bergsten stated that it obviously is a lot less expensive, but the attractiveness of the development would be better if they are put in the rear of the lots.

Mr. Schwab stated that he thinks the City has the right to have the easements in a particular place.

Mr. Wahby stated that it is more practical to have the easements in the front because of the rising topography in the back which is substantial and severe. The placement of utility easements as shown is simply a suggestion of Dayton Power & Light and Ohio Bell.

Mr. Schab stated that in looking at I-675, if any work is done it would be bad to have anything underground in the back of these lots.

Mr. Bergsten stated in his opinion the utilities should be in the back of the lots.

Mr. Wahby stated that he is concerned that if the easements in the back are made a condition for approval and it is physically impossible, it would put a stop on the project.

Mr. Bergsten suggested leaving it up to staff to see if placing the utilities in the back is possible.

Mr. Wahby agreed to work with staff on the placement of the utility easements.

MOTION: Mr. Bergsten moved to accept the Record Plan for Hidden Hills, Sec. 2, with the conditions as recommended by the staff:

1. The I-675 right-of-way line be changed to Hwy. N 72° 29' 20" E 293.17 ft.
2. The area marked Reserve "A" be changed to Reserve "E".
3. A two (2) ft. concrete walkway be constructed in the public easement between lots 48 and 49.
4. The staff investigate having the utility easements at the rear lot lines and, if it is feasible, have the developer incorporate these easement changes in the record plan.
5. An inspection fee of \$34.00 and the performance bond of \$18,500.00.
6. The drainage of lots 46 and 47 be accommodated in a swale along the lot 46.

Mr. Horvath seconded the motion. Approved unanimously.

Mr. McSherry stated that he would like to have a report back from staff regarding the utility easements.

#### Beechwood One, Sec. 3 - Record Plan

Mr. Schwab gave a slide presentation of the Record Plan for Beechwood One, Sec. 3, located south of Spring Valley Road, east of the Penn Central Railroad and southwest of Clio Road. The parcel consists of 48.2 acres which provides 79 lots. There are park requirements and there are thoroughfare improvements to be done along Spring Valley Road.

Mr. Schwab stated that this record plan is in conformance with the amended preliminary plan. Staff is recommending approval of this plan with the conditions that there be a sign barricade at the end of Payne Farm Lane. Mr. Schwab stated that staff felt it would be a good idea to have this barricade to keep someone from going off the end without being able to see the end of the street properly. An additional condition would be that the fire hydrant and water main size and location be approved by the Fire Department and Montgomery County Sanitary Department.

Mr. Schab stated that the bond is in the amount of \$307,800.00 and an inspection fee of \$1,245.80.

Mr. George Reinke, engineer for the project, stated that the plan is in basic conformance with the amended preliminary plan that was approved last month. The street name changes have been made and work has been done with the staff and Montgomery County in carrying out any revisions and plan changes that they have brought up-to-date. Mr. Reinke stated that he agrees to the conditions of approval.

Mr. Schwab stated that sidewalks have been put on both sides of the street throughout the project. This section has been submitted with sidewalks on all streets and cul-de-sacs up to the bulbs except for the one short court.

MOTION: Mr. Horvath moved to accept Beechwood One, Sec. 3, Record Plan, with the staff recommendations as follows:

1. The southern stub of Payne Farm Lane have a sign barricade constructed.
2. Fire hydrant and water main size and location be approved by the Fire Department and Montgomery County Sanitary Department.
3. An inspection fee of \$1,245.80 and a performance bond of \$307,800.

Seconded by Mr. Bergsten. Approved unanimously.

#### Salisbury - Record Plan

Mr. Schwab gave a slide presentation of the Record Plan for Salisbury located south of Mad River Road and east of Yankee Street. The project consists of 13.5 acres. It has 14 lots with 2 lots designated as open space. Those lots are essentially non-buildable.

Mr. Schwab stated that in the preliminary plan some modifications were required. A 55' radius was required on the rear cul-de-sac because the length of the cul-de-sac was accepted--that was the principle change. At the last meeting, there was discussion of the trees located along the front of the project and the determination was that the trees will have to come down to improve the road.

The one open space lot has a 36" sanitary sewer running through it. There is a screening requirement under the Township Special Use zoning that has to exist on the open space lot. This open space lot is located north of the Southpoint Two development--lots 164 and 165.

The staff recommendation is that conditional approval be granted with the conditions that the covenants be reviewed and approved by staff. The covenants are usually submitted at the time of record plan review; however, the homeowners' association is not ready at this time.

Mr. McSherry asked if there is a problem with the Fire Department concerning the location of the hydrant and water main size.

Mr. Schwab stated that this is not anything unusual--that Planning Commission is just not aware of these types of problems and the concerns are worked out through staff procedures. Mr. Schwab stated that the staff just makes sure that this type of situation gets a conditional leverage.

Mr. Schwab stated that as far as sidewalks, the plan shows sidewalks along Yankee Street and it joins into a sidewalk that is suppose to exist in the Southpoint Two development, but it is not there yet. It shows the sidewalks lining up, but when the staff looked at the full profile, the 90 ft. right-of-way would call for sidewalks to be removed and relocated further to the east.

Mr. Schwab stated that staff recommends that the sidewalk location as it is shown on Yankee Street be relocated approximately one (1) foot back from the 45' right-of-way line in the rear side of the sidewalk.

With this change of relocation in the sidewalk, it might not have to be moved in the future. Currently, the construction drawings show sidewalks in the remainder of the plat. Some discussion has occurred as to whether the Township is agreeable to brick sidewalks in this vicinity. The developer might be interested in putting a brick sidewalk in and the Township has agreed to that with certain construction standards to be followed. If the brick sidewalks are put in, the Township stated that the maintenance would have to be the responsibility of the adjacent property owners.

