

CENTERVILLE PLANNING COMMISSION  
Minutes of Tuesday, April 24, 1979  
Regular Meeting

Mr. Cash called the meeting to order at 7:35 p.m.

Attendance: Mr. Francis Cash, Mr. Brian Bergsten, 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; Mr. Bill Johnson, Washington Township Road Superintendent; Mr. Jim Schneider, Centerville/Washington Park District. Absent: Mr. Elmer C. Tate, Jr., Mr. Roland McSherry, Mrs. Marian Simmons.

SETTING OF PUBLIC HEARINGS

Frank L. Holloway - 90 West Ridgeway Road

Variance on side yard requirement.

To be heard May 29, 1979 at 7:30 p.m. in the City Building.

PUBLIC HEARINGS

Alex Investment Company - Rezoning from R-0-I to R-4

Mr. Schwab made a slide presentation of the rezoning request. The application requests the rezoning for the area involving the southwest corner of SR 725 (Alex-Bell Road) and Clyo Road be changed from R-0-I to R-4. He stated that the purpose for the rezoning request is to build condominiums. The acreage of the parcel is approximately 25 acres.

Mr. Schwab showed a slide of the Land Use Map contained in the Comprehensive Plan which indicated that the area being considered for rezoning tonight is shown as research type facilities and industrial parks. Mr. Schwab stated that there have been several rezonings in the immediate area that have changed the implementation of the Comprehensive Plan.

Mr. Schwab stated that staff recommends approval of the rezoning based on:

1. The particular parcel in question has several streams cutting across it. There are a lot of trees along these streams and along other areas and quite a bit of topography there.
2. There are anywhere from 6% to 18% of slopes.
3. The soil is not well drained, therefore, it is subject to erosion.

Staff feels that this site is not very conducive to the intensive type of development that would service industrial or office type development. In looking at the zoning map, there are several parcels R-0-I zoned throughout Centerville, this being one large tract that is presently predominantly agricultural. There is also a large tract just east of the high school that is also zoned for agricultural uses neither which have undergone development at this point with their intended use. The R-0-I zoning under the current zoning ordinance would not provide the buffer strip adequately as spelled out in the Comprehensive Plan. The implementation in the zoning ordinance is lacking in that area.

For a multi-family use, the particular tract in question, should have good access to thoroughfare roads without going through low density areas. Also, it should have reasonable access to retail shopping. This parcel meets both of those conditions. It does have excellent access thoroughfares. It is convenient to SR 48 where there is shopping in the Washington Square area.

Mr. Schwab concluded by saying that staff recommends approval based on those conditions.

Mr. Al Wahby, Professional Engineers and Planners, gave a background of the rezoning request. Mr. Wahby stated that he was impressed by Mr. Schwab's presentation and did not realize that he would do so much that would coincide with his firm's work.

Mr. Wahby explained that along with the standard application is an attached supplement which addresses the questions asked on the application.

Question #1. How does the proposed use relate to the comprehensive plan as well as the existing land use pattern of the neighborhood?

Mr. Wahby stated that this is a very crucial question. Mr. Wahby explained that that process in preparing a comprehensive plan is usually done on a small scale. He stated that small means on small maps and that it is usually limited because it is a first step in getting a direction. There is a lot of detailing work done later. In doing so, many of the fine points are overlooked on the overall scheme. Mr. Wahby stated that when the Comprehensive Plan is final, some changes do occur, however, the spirit of the Comprehensive Plan should be maintained. In the spirit of this Comprehensive Plan, these industrial areas should be buffered from the very light intensive uses to the high intensive uses.

Mr. Wahby explained that with this theory of shifting the intensive use, the change in zoning that occurred where the multi-family buffer should have gone according to the Comprehensive Plan has been shifted to the parcel in question. Mr. Wahby explained that if it were left as a R-O-I zoning, there would be a harsh transition from R-1 to R-O-I.

Question #2. Show how the zoning change in your opinion, is necessary for the preservation and enjoyment of substantial property rights, and will neither be detrimental to the public welfare, nor the property of those persons located nearby.

Mr. Wahby stated that as he had just explained, it would be a harsh transition from R-1 to an industrial use. He explained that it would be a more harmonious use with the surrounding residential properties.

Question #3. If the present zoning is not related to the public health, safety, convenience comfort, prosperity or general welfare, indicate how the reclassification will relate to these purposes of zoning.

In addition to what he just said, Mr. Wahby stated that the physical characteristics are more suitable to R-4 zoning. If the zoning stayed industrial, parking lots would replace a lot of the area and would increase the drainage.

