

## CENTERVILLE PLANNING COMMISSION MEETING

Tuesday, October 25, 1977

The meeting was called to order by Mr. Tate at 7:40 p.m.

Attendance: Mr. James P. Hickey, Mr. Elmer C. Tate, Jr., Mr. Michael V. Thill, Mr. Roland McSherry, Mr. George J. Schottmiller. Absent: Mr. Jeffrey T. Siler and Mr. Robert Hopperton. Also present: Mr. Karl Schab, City Engineer; Mr. Robert Farquhar, Law Director; Mr. John C. Levermann, Assistant City Manager; Mr. Garth L. Reynolds, City Planner; and Mr. Bill Johnson, Washington Township Road Superintendent.

Mr. Thill moved to approve the minutes of the September 27, 1977 Planning Commission Meeting as written. Seconded by Mr. Hickey. Approved; Mr. McSherry abstained.

Mr. Thill moved to approve the minutes of the October 11, 1977 Work Session and Special Meeting as written. Seconded by Mr. Schottmiller. Approved unanimously.

### SETTING OF PUBLIC HEARINGS

#### Walnut Hills Estates

Mr. Reynolds reported the developer of this project requested a workshop session since it is a PUD before setting the public hearing and requested the workshop be held in early November.

Mr. Tate set a work session for November 8, 1977 at 7:30 p.m., location to be named later.

### COMMUNICATIONS

None.

### PUBLIC HEARINGS

#### Construction Managers of Ohio - Variance on Standards for Street Construction

Mr. Reynolds presented slides of this industrial district located at 1701 and 1751 Thomas Paine Parkway, which shows the driveways paved with blacktop and concrete curbs. He stated there is a bond for the required sidewalks but they are not in yet.

Mr. Schab stated the standards set by the City require concrete approaches for driveways from the curb back ten feet. He said when the sidewalks are put in along the front of this property, it will be approximately 5" higher than the street so in a heavy rain the water stays in the street instead of going into the parking lot.

Mr. Tate asked if this requirement applies to all zoning or just industrial. Mr. Schab responded it applies to all, but in older plats this was not done. He added it is part of the subdivision regulations to have concrete approaches, and the rule has been in effect for some time.

Applicant: Mr. Mark Metzger of Construction Managers of Ohio stated the regulations are very unclear on this point. He said he is taking a client into already subdivided property and Ordinance 73A is on streets and not on driveways. Mr. Metzger stated he could understand how they missed it; however, when he applied for the permit there was no mention of this type approach and even when changes were made at the request of the City there was no mention of this approach. He said it wasn't until after the asphalt was in that the City told him he would have to put in concrete and that he would not be granted final occupancy of the building until it was changed.

Mr. Metzger said he feels the City has approved the plans and it would be the City's responsibility since he showed asphalt on his plans and was not told otherwise.

Mr. McSherry asked when the sidewalks were going in. Mr. Metzger said he had no plans for sidewalks and this was the first he had heard about them. He said the approaches were built according to Montgomery County standards.

Mr. Schab said he had talked with the Building Inspector who told him there was a bond for putting in sidewalks but does not know if the developer put up the bond or the owner. Mr. Metzger said he put up a \$2,000 bond when he found he could not get occupancy on the building, but this bond was for concrete approaches.

Speakers for or against: None

Comments from Commission:

Mr. Tate asked for a legal opinion and Mr. Farquhar commented if there is a bond it is a binding agreement on the subdivider to put in the approaches. The City staff acted correctly in denying occupancy to the developer since he was violating a city standard and it is up to the Planning Commission to decide if they will waive the requirement.

Mr. McSherry said he is not concerned about the concrete aprons but whether the sidewalks will be put in. Mr. Schab added he could see where adjoining properties might ask for the same variance if this is approved. Although they are not shown on the plan it is the developer's responsibility to know the code. Mr. Hickey also stated the developer must know the code and it is not the responsibility of the staff to act in a supervisory capacity.

Mr. Hickey moved to deny the variance request on standards for street construction at 1701 and 1751 Thomas Paine Parkway. Seconded by Mr. Thill. Approved unanimously.

