

CENTERVILLE PLANNING COMMISSION

Regular Meeting
July 31, 1973
7:30 P.M.

1. Roll Call -- Present were Mr. Baker, Mr. Tate, Mr. Murphy and Mr. Myers. Mr. Wells, Mr. Maxton and Mr. Davis were absent.
2. Approval of the minutes of the meeting of July 10, 1973. These minutes were not approved as two members stated they had not received copies of those minutes. Mr. Baker suggested that on Page 5, the reference to a meeting with the Bellbrook Planning Commission was incorrect. (Meeting will be scheduled with the Bellbrook Planning Commission August 7, 1973, at a special meeting of the Centerville Planning Commission if possible.
3. Public Hearings:

P.O.73-2 -- This is a text amendment modifying figures 1, 2, 5, and 9 of the Zoning Ordinance of the City of Centerville which had been referred back to Planning Commission to allow business existing I-1 and to eliminate drive-in theaters from all districts. The City Planner explained the proposal. Figure 1 deals with residential uses, lot sizes and uses allowed. Multiple family would be allowed only in the R-4 district at a density of approximately five (5) units per acre. Figure 2 deals with business uses and their lot requirements and which uses are allowed in business districts. Table 3 is the industrial use table, the business uses allowed in industrial zones and industrial uses allowed in industrial districts, lot sizes, minimum setbacks, etc. Table 4 deals with conditional uses, two specific uses, outdoor theaters and industrial parks were modified. Council recommended the following changes back to Planning Commission, in footnote G the word "or zoning permit" be inserted so that that footnote would read "building permit or zoning permit in order that building or zoning permits which have been issued as of the effective date of this amendment in the E.C. districts shall be considered a conforming use and shall be subject to the E.C. requirements of Figure 1 in effect at the commencement of that use, and that present uses in the presently zoned I-1 districts may be permitted to continue. As there were only four Planning Commission members present at this time and ^{the} minimum number required to act on a text change of the Zoning Ordinance is five, it was decided to hold the public hearing with the understanding that no action will be taken at this meeting. The City Planner explained the provisions of the proposed ordinance and the reasons for its referral back to Planning Commission from City Council.

Mr. Baker then opened the floor to those in the audience. Mr. Archdeacon of Woolpert Engineering Company in Dayton, asked Planning Commission why they could not grant the same grandfather clause to the multiple family in the E.C. districts presently zoned that was being granted in the ordinance to industrial uses. Mr. Archdeacon felt that hardship is being created for those people who had land zoned Entrance Corridor, which in some cases had

preliminary plans presented to Council for approval but which had not received a zoning permit. He felt this would work a hardship in that particular case and the same grandfather clause should be extended to that situation in the E.C. districts that was being extended in the industrial districts. After lengthy discussion among the members it was felt that the only plans effected might be those of the Greenbrier Commons and it was not felt that this proposed ordinance would have an ill effect on Greenbrier Commons.

Mr. Baker asked for comments from those in favor of the ordinance of which there were none. He then asked for comments from those opposed to the ordinance from the audience and at which time Mr. Archdeacon again stated his thoughts concerning Greenbrier Commons but it was the general opinion of Planning Commission and Mr. Archdeacon that this provision would not necessarily work a hardship on Greenbrier Commons in that they could come in prior to the effective date of the ordinance and get the necessary zoning permit so they would be exempted from this proposed ordinance provisions.

Public hearing was then closed by the Acting Chairman and tabled for further action at a later date due to the fact that there were only four members of the Planning Commission present which is an insufficient number to act on this type ordinance.

Z-73-6 - Black Oak Development Company with a request for rezoning for 89.248 acres on Clio Road lying between Centerville-Station Road and Alexandersville-Bellbrook Road. Requested is a change from Washington Township zoning R-3 to Centerville zoning R-4.

