

CENTERVILLE PLANNING COMMISSION

Regular Meeting
March 27, 1973
7:30 P.M.

1. Roll Call -- Present were Mr. Wells, Chairman, Mr. Myers, Mr. Baker, Mr. Tate, and Mr. Elliott. Mr. Maxton and Mr. Davis arrived at 8:35 P.M.
2. Approval of the minutes of the meeting of February 27, 1973. Motion by Mr. Maxton, seconded by Mr. Elliott. Unanimous except Mr. Tate abstained. Approval of the minutes of March 13, 1973. Motion by Mr. Tate, seconded by Mr. Baker. The vote was unanimous.
3. Public Hearings --

Z-72-3 -- Wenzler Construction Company

This is an application to rezone 21.301 acres lying along the east side of Marshall Road 500 feet east of Princewood Drive. Mr. Archdeacon, Woolpert Engineering Company, presented the case for the applicant. Princewood Drive will be extended to the east. 26 of the lots will be doubles, 13 will be four-family. It is adjacent to multi-family to the north, in Kettering, and industrial land to the north and east, also in Kettering. This development will provide a transition between the existing single family by buffering with doubles between the multi-family and four-family next to the industrial. There will be an entrance to the 25 acre park from Princewood Drive. The per acre density is 5 units per acre. Mr. Archdeacon showed photos of the typical four-family units Wenzler builds as well as the typical doubles. There were no comments from the audience either in favor of or in opposition to the request for rezoning.

Mr. Wells reminded the Planning Commission that this was a request for a rezoning and the applicant is not tied to a preliminary plan. The doubles are to be sold and the four-family's retained by Wenzler. Robert Winterhalter, City Planner, approved the plan from the planning standpoint. The price range is from \$50,000 up for the doubles, Wenzler said 60/65,000 is probably the median price.

Mr. Maxton moved that Z-72-3, an application to rezone 21.301 acres along the east side of Marshall Road, north of Rahn Road, from Washington Township zoning R-4 to Centerville zoning R-3, subject to a density of 26 doubles, and 13 four-family units be approved, seconded by Mr. Elliott. Mr. Myers stated he believed Council should be aware that the Planning Commission was very favorably impressed with the architecture and overall considerations and the low density of 4.95 units per acre. Mr. Baker basing his case on one area which is an "undecided" area, also, Mr. Archdeacon is saying that a "step-down" situation from multi-family to doubles to single family is necessary, and Mr. Baker does not feel

doubles are a necessary buffer. Mr. Baker also questioned that the development of industrial zoning a development in Kettering is an absolute fact. He questions the desirability of doubles along a relatively quiet little street which leads to the park area. Sees the case being based on two things, (1) the questionable industrial area and (2) the necessity to buffer multi-family with doubles. Mr. Maxton commented favorably on the type of doubles going in the area. Mr. Myers commented that zero lot lines would possibly give more green area. Mr. Maxton, Mr. Elliott, Mr. Tate, Mr. Wells and Mr. Myers voted "yes" and Mr. Baker voted "no".

Z-73-1 -- Zengel Construction Company

R-2 to R-3 on Cedarleaf Drive. Mr. Wells read the Planning Commission rules for conducting public hearings. Karl Zengel presented his own application. Mr. Zengel pointed out the area on a map and detailed the surrounding buildings. Propose a four-family building with parking area behind and two doubles behind the four-family with sufficient parking off-street. Mr. Zengel showed architect drawings of units similar to what he will build.

Mr. Myers asked if garage doors could be camouflaged. Mr. Zengel indicated something might be done. The roof over the garage area of the four-family would require a variance which would be applied for before construction started.

Mr. Maxton questioned why a four-family on the corner, not a combination of the doubles. Mr. Zengel stated that on a busy highway such as Route 725 their policy of no children or pets in four-family units would be more safe and practical.

Joe Krupar, 325 Cedarleaf Court. He believes a U-shaped unit at the south end would leave more green space available. Mr. Zengel stated such a unit would not fit the lot. No one else spoke in opposition to the request for rezoning.

