

CENTERVILLE PLANNING COMMISSION
Public Meeting June 28, 1977

Mr. Tate called the meeting to order at 7:30 p.m.

Attendance: Mr. Robert Hopperton, Mr. Roland McSherry, Mr. James P. Hickey, Mr. George J. Schottmiller, Mr. Michael V. Thill, Mr. Jeffrey T. Siler, Mr. Elmer C. Tate, Jr. Also present: Mr. Karl M. Schab, City Engineer, and Mr. Garth Reynolds, City Planner.

Mr. Thill moved to accept the minutes of the May 31, 1977 Planning Commission meeting as written. Seconded by Mr. Hickey. Approved. Mr. Schottmiller abstained.

Mr. Hickey moved to accept the minutes of the June 14, 1977 Work Session as written. Seconded by Mr. Siler. Approved. Mr. Hopperton and Mr. Thill abstained.

Mr. Hickey moved to accept the minutes of the June 14, 1977 Special Meeting as written. Seconded by Mr. McSherry. Approved. Mr. Thill and Mr. Hopperton abstained.

PUBLIC HEARINGS SET

Mr. Tate set for public hearing on July 26, 1977 at 7:30 p.m.:

A. A variance request by Herbert A. Wissman on a side yard requirement for property located at 7970 Brainard Woods Drive.

B. A conditional use request by John R. Highley for a restaurant located on the south side of East Franklin Street at South Suburban Drive.

COMMUNICATIONS

Mr. Reynolds reported the Planning Department is finished with the housing survey and the results regarding types of structures, land use, etc. is being compiled. The traffic count program is underway, and the city is working on the projects funded under the recent bond approval.

Mr. Hickey thanked Mr. Reynolds for his assistance in securing school signs at Zengèl Road and S. R. 48.

Mr. Hickey also commented that several months ago when the Pizza Hut application was before the Commission and shake shingles had been requested, the Pizza Hut representative had said they could not use them because of the fire code. Mr. Hickey said he saw a Pizza Hut in Hilton Head which has the shake shingles.

Mr. Thill commented he read in the paper about someone trying to save a tree in the Whispering Hills development and wondered if this would have to come before the Commission. Mr. Reynolds said he has received the materials from the consultant

just today and has not reviewed them. If the road can move without going over the approved right-of-way, then it will be a staff decision, however, a change in the right-of-way would mean the matter would have to come before the Planning Commission.

Mr. Reynolds requested a lot split be taken into consideration at this time although not in proper order of the agenda. Mr. Tate said the Commission would hear the matter at this time.

Mr. Reynolds showed drawings of the approximate 5 acres in question. Mr. McIntire, owner of the land, lives in a house on the eastern part of the property and has for 47 years. He has a buyer for the house and 2.8 acres of land. A part of the land would be one-half the existing road to the house. Mr. McIntire's attorney, Mr. Jim Levison, stated Mr. McIntire understands that nothing can be built on the remaining land, which he will continue to own. He said the road is owned and maintained by the land owners along it as provided in their deeds.

Mr. Thill moved to recommend the staff stamp the deed for a lot split as requested. Seconded by Mr. Siler. Approved unanimously.

PUBLIC HEARINGS

1. Woodman Lanes and David L. Meeker Rezoning

Mr. Reynolds showed slides of this 90-plus acres located on the east side of Bigger Road approximately 160 feet south of the intersection of Bigger Road and Thomas Paine Parkway. Existing zoning is Washington Township R-3 and Centerville light industrial. The request is for zoning to R-1, R-3 and R-4. The Commission has reviewed an earlier request by the applicant for R-2, R-4 and B-1 zoning. The Applicant has now reconsidered the B-1 and is going with R-4, multi-family, north and south of the proposed Clys Road. The Commission had approved the application previously, except the B-1 zoning, and the City Council has concurred. The applicant is now resubmitting the zoning request. Drawing shows possible layout of the property but is not a consideration at this time. There could be approximately 124 R-4 units, 42 R-3 units, and 144 single family R-1, and roughly 20 acres will be park.