Mr. Tate advised the developer he has five days to give written notice of intent to appeal and then 10 days after that to file the written appeal.

#### Centerville East Plaza - Sign Variance

Mr. Reynolds showed sketches of this shopping center located 859 East Franklin Street and 40 Westpark Road. The present sign height is 2-1/2 feet for signs placed on the roof. The applicant wants to put a sign up which would be one foot higher than allowed, but would still have the proper overall area. The variance is for the height only.

Mr. Anthony, owner of the restaurant seeking the sign, said he has the property from the south end of the shopping center to the golf shop so there would not be any other sign along that side except his and the golf shop's.

Speakers for or against: Mr. Gil Wilson, Wilson Sign Company, said the owner could have more square footage because of the floor space but he is not requesting that, he just needs the additional height because of the scroll type lettering used to identify the restaurant.

Mr. Hickey asked how the sign would be lighted. Mr. Anthony said it would be internally lit while the restaurant was open and the lighting was consistent with the other signs at the shopping center.

Mr. Thill moved to approve the sign variance for Centerville East Plaza as presented for two signs to be located along the roof line. Seconded by Mr. McSherry. Approved unanimously.

Black Oak Development Company - Variance on Lot Area

Mr. Reynolds showed slides of the four lots located on the northeast and southeast corners of Black Oak Drive and Clyo Road in Black Oak Estates, Four, Section 3. He said the R-4 zoning requires 8,000 square foot lots, that these lots were previously approved under B-1 zoning and 41' right-of-way was dedicated for Clyo Road. Since then the City initiated the zoning change to R-4 and the right-of-way for Clyo Road has been extended to 43'. As a result, the developer is short 7,900 sq. ft. of the 32,000 sq. ft. required, which is about one unit. The four lots would have allowed 16 units and the developer is requesting a variance so he can construct all 16 units.

Applicant: Mr. Robert Archdeacon, Woolpert Company, speaking for the developer, stated when the original plat was recorded as two lots at that time the Clyo Road dedication was 41' with the developer to put in the improvements when constructed. The developer has now drawn in the additional 2 feet for dedication. The southeast lot has been broken down into three lots and they can still provide the proper setbacks and adequate land. He said they are planning to put the money in escrow so the widening of Clyo Road can be done at one time.

Mr. Archdeacon said the variance would apply to all three lots since the shortage was spread over them all because of the topography.

Mr. Hickey asked if the utility easement has been moved back in accordance with the road dedication, and Mr. Archdeacon said it has.

Speakers for or against: None.

Mr. Hickey asked if the plan allows 25' easement for driveways along Clyo Road. Mr. Archdeacon said there would be no driveways on Clyo.

Mr. Hickey said Lot 2053 shows only a 10' easement for utilities while Lots 2051 and 2052 show 25'. Mr. Archdeacon said driveways require a 25' easement but utilities only require 10'.

Mr. Schottmiller moved to approve the variance on lot size for Black Oak Estates Four, Section 3, as presented. Seconded by Mr. McSherry. Approved; Mr. Thill voted no.

Community Development Projects

Mr. Reynolds said this was set for public hearing so members of the community could give input on possible projects the City might seek funding for. In the past, the City received money for Benjamin Archer Park, sidewalk curb ramps, Temple property acquisition, and other projects. He said he would also like to set it for public hearing at the November 8, 1977 work session.

A citizen asked about more recreational equipment for Benjamin Archer Park, and Mr. Reynolds stated the City is finishing a plan for the park and the final report should be ready shortly. This type of request could be submitted as a Community Development project.

UNFINISHED BUSINESSWashington Creek Three - Preliminary Plan

Mr. Reynolds indicated this item is presently tabled to work out modification of the thoroughfare plan and recommended continuing to table the item. Mr. Archdeacon said he would request a continuance also.

Pelbrook Farm Commercial Area - Site Plan

Mr. Reynolds said he has received notification from the developer that the drawings are being modified and the developer would like to continue tabling the item but discuss the changes at the November 8, 1977 work session. Mr. Archdeacon said they have made the changes requested by the Commission on the access roads and bank location and since they now have 9 serious tenants, they are anxious to move ahead.

