

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, July 31, 1979 Meeting

Mr. Tate called the meeting to order at 8:06 p.m. after a film was shown entitled "Main Street, USA".

Attendance: Mr. Elmer Tate, Jr., Mr. Bernard Samples, Mr. Dallas Horvath, Mr. Jerry Cash. Absent: Mr. Brian Bergsten, Mrs. Marian Simmons, Mr. Roland McSherry. Also present: Mr. Alan Schwab, Planner; Mr. Jim Smith, Assistant City Engineer; Mr. Joseph S. Minner, Administrative Assistant.

Mr. Tate stated that Mr. McSherry was still officially a member of the Planning Commission until August 2, 1979, at which time Colonel Stanley Morrow will finish out Mr. McSherry's term. Mr. McSherry has been transferred out of state temporarily. Also, Mrs. Simmons as well as Mr. Bergsten are out of town this evening.

Approval of minutes of March 27, 1979, Planning Commission Meeting:

MOTION: Mr. Horvath moved to approve the minutes of the March 27, 1979 meeting as written. Mr. Samples seconded the motion. The motion was approved 2-0-2. Mr. Tate and Mr. Cash abstained.

Approval of minutes of April 24, 1979, Planning Commission Meeting:

Mr. Cash stated that there are two minor changes he would like to have made. On Page 7, the fourth line, should state: "the choice to delete sidewalk if he so chooses".

Also, Page 8, the sixth line, should state: "create a business".

MOTION: Mr. Cash stated that with the changes requested, he would move to approve the minutes of April 24, 1979. Mr. Horvath seconded the motion. The motion was approved 3-0-1. Mr. Tate abstained.

Approval of minutes of June 26, 1979, Planning Commission Meeting:

MOTION: Mr. Horvath moved to approve the minutes of June 26, 1979 as written. Mr. Cash seconded the motion. Approved unanimously.

SETTING OF PUBLIC HEARINGS

Mr. Tate reviewed the number of Public Hearings to be set for the next regular Planning Commission meeting of August 28, 1979 at 7:30 p.m. He stated that although there appears to be a large number of Public Hearings, each should be set in the order in which they appear on the agenda. If time runs short, the hearings will be reset on August 28, 1979.

The Public Hearings to be heard at 7:30 p.m. in the Centerville Municipal Building, 100 West Spring Valley Road, are as follows:

- A. Reynolds, Kenneth W.
Variance on Rear Yard Fence Height
- B. Centerville Builders Supply
Variance on Front and Side Yard Requirements
- C. AN ORDINANCE AMENDING ORDINANCE NUMBER 15-61, THE ZONING ORDINANCE, AS AMENDED BY ORDINANCE NUMBER 80-71, BY INCREASING THE MEMBERSHIP OF THE BOARD OF ARCHITECTURAL REVIEW FROM FIVE (5) MEMBERS TO SEVEN (7) MEMBERS.
- D. AN ORDINANCE AMENDING ORDINANCE NUMBER 15-61, THE ZONING ORDINANCE, AS AMENDED BY ORDINANCE NUMBER 24-79, BY INCREASING THE MEMBERSHIP OF THE BOARD OF ARCHITECTURAL REVIEW FROM FIVE (5) MEMBERS TO SEVEN (7) MEMBERS.
- E. AN ORDINANCE AMENDING ORDINANCE NUMBER 15-61, THE ZONING ORDINANCE, AS AMENDED BY ORDINANCE NUMBER 28-73, TO INCLUDE REGULATIONS CONCERNING SIGNS AND TO PROVIDE DEFINITIONS THEREFOR, WITHIN THE ARCHITECTURAL PRESERVATION DISTRICT.
- F. City of Centerville
Rezoning from E-C to R-4
- G. City of Centerville
Rezoning from R-O-I to R-4
- H. City of Centerville
Rezoning from WT R-4 to Centerville R-1
- I. City of Centerville
Rezoning from E-C to B-2

COMMUNICATIONS

Mr. Schwab reviewed a development that is now before the City of Kettering for site plan approval. The development lies in both the City of Kettering and the City of Centerville.