Question #4. Supply data i.e. market studies, to support feasibility, marketability or potential of proposed use.

Mr. Wahby stated that Mr. Bob Stern is proposing this project in the condominium form. According to PEP, Inc., studies in the Centerville, Washington Township, and Miami Township area, there are in these areas 1,130 acres that are zoned or planned for industrial use. By use of data information from the MVRPC, it is expected that by 1995 there might be a need for 870 acres. There is no question that there is an excess of acreage marked for industrial use. In the Centerville-Washington Township area alone, there are 390 acres zoned or planned for industrial use. The projections are in for 1995 for 180 acres out of 400. There is ample acreage and sites for industrial use.

Question #5. Is rezoning required to change an error or necessary due to a change in conditions?

This also was answered before--both on two scores. The actual happening on the adjoining properties and in addition to the harmony of the plan with intentions of the Comprehensive Plan providing for that multi-family to be the transition between single family and the industrial.

Mr. Wahby stated that his firm has done seven maps to show the characteristics of this site. Mr. Wahby covered the basic layout of the proposed development if the rezoning should occur. He stated that much of the area would be left in its natural state.

Mr. Wahby explained that the buildings would be done in a cluster form except for one triangle of the parcel which would be duplexes to provide a buffer for the single family homes. The back yard would front on Clys Road to provide a buffer as well as mounding that would be provided also. The parcel is approximately 25 acres; however, only 22.5 acres would be developed. The remainder will be used to meet density requirements. Mr. Wahby stated that right now the preliminary drawings show 110 units, however, when the final preliminary plan is drawn up, 122 would be the maximum allowed.

Mr. Samples asked for the dimensions.

Mr. Wahby stated that they are 1,200 ft. along both Alex-Bell Road and Clys Road. Mr. Wahby stated that the development will be clusters--there will be two single family with minimum additions for storage space and they will be grouped in a triangle separated by a heavy creek drainage pattern. The trees in that area are very heavy and they will build mounds.

The other groups are two groups each by its individual access. The clusters will be broken down into fifty (50) or something in that order.

Mr. Richard Reeves, homeowner at 1001 Ambridge Road, stated that he has met with the developer and discussed the alternatives. He stated that he doesn't envision that tract of land as being used as an industrial lab. He stated that he is somewhat concerned about the potential uses under the current zoning. He stated that development of condominiums is less desirable than single family homes, however, it more desirable than warehouses. He stated that the people across the street have an investment of at least \$100,000 in their homes and they do not want to see that land put to some use that could be a potential use under the current zoning. In talking with neighbors, Mr. Reeves considered the R-4 more desirable.

Mr. Bergsten asked what the time schedule for the project is.

Mr. Bob Stern stated that the first construction is planned for the September period. Beyond that, the market will tell us when we finish.

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

Mr. Wahby stated that he was not sure but they are within the requirement, however these roads will be private roads.

Mr. Samples asked if any work would be done on the creek that runs through the proposed development.

Mr. Stern stated that the whole purpose behind this development plan is to try to return that ground in its natural state--to stabilize it, to prevent any excessive runoff, and to keep it the way nature developed it. We are planning a buffer zone on either side of that creek so that nothing will be touched.

Mr. Samples asked if the flooding will be a problem.

Mr. Stern stated that there won't be anything there to flood except trees.

Mr. Wahby stated that the 100 ft. on each side of the existing channel should be left unbuilt for the purpose of flooding.

Mr. Cash asked since these are private streets, would this project have to be submitted as a PUD.

Mr. Wahby stated that in R-4 multi-family there is no such requirement. Private streets go into the R-4 standards.

Mr. Schwab stated that this would not require public streets in a use like that.

Mr. Schwab stated further that what is being proposed is the zoning not the site plan. There is no guarantee that whatever their good intentions are, this is going to be built in this fashion.

Mr. Cash asked if separate lots were being sold didn't these streets have to be public streets.

Mr. Schwab stated that they would.

Mr. Stern stated that there is no intention of this--that this is going to be developed strictly as a condominium project.

Mr. Cash asked if the streets intersecting with Clyo and Alex-Bell Roads would create any site distance problems at those intersections.

Mr. Stern stated no.

Mr. Schab stated that these questions are pointing out one problem and that is the widening of Clyo Road which is in the offering very soon. We have some plans for Alex-Bell Road and at the present time there is no way by just looking at the plan as presented to say whether it is good or bad. We would really have to look into it a little bit further taking into account how much 100' you would be taking from Clyo Road. We are

looking at this plan as a concept plan only and any kind of judgment as from the exact location or the desirability there is no answer.

