

CENTERVILLE PLANNING COMMISSION

Regular Meeting - April 29, 1975

7:30 p. m.

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

Also Present: John Levermann; Administrative Assistant, Karl Schab, City Engineer; and Robert Farquhar, City Attorney.

The Minutes of the March 25, 1975 meeting were approved.

Communications

Mr. Maxton said that he had received letters from residents in opposition to the Oak Creek Development application for change of zoning from Mr. Geysor, 2727 E. Whipp and Mr & Mrs Nichols, 2618 Milbridge, and Mr. W.L. Hall, 2591 E. Whipp Road.

Planner's Report - None

Public Hearings

Mr. Maxton explained the procedure for public hearings and said that a decision may or may not be made at this meeting.

1. 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.
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Mr. Reynolds showed a slide of the area and pointed out the location. He said that staff review of this request indicates there are some unresolved points about this area - he feels the Whipp Rd/Feedwire Rd. situation should be resolved prior to conclusion of this project.

Mr. Robert Archdeacon, representing Woolpert Development Co., showed a slide of the specific location and said that there is a 843' frontage on Whipp & 172.4' from centerline on Whipp. The area immediately to the south is zoned B-2. Application was filed in 1968 for the rezoning of the entire area shown on this map, he said. He pointed out the R-3 & R-2 zoning in the area. This 3.339 was zoned R-3 at that time with the stipulation that Whipp would have been changed to meet Feedwire, he said, and approximately two years ago the TCC of Green Co. contacted Centerville and objected to the proposed change and asked that it be left in the present place and be bent on the other side of Wilmington on Feedwire. The reasoning for this request was to create as much distance as possible between I-675 (proposed) exit and entrance ramps for safety and traffic. Also the City has some still-to-be resolved proposals. They now say they are in agreement with Green Co. and that Whipp would remain in the present location in Centerville and to be bent in Green Co. With this in mind, he said, if Whipp is to remain here it is essential to have the frontage as requested. With still some doubt as to the location of Whipp Rd. they hope to resolve this situation so that this

area can be planned and developed and they do not know which way to go the way things are now. The rezoning is to the centerline of Whipp and Wilmington recognizing the thoroughfare requirements. This would dedicate to the City one acre for the right-of-way for these two roads. Of the 3,339 acres they would only have 1.39 useable. TCC still maintains that this be the proper alignment of Whipp Rd. With the rezoning hanging fire and with the desire to properly plan and develop the area the applicant requests favorable recommendation for this from the P.C.

Citizens in favor - None in attendance.

Citizens in opposition

Mr. W. L. Hall, 2591 E. Whipp Rd., said that he has lived at this address when it was Andrews Rd. in 1965. They were annexed at their request to the City shortly thereafter. They like the location the way it is, with the open space. They previously expressed their opposition to this to the City Council. At that time they hear a gentlemen speak about his proposition to protect the residents of the area. In spite of residents opposition the zoning was passed, he said. He feels the Fox Run condominiums are a nice buffer zone - now they wish to remove that transitional zon and hit the residents with a B-2. He said he feels that in 1969 the Oak Creek Development got their foot in the door and now they want zoning changed. He said that his conversations with the City (representatives) clearly indicate they have no information of the TCC plan. He said this change would ruin Dr. Dilly's beautiful woods. He said the buffer zone was recommended in 1969 and was granted by Council. He does not remember that there was any stipulation regarding Feedwire bending, but he does remember some talk about it - there was also talk about a cul-de-sac, he said. He said he is sorry Mr. Archdeacon has not provided a site plan of what might be in the location. It might be, he said, that something like this might be persuasive. Mr. Hall showed photos of the Oak Creek Plaza area with building debris, empty store rooms, a sign that has been on the ground for some time, debris in front of the shopping center. He said there are approximately 11,000 cars/day and the applicant proposes three accesses which would create a worse traffic situation. The residents are concerned about noise, gas station odors, lights, truck traffic, etc., would be regretable. Mr. Hall thanked the PC for the notice that was sent to the residents and presented a petition signed by approx. 82 residents in the area that are opposed to the application filed by Oak Creek Development Co. Centerville is blessed, he said, with a good comprehensive development plan, at great cost, and there is no indication in any of the land use studies that mentions running Feedwire through Dr. Dilly's woods. He read from the plan prepared by Parkins & Rollins in 1969, in regard to the planners suggestion that we need approx. 2,000 additional open land acres. The only land of this type is two acres and the access is from the City of Kettering. He feels Dr. Dilly's land would make a beautiful park. He read more about the recommendation for open land and transitional use. He said Oak Creek Civic Assoc. is opposed to this request also. He said he agrees with Mr. Reynolds that no position be

taken until Feedwire is definitely located. There is no sense, he said, in having a comprehensive development plan if it is going to be changed for two or less acres. This is no hardship, he said, they had what they wanted in 1969. I am opposed to the requested application and will appreciate your favorable consideration to the opposition.

