

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
May 27, 1975
7:45 p. m.

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

Also Present: Karl Schab, City Engineer & Garth Reynolds, City Planner

Minutes of the April 29, 1975 and May 13, 1975 meetings were approved.

Communications - None

City Planner's Report - None

Public Hearings

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

1. An ordinance amending Ordinance #28-73 relating to the Regulation of Signs.

Mr. Reynolds explained that this is to encompass the entire sign area, and give a better definition. Mr. Maxton reviewed the proposed ordinance briefly.

- * Mr. Maxton moved that the ordinance amending Ordinance #28-73 relating to the Regulation of Signs be approved as proposed. Seconded by Mr. Gillingham. Approved unanimously.

2. An application for the rezoning of approximately 0.91 acre from R-2 to R-3 located on the east side of SR '48' and approximately 200' north of the intersection of SR '48' and Zengel Drive.

The property in question was pointed out by Mr. Reynolds. The drawing shown indicates that there are two lots involved. Mr. Reynolds explained that R-3 would permit double family dwellings whereas they are not permitted in R-2.

Mr. Schab said that on the tax maps this property is shown as one lot, 200' x 218'.

The applicant, Mrs. Harriett Oakes was present. She chose to make no comments at this time.

Those in favor - none

Those in opposition -

Mr. Fred Henley, 521 Sunnycliff, said he is the owner of the adjacent property to the rear of the property in question. He is concerned

that multi-story buildings might be built on the property and interfere with their privacy. He is also concerned that if buildings are erected on the front of the property, he will be faced with parking lots.

Mr. Maxton said that double family residence could be built in R-3 and a business construction would require a conditional use. He said that is not a part of this application and he does not know that this is the intent of the applicant.

Mr. T. Jordan, 530 Sunnyclyff, said he agrees with Mr. Henley.

Mr. McCrabb asked Mrs. Oakes why her plan shows the lot divided into two. Mrs. Oakes said that her husband had originally planned to ask for rezoning on half of the property for his office. She has since moved and is requesting the rezoning for the entire property. Mr. McCrabb asked if it is the intention of the applicant to apply for conditional use. Mrs. Oakes answered that it is.

Mr. Baker said that he feels the public should be made aware that this rezoning could open up contingent and conditional use. He cited some of the possible uses: mortuary, nursing home, boarding or lodging home, plant nursery, public library, etc. Mr. Maxton said that the only thing the commission could address themselves to is the application being presented at this time, not what might be requested in the future. This has been the past advice of the City Attorney, he said.

Mrs. Lake asked if the application is as it is written - for R-3, and the attorney has said they cannot be decided simultaneously, should we consider this with this (conditional use) in mind? Mr. Maxton said that the application may have been prepared incorrectly. Mr Reynolds added that he thinks the conditional use should not be considered (at this time). Mr. Maxton said he feels that (when) an individual comes before the city, the city has the obligation to point out that two separate applications should be made.

*Mr. Maxton made the motion to approve the application for the rezoning of approx. 0.91 acre from R-2 to R-3 located on the east side of SR '48' and approx. 200' north of the intersection of SR '48' and Zengel Drive. Seconded by Mr. Schottmiller. Motion defeated 5-2. Those opposed: Lake, Baker, McCrabb, Tate & Gillingham. Those in favor: Maxton and Schottmiller.

Mr. Maxton explained to the applicant her right to appeal and the proper procedure for so doing.

Mr. Russell Sweetman, 7706 Normandy Lane, asked if legal advice had been given by the planner when Mrs. Lake asked her question. Mr.

Maxton said that Mr. Reynolds had referred to a letter from the City Attorney when he responded to that question. Mr. Sweetman asked if it was an opinion interpreted by the City Planner and inquired as to whether or not the City Attorney had been asked to attend PC meetings. Mr. Maxton said that the Attorney has been asked, especially if it is determined by the items on the agenda, that his presence would be beneficial. He added that Mr. Reynolds had answered Mrs. Lake's query according to the attorney's letter. Mr. Sweetman said that he had been unable to hear Mrs. Lake's complete question and comments and was confused as to what had taken place. He continued that he knows PC is trying to do a good job and he feels that the staff should include the city attorney. He feels that the Citizens should have the benefit of having the attorney as well as the City Manager in attendance at these meetings. It was established that the former City Manager had attended PC meetings. Mr. Maxton suggested that Mr. Sweetman consider putting his recommendation in the form of a motion at Council meeting. Mr. Sweetman said he would consider that suggestion and added that he has asked (previously) about the legal questions that might come up at PC meetings and has been told that this is covered. He is concerned that citizens might leave a PC meeting with some things in the 'grey' area.