Mr. Schwab stated that the previous approved project is now before Planning Commission again to gain a change in the layout of the garage area within the City of Centerville. Mr. Schwab asked the Planning Commission to give him administrative power to work with the City of Kettering in order to give them Centerville approval when the plan is acceptable.

Mr. Tate stated that he feels that staff approval would be adequate.

MOTION: Mr. Tate moved to let the staff handle the situation of site plan approval of the development situated in both the cities when the plan is acceptable. Mr. Horvath seconded the motion. Approved unanimously.

Candlewyck South Plat - Request for Deletion of Sidewalk

Mr. Schwab stated that there has been a request for a partial deletion of sidewalks in the Candlewyck South Plat.

There would be only three (3) lots that would utilize this section of the sidewalk.

Mr. Schwab stated that his recommendation would be to allow the deletion of the sidewalk around the bulb of the cul-de-sac as Planning Commission has recommended several times as of late. He stated that the developer's request appears to ask to stop the sidewalk where they are at this time. Mr. Schwab stated that his recommendation would be to delete the sidewalk around the bulb but require the stubbing up to the pavement of the bulb.

MOTION: Mr. Horvath moved to require the sidewalks to continue up to the bulb of the cul-de-sac and terminate in lieu of going completely around the cul-de-sac. Mr. Tate seconded the motion. Approved unanimously.

Walnut Hills

Mr. Schwab stated that this item is strictly an item for information.

Mr. Schwab stated that this project is located at the Centerville-Station Road and Wilmington Pike intersection. When this project was approved by the Planning Commission, it was approved with zero lot lines. What this means is that the houses along this area can be up to one lot line. Also, in the approval was the provision for a ten foot (10') side yard. What essentially happened is that there will be a string of houses that will have a ten foot (10') separation between each house all along that area.

When the building permits were applied for on the first lot and the next lots they have applied for, the building inspectors found out they were in violation of the code. In this case, it would require fire wall construction.

A long series of negotiations took place between the Fire Department and various building inspectors from our city and within the county. The final resolution was that there is a little suffix in the code that gives the Planning Commission the right to vary in residential construction these sideyard building distances without the requirement for fire walls in a residential area.

We are put in a position that Planning Commission has overruled the building code.

Negotiations resulted in agreement at present, that the builder and developer have agreed to a twelve foot (12') separation line between all the buildings using a two foot (2') instead of a zero lot line sideyard on one side of the buildings.

Farmers Market

Mr. Schwab stated that Mr. Jack Hutton has submitted a letter to the Planning Department office in order to extend the Farmers Market until October.

Mr. Tate suggested that the item come in as an amendment to the

site plan as Mr. Farquhar, City Law Director, had stated when the temporary approval was given.

Burger King

Mr. Schwab stated that the Burger King Corporation has requested a special meeting scheduled to review their project. They would like a special meeting on August 14, 1979.

Mr. Samples stated that he sees no purpose for a special meeting for this project only. The other Planning Commission members agreed unanimously.

UNFINISHED BUSINESS.

Standard Oil Company - Curb Cut Application

Mr. Tate read the letter dated July 24, 1979, received by Mr. Alan Schwab from T.C.C. The letter from Mr. Mark Woerner contained the following statement:

"SUBJECT: Wilmington Pike Task Force Action on Sohio Service Station Site Plan

At the request of the Centerville Planning Commission, the Wilmington Pike Task Force met at the Regional Agencies Offices on July 10, 1979 to review Standard Oil Company's request for a right-in only driveway off Wilmington Pike. The Task Force voted to disapprove the site plan as presented, and to uphold the Wilmington Pike Access Control Plan to not allow access from Wilmington Pike, other than at the designated points in the Access Control Plan."

MOTION: Mr. Horvath moved to take the curb cut application request from the table. Mr. Tate seconded the motion. Approved unanimously.

MOTION: Mr. Horvath moved to accept the Wilmington Pike Task Force recommendation and disapprove the site plan as presented for a curb cut on Wilmington Pike. Mr. Tate seconded the motion.

Mr. Cash stated that he does not know the history of the Wilmington Pike Task Force. He asked the reason of the Wilmington Pike Task Force for no access on Wilmington Pike.

Mr. Tate stated that they are trying to keep curb cuts out of that area because it is extremely dangerous.