The application was explained by City Planner. Mr. Robert Archdeacon of Woolpert Engineering Company explained the proposal from the Black Oak Development point of view. He stated that this proposal encompasses all land presently owned by Black Oak along Clio Road. Ambridge Drive extends to the south line of the Lowry property with the proposal that it eventually extend to Alexandersville-Bellbrook Road opposite the proposed entrance of the Greenbrier Commons. There are to be two stub streets off Clio Road. 11.479 acre park is proposed near the south border and west of the Weller Farm in the area. There will be a density of two units per acre on the 32 acres on the east side of the proposal extending to the existing single family homes. The homeowners association will be established to maintain the wooded areas, etc. This will be developed on a section-by-section basis which will give Planning Commission and Council the opportunity to approve each section as it is presented. There will be 285 units on the total 89 acres, 157 units on the 42 acres to the west with 32 double units and 16 four-family units developed in the total. Mr. Archdeacon stated that the overall density of the entire Black Oak Development, proposed as well as existing, is a density of 1.53 units per acre. There have been 58.9 acres in total given to park land in that area. If this proposal is approved it will give a total density of 1.8 units per acre. At this point Mr. Archdeacon submitted the proposed covenants and the deed to the members of the Planning Commission.

Mr. Myers asked "what is the Black Oak Plan in the future for the Weller Farm." Mr. Archdeacon stated that Black Oak has no plans presently for the Weller Farm even though a stub road has been shown extending to the north boundary of the

Weller Farm. Mr. Myers then asked if an architectural style for this proposal had been established. The answer being that it is presently too early to know. Mr. Archdeacon stated that these are not apartments but are home-owned with possibly zero lot lines because he stressed that they are not apartments. The area density will not affect style and will not necessarily change from the east side to the west side as it is developed. Mr. Murphy questioned the retention of greenery by going the multi-family units rather than single family. Mr. Archdeacon stated that they can retain more of the trees by following this present plan. (Note that John Davis arrived at 8:55 P.M.).

Mr. Brainard of Black Oak Development stated that the price of these units will be generally the same of the present dwellings. Mr. Murphy asked if there were any similar developments in the area which could be compared to what is being proposed in this one. The answer being that there are not presently any developments. Mr. Myers commented that his recollection was that the northwest corner of the proposal had been previously agreed to be a similar density or lower density than that which lies south of the ravine or drainage ditch. Again, Mr. Brainard spoke in defense of the density.

Those speaking in opposition:

Ronald McSherry, Ambridge Road, stated he was concerned about Ambridge Road going into Alexandersville-Bellbrook Road. He likes generally the overall plan except the density might be too great. He stated if the density were reduced everybody would agree to this proposal. Joe Barton, 7105 Bigger Road, questioned fire protection in the area. He also questioned the nearness of the proposed units to his property line. He was answered that the subdivision regulations of the City would control lot sizes and distance from the abutting property owners. Mr. Barton also questioned the drainage plans and was told at this point it was too soon to submit drainage plans but that the drainage of the area would be covered by the drainage ordinance of the City of Centerville. Mr. James Singer, Ambridge Road, commented that the density is still too high, that 285 units is about two times the density that would exist if it were developed into single family units at 20,000 square feet per unit. Mrs. Betke, Windy Hill Court, asked if there was a market for this type unit. Mr. Brainard stated if they were not sold they won't be built. Mr. Betke, Windy Hill Court, is opposed to the proposed density. He believes the Weller Farm is under option to Black Oak and this will set a precedent for the Weller Farm. Mr. Fleming, Windy Hill Court, asked what price units would be needed to show profit. The developer stated that no answer to this was readily available. Mrs. McSherry, Ambridge Road, asked how many apartments in each building and if height restrictions exist. Mr. Foraker, Windy Hill Court, asked if a plan had ever been presented using the present zoning. Mr. Baker stated that he was not aware of any plans being presented or ever having been presented showing single family use in this tract. Richard Price, Ambridge Road, questioned "why can't these trees remain." Mr. Winterhalter replied that it would require variances to save trees or 50% of the trees would be lost under our setback requirements if it were developed single family. Mrs. Black, Bigger Road, stated that the trees that were issued were not good trees any way that they were all scrub sub-standard trees. Mr. Robert Kircher, Talbrook Court, stated that a terrain

