

App'd 3/9/71

CENTERVILLE PLANNING COMMISSION

Regular Meeting

The Regular Meeting of the Centerville Planning Commission was held on January 25, 1971. In attendance were Bruce Baker, John Butler, Nevin Elliott, Marion Loemker, Elmer Tate, Harold Wells, City Manager John Griffin and City Engineer Frank Williams.

On motion of Mr. Baker, seconded by Mr. Wells the Minutes of the December 28, 1970 Meeting were approved with the following correction: On page 3, paragraph 5 should read "Mr. Tate then stated ...etc."

1. (V-70-11) A Public Hearing was held on a request from the Bonded Oil Company for a variance from the 60' set-back requirements for signs in a B-2 district on a service-station property located at 9901 Dayton-Lebanon Pike (State Route 48) which is the southwest corner of the intersection with Spring Valley Road.

Mr. J.D. Bunn appeared on behalf of the Bonded Oil Company. He explained that his company had taken over a former service station and wished to use the two existing bases that had previously been used for signs. One on Spring Valley Road 15 feet from the existing right-of-way and one on State Route 48 30 feet from the existing right-of-way,

By way of background information it was noted that:

1. The existing bases had been put up before this property was a part of the City of Centerville.
2. The 60' set back requirement is an implied one based on the definition of a sign as a structure.
3. There are two other service stations in Centerville at this intersection with existing signs in violation of the Zoning Ordinance.
4. Master Plan proposals indicate an increase of approximately 30 feet and 17 feet in the R.O.W. of Route 48 and Spring Valley Road respectively.

In discussion it was the consensus of the Planning Commission 1, that it was in the best interest of the City to be cognizant of probable increases in right-of-way, 2, that the currently implied requirement of a 60' set back for signs in a B-2 zone may be excessive for certain uses but should be reviewed comprehensively, and 3, that this particular Request should be reviewed with precedent setting implications in mind.

On motion by Mr. Butler, seconded by Mr. Baker it was unanimously voted to deny this Request for Variance.

2. (V-70-12) A Public Hearing was held on a Request from Dr. John D. Welsh for a variance from the 15 ft set-back requirement of the Zoning Ordinance in a B-1 district. The property in question, used by Dr. Welsh as an office, is located at 69 W. Franklin Street.

Dr. Hetman who also has offices in the building appeared on behalf of Dr. Welsh. It was pointed out that this property is located in the "Historical" area of Centerville, in which the 15' set back requirement has been consistently found to be unfeasible. The proposed sign and its location are in keeping with the neighborhood and consistent with other signs for which variances have been granted.

On motion of Mr. Elliott, seconded by Mr. Butler it was unanimously voted to approve this Request for Variance.

3. (V-70-13) A Public Hearing was held on a Request from Harry E. Misel, Jr., Architect, on behalf of Shakey's Inc. of Englewood Colorado for a variance (V-70-13), for property located at 6090 Far Hills Avenue from the parking requirement in an EC district, that no parking areas may front on ordering highways. Mr. Misel was present as was Mr. Don Fender of Shakey's Inc.

Mr. Misel presented a location map illustrating that the immediately adjacent properties to the north and south (Hunters Bank and the Ponderosa Restaurant) had been permitted to use the "front" yard for parking purposes and 2) A site plan proposing substantial landscaping to screen the parking area from the roadways. It was noted that the grade of the parking lot is lower than Route 48 which would also help with the problem of headlights shining out onto the highway.

No one appeared in favor of or in opposition to the Request.

On motion of Mrs. Loemker, seconded by Mr. Elliott the Request was approved by a 5 to 1 vote. Mr. Baker voted against approval.

4. (Z-70-12) A Public Hearing was held on a Request from Frank W. Williams to rezone from Washington Township R-4 to Centerville I-1, property of .844+ acres located on the west side of Clyo Road approximately 1750 feet north of the intersection of Clyo Road and East Franklin Street.