Mrs. Oakes said that she did not understand the comments regarding one application - she said she had filed two applications and written two checks. Mr. Maxton asked Mr. Reynolds about this and he said that he could not respond to that at this time - he said he knows that two separate applications are required.

Mr. Gillingham said that his understanding of Mr. Maxton's motion was that it was only on R-3 zoning even though the application reads 'R-3 conditional'. Mr. Maxton said that the City Attorney has advised PC that they must be considered separately.

Unfinished Business

3. An application for conditional use status in an R-3 district located on the northeast corner of Zengel Drive and SR '48'. Applicant: Carl Zengel.

Mr. Reynolds pointed out the area on a map and explained that there is an existing medical office building on the property to the north with one curb cut. He further explained that an additional curb cut is being requested on SR '48' and this plan is designed to have traffic enter off '48' and exit off Zengel Drive. In addition the medical building traffic will exit off Zengel according to this plan.

Mr. Maxton said that Mr. Reynolds had previously been asked to contact TCC regarding this. Mr. Reynolds said he had done this and made reference to a letter that has been received from Mr. Baker of TCC.

Mr. John Geiger, of TCC, was present and he was asked to comment. He said they looked at the proposed commercial development at the request of the city planner and felt that while the development seemed to be in order, that the traffic pattern needed to be limited to the existing driveway and a driveway on Zengel Dr. We feel, he continued, that the middle driveway would create a hazard - especially from southbound traffic. The 18,000^{per day} vehicular traffic in Centerville is projected to reach 25,000 in the not-too-distant future. They feel that granting the additional driveway would be a mistake from a safety standpoint. He continued that with the plans now existing for '48' (i. e. signal for Williamson and with the existing signals) the existing driveway with an exit on Zengel would be adequate.

Mrs. Lake asked if these comments had been reviewed with the applicant. Mr. Reynolds said that staff has requested that Mr. Zengel talk with the city representatives and he has not done so.

Mr. Tate asked Mr. Geiger if left turns are permitted from a storage lane, such as TCC has made reference to on a proposal. Mr. Geiger said that this lane can be used for stopping and turning, whereas the double yellow line is designed to control passing.

Mr. Maxton said that he is opposed to additional curb cuts on '48' and that the applicant had previously indicated that he might be willing to have a combined traffic pattern on the properties. ^(with the medical building) Mr. Tate said that except for the extra curb cut on '48' he considers the plan a good one.

Mr. McCrabb asked if the applicant had been informed that this was on the agenda for this meeting. Answer (Mr. Reynolds) yes. Mr. McCrabb then asked how the petition for special use came before P.C. Answer (Mr. Schab). The applicant has R-3 but wants special use and wanted that with this plan. This is the same plan that was presented in Dec. 1974. Mr. McCrabb said he could not understand why someone would apply and pay the fee and not show up at this meeting - he wanted to be certain Mr. Zengel was aware that this was on the agenda at this time.

Mr. Gillingham asked Mr. Geiger if it would possibly be a safer proposal to have the driveway on Zengel directly opposite the one at the west of the property at the bank. Mr. Geiger said that it was felt that from a safety standpoint the driveway should be as far east as possible to avoid possible traffic back-up on '48'. Mr. Geiger added that signing will have to be utilized - possibly one is in order at the bank as well as at the proposed curb cut. He said that TCC agrees that curb cuts should be at a minimum in this instance - it all depends on the traffic and Zengel Dr. has a lot of traffic. He added that a signal might be in order, but there is now one at the school. The existing driveway on '48' and the proposed one on Zengel Dr. are well located.

Mr. McCrabb asked what TCC's feeling would be if a center lot were created. Mr. Geiger felt that this was speculative, but if it were to happen, they would like to see a frontage road - there is not much room here and they feel that the rear parking is a good plan for this property, with the two driveways as previously described.

* Mr. Maxton made the motion to deny the application for conditional use status in an R-3 district located on the northeast corner of Zengel Drive and SR '48' as proposed by Carl Zengel. Seconded by Mr. Tate. Application denied unanimously.

Mr. Maxton directed Mr. Reynolds to send a registered letter to the applicant and advise him of his rights to appeal, the procedure to do so and the time permitted for such appeal to be presented.

New Business

4. Letter from developer addressing streets and sidewalks, regarding proposed Normandy Manor in Washington Twp. - 3 mile jurisdiction.

Mr. Reynolds explained that this would be a 25 acre home development in the township with 20 homes in the \$120,000 price range. Purchase of the home would include ownership in the horse stable.