Mr. Cash stated that he understands that we are not looking at this as a site plan but it has been his experience to point out these things. It just generally saves misunderstandings later.

Mr. Cash stated that there appears to be a vacant corner of mounding.

Mr. Stern stated yes, that this is not going to be a gas station. The mounding is being added to provide screening for the traffic noise.

Mr. Cash asked if there is any special screening provision along the railroad.

Mr. Wahby stated that at this point, the plan calls for the garages and driveways to be along the back side for increased buffer and separation between the railroad and the residential section of the building.

Mr. Bergsten asked why the request is for R-4 instead of R-3.

Mr. Stern stated that the multi-family zoning is the zoning that would allow the development of the condominiums.

Mr. Cash asked if the intent of the area northeast of the flood plain would be two-family basically and the rest being multi-family.

Mr. Stern stated yes, that technically they will be two-family; in practice, they are two single family dwellings linked by the storage unit. They will not have a common living wall.

Mr. Cash asked that since R-4 is not needed for the entire site would it be possible to draw a line down the creek and zone it R-3 northeast and R-4 on the remainder of the tract so that we can guarantee the two family buffer.

Mr. Stern asked if in R-3 you do not have to have separate lots.

Ms. Susan Johnson, PEP, Inc., stated that the minimum square footage per dwelling unit for a two-family is less than for a multi-family unit.

Mr. Stern stated his only concern is that they cannot put them on separate lots. Other than that, it is okay.

Mr. Cash asked if Mr. Schwab determines that R-3 does not require separate lots, would Mr. Stern object.

Mr. Stern stated he would not.

Mr. Cash stated he would like an answer on this before Planning Commission makes a decision.

Mr. Farquhar stated that he wanted to point out that there are not enough Planning Commission members present tonight in which to take action on the rezoning. He explained that the rezoning could be tabled or sent to Council without a recommendation from the Planning Commission. Since this an amendment to the Zoning Ordinance, it does require a vote of five members.

Ms. Johnson stated that Mr. Stern is agreeable to the rezoning of the corner to R-3 and the balance to R-4.

Mr. Cash stated that a work session will be set for May 15, 1979 and Planning Commission could table the rezoning request and act on it at that time.

Mr. Cash asked Mr. Stern if that would throw him off schedule.

After discussion regarding the dates of upcoming Council meetings, Mr. Stern stated that it would not be a problem to table it.

Mr. Stern stated that the R-3 zoning would be useless to him on the corner if he cannot put condominiums on it. He stated that he would rather have an approval from the Planning Commission instead of a recommendation.

MOTION: Mr. Horvath moved to table the project for a Special Meeting scheduled for May 15, 1979 at 7:30 p.m. Mr. Bergsten seconded the motion. Approved unanimously.

#### COMMUNICATIONS

Mr. Schwab stated that Planning Commission had a letter from Greene County Commissioners to the Chairman of the Montgomery County Board of County Commissioners concerning sewage treatment for the Sugarcreek drainage. There is a conflict between Montgomery County and Greene County. Mr. Schwab stated that Council has directed him to investigate this matter further to see what the implications are in stopping development for how long in the Washington Township-Centerville area.

Mr. Schwab stated that Greene County is not agreeing to letting more sewage come over the border to Sugarcreek Waste Treatment Plant.

Mr. Schwab stated that there is one other request, that being a request to delete sidewalks, by Mr. and Mrs. Gerald Post.

Mr. Schwab stated that they are owners of Wren's Cross, Section 1, Lot #2. In this plat, the streets have not been accepted by the Township at this time. On their particular road, there is a 40' section of sidewalk in front of their lot that they are requesting to be deleted. There are four lots presently on the cul-de-sac.

Mr. Schwab stated that this plat was approved with sidewalks on one side of the streets. There is a sidewalk going on the north side of Kimberly and on the west side of Bodem Drive tying in with sidewalks in the Walnut Grove plat. This 40' stretch of sidewalk would be the only one that doesn't go to the bulb of the cul-de-sac or to the driveway.

The staff recommendation on this is that the sidewalk doesn't really seem to serve much of a purpose. The cul-de-sac is extremely short. Mr. Schwab stated that there would be no problem from a staff's point of view to delete this section of the sidewalk.

Mr. Bill Johnson, Washington Township Road Superintendent, stated that the Township would have no objection to the deletion of the sidewalk.