Mr. Tate asked how this drawing compared to the previous one. Mr. Reynolds said the original one had an area of R-2, a piece of B-1, and a section of light industrial.

Mr. Bob Archdeacon, Woolpert Engineering, for the developer, stated this drawing is a compromise of the plan that was approved by the Planning Commission. The City Council upheld the Planning Commission's recommendation concerning the B-1 as they did not want business in the vicinity of Clys Road and Bigger Road, therefore, the plan has been redone so there is residential all along Clys Road and also so there is a transition between higher in density units and single family. If the zoning is approved, the developer plans to submit a PUD so he can retain the natural drainage and lake on the site.

Speakers for issue: Mr. John Chaney, one of owners of Thomas Paine Settlement. He supports the project and zoning requested by Woodman Lanes.

Speakers against: None.

Mr. Thill moved to approve the rezoning request submitted by Woodman Lanes and David L. Meeker for property located near Bigger Road and Thomas Paine Parkway from I-1 and R-3 to R-1, R-3 and R-4 as presented. Seconded by Mr. Schottmiller. Approved unanimously.

2. AP District Rezoning to R-3 and R-4

Mr. Reynolds stated this city-initiated rezoning request involves approximately 9 acres and is to make the zoning in compliance with the existing structures on the properties involved.

On transparencies Mr. Reynolds showed the proposed area to start with the second property on Virginia Avenue from Franklin Street, continue for three properties, include the three properties on the north side of White Birch currently developed residential and the west side of Westerfield Street, which is currently developed as doubles. The center of these lots would be R-4. The east side of Westerfield Drive is developed as multi-family (apartments), which is proposed to be zoned R-4.

Mr. Reynolds explained the uses under R-3 and R-4 could be broader than the categories suggest, but offer more control than the AP designation. He said an owner could apply for either conditional use or contingent uses under the R-3 and R-4 codes and gave examples of each type.

Mr. McSherry asked what the reason for the rezoning change is. Mr. Reynolds stated because of their physical location, no structures of historical significance, and the presence of stable single-family residential structures. The area is a stable residential community and the areas under consideration are not located on the main thoroughfare and are therefore not ideally suited for businesses.

Mr. Hopperton asked why was it zoned APD in the first place. Mr. Reynolds stated he could not put forth an accurate account of the circumstances involved in determining the boundaries initially.

Speakers for the issue: Mr. and Mrs. Herb Mason, 70 Virginia Avenue, presented petition to Commission in favor of zoning change.

Dr. Heckman, 110 White Birch, read part of Centerville's code which defines purpose of APD to preserve houses built in 1860 or before, and said none were in this area.

Katherine Ritz, 65 Virginia Avenue, recently moved into area and did not know it was zoned B-1 at the time. She said she is concerned about resale if it stays B-1.

Mrs. Robert Desch, 7 Westerfield, said she didn't know the area was zoned B-1 and does not feel the streets can handle the traffic load created by B-1.

Mr. Byron Barstow, 111 White Birch, said when his property came under the APD he was not notified and was told notice was posted and that was all required. He asked why the R-4 area was put behind the street properties.

Mr. Reynolds stated because there are doubles to the east on Westerfield and both parcels involved have frontage on Franklin Street and access would be possible there or to the east since there is an existing dedicated alley.

Mr. Barstow said since there is really only access from the alley as the Franklin Street area is already developed, would the city be willing to convert the alley to a dedicated street. Mr. Reynolds said the alley is already dedicated to the city.

Mr. Leonard Danis, 103 White Birch, stated he wants to keep the same zoning for his property.

Speakers in Opposition: Dr. Paul McFall, representing the owners of 98 and 110 West Franklin Streets, said the transparency shows these lots as one when there are two and that these two pieces of property are being split by the zoning request which will degrade the property value.