Mr. Cash asked if the Task Force had a copy of the new plan.

Mr. Schwab stated that there were no representatives from the Standard Oil Company at that meeting. Numerous people at the meeting found various flaws in that particular design. They found that as you widen Wilmington Pike they found that the curb cut was too wide to become a right-in only. Also, they found that after Wilmington Pike is developed in the future, they found that as trucks sweep into the curb cut they will knock over the pumps. Some members were not in disagreement with a right-in only; however

without a representative attending the meeting, the Task Force was not going to design a right-in only for them that would work.

The motion was approved unanimously.

Standard Oil Company - Sign Variance

Mr. Tate asked if there was any change in status on this request.

Mr. Schwab stated that he had contacted Standard Oil once to advise them of the meeting with the Wilmington Pike Task Force. The person taking the message stated there was some shifting in personnel occurring and vacations and so forth.

MOTION: Mr. Horvath moved to remove the sign variance request from the table. Mr. Tate seconded the motion. Approved unanimously.

MOTION: Mr. Horvath moved to deny the sign variance for the Standard Oil Company as presented. Mr. Samples seconded the motion. Approved unanimously.

Litsakos, Betty - Conditional Use Application

Mr. Schwab reviewed the conditional use application request that was tabled at the last meeting. The use requested is for residential office use. There is a requirement for parking of five (5) spaces in the rear yard. The screening is a six (6) foot fence around the property. The parcel does exist as a single one (1) acre parcel. The intent of the applicant is to split the parcel and at this time there would be no problem in doing that.

Mr. Tate stated that he was under the impression that the lot was going to be split before coming back in to the Planning Commission for action.

Mr. Schwab stated that that is their option. He stated that he is not sure whether the garage will be removed or if it will be a drive-thru. Either would be permitted.

Staff recommendation would be to approve the site plan as submitted in the amendment.

Mr. Tate asked if there is a reason for not having the lot split now.

Mr. Robert Buckingham, representing the applicant, stated that the lot split is in the process at this time. He stated that he met with the mortgage company concerning the lot split. The mortgage company stated that that is possible. They are expecting to get the one lot free and clear upon payment and they are expecting a payment to be made soon.

Mr. Tate stated that the only problem is that at this time, a lot split would be desirable. However, at a later date it may not be. If this would be the case, you would have a single curb cut only and it would be the only one you could get. That is the only problem.

Mr. Buckingham stated that they are in the process now of having that lot split.

Mr. Cash asked about the access to the south to link in with the proposed development.

Mr. Schwab stated that the adjacent property owner, by the way he constructed the property with the concrete, has no desire to link up from the rear of those properties.

MOTION: Mr. Cash moved to approve the application for the conditional use as shown on the site plan with the provision that the dense living screening along the north side be maintained to the satisfaction of the staff. If that is not the case, additional vegetation or screened fence will be provided. Mr. Horvath seconded the motion. Approved unanimously.

NEW BUSINESS

Terrace Creek - Preliminary Plan

Mr. Schwab made a slide presentation of the project to be located north of Rahn Road and east of Alex-Bell Road in Washington Township. The acreage for the project is 32.8 acres. The project will have twenty-one (21) detached single family homes on separate lots with twenty-six (26) cluster single family houses in seven (7) clusters. There are thoroughfare improvements required on Rahn Road and Alex-Bell Road.

Mr. Schwab stated that there are a lot of trees and topography and dense vegetation on the site.

Mr. Schwab stated that this project has been through the Washington Township zoning process for a special use district which allows whatever the Township sees desirable with certain general parameters.

There will be a homeowners' association involved.

The streets are intended to be private streets. What is being proposed is a reverse crown street. In the center will be about a one (1) foot by one (1) foot butterfly that would be the storm drainage for these streets. It will be bricked in. The total width of the street will be twenty-two (22) feet from one side of pavement to the other side. That would be ten (10) feet on each side plus two (2) feet dedicated to the drainage "V" in the center of the street.

As it appears now, the two (2) access drives do have adequate site distance at both their respective interchanges with Alex-Bell Road and Rahn Road.

One item of concern is drainage. The County recommends rechanneling the existing stream in order to alleviate erosion problems in the future rather than the stream going sharply to the north and then sharply to the south.