Mr. Cash stated that in the past, Planning Commission has waived sidewalks on a short cul-de-sac. Mr. Cash stated that this is a homeowner that is requesting this so the developer would have to be notified that he has a choice to ~~mount~~ a solid sidewalk if he so chooses.  
delete

MOTION: Mr. Horvath moved to approve the request of Gerald and Ann Post, homeowners of Wren's Cross, Section 1, Lot #2, to delete the 40' of sidewalk in front of their lot on Kimberly Drive cul-de-sac. Mr. Samples seconded the motion. Approved unanimously.

PUBLIC HEARINGS - resumed

Douglas M. Wilson - Variance on Side Yard Requirement

Mr. Schwab made a slide presentation of the variance request located at 54 Laura Avenue. The zoning is R-3. The Wilson lot is currently 7,050 sq. ft. The zoning ordinance for a R-3 lot would require a lot area of 15,000 sq. ft. minimum. The frontage on the lot is 60 ft. and the frontage on the current R-3 zoning is a minimum of 100 ft. You can see that the Wilson lot is considerably smaller because it is a older lot established when this particular zoning requirement went into effect. The side yard requirement would be 10 ft. on each side and it would be 20% of the lot width which would be 12 ft. total both sides. By virtue of a 10 ft. side lot, you would have to say that under the zoning ordinance, you would have to have 20 ft. of side lot but it would by only required a minimum of 12 ft. if you could do that. It still stays within the 10 ft.

Mr. Wilson is requesting a variance down to 8' 2" on one side and the other side would be above the 10 ft. He would have his proposed plan of 20' 5" total on both sides. So he is asking for a variance on one side of 1' 10".

Mr. Schwab stated that he is proposing a garage addition. Mr. Schwab reviewed the project with the variance checklist which states the requirements for granting a variance. Mr. Schwab stated that staff recommends approval based on the requirements for granting a variance have been met.

Mr. Wilson, applicant, stated that the reason for doing this improvement, is that he can use one side of the garage for storage in order to eliminate an eyesore and it will allow putting one vehicle in the garage and the other one in the driveway and off of the street.

Mr. Cash asked what type of storage.

Mr. Wilson stated that he did contracting work and he would store his tools and such in the garage.

Mr. Cash asked what type of contracting work Mr. Wilson did.

Mr. Wilson stated remodeling work.

Mr. Cash asked if Mr. Wilson operated out of his home.

Mr. Wilson stated no, that it was only a part-time job.

Mr. Cash asked Mr. Schwab if he saw a problem with a zoning use there-- home occupation.

Mr. Schwab stated that he could see no relevance. He stated that he didn't know the facts, but it would be a problem of the zoning inspector.

Mr. Cash asked Mr. Wilson if the Planning Commission approved the variance request would he not do anything that would create a business.

Mr. Wilson stated that would be fine with him.

Mr. Bergsten stated that he is concerned about the neighbors.

Mr. Wilson stated that he submitted a letter to his neighbors. The neighbors have no objections.

Mr. Cash asked how far is that house from the proposed addition.

Mr. Wilson stated that it would be approximately 10 ft.

MOTION: Mr. Bergsten moved that the request by Mr. Douglas M. Wilson for a side yard variance be granted as requested. Mr. Horvath seconded the motion. Approved unanimously.

#### UNFINISHED BUSINESS

##### Thomas Paine Settlement #3 - Preliminary Plan

Mr. Schwab said that the reason this was on the agenda was that it was previously tabled in order to have a joint workshop with Council. Mr. Schwab stated that in regard to the recent happenings with the sewer it could be a six month wait. Mr. Schwab recommended that the developer for the project be notified and the project be on the agenda at the next meeting for action. A letter will be sent to the developer in order to notify him that this project will be on the agenda on May 29, 1979.

#### NEW BUSINESS

##### Banc Ohio - Site Plan Amendment

Mr. Schwab made a slide presentation of the Site Plan Amendment for Banc Ohio located west of SR 48 and south of Spring Valley Road in the Centerville Place Shopping Center. The zoning is B-3. The building would be two floors with 3,712 sq. ft. The parking spaces are more than adequate for the site. The sign area permitted would be one 50 sq. ft. freestanding sign which would be 25 sq. ft. per side. They are requesting one freestanding sign that is 72 sq. ft. which would be 36 sq. ft. per side. This does not meet the sign ordinance requirements. A variance would be needed. There is one wall sign that is approximately 32 sq. ft. That is a total of 104 sq. ft. of signage that is being requested. That amount of signage area is allowed in their total allotment--it just isn't proportioned correctly for the freestanding sign and would be a problem.