is not impractical now for single family development. Mr. Richey, Cliffview Court, is concerned about the future of the Weller Farm. He requested Black Oak give some assurances to the future of the Weller Farm and questioned the loss of trees as developed into single family. He requested to know how many more trees might be saved by developing one way as opposed to the other that is single family as opposed to multi-family. Mrs. Foraker, Windy Hill, stated that trees will be lost through construction of any kind whether it be single or multi-family she request that the zoning be left as it is. Mrs. McSherry, Ambridge Road, is opposed to the location of Ambridge Road as shown on the drawings. Mr. Davis of the Planning Commission answered that Council and the master plan of Centerville have always considered Ambridge Road to be an artery into and out of Black Oak Development. He stated that another street or road from Black Oak is needed presently to handle the traffic generated by Black Oak itself. Mrs. Black of Bigger Road suggested each member personally inspect the land in question, that each member should visit the site, walk over the entire acreage and have a personal knowledge of the proposal. Mrs. Lundage, 22 Gerber Court, stated that homeowners purchase their home on the understanding of what the surrounding land will be as they rely on this understanding. Mr. Reinhardt, Cliffview Court, said he approves the plan as shown except that he feels the density should be not more than 2 units per acre. Public hearing closed at 10:15 P.M.

Mr. Baker asked the City Planner's recommendation which was a recommendation of approval and that he sees the density as being agreeable, the traffic pattern as shown is good but he recommends tabling the proposal until the full Planning Commission is present.

Mr. Davis recommended tabling, seconded by Mr. Tate until Mr. Maxton and Mr. Wells have an opportunity to review the proposal. Intention is to have it back before the Planning Commission on August 14, 1973. This was approved unanimously.

The text amendment to add R.O.I. type zoning to the present Zoning Ordinance was set for public hearing on August 14, 1973, at 7:30 P.M. Motion by Mr. Myers; seconded by Mr. Tate to set this time and date for public hearing and unanimously approved by the Commission.

Revised Chevy Chase Plans. City Engineer, Karl Schab, explained the proposed changes in drainage and building elevations. The drainage change is to move the drain pipe from Lodewood Drive to the west using Chevy Chase ground and tie it into the existing drainage ditch at the south end of the Chevy Chase property. This would keep the excavation and drainage ditch on private property and not cause the excavation damage to Lodewood Drive that the original proposal would have created.

Another proposal by the developer is that the elevation of some of the buildings be at a setdown near to grade than the original proposal. This has been caused by the difference in the type of construction, the present construction being stick construction or conventional construction where the original proposal was for modular construction. The City Engineer's recommendation is that both modification be accepted by the City in that the presently open drainage ditch which is west of Waterford Drive will be encased and the street excavations will not be necessary inasmuch as the storm drain can be placed on the private property of

Chevy Chase and into what is presently the open ditch at the southeast corner of the Chevy Chase property. He stated that the storm drainage system is adequate, the only problem that could arise from the system as shown is if it became clogged or stopped up for some reason then they as many other areas of the City would have overflow drainage problems but as designed and with clean open pipes the storm system is adequate. Mr. Davis commented that there was an advantage to this proposal in that the streets would not be torn up for the installation of the storm sewer and that engineering calculations show the drainage proposal pipe sizes are adequate for the area to be drained the parking areas hard surface areas, etc. and recognizing the possibility of some pooling of water due to changes in the elevation which are possibilities that exist in many plats and subdivisions that this recommended change is beneficial. Mr. Davis inquired as to what means might be employed to prevent silt from getting into the various drains and storm systems during construction. City Engineer's reply was that there is no way to prevent silt an erosion from a site which has been prepared for construction but the developer plans to start his work at the lower or east and/or side of the project and work up toward high elevations and this should serve to minimize as much as possible the collection of silt in the storm system. This would give the developer/contractor an opportunity to flush out the pipes as they're being constructed if problems do occur with them. Mr. Davis noted that City policy is not to release bonds on this type of construction until the development is complete which would give the City the opportunity to know whether or not the storm drains were cleaned and working properly. This way the City can be assured that the storm system is cleaned and working properly prior to the release of bonds. Mr. Murphy questioned the possible safety hazard of the open ditch during a heavy rain storm that the Chevy Chase drainage drains into going across Waterford and east from that point, and asked if there was any way having an open ditch with heavy deep water during storms could be avoided. Answer was that this developer, Chevy Chase, is not believed to be legally responsible for the drainage ditch going east from the property or from Waterford Drive. The developer has agreed to encase the ditch across his property into Waterford Drive however, from Waterford Drive east he has no responsibility for enclosing the drainage ditch. Mr. Davis recognized that the problem of open ditches does exist in the City and as a long range project will probably have to be encased at some future time.

Upon the motion by Mr. Murphy; seconded by Mr. Myers to accept revised drainage plans of Chevy Chase, Inc., the roll call vote resulted in an unanimous approval.

