

CENTERVILLE PLANNING COMMISSION
Regular Meeting
Tuesday, January 25, 1977

The meeting was called to order by Mr. Tate at 7:30 p.m.

Attendance: Mr. Elmer C. Tate, Jr., Mr. George J. Schottmiller, Mr. James P. Hickey, Mr. Michael V. Thill, Mr. Jeffrey T. Siler; Mr. Roland McSherry, absent. Also present: Mr. John C. Levermann, Assistant City Manager; Mr. Karl M. Schab, City Engineer; Mr. Garth Reynolds, City Planner; and Mr. Robert Farquhar, City Law Director.

Mr. Thill moved to accept the minutes of the December 28, 1976 Planning Commission meeting as written. Seconded by Mr. Donnellan. Approved; Mr. Siler abstained.

Mr. Siler moved to approve the minutes of the January 11, 1977 Work Session. Seconded by Mr. Thill. Approved unanimously.

Mr. Thill moved to approve the minutes of the January 11, 1977 Special Meeting. Seconded by Mr. Schottmiller. Approved unanimously.

PUBLIC HEARINGS SET

The following public hearing was set for February 22, 1977 at 6:00 p.m.

Dayton Suburban, Inc. request for rezoning from WT R-4 to Centerville R-2, R-3, and R-4. Property located along the north extension of Applecreek Road and east extension of Princewood Avenue and Hyde Park Drive, approximately 325' north of the intersection of Rahn Road with Applecreek Road.

COMMUNICATIONS

Mr. Reynolds introduced Mr. Levermann as the new Assistant City Manager.

Mr. Reynolds announced the Planning Department was finalizing grant applications for community development programs for 1977 and 1978 and sending them to the County by February 1, 1977. He said the applications included a request for funding for the sidewalk project from Bristol Avenue to Virginia Avenue, improvement of property where Way-Lo station located, lighting programs and other items totalling approximately \$275-350,000.

Mr. Hickey asked if the taping equipment for the public meetings was working. Mr. Reynolds stated there are still some problems with it.

PUBLIC HEARINGS

Ned Haverstick request for rezoning from O-S and R-4 to B-1 for property located on the northeast corner of Clyo and Centerville -Station Roads.

Mr. Reynolds presented slides showing the existing zoning in the area of the property to be R-1, R-2, R-3, R-4 and O-S. He also showed the site plan which was previously presented to the Commission, as well as a drawing showing the 500' line around the property which was used for notification of neighboring properties.

Speaker for the Developer: Mr. Robert Archdeacon, Engineer for Woolpert Engineering, represented Ned Haverstick. He stated the rezoning to B-1 involved .8 acre which is currently B-4 and 5.5 acres currently zoned O-S. The intent of the developer is to erect a 46,000 sq. ft. shopping center, with a Phil & Jerry's grocery, 32,000 sq. ft., and other specialty shops. Mr. Archdeacon presented a three-dimensional model showing type of architecture planned and featuring two-story structures with one three-story facade on one side which would be two stories with office space and then a false front third story.

Mr. Archdeacon stated that the previous application had access from Rockford Boulevard, but after meeting with neighbors who objected to this, the access was relocated off Franklin Street and Clyo Road.

Mr. Archdeacon pointed out there would be mounding constructed on the north and east sides of the property, and the bank building would be of an architecture similar to the theme of the shopping center.

Mr. Archdeacon pointed out the residents of the area had expressed concern about the heavy traffic which would be generated by this shopping center. Mr. Archdeacon stated if the office space were built which is presently allowed by zoning at this location, the same number of parking spaces would be required as for the shopping center. He said he did not believe there would be anymore traffic generated with a shopping center than with an office building, except the time when the most traffic would be heading toward the office building would be during peak traffic times while traffic would be going to and from the shopping center throughout the day rather than at peak traffic times.

Mr. Archdeacon pointed out Mr. Haverstick is willing to make improvements to the street at Franklin and Clyo by constructing an extra lane along the property line, and he is willing to make this an assessment project so construction can begin and finish before the opening of the commercial facility.

Mr. Hickey pointed out that should the applicant obtain B-1 zoning he will be required to obtain a variance in order to build a shopping center. He stated with the new Supreme Court ruling the applicant could not obtain a variance.

Mr. Archdeacon stated he did not know what the difference was between a grocery and a super market. Mr. Farquhar said the difference was not defined, however, the language in the B-1 zoning indicates businesses for neighborhood usage. The size of the proposed shopping center would indicate it was not strictly for neighborhood use.

Mr. Archdeacon stated the applicant believed that under the B-2 zoning, there is such a large number of uses that the Planning Commission would prefer to have it zoned B-1 with a variance so there would be more control.

Mr. Tate said the public hearing could be continued as long as the applicant understood that he will not be able to get a variance if the B-1 zoning is approved. Mr. Archdeacon requested the hearing be continued.