NEW BUSINESSMcDonald's Restaurant - Amendment to Site Plan

Mr. Reynolds showed slides of the McDonald's Restaurant located 6004 Far Hills Avenue. He said the applicant wants to add enclosures on the north and south sides and a drive-thru window. The effect of these changes relates to the parking; however, they currently have 76 spaces and will lose 19, leaving 57 spaces. Requirements are much less, 28, so the project still meets code. The existing pad will be used for the additions.

Mr. Smith of McDonald's told the Commission the foot line will be extended over the drive-thru side approximately 3 feet, with a 9' clearance.

Mr. Hickey moved to amend the site plan for McDonald's Restaurant located at 6004 Far Hills Avenue as submitted. Seconded by Mr. McSherry. Approved unanimously.

Foto Fair - Conditional Use

Mr. Reynolds showed slides of the parking lot at Gold Circle located at 261 East Alex-Bell Road. The applicant is requesting permission to construct a 4' x 8' building in this parking lot; however, the exact location has not been determined.

Mr. Tate asked about enforcement of the landscaping since the slides indicate it is very poor. Mr. Farquhar said as long as the developer puts it in where required, the City cannot make a developer maintain it. He said the Council should indicate if they want the staff to investigate what power the City might have.

Mr. Jacob Meyers, attorney for Foto Fair, brought pictures of the proposed building and said it was made of fiberglas reinforced concrete. The air conditioner is located under the roof so it is not visible. Mr. Meyers noted the plot plan given to them by Gold Circle indicates where they would be allowed to erect a building, which is on the last parking space away from the store.

Mr. Reynolds pointed out to Mr. Meyers that the drawing submitted is not in accordance with the actual physical layout and requested Mr. Meyers present his proposal on an actual plot plan. Mr. Thill concurred and said the Commission could review it at the November 8, 1977 work session.

#### Black Oak Estates Four, Section 3A - Record Plan

Mr. Reynolds reviewed slides of this 2.77 acres located on the east side of Clio Road consisting of four lots. He pointed out the variance was granted earlier in the evening for the lot size and the drawing shows the 43' dedication for Clio Road. He said the City is handling the escrow of money for the Clio Road widening instead of adding additional lanes at this time.

Mr. Archdeacon said the background was presented earlier in the evening.

Mr. Hickey moved to approve the record plan for Black Oak Estates Four, Section 3A, as submitted, with bond to be set when placed before City Council. Seconded by Mr. Schottmiller. Approved unanimously.

#### Washington Creek Two - Record Plan

Mr. Reynolds showed slides of this 70.6 acres, 120 lots, located on the south of Spring Valley Road and east of Rooks Road. The zoning and park dedication are proper.

Mr. Reynolds pointed out the developer has added another access road, as requested by the Commission. The Park District has requested Lot 120 be deeded to them, and the developer agrees. The drawings show sidewalks on both sides of the streets, including cul-de-sacs and since the project is in Washington Township, he asked if Mr. Johnson had any comments.

Mr. Johnson said he has reviewed the plan and he would be against having sidewalks in the cul-de-sacs because of all the tax dollars it takes to maintain them. The radius of the curve in the cul-de-sacs is susceptible to stress in the winter and the sidewalks tend to crack more than straight ones.

Mr. Archdeacon, for the developer, said the record plan conforms to the preliminary plan, and the park will be deeded the Lot 120; however, they are not able to give a deed yet because the condition of the purchase of the land is approval of the record plan. The deed cannot be given until the purchase is complete. Mr. Archdeacon said he would like a variance on the sidewalks so they would be on one side only of the cul-de-sacs and both sides of the other streets.

Mr. Reynolds pointed out to the Commission the City has a code but the Commission can grant variances; however, they should be consistent. He also pointed out the City Council insists on sidewalks on both sides of every street.

Mr. Tate said it is hard to be consistent when the City insists on having sidewalks and the Township doesn't recommend them in cul-de-sacs. Mr. Johnson pointed out the difference is the City passes the maintenance costs on to the citizens, but the Township is required by State Law to maintain their sidewalks.