Cambridge Inn Cafeteria -- This was not an agenda item as the landscape plan had not been received on the agenda that was distributed to the members. It was brought to the Planning Commission by the planner who explained that he brought it to the Planning Commission at this time in order that, if the Planning Commission approved it, City Council could review the complete Cambridge Inn proposal rather than having it necessary to review it in separate parcels. There was no representative of the applicant in the audience so the chairman tabled the study of the landscape plan until near the end of this meeting. There was only one copy of the landscape plan so the City Planner passed it around among the members.

4. New Business:

Thomas Paine, Section 2. This is for a request for approval of the preliminary plan of Thomas Paine Settlement, Section 2, which lies on the north side of the proposed Clio Road extension.

Mr. Robert Archdeacon presented the plan for the applicant. Thomas Paine Settlement is located on Bigger Road opposite the entrance to The Woods Apartments which is north of Clio Road. This area, Section 2, contains 9.2 acres with 51 units planned. The request is a simultaneously developed recreation area and extend Thomas Paine roadway into that recreation area. They wish to include the recreation building with Section 2 which would be a modification of the plans submitted. It was explained to Mr. Archdeacon that it was a recent decision to include this recreation area based on the fact that with the number of units planned the recreation area will be needed and I see no other way to do it except to include it with Section 2.

Wilson Adams represented the developer and explained in more detail the need for the recreation area. He stated that they have found with condominium type developments that the recreation area needed to be constructed at the same time the model homes or condominiums were built.

The density allowed in this project is 5 units per acre, however, some sections may contain less and some may contain more than the allowed 5 units however the project as a whole will be limit to the 5 units per acre. This particular Section 2 is planned to have slightly more than 5 units per acre. By including the proposed recreation area Sections 1 and 2 will be below the required 5 units per acre. The drawing as displayed by the developer did not show the new concept of on-street parking however, Mr. Adams stated that that concept was to be continued and will show on the final drawings. The number of parking spaces around the swimming pool was discussed by the Planning Commission and it was learned that the City Engineer had not had the opportunity because the plans had not been presented in time to give him the opportunity to study the number of parking spaces provided. The City Planner indicated that our ordinance stated that swimming pools should have one parking space for each three persons in pool capacity. City Engineer believed that the final plans should have the number of parking spaces provided and since this was a preliminary plan it was not essential at this time to show that detail. It was estimated that the farthest distance a resident would need to walk to reach the pool would be around 600 feet. The general opinion was that the regulations of the number of parking spaces on a pool may not be realistic on this particular type pool, that the regulations in existence were more likely to affect the commercial pool. Mr. Archdeacon pointed out that 56 parking spaces had been provided in this section in garages, and 61 additional spaces had been provided in off-street parking for a total of 117 parking spaces for the 51 units and this does not include the 18 spaces added for parking around the swimming pool. Fire Department's recommendations for cul-de-sac sizes to provide adequate space to turn fire equipment was discussed. Mr. Archdeacon indicated that it could be enlarged to meet the Fire Department request. Mr. Schab, City Engineer, stated that the minimum distance required for cul-de-sac on public street is 70 feet in diameter but it was noted that these were private streets and would be enlarged adequately to handle any fire equipment.

It was indicated that in this section, Section 2, no part of Clyo Road was planned for improvement at this time. Mr. Adams stated that Clyo Road and the section in which Clyo Road is contained would probably be the last section to be developed. Clyo Road would probably go into the record plan of the last or final section to be developed in the overall development. Mr. Baker noted that there was a need to protect the City in that it would be possible for the developer to complete most of the development leaving Clyo Road and that section containing Clyo Road until the last with the possibility that it might never be completed.

It was pointed out both City Planner that the area north of this proposal was to be industrial and the developer might want at this time to provide screening against that industrially zoned area. Mr. Winterhalter noted that the area north of it was not presently zoned industrially but it was to be his recommendation to Planning Commission and Council what this area in question be recommended for light industrial zoning.

Mr. Davis referred again to the parking situation, number of spaces shown and stated that the City should be protected in that there are public streets adjacent to the swimming pool and recreational area and it could at some late date become a problem to the City of having overflow parking from the recreational area. Mr. Adams stated the developer would be agreeable to complying with parking regulations as established by the needs of a private swim club and recreational area of this type. The Engineer, Planner and administration would work with the developer to assure an adequate number of parking spaces off-street for the recreational area.