Mr. Reynolds reviewed the uses included under B-1 zoning for the benefit of the citizens in the audience.

Speakers Against the Application:

A resident asked of the Commission if that location is a dry precinct. Mr. Reynolds said he was not sure but another member of the audience stated it was--no liquor could be sold.

Mr. Dan Carfagno, 1450 Peck Lane, presented a petition to the Planning Commission opposing the rezoning and opposing the variance to allow construction of a super market because (1) the roads in the area are not adequate to carry the additional traffic generated and widening will not solve all the traffic problems, (2) the lights and noise of trucks will be annoying to neighbors, (3) property values in the area will be handicapped and (4) there are enough shopping centers in the immediate area.

Mrs. Pat Harootyan, 7805 Rain Tree, said she could not see why the zoning for the property couldn't stay the same and the cluster housing being built be continued into this area. Oakwood and Washington Township do not allow such a mixture in zoning.

Brother Michael Schran of St. Leonard's, opposed zoning. He stated the little shops in the center would have to rely on Phil and Jerry's to bring in the traffic and a grocery of that size would need more than five employees as called for under the B-1 code.

Mrs. Nancy Wilson, 1445 Tatewood Drive, opposed, feels setting precedent for rest of community.

Mrs. Sandy Krabal, 7875 Rain Tree, stated she has been fighting for seven years to keep the corner residential and after last battle throughout the zoning application thought they would not have to go through this again.

Mr. Ed Hulsey, 7867 Millerton Drive, asked about parking spaces. Mr. Archdeacon responded that an office building of the same size of the proposed market would require as many or more parking spaces.

A resident of 7820 Millerton Drive stated she would never have built her home here if she had known this shopping center was possible.

Mr. James Klopff, 7791 Windy Hill Court, invited the Commission to come to the intersection of Clyo Road and Franklin Street between 7:30-8:15 a.m. to see the traffic and to go to Phil and Jerry's present location at 4:00 a.m. and listen to the noise of the trucks.

Mrs. Christine Snyder, 7897 Rain Tree, said pedestrian and bicycle traffic travel along the roads now going to and from school. The residential streets would become traffic thoroughfares which would have a detrimental effect on the quality of life. Centerville Station Road is unsafe for heavy traffic. Clyo Road has been the boundary for business to the west and residential to the east and should stay that way. Shops that are already built in Centerville stand empty from lack of tenants.

Mrs. Jane Cluet, 7898 Millerton Drive, bought her home two months ago but would not have had she known about the shopping center and is opposed.

Mr. Tate requested a show of hands of those opposed to the rezoning and the majority of the audience raised hands, there being approximately 30 to 40 people present.

Mr. Archdeacon responded to homeowners: the proposed lights are of the type found in the Oregon District; regardless of what goes on the corner property Clyo and Franklin is going to be a major intersection and although the improvements Mr. Haverstick is willing to do are not the ultimate answer they will offset the additional traffic generated by the shopping center. Nearest grocery is now 1-3/4 mile away.

Mr. Tate stated the thoroughfare plan for Centerville calls for Franklin, Clyo and Centerville Station Roads to be four lanes, with Clyo feeding into an industrial area. When Sugar Creed Treatment Plant is finished the area is going to sprout into a residential community which will generate more and more traffic. He pointed out when residents overrule the applicant and the applicant goes to court the court can make a bad decision and the local Planning Commission can't do anything about it.

A resident of 1047 E. Rahn Road said the overall plan shows Centerville has an hour glass situation on Franklin Street and with this property it would be the same.

Comments from Commission: Mr. Schottmiller moved to table consideration of the rezoning request under the city staff gets a legal decision on whether the applicant could get a variance if the property is zoned B-1. The rezoning request is to be voted on at the next regular meeting of the Planning Commission, February 27, 1977. Seconded by Mr. Thill. Approved unanimously.

UNFINISHED BUSINESS

Pelbrook Farm, Section 4

Mr. Reynolds reviewed the Planning Commission had approved the set back for five lots on this section and there was a small land-locked strip which has now been deeded to Mrs. Mung so it is no longer without access since she owns the adjoining land.

Mr. Thill moved to remove from table the Record Plan for Pelbrook Farm, Section 4. Seconded by Mr. Donnellan. Approved unanimously.

Mr. Mung asked when sewer will be available to the area and if an easement across Wilmington Pike has been obtained. Mr. Archdeacon said there would be extension to his property and easements have been obtained south of Rt. 725. Mr. Mung said Montgomery County's office said an easement has not been obtained for Wilmington Pike, and Mr. Archdeacon responded that Mr. Lapp owns all the property along Wilmington Pike so it would have all been approved at the same time. Mr. Reynolds pointed out that even if the easement had not been obtained, the record plan could be approved, everything built, including sewers, but no home-owners could move in.