As far as parking, parking places have been provided by angled spaces along the streets. The staff feels that the parking situation is a problem throughout the project. With the severe topography, on-street parking is an unfavorable situation. The developer's intention is that the homeowner's association will restrict a no parking provision. Parking will be handled on right angle situations. T.C.C. and City staff has some serious reservations about this type of parking arrangement.

Staff's suggestion might be that instead of the angled parking arrangement, to use a parallel parking arrangement as in the Thomas Paine project. Also, this arrangement would better spread out the parking and be closer to some of the houses. It, too, would allow leaving a parking space only using one (1) side of the street instead of having to back out over two (2) lanes.

Another concern is over pedestrian travel. In the dedicated open space, the plan shows a walkway going up a hill, down a valley and so on. Mr. Schwab stated that the school has a problem with this street and will probably stop only at the two (2) access points to the project. You will see a lot of children walking in the streets because it is a shorter route. It would seem reasonable that with the narrowness of the streets, a sidewalk should be put in throughout the development, at least on one side of the street.

T.C.C. staff is concerned about all the curves through the development with the extreme topography. They feel that drivers will round off the curves in the road.

Mr. Schwab stated he really didn't agree with that point because with the "V" construction of the roadway, drivers will stay to one (1) side of the road instead of going back and forth over that type of construction.

A final concern is from the Montgomery County Building Inspection Department involving the cluster homes. They stated that they will not issue permits on these clusters with what appears to be about a five (5) foot separation between these houses without an adequate fire protection in the way of a fire wall constructed per the building code.

The developer has indicated that there will be a two (2) car garage for each unit and an apron in the front that will hold an additional two (2) cars. That is an additional concern because the driveway cuts are not specifically laid out on the plan. Since we don't know what the on-site parking situation is, we do not know realistically what the off-site parking situation will be.

With the private streets, the Sheriff's Department cannot enforce the parking, the homeowner's association will have to do so. The parking along this whole project is a vital concern to staff.

Mr. Schwab stated that staff has been looking into the possibility of having private streets built to the specifications that would be accepted by the City Engineer. Construction would have to be submitted, bonding and inspection to take place on those streets just as though those streets were public. The only difference

would be that when the City is satisfied through their inspections that the work has been done properly, then the homeowner's association or the developer would be responsible up to that time and would take over the streets instead of the City.

It appears that the State law allows the city or county that power if they so desire. Only in an industrial situation can they put in private streets, period. This would be an extreme policy change. In previously approved developments with private streets, the City maintained that they can put in substandard streets if they so desire. It is staff's opinion that since these streets link with public streets, the developer is creating a hazard for the people in the development.

Mr. Schwab stated that if this is possible legally, to require private streets to meet City specifications, the City should change their policy to do so.

Mr. Jim Smith, Assistant City Engineer, stated that there is some question as to whether to widen Rahn Road as was required in the Connemara subdivision on the opposite side of Rahn Road. At the time of approval of the Connemara subdivision, Rahn Road was to be widened to six (6) feet on the south side.

Mr. Cash asked if there was a recommendation from the County Engineer on that.

Mr. Schwab stated that we will get into that point at the record plan stage.

Mr. Tate asked what points Planning Commission should look at specifically for preliminary plan approval.

Mr. Schwab stated that Planning Commission should look at the basic layout of the streets, the basic layout of the lots, and right-of-way dedication.

As far as the right-of-way dedication, the County did request that the right-of-way be increased to forty-five (45) feet from the centerline instead of the forty-three (43) feet on Rahn Road and Alex-Bell Road as shown on the preliminary plan. The developer indicated that there would be no problem in the forty-five (45) feet right-of-way dedication except that the Township's special use zoning requires that the lots fronting on Rahn Road must maintain thirty thousand (30,000) square feet on those lots. They will have to recalculate to see if that is a problem. If this situation does create a problem, it can be handled through a two (2) foot easement as in the Connemara subdivision. However, it would be best to have the forty-five (45) foot right-of-way dedication.

Mr. Al Wahby, representing the developer, stated that the project is a very unusual one. He stated that various drawings have been prepared in order to present the uniqueness of this preliminary plan.