Mr. Brombacher, 5859 Overbrook Rd., spoke representing the Fox Run Home owners. He said that with the development of I-675 we are concerned with the possible traffic hazard. They would prefer that any action be deferred until the completion of the construction of I-675. They are also opposed to three accesses onto Whipp Rd. which will create additional traffic hazards. They feel that the street is primarily residential until the Oak Creek Shopping Center and should be retained as such. They do not see the need for additional business - there are many business location vacancies in the Plaza. They feel there is more than enough businesses now to meet the needs.

Mr. Douglas Campbell, 65 E. Franklin Street, representing Dr. Dilly, made reference to a previous meeting with Mr. Baker of the TCC, Mr. Smith of Centerville, Swango, etc., saying that at that time Mr. Baker explained the proximity of Feedwire and the problems created. Mr. Smith had (apparently) said that the City was legally bound to the residents of the area and also morally bound when Oak Creek was developed at that time and he could not go along with the change in Dr. Dilly's woods. He suggested that Mr. Baker of TCC be brought into this. Mr. Maxton said that the last word was that Feedwire will be bent according to TCC. Mr. Campbell said that Sugar Creek is not aware of this. He said that Mr. Baker of TCC had been asked (previously) how they planned to acquire the extension and his suggestion at that time was that Dr. Dilly donate his land. Mr. Reynold said that TCC is going to respond in writing to the P.C. in reference to the alignment of Feedwire. The position will (apparently) be that Whipp should be maintained as it is and Feedwire will be the street that will take the change. Mr. Reynolds was asked what would happen to the portion of Feedwire that now intersects Wilmington and he said he is not sure.

Dr. Charles Dilly, 5300 Wilmington, said that he owns property in Centerville and lives in Greene Co. and can only speak from the side of the Co. and their master plan does not mention the relocation of Feedwire. He said he would like to leave this woods as it is - the biggest thing is, shouldn't the people of Greene Co. go along with this? Should we do something in Greene Co. without their knowledge and consent? Regarding TCC, he said, I cannot find out what the implementation is, but usually it is 15%. This need not be the gospel, but is only an engineering suggestion. There are many families that are or will be in the area - I request, he said, that no decision be reached until the people of Greene Co. are contacted.

Mr. Dennis Stahl, 2681 E. Whipp Rd. said that his first question is - what business? Two miles south are gas stations (some that cannot stay in business), on Whipp there are gas stations and other businesses that cannot survive. We do not need any more businesses going in out in the area, he said

- Mr. Archdeacon asked for a few minutes to answer some of the things that he had said which were questioned. He said the intent of Oak Creek six years ago and the development association has (now) been put in a position not to their liking. They feel two years is a long time, and that it was their intent that the dedicated property be maintained by Oak Creek, and there would be 7-8 access points. Regarding I-675, he said, the land has been acquired by the State of Ohio and this is their intent. The intent at the time this was granted, he said, was that it would have frontage on a thoroughfare. There was question brought up previously about access through the residential area, he said, and the plan at the time recognized the buffer and we did have Whipp relocated.
- Mr. Tate said he is unsure as to where Whipp is ultimately going to end up. If this is to happen, then something must be done in Greene County. He said he can see the need for a buffer only he thinks that a green strip would be better for the residents than an apartment building - however, until something is ascertained as to where Feedwire is going I would rather wait, he said.
- Mrs. Lake asked Mr. Archdeacon who said this was a Centerville policy since to her knowledge this has not been discussed with P. C. or Council. She reiterated that Mr. Archdeacon had said that three months ago someone in this City called you and indicated that TCC had made this recommendation and said that Centerville was going along with this. Mr. Archdeacon said that the person who said that is no longer here. Mrs. Lake said she would like to talk with Greene County officials prior to a decision on this.
- Mr. Baker said that the P. C. has considered the location of Feedwire for approx. 7-8 years. The 1968 master plan was discussed, the Bellbrook P. C. and several other agencies in Greene Co. were contacted and we did not know then and we do not know now (what will be done). We had a meeting with Bellbrook P. C. and they are not planning for this change on Feedwire. The only person I can see, he said, who is planning on this is Mr. Baker of TCC. He continued that he has reviewed some TCC work and does not think it is well presented and does not have merit. Dr. Dilly has given us a pretty good idea that this will not go through. Unless he will donate his land (as previously suggested), or sell it cheap, this does not look probable. From a traffic engineering point, he continued, I believe a north approach is better but then we put business right up against single family. I realize the problem, he said, but I cannot see that any evidence has been given that this will be properly buffered. The P. C. has bent over backwards, we have been accommodating and I do not see how we can determine where Feedwire will go, he said.
- Mr. Maxton said that the relocation of Feedwire is only a suggestion by TCC. However, there are a lot of dollars involved and you generally lose an optimum and get what is economically feasible. He does not feel this is the time for this change.
- Mr. McCrabb asked the legal requirements regarding business access across from R-3. Mr. Farquhar said he thinks that this could be a great problem.