Mr. Hickey said two of the cul-de-sacs are in excess of 600 feet and the Council would overrule if the Commission did grant a variance. Mr. Reynolds pointed out this item would not go before Council since it is in the Township. Mr. Tate said he feels the Commission should comply with the Township's wishes then.

Mr. Reynolds said the Park District easement between Lots 8 and 9 have two-foot sidewalks of concrete and are included in the bond estimate. When Rooks Road is widened, the developer should have some type of road reflector installed where the road narrows for night travelers. Mr. Archdeacon said it would be included in the bond estimate.

Mr. Thill moved to approve the record plan of Washington Creek Two with provision that sidewalks will not be required in the cul-de-sacs but are required on both sides of all other streets, and subject to deed being placed in escrow for Lot 120 to the Park District, and subject to a \$527,000 bond for performance being set and inspection fees of \$1,810.50 being paid, and further subject to reduction of these amounts at staff's recommendation. Seconded by Mr. Hickey. Approved unanimously.

#### Watkins Glen, Section 2 - Record Plan

Mr. Reynolds showed slides of this record plan, which consists of 39.1 acres, 29 lots, located east of State Route 48 and north of Nutt Road in Washington Township. He said the plan meets the thoroughfare and Park District's requirements and is zoned for special use. Mr. Reynolds said the Park District has requested two 2' concrete sidewalks be added by the developer, one between Lots 52 and 53 and one between Lots 27 and 58. The plan also shows sidewalks on both sides of the streets.

Mr. Schab said a bond of \$270,000 is requested and inspection fees total \$688.00. If a contract is presented for a lesser amount then the bond can be reduced to that amount.

Mr. Archdeacon, representing American Home Development Corp., the developer, pointed out there are three cul-de-sacs with sidewalks on both sides. Since the area is zoned for multi-family units, with 8 units per acre, the developer is not requesting a variance on the sidewalks.

Mr. Bill Johnson of Washington Township agreed with Mr. Archdeacon that this is a different situation than Washington Creek and feels the density of multi-family justifies having sidewalks on the cul-de-sac.

Mr. Johnson pointed out the drainage north of this property is very poor and asked if the developer would be continuing Mandel Drive. Mr. Archdeacon said this property is in a different drainage district and the road would not be part of their development.

Mr. Schottmiller moved to approve the record plan of Watkins Glen, Section 2, as presented, subject to a bond being made of \$270,000 and payment of \$688.00 for inspection fees. Seconded by Mr. Thill. Approved unanimously.

South Suburban Road - Street Dedication

Mr. Reynolds showed a slide of the existing cul-de-sac located at the end of South Suburban Road and leading into the parking area for Dimco Gray. Currently this company maintains the cul-de-sac; however, it is not very easy for cars or trucks to turn around.

Mr. Schab said clearing the street of snow is difficult and Dimco-Gray feels they are providing a place for street equipment to turn around.

Mr. Tate asked what the advantage would be to the City to have the street dedicated. Mr. Schab pointed out the owner could block off the street at any time he wanted. The street needs another coat of blacktop also and the bond has not been set since Council will be required to have it set.

Mr. Hickey moved to accept the street dedication of South Suburban Road as presented, subject to the present owner complying with the drawings submitted to the City staff and subject to the owner placing an additional layer of blacktop 1-1/2" thick on the surface to be dedicated, and subject to bond being set by the City Engineer. Seconded by Mr. Schottmiller. Approved unanimously.

Winters Bank - Approval of Temporary Sign

Mr. Reynolds said Winters Bank has requested permission to put up a temporary sign to indicate they will be building a bank near the intersection of S.R. 48 and West Spring Valley Road.

Mr. Thill moved to approve a temporary sign for Winters Bank to be located near the intersection of S.R. 48 and West Spring Valley Road for a period of 120 days, or until construction completion, whichever comes first. Seconded by Mr. Hickey. Approved unanimously.

Mr. Tate announced the next regular meeting of the Planning Commission will be Tuesday, November 29, 1977 and a special work session will be held November 8, 1977.

Mr. Thill moved to adjourn. Seconded by Mr. Hickey. Approved unanimously.