Mr. Philip Deppenschmidt, with Stoney Ridge Realty, explained that this is in the preliminary stage. A letter had been sent addressing itself to street dedication and sidewalks. He said Mr. Reynolds had advised him that this was discussed informally by the P. C. and that he was here to answer questions. He said that the ownership in the stables cannot be sold separately. He explained that these would be luxury homes on a private drive. He said this was recommended by the County and approved by the Township and that they feel it is a good plan. The streets and drives would be maintained by the Homeowners Assoc., he said, and would be 28' wide lanes built and maintained by the County, Twp., and/or City standards - whichever would be the most strict. The acreage would be maintained the same way, with a monthly fee to the homeowners.

It was established that this was scheduled for the June 24, 1975 meeting of the Planning Commission

Mr. McCrabb asked about the sewers that are shown on the plan. Mr. Deppenschmidt said that the sewers that are shown are existing - it is not necessary to include the planned sewers in this preliminary plan. He said they desire private streets so they will be a self-contained unit. He said they have seen various types of developments such as this throughout the U. S. and the more successful ones have private streets.

They feel this is a good plan, especially with building the streets to the specifications of the City or Twp. and with the maintenance, which seems to have been one of the areas of concern. Mr. McCrabb asked if P. C. would be able to see the covenants. Mr. Deppenschmidt said they would be a part of the final plat plan and added that the Twp. has to have the legal documents showing maintenance of the areas. Mr. McCrabb is reluctant to approve something when he is not sure (at this point) that the maintenance plan will be adequate - if, for example, this is not properly maintained, the property owners will then turn to the City. Mr. Deppenschmidt does not feel that with the luxury homes planned for this area that deterioration would be a problem, and he feels that the Twp. requirements for Twp. approval would assure this.

Mr. Deppenschmidt said there are easements planned for the riding of horses and 'cattle guards' to prevent the horses from going off the property.

There was some discussion regarding through streets. Mr. Deppenschmidt said they are not trying to restrict anyone from coming in. They (originally) went with this type idea in R-2 and one of the concerns (of the Twp.) was that they would like to have as little traffic as possible. It was resubmitted and they went to less homes per acre and from R-2 to over 40,000 sq. ft. lots. In answer to a question from Mr. Gillingham, Mr. Deppenschmidt said that a public hearing was held previously and at the Co. commission there was very little public participation but at the Twp. there was quite a bit and it was a good response. He said that the residents on Tranquill Trail are aware of the horses - they are there at the present time and have been for 20 years, in fact a major complaint with a previous plan was that it would take away from the rustic appearance and the horses - the horses in this location were the first conditional use granted by the Twp.

Mr. Baker asked about a previous brief reference to a security gate. Mr. Deppenschmidt said that this had only been mentioned as a possibility and it has not been seriously considered - it had been brought up as a possibility in eliminating through traffic. Mr. Baker is also concerned with Courtney Drive being a connector street - he said that TCC has recommended in previous situations that Centerville needs 'cross-hatching'. He said that there is a long section between SR '725' and Alex-Bell Rd. in which there is just one cross connector - he feels a cross connector is needed across Normandy Lane - on a regional basis, cross streets should be considered. Mr. Deppenschmidt said that he is not opposed to through traffic, but one of the thoughts of the township was that they did not really want the through traffic they felt just the opposite. He was asked if this went through TCC and he said that it had gone through the township, county and park district and he believes it went from the township to TCC but he is not certain of that. He said the Twp. had suggested that the roads be more sweeping with perhaps stop streets to

help slow traffic.

Mr. Schottmiller feels that this is the type of development that could be an asset to the community.

Mrs. Lake would like to ask for TCC's input on this regarding cross roads - is this, in fact, the only area from A-B to '725' that exists for through traffic? If this is something we should be looking at in one area of the township, we should be looking at it in all areas of the township, she said. Mrs. Lake feels that the plan is excellent and she is not opposed to private streets if the entrance is from a thoroughfare and not from a residential road. She said she would look very carefully at their covenant to see a comment that it will not be closed to the public or if they want it private it is from a thoroughfare.

Mr. Maxton said that he feels that there should be a provision that if vandalism (i.e. there have been instances where horses are killed or barns burned) is a problem, there should be an option that is open to them for their protection regarding security guards.

Mr. Deppenschmidt said they have tried to accomplish what has been suggested in the planning of this property.

Meeting adjourned at 9:15 p.m.

Next Meeting will be a workshop - June 5, 1975

Next Regular meeting will be held June 24, 1975.

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