

CENTERVILLE PLANNING COMMISSION
Regular Meeting - March 25, 1975
7:30 p. m.

Those present: Messrs Tate, Maxton, Baker McCrabb & Gillingham. Absent: Mrs. Lake.

Also Present: John Levermann, Administrative Assistant & Karl Schab, City Engineer.

The Minutes of the January 28, 1975 and the March 11, 1975 meetings were approved.

Communications

Mr. Maxton expressed his appreciation of the re-written zoning ordinance prepared by the staff. He asked that as new changes are received that each P. C. member receive a copy of the change so their copies will always be up-to-date. Mr. Schab explained that circumstances prevent the ordinances to be 100% perfect, but they feel they have provided the ordinances with 98% accuracy. He stressed that reference can be made to the master on file if need be. He said there are problems involved with keeping the copies up-to-date, i. e. table 9 has many footnotes, etc., and there may be certain missing links but he feels this is as complete as possible at this time under these circumstances.

Public Hearings

1. Z-2-75 Ordinance , amending ordinance 15-61, the zoning ordinance, by changing definitions and adding definitions, regarding Group Homes.

Mr. Maxton explained the order of procedure for all public hearings.

Mr. Levermann explained that this is an interim ordinance that would be in effect until such time as a permanent ordinance is drawn up by the City Attorney and presented to the Planning Commission, who will then pass it on to Council. Mr. Levermann read the Ordinance & explained the changes.

Mr. Gillingham said he does not see any need for this meeting and he has no comments other than those made at previous meetings.

Mr. Maxton said that this would be an interim ordinance as Council has asked for the permanent ordinance by May 1, 1975.

Mr. Baker said that if we are afraid we will have a problem within the next month, perhaps we should be doing this. He expressed concern with the May 1 deadline, saying that the public hearing would have to be held April 29 and PC has not yet received the draft from the City Attorney. Mr. Gillingham added that he thought this would not be brought up for discussion for several months - he would like some changes before he would want to pass it on to Council. He added that since Council apparently approves of this particular portion, he sees no reason not to pass it on.

Mr. Tate would prefer to set a public hearing at this time for approval of Ordinance Z-3-75 (the entire ordinance). He is not against this portion, or approval of it, but does not see the purpose.

Citizens comments

Marie Grimm, Zengel Drive, asked for clarification on the deadline and Mr. Maxton explained that the ordinance is to be from P. C. back to Council by May 1, 1975 for their action.

Robert Muzechak , 9535 Sheehan Road asked for clarification on what was left in and/or excluded from the ordinance as read by Mr. Levermann. This was clarified for him.

Citizens in opposition to Z-2-75

Mrs. Marian Lainge, 205 Southhill Court, said that this proposed ordinance would exclude foster children from living, for example, in a home where there are already 4 in the family. Mr. Maxton said that they would not be excluded, but would have to have a variance. Mrs. Grimm asked if this means that some might have to give up their foster children. It was stated that ordinances are not retroactive. Mr. Tate said that Z-3-75 would have it in, this interim ordinance does not need it. There was a brief discussion regarding loop-holes by omission in Z-2-75. Mr. Gillingham and Mr. Maxton said that several things that might be included here are to be included in Z-3-75, which will be added to all the time - this should be considered only as an interim ordinance.

* Mr. Gillingham made the motion to approve ordinance Z-2-75 as amended Seconded by Mr. Maxton. Approval denied. The vote was 4-1 in favor. Mr. Baker cast the negative vote. (Vote of 5 required to approve zoning ordinances.)

Mr. Maxton suggested a workshop be scheduled. Workshop set for Tuesday, April 22 at 7:30 p.m. Mr. Tate indicated he would not be present. (He would prefer to have a regular meeting, not a workshop, on this subject.)

2. Z-4-75 Ordinance , amending ordinance 15-61, the zoning ordinance, by requiring an agreement from the applicant and the posting of a performance bond and a bond guaranteeing replacement of landscaping which fails to grow in B-3 and E. C. Districts.

Mr. Levermann explained that in order to insure that plantings do grow and in accordance with the development plan, this ordinance is presented. He said the P. C. discussed this previously and felt it would be good to include this in all districts except B-3 and EC.

Mr. McCrabb asked if bonding is required for the tree ordinance. Mr. Schab said it is not. He added that this would be bonding for improvements

on private property. This does not include public right-of-way. Mr. Baker asked if this is in all areas in which PC normally reviews the plantings. Answer yes.

Mr. Maxton said that at the last workshop he had suggested that it be determined which sections mentioned landscaping and screening so this could be considered in this amendment. Mr. Schab said he had missed that comment and did not research that. He continued that we are addressing ourselves to "H", the balance has been approved as to form and consistency. This one is really a form and consistency question and should be so addressed.

Mr. Maxton said he was reluctant to approve this as it is. The City Attorney has said that this could be approved with minor changes, but Mr. Maxton considers these major changes. Mr. Schab said that the ordinance should be given to Council in readable form and they will have the final say. It is possible to add any district in the City except R-1 and R-2 according to Mr. Farquhar, he said.