Mr. Williams appeared and described to the Commission the existing industrial properties in the environs, including the property immediately adjacent on the north. He pointed out that Industrial Zoning would be in line with existing Master Planning proposals. He cited the proximity of the railroad track, the noise that is often heard from the box factory in the Compark Area and the fact that the owner of the two properties immediately to the south, Jack Summers a local realtor, is advertising them for sale "for residence, industrial or business use." It should be noted they are currently occupied as residences, presumably rental, one as a two-family unit.

Mr. Williams indicated his awareness of Master Plan proposals to widen Clyo Road and described the varying rights-of-way currently in effect, pointing out that he felt great complications would arise from efforts to widen the right-of-way close to the intersection of Clyo and East Franklin because the railroad gets progressively closer to Clyo on its southward course.

No one appeared in favor of or in opposition to this Request.

It was noted that the existing industrial space on the property to the north has not yet been put to use. Mr. Williams indicated that it was his intention to build a large garage type structure at the rear of the property so that his sons could build experimental automobiles as a commercial endeavor. He does not intent to remove the house that is on the property.

It was decided to defer action on this Request until the next Regular Meeting. It was suggested that the owners of the 3 properties to the south be contacted to see if they would be interested in becoming a party to the Request.

5. (Z-70-13) A Public Hearing was held on a Request from the Oak Creek Development Company to rezone some 32+ acres from Washington Township R-4 to Centerville R-4, R-3 and B-2. 1. Charles Abramovitz appeared on behalf of the Oak Creek Development Company and explained that this property, located south of Whipp Road and west of Wilmington Pike, is principally land left over after the final taking lines of Interstate 675 were established. The rezoning is requested to conform with the zoning currently in effect in adjoining areas of the Oak Creek Plat with the exception of the requested R-4 designation.

At the time of the previous rezoning Centerville did not have an R-4 district and all the multi-family in this location was requested as an R-3 designation (i.e. maximum of 8 units per gross acre). Since then an R-4 category with a maximum of 10 units per acre has been created and this Rezoning Request seeks to change approximately 5.7 acres of the existing R-3 to R-4 and add some 6.4+ acres of the newly available land for a total of approximately 12 acres in the R-4 district. The Oak Creek Plat crosses the Centerville-Kettering line. This 12+ acres of multi-family housing is considered by the developer as a transitional use between the single-family units to the east (primarily in Kettering) and the business uses to the west fronting on Wilmington Pike. Mr. Abramovitz pointed out that there was no direct access between

the business uses and the residential areas - either multi-unit or single-family and that the plat had been laid out with winding streets and multi-unit residential areas located in such a way as to provide easy access to the major arterials such as Whipp and Wilmington without going through the single family portions of the plat.

He explained that the increase in density for this part of the multi-family area was requested to give the developer a more solid economic potential and allow more maximum flexibility in designing buildings which would serve as both a visual and aural barrier between the Interstate and the single family units.

Bill Hilgeman, 5792 Overbrook, Kettering, objected to the request. He felt that he had been misled at the time he had bought his house. He knew that there were going to be apartments but had not evidently understood exactly where and he said he was told there would be no business anywhere around.

Gilbert Gerstner, 5804 Overbrook, Kettering asked about the traffic generated by the apartments and expressed his objection to any greater density in the area.

Robert Skidmore, 5828 Overbrook, Kettering said that he felt he too had been misled by the builder at the time he had purchased his house, though he indicated a realization that that as such was not the Centerville Planning Commission's problem.

Dave Pomasano, 5780 Overbrook, expressed his concern about the traffic leaving an adverse affect on the single family area.

In discussion it was pointed out that the basic multi-family and business districts had been established prior to the time these people had purchased their homes, and that while there was no way of prohibiting residents of the proposed R-4 area from following circuitous routes through the plat on their daily errands it was unlikely that they would choose to do so where a short direct outlet to major arterials is available.