Mr. Warren Goodwin, 46 Virginia Avenue, said he is the No. 2 lot on Virginia Avenue with a bike shop on the north and the Jacoby property on the south and by changing the zoning back to R-3 he would be a residential between two businesses and would have to sell his property as residential, which would decrease the value of his property. He also said tax money was spent to change the area to the APD zoning and now is being spent again to change it, which is a waste of money.

Mr. Peter Donohue, attorney for George Jacoby, 34 Virginia Avenue, said his client purchased the property in March 1976 and spent twelve thousand dollars to redecorate to conform to the APD. The APD offers wider usage for business and if Jacoby wanted to sell his property it could become a valuable right taken away from him with the B-1 zoning, which limits use of the land.

Mr. Earl Smith, 46 Virginia Avenue, said he has business to the north of him and since this has already devalued his property, if the B-1 stays in then he can sell his property for a profit as a business. He pointed out all the houses, lot sizes, and streets were in when the APD was put in and are still there now. He asked that literature be sent to him about the purpose of zoning, because none of these changes make sense to him.

Mr. Robbins, address not identified, asked if a parking lot could be put in under the R-4 zoning on the land behind the McClure structure. He said he had called on the phone but did not get an answer. Mr. Reynolds stated Mr. Farquhar, the city law director is out of town and could not be reached to answer the question. Mr. Robbins asked that this question be answered before the Commission makes a decision.

Mr. McFall asked who owns the alley between Lots 84 and 98. Mr. Schab said it belongs to the property owner and is his to maintain. Mr. McFall asked if the lots are split by the zoning where the line would be. Mr. Reynolds explained zoning does not split a lot but overlies it and the line would be a continuation of the southern lot line of the property on the southeast corner of Franklin and Virginia.

Ms. Nancy Robbins, daughter of Mr. McClure, asked where lot #92 was on the map. Mr. Reynolds said the drawing would be corrected.

Mr. Tate stated the rezoning request will be tabled until the map can be corrected and the Commission can consider the comments made by the residents of the area.

3. Rezoning of Business Property - Black Oak Drive

Mr. Reynolds said this city initiated request involves approximately 3.6 acres zoned B-1 located on the east side of Clyo Road, the north and south corners of Black Oak Drive. The proposed R-4 allows development of multi-family units with 8,000 square feet per unit.

Mr. Thill asked how many units could be built on the land. Mr. Reynolds said the usual is 5.5, however, there are plans to widen Clyo Road which will require some of the property for right-of-way.

No speakers for or against.

Mr. Reynolds said Jack Brainard, owner of the land had asked that the Commission defer action since he would be out of town and couldn't be at the meeting.

Mr. Hickey moved to table the rezoning of the commercial property proposed until the owner of the land could be heard. Seconded by Mr. Schottmiller. Approved unanimously.

4. Rezoning of Huber Business Property - Thomas Paine Parkway

Mr. Reynolds said this city initiated rezoning involves 9.6 acres currently zoned B-2 located on the east side of Bigger Road, the north and south corners of Thomas Paine Parkway. He said the area around the property is zoned light industrial and this rezoning would eliminate spot zoning. He said the owner of the property is present; however, no comments were made.

There were no speakers for or against.

Mr. Reynolds requested this item be tabled since his office is trying to work out right-of-way requirements from the Ohio Department of Transportation (Bigger Road Bridge over proposed I-675).

Mr. Hickey moved to table the rezoning of the subject property until right-of-way requirements can be worked out concerning the Bigger Road Bridge. Seconded by Mr. Siler. Approved unanimously.

UNFINISHED BUSINESS1. Pelbrook Farm Commercial Area

Mr. Robert Archdeacon, representing Paul Lapp, the developer, requested the item be tabled until the developer requests it be reopened or until the City feels it necessary to reopen.