Mr. Myers made the point that he still feels as he felt before that the density of the overall project is too great.

It was decided that in order to give the administration an opportunity and time to study the plans submitted and make proper recommendations to the Planning Commission in regard to parking spaces around the recreational area and have the plan adequately drawn and re-drawn to show exactly what the developer is requesting that no action would be taken at this meeting but would be placed on the October 14 meeting agenda for final decision.

Franklin Plaza - This is an appeal from an administrative decision for a free-standing sign in front of the Franklin Plaza which lies on the north side of East Franklin Street west of Clyo Road between Compark and Westpark Roads. Mr. Wilson of the Wilson Sign Company and Robert Ferguson as the owner explained the proposed sign.

The sign is to be 23 feet 7 inches in height, 12 feet 7 inches wide as its widest point and will have the name Franklin Plaza at the top with tenant's names of the building listed below with not more than 12 tenant names. It will be a black background with white letters the word Franklin to be in 18 inch letters, the word Plaza in 16 inch letters.

The applicant stated he interpreted the ordinance to indicate that a sign is a structure and that in this location which is zoned I-1 the height limitation of

60 feet would apply. The sign is proposed will be 8 feet higher than the adjacent building. The issue is whether or not Chief Building Inspector has authority to limit a sign in height in an I-1 district. There are three buildings planned for this complete project. The sign will be in the center of the center building. The sign will be 70 feet from the property line on East Franklin Street. Total sign height is 23 feet 7 inches, the building height is 15 feet 4 inches. There is a drop in elevation from the street level to the building of approximately 8 feet. The applicant stated that the top of the sign would not be more than about 12 feet above street level as you view it from the street there is a large drop in elevation between the street and the building, he estimated it to be approximately five feet from the street level to the sign and another 5 feet from the sign to the front of the building.

Councilman Davis suggested that it might be possible to reduce the size of the wording of Franklin Plaza, perhaps increase the size of the sign indicating the tenant's names and yet reduce the overall height. It might still be somewhat higher than the building but by using this idea it could possibly be smaller than now proposed.

No action was taken by the Planning Commission at this time and it was ordered that a legal decision be sought from the City Attorney as to the validity of an administrative decision where the Zoning Ordinance positively set out the requirements. This item will be back on the August 14 agenda for final decision. (Elmer Tate left the meeting at 12:25 A.M.).

Eavenson Enterprises

This is a proposal for parking area at the rear of a building located in Kettering on Hewitt Avenue at the intersection of Kentshire Drive. The building has been constructed and the owner now seeks additional parking space for the building. This is an office building fronting on Hewitt with an access from Kentshire. The City's corporation line passes to the rear of the building and the owner has purchased an additional residential lot to the rear of this building in question. His intent is to use the newly required lot as a parking area provide a total of 59 spaces in his overall building plans. The owner who constructed the building on a misunderstanding that a residential lot such as this could be used for parking area. City of Kettering did issue the building permit and zoning permit for the construction. He has provided screening to the rear of this lot on the south side between the proposed parking area and the adjacent residential structure. The lot purchased and expected to be used for parking is in Centerville R-1 zone area. No decision was reached at this meeting in regard to this request and the City Planner had been directed to review the request with the City of Kettering Planning Department and Building Inspection Department and report back to the Centerville Planning Commission at the August 14, 1973 meeting. A letter has been sent to the Kettering Planning Commission and Building Inspection Department indicating that the problem of parking does exist and requesting that the City of Kettering issue a stop work order on this building until the differences are resolved. (Mr. Murphy left the meeting at 12:50 A.M.)

This resulted in not being quorum for any official action so there were some items on the agenda that had not been touched upon by the Planning Commission. Three

public hearings were set for the August 14, 1973 meeting.

Adjournment.

Following the adjournment of this meeting and with only four members present some details were heard of the request by Royal Homes to construct a business use along Route 48 south of the present Fireside Drive south of the Steak & Ale to the Lutheran Church property. The extension of the present access road to the south was discussed and will be pursued further with representatives of the church and Planning Commission, Engineer and Planner from the City.

Work session set for August 7, 1973.

Special meeting - August 14, 1973.

James R. Smith
City Manager

JRS:fh