Mr. Schwab showed a location map showing the Banc Ohio situated on the northeast corner of the Centerville Place Complex. There will be a one way in with three drive-in window lanes.



Mr. Schwab stated that the freestanding sign is 14' high which is within the sign requirements. The sign area is the problem. The sign is internally lit.

Staff recommends approval of this project subject to the following conditions:

1. The required fire hydrant for Centerville Place is installed at the southwest corner of the main entrance to the shopping center.
2. The remaining 60 ft. of right-of-way along SR 48 is dedicated to the City of Centerville.
3. The proposed freestanding sign meet the requirements of the zoning ordinance.
4. The seven northern parking spaces on the plan be eliminated.
5. The pavement lanes north of the drive-in windows and the median be restricted by signage to one-way travel in a westerly direction from the SR 48 right-of-way to the center north-south road within the shopping center.
6. The proposed landscape work be bonded with the City of Centerville before the building permit is issued.

Mr. Tim Logan, Beerman Realty Company, stated that as far as making the traffic suggestions he is in agreement. That can be handled very easily. As far as the dedication of the right-of-way, it has mostly been due to the slowness of his staff. He stated that the deeds were received back last week and they will be recorded and sent back to the City. As far as the fire hydrants, that is not a problem--they will be put in.

Mr. Logan said he will leave the subject of the sign up to the architect to discuss.

Mr. Cash asked if the loss of those parking spaces will be a problem.

Mr. Logan stated no, that could be worked out.

Mr. Schwab stated that there is a problem with traffic flow--an additional one-way sign needs to be placed in the grassed area.

Mr. Logan stated that was being taken care of and the two signs needed to do this have been ordered.

Mr. Lyle Szabo, architect for the Banc Ohio project, stated that the parking that staff is requesting be eliminated would be employee parking only. However, if you want it eliminated, we will do so. The sign is a standard sign that Banc Ohio uses around the State of Ohio. If your requirement is such, we have to reduce it. If we can get permission, we would like to have a sign like the other bank does in Centerville Place. The other bank, Citizens Federal, has a ground mounted sign.

Mr. Horvath stated he would prefer that kind of sign to keep the area consistent.

Mr. Schwab stated he would like to point out that the other bank needed a variance to gain placement within 25 ft. into the right-of-way. Mr. Schwab stated that variance was approved.

Mr. Horvath stated he recalled reducing the size of the other bank sign in exchange for placing it in the right-of-way.

Mr. Logan stated that as the developer for the entire development, they would be in favor of the ground mounted sign also.

Mr. Bergsten stated that the wall mounted sign should be consistent as well.

Mr. Logan stated that they are under the total square footage that they are allowed.

Mr. Schwab stated that they are under the limit considerably. The only problem is the size of the freestanding sign.

Mr. Cash stated he could not see a problem with the parking at the back of the bank.

Mr. Schwab stated that the problem staff foresees is that cars will be waiting at the windows and then they will start darting out. When persons have to back from these spaces, they won't see the traffic movement from a direct right angle.

MOTION: Mr. Bergsten moved that the Site Plan for the Banc Ohio be approved with the provisions as follows:

1. The required fire hydrant for Centerville Place is installed at the southwest corner of the main entrance to the shopping center.
2. The remaining 60 ft. of right-of-way along SR 48 is dedicated to the City of Centerville.
3. The proposed freestanding sign meet the requirements of the zoning ordinance.
4. The seven northern parking spaces on the plan be eliminated.
5. The pavement lanes north of the drive-in windows and the median be restricted by signage to one-way travel in a westerly direction from the front SR 48 right-of-way to the center north-south road within the shopping center.
6. The proposed landscape work be bonded with the City of Centerville before the building permit is issued.

Mr. Horvath seconded the motion. Approved unanimously.

Mr. Cash explained that the Site Plan has been approved with the recommendations of staff and that an application for a variance will have to be submitted for the ground mounted sign placed as the other bank in Centerville Place (Citizens Federal). Mr. Cash stated that since this same situation was approved previously by Planning Commission, they would probably be in favor of the same thing again.

Bonded Oil - Site Plan Amendment

Mr. Schwab stated that this a Site Plan Amendment to their existing filling station located on the southwest corner of Spring Valley Road and SR 48. The change that they are requesting is to remodel the facade of the present building structure to add a convenience food retail sales area in the existing building service space that is not in use at this time. Also they are expanding the number of pump islands and will relocate some of those pump islands and are going to construct canopies over those pump islands. The zoning on the project is B-2.