The consensus of the majority of the Planning Commission was that the increase in density was not justified though Mrs. Loemker disagreed. It was her opinion that the alleged deteriorating influence of multi-family residential units on single-family units is related to poor and mediocre design rather than to density per se and that the addition of a possible 24 families is negligible if it will give the City a bargaining position for imaginative land utilization.

Mr. Butler indicated that while agreeing in principle he felt the existing zoning ordinance does not permit adequate control on design.

In further discussion concern was expressed on the fact that there was only the one access from the total site; reference was made to the evident inadequacy of the off-street parking facilities of the multi-family portion of the Oak Creek plat along Bigger Road; it was agreed that any "overflow" parking along Overbrook from this site would be totally unacceptable.

Mr. Abramovitz, on behalf of his client, decided to withdraw the application and resubmit it simply as a extension of existing zoning to take in the land eliminated from the Interstate taking. It was agreed that the necessary hearing could be held on February 22, and a decision reached that night.

6. (V-70-14) A Public Hearing was held on a request from R.H. Gildner, Lubow Realty Company, for a Variance from the set-back requirement of 15' for a sign in the B-1 district for his real estate office at 52 North Main Street.

Mrs. Jane Krohn, 7740 Park Creek Drive, appeared on behalf of Lubow Realty, identifying herself as a late stand-in for Mr. Lubow. explained that a variance was requested because the 15' set back would have the sign inside the building.

Mr. Griffin elaborated, explaining that the structure is a converted single-family dwelling in the "historical" part of Centerville, and that Lubow Realty shares the structure with another business. The sign was described as a small bill board 4' x 8'.

Bob Teyber, 60 North Main Street, identified himself as the owner of the Centerville Pet Shop next door and said that he had been told he couldn't have a sign out front and had to put it on the building and that was much as this was the "historical" area he had been required to redesign his sign 5 times. He didn't feel the proposed sign was suitable.

Jim Bowsher, 81 North Main Street, expressed support for the efforts the City is currently making to regulate signs to prevent them from "cluttering up" the area and indicated he did not feel this one as requested was suitable.

In discussion it was noted that generally where variances have been granted to move signs forward, the signs have been subsequently reduced in size and that thought be given to redesign in this case. It was suggested that Mr. Stonerock, the Building Inspector would be available for advice to the applicant.

It was also noted that there is a substantial sign identifying a parking area on that building and the situation should be reviewed comprehensively.

The Request was tabled pending revision.

There being no more public hearings scheduled, the Commission proceeded with unfinished business.

7. The next item, Review of the Development Plan for a previously approved use in the EC district (6090 Far Hills Avenue, a proposed pizza parlor owned by Shakey's Inc. of Englewood, Colorado) had not been scheduled but since the proposed Development Plan had been used to support the Request for a variance heard earlier in the meeting (see section 3 above) and was available, it was agreed to review it at this time.

Harry E. Misel, Jr., architect, again represented the applicant. The Development Plan is illustrated on a Site Plan date Dec. 15, 1970. Mr. Misel pointed out that the parking area would be black topped and curbed, without bumper blocks; that there would be sidewalk around the building and landscaping as indicated; that it was proposed to grade and sod the ditch which runs along the northern edge of the site and sod out to Far Hills Avenue and to North Village Drive. It was specifically noted that no sidewalk is proposed along North Village Drive.

It was stated by Mr. Tate, subsequently supported by the Commission, that a sod bottom to the ditch is unacceptable. In discussion Mr. Misel and Mr. Fender agreed to a concrete pavement, approximately 6 ft wide, in accordance with City standards.