use

This would be a use that would be accessory to a business, he said not a residence. Mr. Farquhar said he has not researched it but he believes the chances are that it would be illegal

Mr. Gillingham asked - since the section adjacent to I-675 (proposed) is already B-2 and they will have no access..... can we legally deny them access? Mr. Farquhar said he was not aware that they were denied access but he believes we can. He continued that if we are thinking of landlocking, that does not apply in a case such as this. He cannot see that we would have to rezone because it would be landlocked. Mr. Gillingham said that this rezoning would prevent the connection to Feedwire and he would have to oppose it.

* Mr. Gillingham moved that the application for change of zone of 3.339 acres located along the south side of Whipp Rd and west of Wilmington Pike, from R-3 to B-2 be denied. Seconded by Mr. Maxton.
Application denied unanimously.

Mr. Maxton explained to the applicant his right to appeal and the procedure to do so.

2. Application for change of zoning, by George H. Mitchell, Jr., et al, owners of properties located at 235, 221, 221, 203, 175, 165 and 103 W. Franklin Street from R-1 to B-1.

Mr. Reynolds showed a slide of the area and pointed out the area in question.

Mr. John Kovermann, attorney representing the applicants said he had been present on several other occasions when this was discussed, although he was not involved at that time. He said that this used to be a lightly traveled area and now it is heavily traveled. This is requested to alleviate hardship now existing on their properties and good zoning procedure would call for this to be used for business - it is no longer suitable for residential. He said he had been advised that things were in the mill and would be developed. His clients feel they have waited a reasonable length of time before bringing this to the P.C. Previous comments were directed primarily to water and drainage, he said. He is not sure this would be a zoning problem but the law provides that the owner may improve his property. They feel this drainage problem can be overcome. There are no adequate sewers in the area. Problems that could be created could be handled by 1) grading, 2) dry wells at the rear of the property, including the digging of trenches, 3) the water would be drained into this by french drains (drains with holes in them and would diffuse it into the ground). They feel this would be all that would be necessary to alleviate the drainage problem. Mr. Kovermann continued, saying that there are limits on the B-1 (i.e. supermarkets & service stations are not included and a buffer must exist, etc., a plan must be presented to P.C. before a business would go in. Also, by properly utilizing the ordinance

the lighting, parking, signs, etc., would be controlled. Mr. Kovermann said his clients have been very patient on this, that there would not be too many businesses - a commission does not usually grant a business zoning based on whether or not the business might succeed. He believes a business zoning has a better control than A.P. zoning and that the architecture of the buildings on these lots is not the type that should be preserved.

Citizens in favor

Mr. George Mitchell said that he was here in December and at that time explained the problems basically facing those in that area. More than any other problem, is the problem of traffic. With 20,000 cars east and west bound on this street daily, this logically prohibits this area from being a residential area, he said. Mr. Mitchell asked what the zoning is west of Normandy Lane on Franklin and was advised that this is Wash. Twp. planned unit development, a combination residential. Mr. Schab said he believes 600' on Franklin is zoned R-2. Mr. Mitchell continued that this is no longer a residential area - A.P. is to the east and these properties (2 blocks) are an island considering the fact that everything else in the area has been changed. This is no longer an R-1 area except for these two blocks, he said. He said that as far as the drainage is concerned - the law has specified where (the property owner's) responsibility is. He sympathizes with those who are against this rezoning, but considering the situations as they are today feels this is the way it should be.