Mr. Wahby reviewed the drawings prepared pointing out the severe topography involved on the proposed site. He stated that they

would like to have the flexibility to save as much of the vegetation throughout the development as possible. He also reviewed the layout of the twenty-one (21) single family homes and the twenty-six (26) single homes arranged in the seven (7) clusters.

Mr. Wahby stated that as far as the streets meeting City specifications, it was his firm that suggested this idea in the original zoning hearing presentation at Washington Township. He stated that at that meeting it was stated that the developer would have a private firm or the Centerville City Engineer test these private streets in order to assure specifications being met.

Mr. Wahby stated that another concern was that of the walkway system. A walkway system was provided to reach from one end of the development to the other with a safe walking system that leads to agreeable properties.

As far as the parking situation, Mr. Wahby stated that on public streets where parking is allowed on both sides of the street, there is a maximum of maybe ten (10) feet in which to drive. With the narrower streets that are proposed, you will have a situation that is better than that just mentioned with the no parking stipulation which will be controlled by the homeowner's association.

Mr. Wahby stated that the layout of the parking area was designed to be within a reasonable proximity to the various locations of the homes. It will, of course, have four (4) parking spaces on each lot that being two (2) in the garage and two (2) in the driveway. The longest area involved in the parking area would be a walking distance of three hundred (300) feet. This area is near the area of the larger lots which do have larger driveways and thus would provide more parking spaces.

With the curvature in the lots and the ups and downs the roadway takes throughout the development, this in itself will control the speed of traffic. The design of the street will enforce the speed rather than a sign to enforce the speed.

Mr. Wahby stated that one of the reasons that the roads take the shape that they do is because of the severe topography and vegetation on the proposed site. With any additional width in the roadway, it will create unnecessary destruction to the nature both in the sense of topography and or in the sense of trees. He suggested that if the Planning Commission could see the site for themselves, they would understand why it is vital to have twenty-two (22) foot streets instead of widening them and taking more of the natural beauty away.

Mr. Wahby stated that concerning the right-of-way dedication, they have provided forty-three (43) feet; however, if the County is requesting an additional two (2) feet, they will conform to that request.

Concerning the distance between the building units, Mr. Wahby stated to his knowledge the code does not apply to residential structures. He stated that the reason is very evident. The

more restrictions and code requirements you have, the more burden it becomes on the purchaser. He stated that this is a personal analysis why the homes were not included as part of the code application. The code itself excluded residential structures from that requirement.

Mr. Wayne Grierson, Professional Engineers and Planners, Inc., stated that concerning drainage in the proposed site area, for the presentation to the Township his firm prepared an extensive report on the analysis of the creek that is located on the site location. Mr. Grierson stated that the Township submitted the report to some other engineers and they felt it to be satisfactory with the way the creek is going to be handled.

Mr. Grierson stated that in talking with Mr. Mike Johnson at Montgomery County, they would like to see the loop taken out of the creek. Mr. Grierson stated that his client is perfectly willing to do that providing the neighboring property owner will give them an easement.

Mr. Grierson stated that Montgomery County made it a condition of their approval that the approval of the Ohio Department of Natural Resources on this creek be relevant to the one hundred (100) year flood elevation. He stated that they are bound by Montgomery County on this final approval, however, the report was prepared in order to make everyone feel a little better about the situation.

Mr. Grierson stated that according to his calculations, the one hundred (100) year flood comes out to be about six (6) feet below Rahn Road. The houses are planned to be built three (3) feet above the one hundred (100) elevation. All the drainage is going to be handled within the site with center gutters in the streets passed into the existing streams on the site. There is no water going off onto a neighbor different than it is going off now. It is estimated with a ten (10) year flow, it would be something like 1,143 cubic feet of water per second in the creek and after the development there will be 1,155 cubic feet--about a 1% or 2% increase.

Mr. Grierson stated that with the idea of private streets, that gives the developer the flexibility to move the streets a little bit in order to save a significant amount of vegetation and trees. He stated that sometimes with a five (5) foot shift, a tree that is two hundred (200) years old can be saved.

Mr. Cash asked if it would be prohibitive to try to enclose the creek into a storm sewer.

Mr. Grierson stated yes.