Mr. Schwab stated that the staff recommendation is that this amendment be approved with no signage approval being given. The existing sign as long as it is not altered would be a non-conforming sign so it would be allowed to remain.

Mr. Schwab stated that it is staff recommendation that when the company does get to the signage stage, they should come in and meet the conditions of the sign ordinance for signage.

It is staff's recommendation that the pumps on the north side should be moved back about 12 ft. to allow better circulation.

Mr. Cash asked if there is a setback on Spring Valley for future widening or is that already at its maximum standard.

Mr. Schwab stated that there is 96 ft. of right-of-way total, 43 ft. from the center line. Currently there is 30 ft. of right-of-way dedicated from the center line so there would be an additional 13 ft. of right-of-way required under the Thoroughfare Plan and technically these canopies under the zoning ordinance would fall under the setback requirements. It would be considered a structure.

Mr. Baylor High, representing Bonded Oil Company, stated that the Bonded Oil Company has consistently tried to improve the existing facility by adding new tanks, some face lifting and repairing of various things. At this time, we are planning to invest an additional \$100,000 or so to improve the appearance of this location. The canopy is basically for the protection of the customers. As far as moving the north canopy back 12 ft., we have some storage tanks in that area, but perhaps we could take a look at it if it is possible to set the footings near this.

Mr. Schwab asked if there are any plans to expand that area to a four-pump island.

Mr. High stated not at the present time. We feel that the six-pump will be sufficient. It will still be an improvement because we are increasing it by two pumps.

Mr. Horvath asked if the other canopy should come back also.

Mr. Schwab stated if the other one came back too, the internal circulation would start to become a problem.

Mr. Horvath asked how far back they would have to go in order to be in compliance with the setback requirements.

Mr. Schwab stated 35 ft. from the right-of-way line. They would probably have to put the canopy almost right on top of the building.

Mr. Cash asked the status of our setback requirement--is that a part of the zoning ordinance in the effect that we are granting a variance to that requirement to observe the setback line.

Mr. Schwab stated that technically those canopies, because they are a supported roof that would provide protection for people would be classified as a structure, would be subject to the setback requirements of the ordinance; therefore, if we approve this plan with them as located, that would constitute a variance. By granting it that way, I think in the past, we have overlooked those as actually being considered structures that would be to adhere to setback requirements. The setback requirement would be too difficult to get 35 ft.

Mr. Cash asked what we have in the way of a five or ten year plan on the widening of Spring Valley Road.

Mr. Schwab stated that Spring Valley Road would look about in profile like Paragon Road but SR 725 and Spring Valley Road would be four lanes--two through lanes in each direction with a center median with a combination of left turn lanes.

Mr. Cash asked if there is a long range plan from the County on this improving and widening.

Mr. Schab stated it is in the program for widening sometime within the next ten years.

Mr. High stated that there is already 60 ft. of right-of-way granted on that side so evidently there must have been some right-of-way agreement at one time.

Mr. Schab stated that the right-of-way on Spring Valley Road would be 86 ft. which leaves 43 ft. from the center line. The present right-of-way is approximately 13 ft. back from the proposed right-of-way.

Mr. Cash stated that the 12 ft. that Mr. Schwab wanted the pumps moved back would not quite do the job.

Mr. Schwab stated that his recommendation was just based on bettering the circulation.

MOTION: Mr. Horvath moved to approve the Site Plan for Bonded Oil Company with the following conditions:

1. The north pump island and canopy be moved 12 feet south of its shown location.
2. No signage approval be given as part of this site plan.

Seconded by Mr. Bergsten. Approved unanimously.

Greenbrier Commons, Sec. 2 - Record Plan Amendment

Mr. Schwab reviewed the Greenbrier Commons project located north of SR 725 (Alex-Bell Road) and west of Bigger Road. Mr. Schwab stated that when this plan was previously approved, it had 29 units. They are now requesting an additional 3 units which would be a total of 32 units on this section. When previously approved, there were 62 parking spaces being 2 garage spaces per unit. They have added 39 extra spaces for visitor parking making a total of 103 spaces. The zoning on this parcel is E-C.