Mr. Wells also questioned the transition to single family. Mr. Zengel suggested possibly a lower pitch roof might alter the appearance. There are three vacant lots south of this proposal.

Mr. Baker questioned the need for the 3rd double at the south end. Mr. Zengel justified it by pointing out that there is a dead-end street opposite one unit on Cedarleaf Drive. Mr. Zengel stated that he had distributed drawings of this proposal to the nearby residents and they approved. Mr. Winterhalter agreed with all the proposal except the southernmost double. Mr. Elliott approved the idea of the second double due to the location. Mr. Maxton questioned the wisdom of the four-family unit and crossing the road (Cedarleaf Drive) with added four-family units. Mr. Baker asked if Zengel had considered anything which might fit on all three lots in one building. Mr. Zengel stated this would be so big as to be objectionable. He believes this will be a nice appearing unit and fit the neighborhood.

Motion by Mr. Myers to not recommend approval of the application to rezone the 1.1 acres from R-2 to R-3 along Cedarleaf Drive, seconded by Mr. Maxton. Mr. Wells, Mr. Tate, Mr. Elliott and Mr. Davis voted "no", and Mr. Myers, Mr. Maxton, and Mr. Baker voted "yes".

Mr. Tate then moved that Z-73-1 be approved with the comment that there be no more than 2 doubles and one four-family units, seconded by Mr. Davis. Mr. Tate, Mr. Davis, Mr. Wells and Mr. Elliott voted "yes", and Mr. Myers, Mr. Maxton and Mr. Baker voted "no".

This means that there are not sufficient votes to recommend the rezoning. There was discussion that those voting against would be more agreeable if the density was less, Mr. Maxton opposed the four-family and two others opposed the second double.

P.O.-73-2 -- Text of Zoning Ordinance Change -- Mr. Winterhalter presented the proposed ordinance, the comments by Planning Commission members, then those for and opposed and again questions by Planning Commission members. Mr. Winterhalter stated, "R-3 to be only single and two-family district". R-4 to be only multi-family at 5 units per acre, etc.

Mr. Wells -- "The introduction portion of the Ordinance does not identify it properly as it should state what the changes are to be". Mr. Winterhalter will check with Nick Farquhar, City Attorney.

Figure 1 has a missing portion, the dates, etc. must be underlined to indicate that the figures have been changed. Figure 2 and 3 have dates which must be changed as well as Figure 9. The changes remove multi-family from R-3, increase lot size in R-4 to 8000 square feet in Figure 1. Figure 2 eliminates roadside uses from Industrial zoning. Restaurants should be permitted in industrial zones and Mr. Wells, Mr. Elliott and Mr. Winterhalter said these could be conditional uses. Figure 5 -- Removal of light industrial from B-2 districts. Industrial parks removed from B-1 and B-2 districts and outdoor theaters removed from B-2 districts.

Speaking in favor of the Ordinance -- None.

Speaking in opposition to the Ordinance -- None.

Mr. Archdeacon asked how this would affect land presently zoned? Mr. Wells, "previously buildings in existence were considered to be conforming". See Ordinance 28/70 on Page 4, G. Grandfather clause is needed to protect lenders as well as owners.

Robert Ferguson, 122 North Main Street, Centerville, questioned the effective date, is it immediate as it goes through channels? Was advised it goes through normal channels and will not be effective for several months. He spelled out the various changes in land use we have undergone.

Mr. Davis -- In Figure 9, conditional use of Industrial Park permitted in R-3 and should be bracketed as deleted. Mr. Davis moved the proposed ordinance be tabled to give the Planner an opportunity to make the recommended changes, seconded by Mr. Maxton. The vote was unanimous.

Hillsmith Rezoning --

Mr. Wells read the rules of public hearings. Mr. Winterhalter presented the proposal and located the property on the map. He detailed the history of the events leading up to this present zoning request. Mr. Wells stated the reason for holding a public hearing on this particular application.