Citizens in opposition

Mr. Drews, 214 W. Ridgeway mentioned his concern regarding the dry well - this still has to drain and will only redirect it to some other place, he said. He said that a buffer zone of 20' has been suggested - this only leaves 150-160' lots, not allowing much parking space or much business space. He believes we have more business than we need in Centerville.

Mr. James Presbaugh, 157 W. Franklin, said he has been a resident here for 36 years. He said they are aware of the water problems and the fact that close to the surface is a stone area and he does not believe a dry well is feasible. They plan to reside at this location, no matter what happens with this zoning - they believe homes come first and capitalizm follows.

Mrs. Martha Boice, Eagle Creek Dr., mentioned that the AP District has recently received National recognition and feels that this area should somehow be kept so that the transition is desirable.

Mr. Volrath, 237 W. Ridgeway, voiced his concern about the increased traffic on Ridgeway this zoning would create.

- Mr. Schab felt that it should be said that no matter what kind of improvement is put in there will be more water flowing off the surface because there would be more driveways, blacktop, roofs, etc. He believes there is a way to take care of this problem without french drains. He explained the natural slope towards Normandy Lane & Franklin St. for some of the properties and the slope towards Ridgeway on others. He believes this could be done in such a way so as not to increase the drainage at Ridgeway. He said they might have to resort to french drains.
- Mr. Maxton feels that the rezoning should be put in all at one time for the area. He asked the approx. cost of solving the drainage problems. Mr. Schab estimated approx. \$5,000. Mr. Maxton suggested that this should perhaps be a contingency of zoning - could the owners be assessed, he asked? Mr. Schab said perhaps assessed or the property owners could share this cost. Mr. Farquhar said that a written condition that would be conditional to the zoning would not be enforceable. He believes this could be handled some other way - assessment is one alternative, but would come later, with the development of the property, not with the zoning. Mr. Maxton feels that it would be best to put in the system all at one time rather than piece-meal. Mr. Farquhar said this could be an agreement made at that time between the owners - the zoning should be considered and then the drainage, he said. Mrs. Lake asked if the City acquires an easement, could they assess the owners? Mr. Farquhar said this is correct and the property owners might prefer that as the cost would not then be all at one time. Mr. Mitchell asked if this would be an option on the part of the property owners. Mr. Farquhar said it would not be - this would be open to the City how they would want to do this, he said. Mr. Kovermann said that he assumes that this means that other agencies - perhaps the City engineer would have to approve this and he believes something can be worked out - he would like to discuss this - he said they believed that this would be done all at one time prior to or in conjunction with development. Mr. Maxton said he wants to be assured that proper drainage will be obtained. Mr. Schab said that it is required that the property owners not only take care of the drainage on his own property but has a responsibility regarding the surrounding properties. (i. e. Dr. Glanton, who previously was before this commission, knew that he not only had to put drainage in for his property, but all the way to protect others as well.) One way is for one developer to put it in and the others pay him when they connect to it. Mr. Farquhar was asked his opinion. He said he did not disagree with Mr. Schab - it is a matter of mechanics, he said. If the City determines to grant the rezoning, I do not believe they are giving up control of the drainage problem, he said. He does not feel that questions of drainage are legitimate on rezoning applications - just the same as sanitary sewers and water are not proper considerations at the time of zoning.
- Mr. Baker said that the applicants have stated a hardship - the major hardship seems to be traffic. He agrees that this is a hardship, but on the other hand there are some that do not have this hardship - i. e. the school. He feels that if this were A. P., it would be all business, as is E. Franklin in the AP District.

Mr. Baker feels this could be a disservice to the school. He added that if we have strip zoning, this is against our master plan and other recommendations. He continued that one of the major reasons of putting B-1 in the AP was to create the early-American atmosphere and this (construction, brick sidewalks, etc.) could be a hardship to someone in creating a business - this is expensive. He does not see any way to have suitable parking in this area. He believes there is the possibility of things improving at some time in the future when I-675 goes through. Also, in Washington Twp., in the future, there will be a lot of business and traffic-generating buildings to be built. I-675 might relieve traffic. He said the thing that would make him favorable to this would be for someone to present a suitable zoning plan for the area - perhaps two of the houses should be torn down for parking, he said.