The only problem is that involving the Fire Department, concerning access and fire hydrant locations. Two of the cul-de-sacs they found difficult to maneuver in. They are requesting that the curb area in the garage area be rounded off shorter. This would allow much larger diameter circular movement for turn-arounds that they feel they can negotiate. Also, the Fire Department requested and the developer agreed to move the garage which was previously attached to the two garages, and make it a separate garage. Two of these buildings are about 12 ft. apart and the Fire Department felt that code would require a fire wall to be constructed on the south building and the developer agreed to that. This plan is recommended for approval by staff subject to the relocation of two fire hydrants, to provide better access from the curb locations and that those two pieces of curbing be removed or rounded off closer to the garage to allow better turn-around movement for the fire vehicles.

Mr. John Judge and Mr. Mike Schwartz, project manager for Greenbrier Commons, were present to answer any questions Planning Commission might have. Mr. Judge stated that they are in agreement with the requests that have been made by the Fire Department.

Mr. Bergsten stated that his only comment is that the construction sign that is presently out on Alex-Bell Road is not very attractive and he wants to know the temporary sign policy.

Mr. Schwab stated that for a duration of longer than a month, it would require a Planning Commission approval.

Mr. Bergsten stated he is sure that the sign has been there at least that long.

Mr. Judge stated that they will look at it tomorrow. He stated that the intent of the sign is to have the construction equipment use the construction road rather than the paved street.

Mr. Bergsten stated that the project has just gone to the trouble of improving the main entrance and this construction sign doesn't add anything.

Mr. Cash asked if Mr. Judge had any problems with the recommendation of the Fire Department.

Mr. Judge stated no, that Mr. Schwab gave him a copy of the Fire Department's recommendations and they would incorporate them into the plan.

MOTION: Mr. Horvath moved to approve the Record Plan Amendment for Greenbrier Commons, Section 2, as presented, but subject to the approval of the Fire Department on the items of:

1. Fire hydrants.
2. Relocaton of curbs.
3. Fire wall.

Seconded by Mr. Samples. Approved unanimously.

#### Washington Creek Three - Record Plan

Mr. Schwab gave a slide presentation of the project located east of Clio Road between Rooks Road and Nutt Road. The acreage in this section is 69.2 acres. The number of lots will be 119 lots including one lot for public service, in this capacity it will be a fire station. There is a park requirement, however, there is this lot for public service so they are giving money to the Park District instead of land. There is a Thoroughfare Improvement involved along Clio Road.

Mr. Schwab stated that the proposal for Clio Road is to add 2 ft. to make it 12 ft. from the center line, dedicate 43 ft. from the center line and an additional 40 ft. plan be dedicated and an access road 20 ft. wide be constructed in front of the properties along the area. There will be only one access onto Clio Road with an additional access being provided from the fire station lot. There is some discussion as to who would maintain these roadways. The County would maintain 43 ft. of it and the Township would maintain 43 ft. of it, or the County would maintain all of it--this is the question.

Staff is recommending approval of this plan subject to the following conditions:

1. Street names approved by staff be added to the plan.
2. Water line and hydrant location be approved by the Washington Township Fire Department.
3. A deed for lot #2119 be placed in escrow with the Washington Township Fire Department.
4. Covenants #4 and #15 delete reference to the park lot.
5. The walkway easement to the park between lots #2051, #2052 and #2095 be labeled as such on the record plan.
6. Sidewalks be added to one side of all cul-de-sacs except the ones containing lots #2098, #2097, #2005 and #2043.
7. The two cul-de-sacs back-to-back in the vicinity of lots #2052 and #2095 be connected to make a through street.
8. Receipt of a performance bond and inspection fee to be determined by the City Engineer.

Regarding #7, staff feels very strongly that the phasing of this development was not very well designed. A solution to the problem of the 3,500 ft.

cul-de-sac created, would be to link the two cul-de-sacs to the north to provide a circulation pattern.

Mr. Schwab stated that the Planning Commission has approved the Preliminary Plan on this project which essentially approve the layout of this project so it could be quite controversial to backstep and require a change of plans even this minor to help this situation.

Mr. Schwab stated that he would like to point out as a matter of record that the staff doesn't agree with the preliminary layout and we can not back track. This project has been going on for several years. Mr. Schwab stated that this situation was a serious oversight whatever the reasons may have been. He stated the staff recommendations would be to put this link through on this section at the time.

Mr. Cash asked if Mr. Schwab had a map that shows the streets that are accessible from this subdivision.

Mr. Schwab reviewed a slide of the street layout.

Mr. Bob Archdeacon, representing the developer, brought forward to the Planning Commission a more detailed plan of the street layout. He stated that the traffic circulation was discussed over a five-month period and the access road on Clyo Road with the Planning Commission. At the time, Planning Commission approved the Preliminary Plan and nothing has changed since that time.