Those speaking in favor of the rezoning -- None.

Those speaking in opposition of the rezoning -- None.

Mr. Maxton moved, seconded by Mr. Baker to deny the proposed rezoning of the Hillsmith property. The vote was unanimous.

Old Business --

P.O.73-1 -- Architectural Preservation District Sidewalk Specifications.

Mr. Wells read a letter dated March 22, 1973 from Mrs. Hoy, Chairman of the A.P. Board.

Mr. Schab, City Engineer, indicated the specs had not changed from those presented March 13, 1973.

Mr. Elliott questioned when the brick sidewalk requirement become effective. Answer is when Ordinance 80/71 become effective. That ordinance lacked specs for brick walks and this is to rectify this defect.

Mr. Wells questioned why this was not referred to the building standards and the answer was that this is a change to the zoning ordinance, not building standards.

Mr. Tate moved to recommend to Council approval of P.O.73-1, an ordinance adding additional specs for sidewalks in the A.P. District, seconded by Mr. Davis. The vote was unanimous.

New Business --

Z-73-3 -- Application by Jane Magsig to rezone 5.122 acres located on the south side of East Franklin Street west of Clio Road from Centerville R-2 to B-1. Mr. Wells read a request from James Gilvary, Attorney-at-law, representing the applicant, requesting a delay in the public hearing. A letter is needed from Mr. Gilvary waiving the 60-day requirement. This information given Robert Ferguson, a principle in this request who will so inform Mr. Gilvary.

Public hearing set for May 29, 1973 at 7:30 P.M.

Sign Ordinance -- Public hearing set for April 24, 1973 at 7:30 P.M.
P.O.73-3.

P.O.73-4 -- Ordinance amending 15/61, the Zoning Ordinance, providing for additions to Section 24. The public hearing was set for April 24, 1973 at 8:00 P.M.

CC-3-73 -- Curb cut application for Voss Chevrolet, Loop Road

The City Engineer explained the request for two curb cuts, each 35 feet wide to be exactly opposite the present cuts on Voss' north side building. The question of the safety factor or advisability of the openings being opposite the present drives was raised by Mr. Myers. The general opinion was that this was the proper place from a safety standpoint. Motion by Mr. Tate to recommend acceptance of the curb cut proposed by J. S. Davis Company dated March 2, 1973, seconded by Mr. Elliott. The vote was unanimous.

E.C.73-2 -- An application for a sign by the Wilson Sign Company for the Steak & Ale Restaurant, 6290 Far Hills Avenue. David Oliver, Dallas, Texas, with Liberty Heath Sign Company explained the request.

Mr. Wells -- a deviation has already been granted in the building setback for about 5 feet to accommodate parking and a sign cannot be permitted in front of the setback line.

Mr. Wells suggested placing the sign on the north property line even with the setback line. The applicant will possibly lose one parking space but the sign would be visible from both directions. The location of Bill Knapp and Hunter Savings signs was mentioned by the applicant and he was informed both were in differently zoned areas.

Mr. Maxton moved that the sign shown on a drawing #731010-R1 dated 11/9/72 by the Liberty Heath Sign Company, Dallas, Texas, with a sign height of 20 feet less the ornamentation with 63 square feet area per side be approved, seconded by Mr. Tate. The vote was unanimous.

Request for approval of Pelbrook Estates, Arlington Village at Route 725 and Wilmington Pike.

Mr. Wells read letters from the Park District and Montgomery County Sanitary Department concerning sidewalks and indicating no objection. They, the Park District, are making further studies. There is to be a 5 foot walk from Rambler Drive to the park area. The park is to be 5 1/2 acres. This section and one other is all that can be tied in to the sewer system presently. A gravel turn-around is to be provided at the end of Cloverbrook Park Drive at the park area unless Section 2 is begun to eliminate a need for this. Mr. Maxton questioned what we are doing about the runoff as it affects Bellbrook. It was indicated Bellbrook was concerned more with the commercial development in the Paul Lapp property than this residential.