Mr. Schottmiller said that he believes that the traffic is already severe and business without off-street parking would be worse. Mr. Kovermann said adequate parking would have to be met to obtain a business permit. He added that there is a plan that the engineer has looked at that is approved and could be put into operation.

Mrs. Lake asked if the fact that the Presbaugh property is not included in this would affect the overall plan. Mr. Schab reviewed the drainage situation regarding the terrain and said that he believes the two properties (not included at this time) should be considered later if not now. Mrs. Lake asked if it is feasible to have a system to say that if this is rezoned this could be continued at a future date? Mr. Schab said that we would have to determine how deep this drain could be. It does not seem that this should be done - the best way would be to go directly to Ridgeway. The entire strip should be taken into consideration at the same time, he said. Mrs. Lake said that at some point in time commercial use will ultimately come in, but she prefers this in the AP District.

Mr. Tate asked, if the proper drainage is on lot #8, what about the property to the east? Mr. Schab said that there are problems there. The question is - can you develop your property to a higher use? What can be expected by the lower property owner? What should be done by the higher property owner. Mr. Tate asked what was required regarding drainage for the existing businesses. Mr. Schab said nothing, they were already in use. He feels the drainage (question) will have to come later. If property #8 cannot be drained, something should be done to drain the two properties - we cannot consider one property in the middle, this should be considered all at one time, Mr. Tate said. He would like to see the whole area AP rather than B-1. He added that as he recalls this (AP) did not go in for the consideration of brick sidewalks but for other reasons.

Mr. Maxton feels both sides of the street should be AP from the existing AP to the City limits.

- Mr. McCrabb said that the way the application is submitted right now, each individual property owner retains his ownership so each could develop their property regardless of drainage or other considerations. He said he can see situations that will hamper the situation we already have on East Franklin. He asked - if we rezone this, can we reject an application for lack of drainage if this has the zoning - i. e. if it is impossible for lot #8 to have proper drainage will we be forced into a second rate drainage plan? Mr. Farquhar said if there is a problem created at some point we will have control over it. Mr. McCrabb asked - if and when a plan comes in for one lot and we do not like his plan, can we stop his development? Mr. Farquhar said he thinks that is correct, but is trying to see what we can require in connection with the development plan.
- Mr. Gillingham commented regarding the previous statement about the National register recognition. In my opinion, he said, it makes a different situation from what we had when some of us tried to get the AP out to the City limits. He feels the City is getting more and more ugly approaches - nothing in the approach is in keeping or transition to what we have in the center of the City with the AP District. If this is AP, there will be some control, he said. He does not believe these particular buildings need to be preserved, but if we preserve the appearance of the approach to the City, you will not be preconditioned to think that this is other than what it is, but will be able to appreciate the AP District. He would like to see this AP all the way to the City limits, he said. I would also later like to see some of those properties on the south side of the street AP.
- Mr. Maxton asked if, since some of the members think this should be AP and possibly on both sides of the street, can this be changed on just the north side under this application or should it be a different public hearing? Mr. Farquhar said this should be a different public hearing - this is not a part of this application or the announcements of this public hearing. An ordinance could be initiated by the PC and could be considered on both sides of the street, he said. Mr. Kovermann asked if it is possible for them to amend their application. Mr. Farquhar said it is not - it would have been done prior to notice of public hearing - the question here is B-1 or not B-1. Mr. Kovermann asked if this could be recommended by PC at this time (to be AP). Mr. Farquhar said a public hearing will have to be held on the question of whether or not this should be AP.
- *Mr. Maxton moved to deny the application for change of zoning by George H. Mitchell, Jr., et al, property owners on West Franklin Street, from R-1 to B-1. Seconded by Mr. Schottmiller. Rezoning denied 6-1, Mr. Tate being the negative vote.
- * Mr. Maxton moved that P. C. request an ordinance rezoning the area AP from the existing AP District to the City Limits - A change from R-1 and R-3 to A. P. and to set this for public hearing Tues., May 27, 1975. Seconded by Mr. Schottmiller.