Mr. Hickey moved to table the Pelbrook Farm site plan request indefinitely. Seconded by Mr. Thill. Approved unanimously.

2. Walnut Hills Estates

Mr. Reynolds said this item is still tabled while the developer is trying to work out a new plan.

NEW BUSINESS1/ Centerville Station, Section 1, Record Plan

Mr. Reynolds showed slides of property located north of Centerville Station Road and east of Clyo Road, consisting of 2.3 acres on two lots zoned office space and R-4. The record plan is proper as it provides proper access and right-of-way and conforms to the preliminary plan approved by Council.

Mr. Schab said the construction drawings show widening of Clyo Road and Centerville Station Road and is in conformance with adjacent property which has 26' right of way. The thoroughfare plan calls for 31 feet to the center line and he does not know how they ended up with 26 feet.

Mr. Archdeacon, representing the developer, said there was considerable discussion on the width of Franklin Street and does not remember the reason for the change from the thoroughfare plan, but this record plan merely continues what was approved for Franklin East subdivision.

Mr. Tate said it could be a proposed divider in this area was considered hazardous and eliminated.

Mr. Reynolds stated this record plan takes into consideration only part of the total property and the developer shows widening only the parcel involved along Centerville Station Road, which would create a bottleneck along the frontage of the undeveloped land. He asked that the developer widen all the frontage at the same time, up to Lockport Drive. Mr. Archdeacon said this was not economically feasible. Mr. McSherry said he feels it should be widened completely to prevent a hazardous situation.

Mr. Schab said he was not sure from a legal point of view if it is possible to force someone to widen undeveloped land. He also stated the developer will have to post bond for Clyo Road work since the work won't be done right now.

Mr. Thill moved the Record Plan of Centerville Station, Section 1, be approved, subject to staff approval of the width of the widening of Centerville Station Road, subject to widening being continued as far as Lockport Drive, and subject to bond to be specified by the City Engineer. Seconded by Mr. Schottmiller. Approved. Mr. Siler abstained.

Mr. Archdeacon said if the Commission is saying the extension of Centerville Station Road has to be all the way to Lockport Drive, then the developer is denying the Commission's decision and asked what the next step was.

Mr. Tate said the item will go to the City Council and he can speak at that time but does not have to file an appeal since the motion was approved. Mr. Reynolds said the next Council meeting is July 5.

2/ Washington Creek Two Preliminary Plan

Mr. Reynolds showed this 75.5 acres, consisting of 127 lots located south of Spring Valley Road, north of Clio Road and east of Rooks Road, which has Washington Township R-4 zoning. He said the driveways of the lots empty into cul-de-sacs, not off Rooks Road, which is good, however, there is only one street serving 109 houses and the staff recommends another access to the property. He said he received no negative comments from the Fire Department. A 5.2 acre park is located in the southeast corner. The northeast corner has a pond which will be drained and filled.

American Homes owns the land to the south and plans to continue the streets from this property through it. They also own the land to the east and say they will continue the streets there also. Mr. Reynolds said since the sewer lines from the north will determine the pattern of development, he is concerned that the street to the site is from the south.

Mr. Tate asked if the north west lot can be used for access, and Mr. Reynolds said the terrain in that area is such that it cannot. Mr. Tate asked about drainage, and Mr. Archdeacon said drainage tiles will be used.

Mr. Reynolds and Mr. Schab said they feel there should be another access to the land. Mr. Archdeacon said the access versus the number of lots is smaller than Washington Creek, which has one access serving 100 lots. Mr. Reynolds said this plan has 127 lots.

Mr. McSherry asked that the matter be taken to workshop for further consideration. Mr. Archdeacon said by that time he may be able to bring a tentative plan for the land to the south.

Mr. Tate set a workshop for 7:30 p.m. on July 12, 1977.

Mr. Thill moved the meeting be adjourned. Seconded by Mr. Schottmiller. Approved unanimously.

Clare Tate