Mr. Elliott moved that the Record Plan of Pelbrook Estates, Section 1, be accepted, seconded by Mr. Tate. The vote was unanimous.

Approval of Preliminary Plan of Fox Run Estates on Overbrook Drive.

Mr. Wells read letter from Brainard Construction Company and Oak Creek Development Company approving the request.

Mr. Archdeacon explained the request. Mr. Booher, owner, was present. Will be 111 units varying from 4 to 7 units per building, all condominiums. Some will have garages in basement, some in front of the buildings and some with no garages. Total parking is 2 1/2 to 1 with 79 garages. Developers agreed

to improve the ditch, concrete bottom. Buffering is provided between this and the existing single family. I-675 runs at the rear of this project. This is an extension of the existing condominiums on Overbrook Drive. Some of the development must wait for the new sewers, some can use the present sewer. Mr. Elliott questioned the barricade on Overbrook Drive in Kettering. He was advised the administration is nursing this matter with Kettering Law Director. Mr. Davis moved to accept the preliminary plan for Fox Run, seconded by Mr. Maxton. The vote was unanimous.

Approval of Record Plan, Rose Estates, Section 5, Sheehan Road.

Mr. Wells read into the record a letter from owners requesting the ditch not be improved with a concrete bottom as had been previously required, signed by eleven families living adjacent to the ditch.

Mr. Wells reminded the applicants that a report of the number of lots in Rose Estates in its entirety with their sizes be submitted to Planning Commission for review in connection with land given for park purposes. John Judge of Judge Engineering was present, also Planning Commission made it clear to Rose and Judge that an inventory of lots developed less than 20,000 square feet and land given to the Park District must conform to the ordinance. Before another section is approved, this inventory must be submitted. Both engineers calculated that to this point approximately 6 1/2 acres had been accounted for as deleted from lot size toward the 12 1/2 acre park.

The City Engineer also explained his recommendations concerning widening Sheehan Road to 26 feet to back of curb. The complete recommendation of City Engineer are in the file. Sheehan Road has an 82 foot right-of-way. Street width recommendation was left to Council's decision. Whether or not to concrete the bottom of the ditch was discussed and no firm decision reached but left to Council. Sidewalks on Sheehan Road are provided, also Shawnee Trail and Village Square Road.

Motion by Mr. Wells to recommend to Council the acceptance of the Record Plan of Rose Estates, Section 5, with the promise that Sections 1 thru 5 be identified and their undersize lots stated and the comments from the City Engineer be passed on to Council, seconded by Mr. Davis. The vote was unanimous.

Approval of Record Plan for Sheehan Road Estates, Section 1.

Council approved widening 1/2 of Sheehan Road to 26 feet. The City Engineer recommendations were read into the record. Sidewalk is provided on the east side of Sheehan Road. The only concern of the City is the actual roadway. The cost estimate by Woolpert, approved by the City Engineer, is \$12,500.

Motion by Mr. Tate that Sheehan Road Estates, Section 1, be approved, seconded by Mr. Baker. The vote was unanimous.

4/17/73

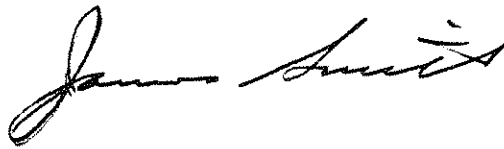
Page 7-

Plymouth Notch -- Request for approval of the preliminary plan.

Mr. Wells suggested not improving the bottom of the creek but put deed requirements in effect making the property owner responsible for cleaning. The City Engineer recommended a more complete topographic map be prepared and be certain the cul-de-sac radius is adequate.

Motion by Mr. Maxton, seconded by Mr. Myers to approve Plymouth Notch, with a sidewalk to be provided on Station Road and on the east side of Braewood Drive to Streamside Drive. The vote was unanimous.

Adjournment -- 1:00 A.M.



James Smith
City Manager

JRS:fh