Mr. McCrabb said he is opposed to a public hearing before PC knows what they want. We are not aware if AP is willing to accept this, he said. He added that he is aware that some have said they do not have to want (this responsibility) that we can just give it to them. Mr. ~~McCrabb~~ *Maxton* said that this was discussed at the workshop. Mr. McCrabb agreed that it was discussed, but he feels no decision was reached. Mr. Tate said that it is not a question of whether or not AP (Bd. of Architectural Review) wants this area or not. Mr. Farquhar said that PC has the jurisdiction to say what district it will be in. Mr. McCrabb said that is not his concern - it is the day-to-day working problem. Mrs. Lake reiterated that her opinion is that if and when this is considered for change, it should be in the AP district but she does not feel we are in a position to go to a public hearing at this time and she has to vote no on this for one reason - that for quite some time this AP District should have been reviewed and it is still in a state of study. She does not think she is going to bring any more people to the AP District until some of the problems are resolved. She would also hope that in view of this, staff again would check on the status of their review of this. Mr. Farquhar said that as he recalls, all of the changes in the AP zoning are pending in Council. Mrs. Lake feels that these comments are of no use to the applicant, but the City has the obligation to do something. Mr. Maxton feels this has gone on long enough - he feels that if he were the people on W. Franklin he would be disgusted. It was agreed that this was discussed at workshop, but that no decision was reached.

Mr. Kovermann said that he presented this as B-1 because he knew that the City was not together on AP and (now) the PC seems to agree that this should be AP. He said he has no alternative but to take this to Council. He said justice delayed is justice denied and he would like a decision but apparently it will be turned down because you (PC) do not like your ordinance. We want to cooperate, he said, we have had engineering studies done, even though we do not feel this is a zoning requirement.

*Motion to prepare rezoning ordinance for this area and have a public hearing May 27 was denied 4-3. Those in favor of the motion: Maxton, Gillingham, Schottmiller. Those opposed: McCrabb, Baker, Lake & Tate.

Mr. Maxton explained the procedure of filing appeal to the applicant.

New Business

Washington Woods, Section 1: Developer, John R. Weiland. Formal submission of Record Plan for review and consideration

Mr. Reynolds presented a slide of the area and outlined the section.

Mr. Maxton said that the previous question on this was where Paragon Rd. is going to tie in with the existing property. He wants this resolved prior to consideration. He was told that American Modulars is in agreement that

they will realign Paragon Road to meet the requirements submitted.

Mr. Schab said that approval has been given on Lots 1 and 2 - the complete approval was not granted due to the Paragon Rd. alignment.

The plan was reviewed and explained by Mr. Archdeacon and Mr. Lapsins, representing the developer.

Mr. Reynolds read from the comments submitted by the Fire Chief regarding the fact that the current radii is not adequate to make the proper turns with the fire equipment. (Our standard is 35' and the Fire Department req'd. 50'. It was suggested that if our standard is not good enough it should be changed if the Fire Dept. is to use their existing equipment.)

Mr. Schab said that Rt. 725 will not be widened with respect to this plan. Sidewalks are on both sides of Paragon on this plan. He was asked about an accel-decel lane and ^{he}said that at the entrance to St. Rt. 725 a taper should be considered. He feels from an Engineering point of view this is a good plan.

It was established that nothing we have reviewed will be commercial at the corner of Yankee and St. Rt. 725. and that this plan is B-2. The traffic on ST. RT. 725 is being considered by the State - regarding an additional lane, etc.

Mr. Lapsins was asked about what type business was being planned. He said that he believes it would be mostly office in the rear lots. In the front it would be more like a group shopping complex. He said he does not know what type driveway plans will be made, but they plan only one entrance off 725 at the east end of this group with 'in' and 'out' off Paragon. Sidewalks are shown on this entire project, but they would like to consider the possibility of an adjustment to the sidewalk requirement. They do see the need for sidewalks on this commercial land. It was stated that depending on the type of businesses, there could be a good deal of pedestrian traffic.

* Mr. Gillingham moved to approve the Record Plan for Washington Woods, Section 1 as submitted. Seconded by McCrabb. Approved 4-3. Those in favor of approval Tate, Schottmiller, Gillingham & McCrabb. Those opposed Maxton, Lake & Baker.

* Motion to amend Record Plan approval motion to include \$134,000 Bond and \$431 Inspection Fee made by Maxton, Seconded by Gillingham and approved unanimously.