Citizens comments, pro or con. None.

There followed a discussion as to what sections should be included herein. Mr. Schab would prefer not to list Section 14 as suggested as we are really interested in landscaping, not screening. Mr. Maxton feels screening is just as important. Mr. Schab said there are other ways to enforce that rather than a bond, bond enforcement would be very time-consuming. He continued that a bond on screening would only ensure screening for two years, in all probability - no bond can last more than ten years. Mr. Schab said that Centerville is the only one who even considers such a bond, according to his information from other Engineers in the area.

Mr. McCrabb suggested that a bond requirement might present to a developer the question of a living hedge versus a fence and he could very well prefer a fence, which PC would not like to see in abundance.

Mr. Baker agrees that it is not worth the Engineer's time to police this.

It was pointed out that most zoning ordinances require maintenance. Mr. Maxton said that those sections which specify maintenance would not be included as requiring a performance bond. He suggested requiring it in Sections 14, 15 & 20. Mr. Baker said he questions terms such as "maintained in good condition".

* Mr. Maxton made the motion to approve ordinance Z-4-75 amending 15-16 by requiring an agreement from the applicant and the posting of a performance bond and a bond guaranteeing replacement of landscaping which fails to grow in R-3, R-4, B-1, B-2, B-3 & E.C. (Amending Sections 14, 15 & 20.) Seconded by Mr. Gillingham. Motion failed. The vote was 4-1 in favor of the motion, vote of 5 required to approve zoning ordinances. Mr. Baker cast the negative vote.

Mr. Baker does not feel we should be concerned with this type of ordinance - he cited P.C.'s review of required trees and the smaller-than-required trees that are planted. He feels this is unenforceable. Mr. Gillingham suggested that an ordinance is a starting place.

Unfinished Business

3. Preliminary Site Plan Review for Church of the Latter Day Saints.

Mr. Levermann reviewed the application. It was established that this plan had been rejected at the last P.C. meeting because it did not meet zoning requirements. The areas of concern: 1) parking setback, 2) proper screening, 3) right-of-way - ultimate possible relocation of sidewalk and building as planned, 4) Mrs. Lake's comment regarding Council's remarks on this subject. This plan apparently now meets the requirements. Mr. Schab said that an application for curb cut must be filed as required by the building inspection department. Mr. Zane Lee, Engineer for the project, said this has been filled out. It was pointed out that the drainage should be detailed.

There was a discussion regarding the alignment of the sidewalk with the existing sidewalk and it was stated that a concrete pad would have to be at the driveway, according to Building Inspection.

Mr. Tate asked who pays for the sidewalks on the rest of the property. Mr. Schab said they have been paid. The second time they would be paid by the City.

Mr. Gillingham questioned why the curb cut had been put in (55' wide) and right at the western end of the existing curb cut there is a verticle storm sewer which looks like it would be right at the end of the proposed driveway. Mr. Lee said they would change that to a flat catch basin with a heavy grate. Mr. Schab said they should be a sinusoidal type as we now have a problem with bicycles in the grates. Mr. Schab asked if this (plan) meets all zoning requirements at this time and he said it does.

The right-of-way was discussed and Mr. Schab said that the applicant has agreed to the additional 8' per side that will have to be dedicated.

Future widening was discussed, but this is not expected to take place for several years, it is currently in the design stage. Mr. Schab doubts that Council would accept anything without the future thoroughfare plan being considered. Mr. McCrabb said that he feels subdivisions and personal property are two different things and he questions the property owners right to develop his property if he is required to give land to the city. Mr. Schab agreed that this was a valid point, but he believes it to be Council's requirement. Mr. Lee said that they prefer to know in advance, so they can make their improvements accordingly - they are not concerned as to when it is dedicated, he said.

Edward Pooley, Bishop of the church, residing at 245 Forrer Blvd., said that this facility would be similar to the one they had on Shiloh Springs Road.

Mr. Baker said that he does not object to the sidewalk changes (not being in a straight line), but is opposed to Planning Commission procedure being changed. P. C. members were not given adequate time to review this plan as presented at the last mtg. Mr. Schab said that the application had come in 18 days before the last meeting, their objective was to find out what was needed so they could hope for approval at the April 29 meeting. This initial application was intended to get P. C. informal opinion, it was not intended as a formal request. Mr. Schab said he feels the applicant did everything they should have - it was perhaps the fault of staff that it was presented at the last meeting.

- * Mr. Tate made the motion to accept the preliminary site plan as revised for Church of the Latter Day Saints. Seconded by Mr. Maxton. Approved unanimously, 5-0.

Mr. McCrabb asked if the trees should come all the way out as shown. Mr. Lee said they did not have to have them all the way out. Mr. Maxton said that P. C. 's concern regarding trees is that they not be a traffic hazard.