Mr. Tate stated he would hate to see that because the creek adds charm to that area.

Mr. Grierson stated that they are trying to create a large buffer zone between the homes and Rahn Road. The road right-of-way, the sanitary sewer right-of-way, the creek and the planting area have been incorporated into the buffer zone. The depth is about eighty (80) feet.

Mr. Cash and Mr. Tate agreed that they would like to see a landscape plan that shows what will replace the vegetation that is taken out in order to relocate the creek.

Mr. Cash asked if the Fire Department will be able to serve the area with all the sharp curves and such.

Mr. Grierson stated that they have provided a standard diameter of pavement in the turnaround area.

Mr. Cash stated he is more concerned with coming off of Brittany Hills Drive and the split driveway--can a fire truck negotiate that and go either left or right without any problem.

Mr. Grierson stated yes.

Mr. Tate asked for the comments from the Fire Department.

Mr. Schwab stated that he had not received any official comments at this time; however, in a telephone conversation with the Fire Department they did have concern on the street width being too narrow and would like to see a street adequate to parking on both sides of the street. They are also concerned about the ability of enforcing no parking on the streets. Another concern, is that concerning the building separation that appears to be proposed in the cluster units.

Mr. Cash stated that, incidentally, the building code does apply to residential units being separated.

Mr. Wahby stated that under the table there is a footnote that exempts residential units.

Mr. Cash stated that it says if you comply with local zoning ordinance in required side yards, that is sufficient separation between the units.

Mr. Schwab stated that his concern is that is there adequate off-street parking to make up the difference of no on-street parking that is usually provided in a residential area. Mr. Schwab stated that he is not in disagreement with the width of the street, but the lack of parking facilities off-street to make up the differential of not being able to park on the street. He stated that people are going to do what is logical. When they see six (6) spaces of parking area that are two hundred (200) feet up a hill from their destination there is going to be a natural tendency to park on the street. A lot of people use their garage for storage and will use the driveway area for parking their own personal cars. This will create no visitor parking in a household.

Mr. Tate asked if the street were widened to the standard twenty-eight (28) feet, what would it do to the project.

Mr. Wahby stated it would destroy an additional amount of vegetation. He stated that if the Planning Commission could walk the area, they would feel that the twenty-two (22) feet is already too much to cut from the site.

Mr. Schwab stated that his concern on parking is that with the layout of the angled parking, it is not desirable to have to back out and block both lanes of traffic. Also, he stated that cluster parking is fine for cluster housing, but for single family homes it is meaningless.

Mr. Wahby stated that they would study the angled parking instead of the right angled parking situation and add some extra parking spaces where the maximum walking distance area is.

Mr. Tate stated that he can not see why a twenty-eight (28) foot street cannot be put in.

Mr. Wahby stated that if the Planning Commission could see what has been done, and he stated that he would appreciate the Planning Commission's visit with them in a conference in the field to go and survey a property.

Mr. Horvath stated that the Planning Commission would rather see the parking arrangement in something that does not look as planned as the proposed parking bays. He stated that instead of right angled parking, go with something parallel.

Mr. Horvath stated that his other concern is that adequate parking be provided for the cluster homes.

Mr. Wahby stated that they are planning one half (1/2) spaces for each unit--that is, one (1) space for each two (2) units.

Mr. Cash stated that that is the formula for conventional zoning. That is the formula you would use when parking is also allowed on the streets.

Mr. Horvath asked how the members of the Planning Commission wanted this handled.

Mr. Cash stated he would like to table the project and go out and look at the project.

Mr. Tate agreed.

Mr. Cash asked if Mr. Schwab had anything on the widening of the street from a traffic engineer's standpoint.

Mr. Schwab stated yes. If you stick with a twenty (20) foot width, you can potentially have parking on one side of the street and use the other side as a through lane. A twenty-two (22) foot width, Mr. Schwab stated he would recommend against because it invites parking on both sides of the street. The maximum width staff would recommend would be twenty-six (26) feet for parking on both sides plus the two (2) feet in the center or a total of twenty-eight (28) feet.

Mr. Schwab stated that a twenty (20) foot street is not an unrealistic proposal to the staff for a no parking allowed on either side of the street properly enforced and mandated on the covenants provided there is some assurance that there will be adequate off-street parking.