4. Southpoint Two, Section 1 Developer, R. H. Bowers Co. Formal submission of Record Plan for review and consideration.
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Mr. Reynolds reviewed a slide of the project as proposed. Mr. Schab recommends that the striping of McEwen Road (widened part) should be provided but it is not on the construction drawings. Portions of a recommendation from the Fire Department were that Cedar Point Ct. might be confused with Cedar Pines Ct., already established elsewhere and Sycamore Creek Ct. could be confused with the streets with "Creek" suffix in Oak Creek section. It was stated that the sidewalks are shown on the Engineering Drawings. The lot sizes are 16,00 sq. ft. with 4,000 going into a park area.

- * Mr. Maxton moved to approve the Record Plan Southpoint Two, Section 1, subject to Bond of \$117,700 and Inspection fee of \$562, as presented. Seconded by Mr. Baker. Unanimously approved.

5. Rose Estates, Section 7 Developer, Ray Rose & William T. Sowder Development, Inc., submission of Record Plan for review and consideration.
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Mr. Reynolds showed a slide of the plan. This includes the park with a lake to preserve more natural woods. Sidewalks are shown on part of the plan (none are shown on cul-de-sacs).

Mr. Jim Snyder, Park Mgr., Wash. Twp., said they would accept this plan if changes were made in the spillway to satisfy the recommendations made by soil conservation to avoid children being taken into the outlet drain. He and Mr. Lapsins said they feel this can be agreed upon. Mr. Miller, Park district, concurred.

- *Mr. Maxton moved to approve the Record Plan, Rose Estates, Section 7, subject to acceptable plans being approved by the City Engineer. Seconded by Gillingham. Approved unanimously.

6. Rose Estates, Section 8, Developer, Ray Rose & William T. Sowder Development, Inc. formal Record Plan for review & consideration.
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The plan was briefly reviewed.

- *Mr. Maxton moved to approve the Record Plan, Rose Estates, Section 8 subject to a satisfactory solution of the lake design being approved by the City Engineer. Seconded by Mr. Gillingham. Motion approved 6-1. Mr. McCrabb being the negative vote.

7. Ordinance #28-73, relating to the Regulation of Signs.

*Mr. Maxton made the motion to set for public hearing, Tuesday, May 27, 7:45, Ordinance 28-73. Seconded by Gillingham. Approved 6-1. Mr. McCrabb being the negative vote.

8. Application for Curb Cut by Standard Oil Company (Ohio). Location NE corner of Far Hills & Loop Road

Mr. Reynolds presented a slide of the area. He said curb cuts are permitted at a distance of 50' along lot frontage, which would allow one curb cut along this property. Mr. Farquhar said they must be allowed at least one curb cut but are not restricted to one, this need not necessarily be on Rt. '48.

Mr. Tom Morrison, representing the applicant showed a scale model of the plan they propose, including lights, signs, etc. He said their surveys show a need for expansion in this area. They are proposing a facility for gasoline service only. He said this site is larger than most service station properties. Zoned B-2, permitting service stations. He presented some photographs of a facility similar to this in Cincinnati, this plan includes a 30 x 90 x 13 high canopy with a utility building and an accessory building. He said the lighting accentuates the activity at the station rather than the area surrounding it. The lighting includes 8 small lights to light the approach. They anticipate 80% of their customers would be northbound on '48. They are requesting (2) 35' curb cuts on Far Hills and (1) 50' curb cut on Loop Rd. to carry the traffic in the anticipated manner. He said they have this planned for safety reasons. Mr. Morrison showed the members photographs of Bill Knapps (immediately to the north of the site in question), and his photos showed cars entering off '48 from the southbound lane and all in the photos were on the wrong side of the yellow center line on the driveway. He said they look at them as a funnel (of traffic) in and a funnel out - they have directional signs planned.

Mr. McCrabb asked Mr. Schab how the front sq. footage is determined on a building such as this (canopy). Mr. Schab asked if the question was in regard to signs and said signs were not the question at this time. Mr. McCrabb asked how close to a corner a curb cut is permitted. Mr. Schab said at least 50' unless P.C. takes different action -- he thinks this is just about 50'. Mr. Morrison said this is on a State Rt. and has been approved by the State. Mr. McCrabb asked if PC can restrict this curb cut. Mr. Farquhar said yes, the safety factor is the main consideration - we do not have to permit more than one. Mr. Morrison said he took it to mean one per frontage per street. Mr. Farquhar believes it to be one per lot, not per street.