Mr. Archdeacon pointed out sidewalks have been added to the record plan as requested by the Commission. Mr. Schab said he has a copy of the plan showing the sidewalks.

Mr. Thill moved the record plan for Pelbrook Farm, Section 4, be recommended for approval, subject to the bond being set by the City Engineer and the inspection fees being set. Seconded by Mr. Schottmiller. Approved unanimously.

NEW BUSINESS

Carriage Trace Square, Section 2-A

Mr. Reynolds presented a replat of a formerly amended preliminary plan to align new easement locations.

Mr. Archdeacon pointed out the preliminary plan was approved and submitted detailed grading and parking plan for Phase 6. The purpose of the replat is to change the easements to have utilities conform to previous record plan.

Mr. Reynolds stated the staff would recommend approval.

Mr. Schottmiller moved to accept the replat of Carriage Trace Square, Section 2-A, record plan. Mr. Donnellan seconded. Approved unanimously.

Pelbrook Farm, Section 6

Mr. Reynolds showed slides of this 25.8 acre parcel consisting of 33 lots located west of Wilmington Pike and south of State Route 725. The existing zoning in the area is R-3, Washington Township B-2, WT R-4 and the Greene County Line.

Mr. Reynolds pointed out this property was zoned R-3 back when multiple family dwellings were allowed on R-3. The recommendations on the project in 1972 were for 5-1/2 units per acre, all units to be condominiums with an association formed for maintenance to common areas. He said the present request does not conform to the covenants and restrictions approved in 1972 and recommended denial of the record plan.

Mr. Robert Archdeacon, speaking for the developer, Paul Lapp, pointed out with a condominium plan the developer does not have to present it to the city. The applicant is presenting a plan for approval to subdivide which gives the city control over public streets and then the land will be developed as condominium, with 5-1/2 units per acre. 32 lots are zoned R-3 and 1 lot is zoned R-1. A re-zoning request was approved but with restrictions on the property. The present record plan calls for 128 units, which is four short of those permitted. Covenants say no lot will have more than 5,000 sq. ft. per unit and will have a garage.

Mr. Reynolds asked if there would be any open space, Mr. Archdeacon responded that there may well be as the project develops.

Mr. Reynolds requested the item be tabled as the staff did not have time to review all the facts. Mr. Archdeacon stated it had been presented to staff 38 days ago.

Mr. Hickey moved to table the record plan of Pelbrook Farm, Section 6 until further information could be obtained concerning the intent of the covenants and the present record plan. Seconded by Mr. Thill. Approved unanimously.

Brams Hill

Mr. Reynolds presented the preliminary plan for 27 lots located west of Normandy Lane, north of State Route 725 and east of East Congress Park Drive, located in Washington Township. Zoning in the area is R-1, APD, Centerville R-2 and agricultural. He said Washington Township says zoning is not in conformance with present zoning. He said there is concern with the stub street shown in the preliminary plan since it ends at the same property line as Paragon Road. He recommends rejection of the plan since it does not conform to Washington Township zoning.

Mr. Jim Hudson, for developer Robert W. Keays, said he prepared the plan in November and the papers have been in the Washington Township office since November 17, 1976 waiting for signature by someone from American Modulars, owner of the land. Because of the delay he requested the Commission review the plan and then he will get rezoning.

Mr. Hickey asked if the fire department had approved the plan and said because of the cul-de-sacs he would want their recommendations.

Mr. Tate told the applicant that projects going before the council with stub streets are usually denied.

Mr. Reynolds recommended tabling the request until the ownership gets straightened out.

Mrs. Marilyn Good asked what the Planning Commission would need to approve the plan if Washington Township approves it.

Mr. Thill said if the fire department doesn't approve the cul-de-sacs they will have to be redesigned.

Mr. Siler moved to table Brams Hill's preliminary plan until the zoning is worked out with Washington Township. Seconded by Mr. Schottmiller. Approved unanimously.

Lyons Road

Mr. Reynolds showed the thoroughfare plan in relation to project, joining SR 725 and Cloyo Road. This assessment venture was proposed by the Montgomery County Engineer, and he recommended approval.

Mr. Schab said it has two lanes on either side of a 16' wide median strip, barrier curbs on both sides but no sidewalks. It is located one-half way between SR 725 and Congress Park Drive.

Mr. Hickey moved to approve Lyons Road street dedication. Seconded by Mr. Thill. Approved unanimously.

Pelbrook Farm Commercial Area

Mr. Reynolds said he would like to have a workshop session to discuss and study this project since it is quite involved.

A workshop session was set for Thursday, February 10, 1977, at 6:00 p.m.

Mr. Schottmiller moved to adjourn the meeting. Seconded by Mr. Thill. Approved unanimously.