Mr. Horvath asked what the possibility is of the Planning Commission members meeting together and meeting on the site of this development.

After some discussion among the Planning Commission members, a field conference was scheduled for Saturday, August 11, 1979 at 9:00 a.m., which will originate at the PEP, Inc. offices.

MOTION: Mr. Cash moved to table the preliminary plan for Terrace-Creek. Mr. Horvath seconded the motion. Approved unanimously.

David Holzen - Record Plan

Mr. Schwab reviewed the record plan for the David Holzen Plat located north of Social Row Road and west of Paragon Road in Washington Township. The acreage for the plat is 7.2 acres. The number of lots to be included is four (4) lots. There is a thoroughfare improvement to Paragon Road.

Mr. Schwab stated that there are a couple of concerns on the construction drawings of the record plan. Presently, the construction drawings show no sidewalks within the plat. One of the reasons is that this plat has no water or sewer provided. It will be provided by septic tanks and well water. The developer feels that in some point in the future he will subdivide the lots in the project and will at that time put in the appropriate utilities and the sidewalks being ripped out for the installation of the water lines and appropriate sewer lines.

Staff's recommendation is that sidewalks be put in stating reasons that this is the City policy, as well as it is a long cul-de-sac which will eventually link in to future subdivisions. Also, school buses will not go down this cul-de-sac and children will have to walk to Paragon Road. Based on these considerations, the recommendation is that sidewalks go in on both sides of all the streets including on Paragon Road as per our standards. Concerning the improvement of Paragon Road, the developer has no problem dedicating the right-of-way.

Mr. Jim Smith stated that there will be a performance bond fee for the storm sewers and street construction which does not include the sidewalks. If the plat has sidewalks required, the bond will have to be adjusted. At this point, without sidewalks, the performance bond is \$48,404.

Mr. Smith stated that the storm drainage problems have been taken care of. Agreements have been signed by the adjacent property owners allowing an easement for drainage.

Mr. Chris Shaffer, Miami Engineering Company, stated that right now it would not be advantageous to put in the sidewalks because at a later date they will have to be removed in order to put in the water and sewer lines. Concerning the improvements to Paragon Road, Mr. Schaffer stated that with the short strip that will be involved on Paragon Road, it would be the wrong thing to do if the center grassed strip were required as in the section of Paragon Road between SR 725 and Spring Valley Road.

Mr. Schaffer pointed out that the road appears to be higher than the houses will be. If this the case, when improvements to Paragon Road occur, it will probably be regraded in order to lower it. He stated it would be better to wait to do these improvements instead of doing them for nill.

Mr. David Holzen, the developer, stated that because they want to put in water and sewer, they will have to remove the sidewalks to put these utilities in. He stated that they really see no value in putting the sidewalk in on the north side of the cul-de-sac because there are no houses there.

Mr. Holzen stated that sidewalks can be put in if the Planning Commission so desires; however, they would prefer not to do it at this time. As far as the widening of Paragon Road, Mr. Holzen stated that he did talk to Mr. Karl Schab, City Engineer, and some compromises were made.

Mr. Holzen stated that the improvement to Paragon Road will be somewhat extreme. The road is now very narrow and when you come to this short strip of the road, it will widen out to thrity-one (31) feet. He stated that he wants to do something that will be usable, but not go to an extreme when it will be torn out and be redone in the future.

After much discussion, the Planning Commission stated that they would like to check with Mr. Robert N. Farquhar, City Attorney, to see if it would be possible to put the sidewalks in at a later date providing something legally binding could be written up.

MOTION: Mr. Horvath moved to approved the record plan for the David Holzen Plat subject to sidewalks being put on Lots 1, 2, and 3 to continue to the bulb of the cul-de-sac on Lot 4. Also, a sidewalk will be placed on the west side of Commander Trail. This plan approval is also subject to the approval of the City Engineer concerning the improvements to Paragon Road. A further condition is that if it is legally possible to delay installing the sidewalks, until the utilities are in, it be done as such. Mr. Tate seconded the motion. The motion was approved 3-1. Mr. Cash voted no.

There being no further business, the meeting was adjourned at 11:12 p.m.