Mr. Archdeacon stated that there are negotiations going on to try to obtain the lots involved.

Planning Commission discussed this situation at great length between themselves.

Mr. Cash asked Mr. Farquhar where the City stands on this legally. If the Planning Commission approved the preliminary plan and later decided that they had made a mistake, can that mistake be corrected.

Mr. Farquhar stated no, that the purpose of the preliminary plan is to give the developer something to rely on. Once we are committed to something on the preliminary plan, that is what we are left with.

Mr. Bill Johnson, Washington Township, stated that his plan is a poor design, one of the worst he has ever seen. This came up a year ago (Alan wasn't here at that time) and Mr. Johnson stated that he voiced an opinion at that time. The cul-de-sacs at that time were approved over the Township's objections.

Mr. Johnson stated that there are a lot of maintenance headaches. If a truck were to blow up and get ammonia someplace, you will never get people out of there. It has been proposed that the developer buy along Clyo Road and put a grassed median in the area. It has been requested that the grassed median be swaled down to an open ditch. We are in opposition to this. If anything, leave the grass median as it is and let the water run off onto the access road to the curb gutter and let it be carried away that way. Delineators should be added to the roadway in that area.

Mr. Johnson stated that the County has requested that the access road be turned over to the Township for maintenance. He stated he sees no

benefit to the Township maintaining it. If the County is going to plow up this area of Clyo Road, then let the County maintain the access. The Township recommendation is to let the County have the maintenance.

Mr. Schab stated that the delineators are a good idea and they are not that expensive. As far as the ditch or swale, if the Planning Commission approves the plat as it is and not including a change for the swale, then it would automatically be approved without the swale. Unless you want the swale, you will want to approve the plan as submitted.

Mr. Schab stated that the inspection fee would be \$1,362.50 and the performance bond would be in the amount of \$387,000.00. The sidewalks will be determined by the City Engineer.

Mr. Archdeacon stated that if delineators were necessary, they should have been added a long time ago. He stated that they are going to the expense of adding the access road to eliminate driveways out on Clyo Road.

Mr. Schab stated that the access road was added for safety reasons and actually it could be required to have two curbs instead of just one.

MOTION: Mr. Horvath moved to approve Washington Creek Three, Record Plan, with the following conditions:

1. Street names approved by staff be added to the plan.
2. Water line and hydrant location be approved by the Washington Township Fire Department.
3. A deed for lot #2119 be placed in escrow with the Washington Township Fire Department.
4. The reference to the park lot be deleted from the covenants.
5. The walkway easement to the park between lots #2051, #2052 and #2095 be labeled as such on the record plan.
6. Sidewalks be added to one side of all cul-de-sacs except the ones containing lots #2098, 2097, #2005 and #2043.
7. Receipt of a performance bond in the amount of \$387,000 and an inspection fee of \$1,362.50. The bond for the sidewalks will be determined by the City Engineer.
8. Delineators should be added to the plan on the east side of Clyo Road.

Mr. Bergsten asked how many affirmative votes are needed for approval of this record plan. He stated that he is thinking of abstaining because he was not here when the preliminary plan was passed and if he was, he would not have voted in favor of it.

Mr. Cash stated that he was not here either, but the Planning Commission is bound legally to accept the layout approved in the preliminary plan.

Mr. Bergsten stated he does not feel obligated to vote for something that he doesn't agree with.



Mr. Schwab stated that he sees no required number that needs to be affirmative in order to pass the record plan. All that is necessary is that the affirmative vote be a majority.

Mr. Cash seconded the motion. The vote was 2-1-1. Mr. Cash and Mr. Horvath voted in favor of the motion. Mr. Samples voted against the motion. Mr. Bergsten abstained. Motion carried.

Brams Hill - Release of Performance Bond

Mr. Schab stated that we have one performance bond to be released. He stated that that the Township has accepted Brams Hill and it is his recommendation that the performance bond be released subject to receipt of a maintenance bond in the amount of \$4,780.00.

MOTION: Mr. Bergsten moved to release the performance bond on Brams Hill subject to receipt of a maintenance bond in the amount of \$4,780.00. Mr. Horvath seconded the motion. Approved unanimously.

Mr. Cash stated that the Work Session and Special Meeting is scheduled for Tuesday, May 15, 1979 at 7:30 p.m. in the Law Library.

The next regularly scheduled meeting is on Tuesday, May 29, 1979 at 7:30 p.m.

There being no further business, the meeting was adjourned.

*Elmer Tate 7/31/79*