New Business

4. Public Hearing scheduled for Tuesday, April 29 at 7:45 p. m. for an application for change of zoning by the Oak Creek Development Co. of 3.339 acres located along the south side of Whipp Rd. and west of Wilmington Pike from R-3 to B-2.
5. Public Hearing scheduled for Tuesday, April 29 at 8:15 p. m. for an application for change of zoning by George H. Mitchell, Jr., et al of properties located at 235, 221, 211, 203, 175, 165 and 103 W. Franklin Street from R-1 to B-1.

General comments regarding the Mitchell application: Mr. Maxton said he would like to see this A. P. rather than rezoned from R-1 to B-1. It was P. C. 's previous desire to wait until the ordinance is changed before enlarging the A. P. District. There is some question as to what the desire of the B. A. R. is regarding the extension of the A. P. District. Mr. Gillingham feels the A. P. District should be extended to the City limits, as does Mr. Maxton and Mr. McCrabb. P. C. is concerned with doing what is right for the property owners.

6. Application for sign variance by Dr. James D. Miller, 9347 Lebanon Pike.

Mr. Levermann said that the sign is presently located in the front of the property, 30 feet from centerline, 18 feet from side of the road. To be in conformance, the sign should be 80'-85' from centerline. The size of the sign for proper visibility was discussed, as was the existing and future right-of-way. (The planned right-of-way for Rt. '48 is 120'). Mr. Maxton referred to the regulations and said that a time limit is required if a temporary permit is granted.

Dr. Miller was present but made no comments.

- * Mr. McCrabb made the motion to grant a temporary sign permit to Dr. Miller for a period of 2 years from March 25, 1975 and at the City's option that with a 30 day notice the City can ask that the sign be removed at any time during that two year period. Seconded by Mr. Maxton. Approved unanimously.

7. Approval of Preliminary Plat Plan for Southpoint Two Subdivision - Revised Plan of Stonington Woods. (Washington Twp.)

Mr. Levermann presented a slide of the plat and pinpointed the location. The plat has 62 lots. 16,000 sq. ft. is required by the Twp. - an exception is Lot 29 (approx. 15,200 sq. ft.). Also, the Fire Department is calling for enlargement of long cul-de-sac turnaround to 95' in diameter - it is slightly smaller on the plan.

Mr. Schab said that Mrs. List, with the Twp., recommended that the 6 double-front lots be 60' from public right-of-way - Mr. Tate feels they should be 50' - the same as the other lots.

Mr. Lapsins said that the smaller lot (29) was a drafting error and that it will be changed, there is enough property to do so.

There was considerable discussion regarding cul-de-sac and turnaround. It was agreed that this was a difficult, unusual property to work with. Mr. Tate would like to see a standard for the cul-de-sac.

There was some discussion regarding drainage - Mr. Maxton asked if the higher lots would drain into the lower lots. Mr. Lapsins explained the plan, the drainage would go to Holes Creek. It was pointed out that this was only approval for the street layout at this time.

- * Mr. Tate made the motion to approve the Preliminary Plan for Southpoint Two with Lot 29 corrected to 16,000 sq. ft. Mr. Maxton seconded the motion. Approved unanimously, 5-0.

8. Approval of Final Plat Plan for Southpoint East Subdivision

Mr. Levermann explained that the location is west of McEwen, approximately 2000' south of Alex-Bell and consists of ten lots, all having 30,000 sq. ft. min. It has an 800 ft. cul-de-sac which has been approved by the twp. and conforms to the plat plan approved by Council. No sidewalks are proposed for the plat.

An aerial view of the area was provided by Mr. Lapsins and reviewed by the members. Mr. McCrabb asked about the construction drawings - he is concerned with drainage. He feels that when the record plan comes through the construction drawings should be included. Mr. Schab explained some of the problems involved in having copies for all members. It was finally suggested that one copy will be provided for the Chairman, to be used by all the members.

- * Mr. McCrabb made the motion to accept the final record plan for Southpoint East Subdivision with a Bond of \$29,000 and Inspection Fee of \$133.00. Seconded by Mr. Tate. Approved unanimously, 5-0.

9. Washington Woods Preliminary plan was reviewed.

The entire tract is Twp. B-2, Washington Twp. (Office Park). A slide of the area, to pinpoint the location and a slide of the thoroughfare plan were reviewed. There was considerable discussion regarding the thoroughfare plan. Mr. Maxton said he would like to see this tied in with the adjacent property. Mr. K. Schab said that if we go along with this we will have 86' in some parts (of the street) and 70' in others.

It was generally agreed that the Twp. should be asked for the plans of the adjacent areas. It was felt that more time is need before approval can be made.

Mr. Lapsins asked if it would be possible for P. C. to approve Lots 1 and 2 only, as they have a client interested and they would like to proceed with the final plan as soon as possible.

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- * Mr. Gillingham made the motion to approve Lots 1 and 2 of Section 1, Wash. Woods Subdivision Preliminary Plan subject to review of the revised drawing by the City Engineer. Seconded by Mr. Tate. Approved Unanimously, 5-0.

Meeting adjourned at 10:30 p. m.

Next meeting will be a work session scheduled for April 22, 1975.

Ray L. Maxton

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