Mr. McSherry asked if these are conditions of approval.

Mr. Schwab stated that the staff's recommendations are that we have sidewalks going on one side of the street, probably on the north side, Chancery Lane up to the bulb of the cul-de-sac. If the sidewalk is brick, staff recommends that a protective covenant be made.

Mr. Schwab stated that the other request that the Township made is that we have numerous concrete streets in the area and they (Township) are unhappy with the way those streets have held up over a period of time. Due to this factor, the Township is requesting that instead of concrete that asphalt be used. It is more of a request than a condition. It will be basically up to the developer.

Mr. Schwab stated that Mr. Schab has the bond figures.

Mr. Bob Zimpher, representative for Salisbury, stated that most of the changes that have been made from the preliminary plan have been conformed to and some of the recommendations that have been brought forward tonight are going to be done by his company anyway. He stated that as far as putting the sidewalks in, the brick that they are planning on using has been discussed with the City and Township.

Mr. McSherry asked what type of street they are planning to put in.

Mr. Zimpher stated that they are thinking about putting in a brick street. It is being discussed at this point.

Mr. Schab stated he didn't know if he would recommend this.

Mr. Schab distributed booklets to the Planning Commission showing them the type of brick that would be used for the sidewalks. It is an interlocking type brick. As far as using this for the roadway, he did not know and the Planning Commission should probably stick with the Township recommendation.

Mr. Zimpher stated that they want to put in something better than concrete or asphalt and this brick is not only supposed to be unaffected by salt, but it is supposed to be three (3) times stronger than a normal concrete street.

Mr. Schab stated that if it is the pleasure of the Planning Commission to approve this plan, then there should be an inspection fee of \$314.50 and a performance bond of \$113,000.00.



MOTION: Mr. Horvath moved to approve the Record Plan for Salisbury, with the following conditions:

1. Staff approval of the covenants.
2. Addition of an easement for the 36" sanitary sewer line.
3. Fire hydrant and water main size and location approved by the Fire Department and Montgomery County Sanitary Department.
4. Sidewalk be added on the north side of Chancery Lane to the bulb of the cul-de-sac and the sidewalk along the right-of-way setback 45 ft. from the road.
5. If brick is used for the sidewalk, a covenant be added to require property owners to maintain the portion in front of his property.
6. Street surface to be approved by Washington Township.
7. An inspection fee of \$314.50 and performance bond in the amount of \$113,000.00.

Seconded by Mr. Bergsten. Approved unanimously.

Mr. McSherry asked if there was any further business.

Mr. Schwab stated that there was someone in attendance who would like to bring an additional item forward.

Mr. John Judge stated that he was here representing the Greenbrier development.

Mr. Horvath asked why this item was not on the agenda.

Mr. Schwab stated that it was not submitted within the proper time. He stated that it was brought in to the Planning Department a few days after the deadline, but it did not go out to the regular review agencies for review through the normal City procedures. It has only been through the engineering firm forwarding it to the Fire Department.

Mr. McSherry asked if there is any problem taking care of it tonight.

Mr. Schwab stated that there are conditions to be resolved as far as building locations. It is up to you if you want to review it tonight.

Mr. Bergsten asked if there is a particular hardship that exists.

Mr. Judge stated that, yes, they are anxious to go ahead with the project.

Mr. Schwab stated that the Planning Commission previously approved this section of Greenbrier. Essentially, a new owner has taken over and a new engineering firm has taken over and what they want to do is put three (3) additional buildings within this previously approved section that has already been recorded as far as the easements and whatnot. They are also adding some parking along this road and additional parking spaces. There are some questions that were raised by the Fire Department concerning the closeness of these buildings, whether to have these three (3) garages attached together.

Mr. McSherry asked if staff has addressed this at all.

Mr. Schwab stated no, not through the City offices. No plans have been submitted. The developer has worked with the Fire Department. Mr. Schwab stated that it was his understanding that this project would be filed with the City. He stated that there is nothing to stop them from bringing this before the Planning Commission tonight.

Mr. Judge stated that he has the comments from the Fire Department and that he is agreeable to everything that they are asking for.

Mr. Horvath stated that he feels that this should have gone through staff and that the deadline was not met.

MOTION: Mr. Horvath moved that the Planning Commission not review this issue tonight. Mr. Bergsten seconded the motion.

Mr. McSherry asked for some direction from staff.

Mr. Farquhar stated that this situation has happened in the past and it is up to the Planning Commission as to whether they want to act on this project this evening.

Mr. Samples asked if the only issue is for the plan to meet the Fire Department's requirements.

Mr. Judge asked if he could read the requests of the Fire Department.

Mr. Horvath stated no, that there is a motion to be voted on.

Mr. Judge continued and stated that the requests of the Fire Department were quite incidental and began reading the requests:

1. The Fire Department has requested that they approve fences before any are constructed.
2. Locate the existing fire hydrants and show them on a map and return it to them.
3. Requested and specified where off-street parking should be increased.
4. Request that the Fire Department check the street names.
5. They did ask for one (1) fire wall to be constructed between buildings 5 and 6. They requested that one (1) garage be moved 8 ft.

At this point, Mr. Horvath excused himself from the meeting temporarily.

Mr. McSherry stated that it sounds as though there are too many things that are to be considered.

Mr. McSherry stated he would like to table the project, however, there was not a quorum present in which to do so.

There being no further business, the meeting was adjourned.

*Clara Tate 7/31/79*