Mr. Gillingham is concerned with the safety factor, and he said Mr. Morrison's photos prove his point - the southbound cars will enter off Far Hills, even though they are supposed to enter Bill Knapp's from Loop Rd. if they are southbound. The hill in that location creates a blind spot and is a real hazard. He can see that this business would want these curb cuts but cannot approve it for safety reasons. He would consider curb cuts off Loop Rd. only for this property. Mr. Morrison suggested a median might be installed to

prohibit left turns from the southbound lane into Knapp's.

Mr. Maxton said he is against additional curb cuts on '48. There have been numerous accidents and at least one fatality. He feels they could have a viable business with an entrance off Loop Road, and perhaps tying in with Knapp's access road.

Mr. Baker said that within the curb cut ordinance it does give the P. C. and Council the right to waive the restrictions under certain conditions. If a gasoline station is to be built there he thinks it is a safer way to do it the way it is proposed.

Mr. Schottmiller feels it is a hazard no matter how the curb cuts are handled on '48. He objects to curb cuts on '48.

Mr. Tate does not feel they have a business without the curb cuts (on '48).
Mr. Landlaw, representing the property owners, J. S. Davis Co., said that there will be no business that will be able to use the property, that would be a restricted use of the property, he said.

*Mr. Maxton moved that the application for curb cuts as presented by Standard Oil Co. be denied. Seconded by M. Gillingham. Motion to deny application approved 5-2. Those in favor of the motion: Lake, McCrabb, Schottmiller, Gillingham & Maxton. Those opposed, Tate & Baker.

It was stated that P.C. is willing to discuss other access for curb cuts or restrictions.
Mr. Morrison said he does not feel he could make the facility work with curb cuts on Loop Road. Mr. Maxton explained the procedure to and the applicants right to appeal.

Mr. Farquhar left the meeting at 11 40 p. m.

9. Application for Conditional Use designation, as provided
in R-3 District, of 1.2 acres at the NE corner of Zengel Dr & Main St.

Mr. Reynolds reviewed the area on a slide. He said staff would like to get with Mr. Zengel and get a traffic engineer to talk with him and see if this can be resolved. Perhaps it is time to come up with a coordinated plan, he said.

*Mr. Maxton moved to table this application until Tuesday, May 13. Seconded by Mr. McCrabb. Approved Unanimously.

Mr. Reynolds would like a traffic expert in attendance at the May 13 meeting.

Mr. Maxton would like uses of the entire area from Alex-Bell Rd. to Zengel Drive. Mrs. Lake would like to see the controls in B-1 versus AP reviewed at this meeting also. This should include a review of the (possible) need to develop more controls.

10. Application for rezoning of approximately 0.91 acres from R-2 to R 3 located on the east side of Far Hills and approx. 200' north of the intersection of Zengel Dr. and North Main St.
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*Mr. Maxton made the motion to set for public hearing, Tuesday, May 27, 8 30, this rezoning application. Seconded by Mr. McCrabb. Approved unanimously.

This will also be on the agenda for May 13.

11. Preliminary Plan for Forest View Estates, Section 14, Developer, Zengel Construction Co.
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*Mr. Gillingham moved to reconsider previous action taken by P. C. on Forest View Estates, Section 14. Seconded by Mr Maxton. Approved unanimously.

*Mr. Gillingham moved to table for a period of 120 days as requested by the State of Ohio starting from the date of the official request. Seconded by Maxton. Approved unanimously.

12. Lyons Road street dedication proposed by Montgomery County.
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Mr. Maxton said that the City Attorney has previously stated that our only course of action regarding this is to approve it since this has been recommended by County Commission (a higher body).

Mr. Archdeacon, representing the County regarding the Shell Station, said the assessment project will carry it on out to Yankee St. then a traffic engineer can be requested for Yankee - 100' right of way - it is a divided building 27' wide - sidewalks are on both sides - sanitary, sewer & water the Co. will approve as a record plan so that this can be dedicated to the County. This must take place so the necessary bonds can be sold to finance the construction, Mr. Archdeacon said. This is a continuation of the Lyons Rd. previously approved by P. C.

*Mr. Maxton moved to approve the Lyons Rd. street dedication proposal as presented. Seconded by Mr. Gillingham. Approved unanimously.
Mrs. Lake said she is concerned with the legal technicalities. It was stated that since this is being proposed by the County the PC has no alternative, failure to approve would give rise to action against the PC.

Meeting properly adjourned - 12:15 p. m.

Next Meeting - May 13, 1975.