Subsequent to additional discussion, the Planning Commission of the City of Centerville found that the Development Plan dated December 15, 1970 for Shakey's Pizza Parlor at 6090 Far Hills Avenue, modified to provide for a concrete paving of the bottom of the ditch running along the northern edge of the property, is in substantial accordance with the provisions of Section 20, G, subsection 1 of the Zoning Ordinance (#15-1961) of the City of Centerville and does not substantially adversely affect the public health, safety, morals and general welfare of the City of Centerville; on motion of Mr. Elliott, seconded by Mr. Tate it was voted 5 to 1 to approve the Development Plan as modified. Mr. Baker voted against the approval in line with his vote against granting the Variance on parking requirements. (See Section 3 above.)

8. Mr. Griffin reported that the scheduled review of a proposed curb cut at 175 North Main had been deferred at the request of the applicant.

9. Robert Archdeacon and Mr. Ned Haverstick of the Woolpert, Co., representing Haverstick Builders presented revised proposals for a 24 acre multi-unit residential development on the west side of Bigger Road immediately south of the proposed Interstate 675 in an E-C district.

In line with suggestions made at the previous meeting with the Planning Commission, the proposal had been revised: 1, to lower the density to approximately 11 units to the acre for a total of 264, 2, to specifically locate existing significant trees and rearrange the location of buildings so that a maximum number can be retained, 3, to relocate the entire development farther from Bigger Road and laid out in less of a grid pattern, and 4, to enlarge the basic access and egress facility into Bigger Road.

It was indicated that the apartments were expected to rent for \$175 to \$255 per month with approximately 64 1 bedroom units, 152 2 bedroom units and 48 3 bedroom units being the currently projected distribution.

Mr. Haverstick indicated that in their thinking two things were lacking in multi-unit residential elements on the south side of Dayton - quality and maintenance - and that the developer and subsequent management of this site intended the best of both.

Mr. Butler, while noting he felt this was a quality proposal for this density of residential development, expressed doubts about whether such residential developments were in the best interest of the City in this area. It was noted that this is a central piece of the last large tract of undeveloped land left in Centerville and that current master planning proposals contemplate office and industrial uses taking advantage of its unique accessibility to an interchange on Interstate 675.

Reference was made to a recent joint meeting of the Planning Commission with the City Council at which concern over the increasing number of requests for multi-unit residential zoning.

Mr. Archdeacon pointed out that if approved this development would bring sewers and utilities south of the Interstate which would tend to stimulate additional development.

A motion by Mr. Elliott, seconded by Mr. Tate that the proposal be accepted under the provisions of Section 20, G, subsection 1 of the Zoning Ordinance as not substantially adversely affecting the public health, safety, morals and general welfare of the City of Centerville received 3 affirmative votes (Messers Wells, Tate, Elliott) and 2 negative ones (Messers Butler and Baker); Mrs. Loemker abstained. The Chairman ruled that the abstention went with the majority vote and therefore the motion was passed.

10. Mr. Wells reported that the Municipal Attorney is preparing an amendment to the zoning ordinance to put bars in as a Conditional Use.

11. The ordinance needed to change "Wynshire Drive" to an extension of "Fernshire Drive" in the Red Coach South plat had not been prepared.

12. Mr. Griffin reported that Messers Rose and Sowder had withdrawn their proposal for a single-family development on Sheehan Road.

13. A Public Hearing was scheduled for February 22, 1971 at 7:30 P.M. on proposed changes in the Zoning Ordinance pertaining to Office-Residential District.

14. A Public Hearing was scheduled for February 22, 1971 at 8:00 P.M. on a Request from the Springmont Company for a change in zoning (#Z-71-1) from Washington Township R-3 and R-4 to Centerville B-1 and R-4 for 149+ acres on the east side of Bigger Road beginning 950' north of Alex-Bellbrook Road and extending to the property owned by the Olympion Club.

Wilson Adams presented preliminary information on the proposal.

It was agreed that a work session during the month prior to regular meeting would be desirable.

There being no further business to come before the Commission the Meeting was adjourned.

Respectively submitted,

Marion Loemker,
Secretary