

approved 10/26/70

CENTERVILLE PLANNING COMMISSION

Centerville, Ohio

The Regular Meeting of the Centerville Planning Commission was held on September 28, 1970 at 7:30 P.M. In attendance were Bruch Baker, John Butler, Nevin Elliott, Marion Loemker, as of 8:30 P.M., Harold Wells, Elmer Tate, City Manager John Griffin and City Engineer Frank Williams.

1. A Public Hearing was held on a Request from American Modulars Corporation (V-70-7) for a variance from Section 15, Item D,4 of the Zoning Ordinance to permit the erection of a 32 sq.ft. double faced sign opposite 151 Lyons Drive to advertise the sale of lots in the Terrace Villa Plat.

Mr. Toni Gougarty appeared on behalf of American Modulars Corporation. He described the sign, stating it was to be erected on property they owned and that it was a temporary installation until the end of construction.

It was noted by the Planning Commission that the application for variance did not cite that the sign would be temporary.

Mr. E.J. Son, 130 Lyons Drive, asked whether the sign would be lighted and whether they intended to take down existing trees.

Mr. Gougarty said: it would be lighted with a fluorescent tube attached to the bottom of the sign and covered on the outside reflecting directly on the sign itself; and that they would not remove the trees paralleling Mr. Son's property.

Mr. Gordon Mundell, 109 Lyons Drive, stated that he was not opposed to the sign but did want to be assured that it was not a permanent installation.

On motion of Mr. Baker, seconded by Mr. Elliott, it was voted 4 to 1 to approve the request for variance for a period of 18 months, with the stipulation that the sign shall not be lighted except between the hours of 5 P.M. and 10 P.M. Mr. Butler was opposed to allowing the sign to be lighted at all in a residential area.

2. A Public Hearing was held on a request from Charles R. and Mary A. Rush, Maple Avenue, Centerville, (Z-70-6) for a change in zoning classification from R-2 to B-1 for property of 2.93 ± acres situated at the northeast corner of the intersection of East Spring Valley Road and Clareridge Lane.

Mr. Rush appeared in his own behalf stating that the property had been built originally for a combination office/residence and is not particularly attractive for a simple residence use. He cited the multi-family and business zoning now existing in nearby property and said he has had difficulty in making use of the property.

Currently a photographer occupies the premises.

Mr. Al Sipe, 271 East Spring Valley, appeared and presented a petition from neighboring property owners objecting to the requested zoning change. Mr. Sipe said that the multi-family and business property described by Mr. Rush as neighboring is either across Spring Valley Road or Clareridge Lane, that the adjoining properties are all single family residences and that approval of this request would be detrimental to their interest.

In answer to a question from Mr. Wells, Mr. Sipe said that he personally would not object to an office use of the property, provided there was no traffic build up and no signs. He also said he and his neighbors do object to the existing business use.

Action by the Planning Commission was scheduled for the next Regular Meeting.

3. A Public Hearing was held on a request from American Modulares Corporation (Z-70-8) for a change in zoning classification from R-1 to R-3 for property of 3.291 ± Acres situated along the east side of Lyons Drive beginning approximately 200 feet north of the intersection of Sheldon Drive with Lyons Drive.

Bob Archdeacon of Ralph L. Woolpert Company appeared on behalf of American Modulares Corporation. He described the property as being immediately adjacent on the east to business property facing on State Route 48 and therefore unattractive for single family residence but suitable for a multi-family transition development between the business use and the single family homes existing and being developed to the west.

He said: the development is a joint venture between American Modulares Corp. and Haverstick Builders who have an option to purchase; they proposed to dedicate a 60' right of way for a potential street from Lyons Drive to State Route 48; the remaining property would be divided into 7 lots ranging in size from 15,000 sq.ft. to 20,000 ± sq.ft. with multi-family units ranging in size from doubles to four family; Robert Makarius, Jr. has been designated as the Architect and a colonial style is proposed; it is estimated as a \$500,000 total investment.

He further pointed out that though the requested zoning would permit 26 units on the site, they plan a maximum of 24 and that American Modulares has particular interest in not adversely affecting neighboring single family use because they still have 34 lots remaining to sell in their Terrace Villa Plat.

Ned Haverstick appeared on behalf of Haverstick Builders. He passed around sketches showing other work by the proposed architect. He also indicated that the apartment rentals were expected to be around \$250 per month, plus utilities.

The following persons appeared objecting to or with questions about the proposed development:

Gordon Mundell, 109 Lyons Drive, objection on the grounds of long range affect on the entire area, citing other large parcels on the east side of Lyons Drive, he said more intensive use requests would probably be forth coming if this is granted. And the "buffer" areas would continue to encroach on single family use. He described the neighborhood as one of the nicest in Centerville where the houses are modern but the trees are old.

Harold Keplen, 90 Lyons Drive, did not object as strongly, he said, but felt Mr. Mundell had raised good points. His major concern was with the difficulty of getting the present amount of traffic onto Route 48. He asked what obligation there was on the part of the owner of the property between the proposed R-3 site and Route 48 to dedicate land so the proposed street could go all the way through. He felt a traffic light is now needed at Ridgeway and that apartments in the area would create an impossible traffic load unless there is another egress to Route 48.

S. Palomion, 80 Sheldon Drive, objected to overcrowding the area.

Bart Bell, 214 West Ridgeway, stated his concern that it would become necessary to park lots of cars in what are narrow streets and asked about parking and garage requirements.

It was pointed out that zoning ordinance requires 2 off street parking places per unit.

Coy Gilliam, 131 Lyons Drive, objected to the proposed rezoning.

Paul Brown, 7576 Normandy Lane, objected to anymore "clearing off" in this area because it creates serious water problems on his property. He stated he had had no water problems before they began clearing out in this area.

The City Manager read a letter of opposition from J. Nash and Betty Jenkins Walters, 87 Lyons Drive. They objected to deviating from the zoning districts that had been duly established.

Action on this request was scheduled for the next Regular Meeting.

4. The Record plan of Black Oak Estates II, Section 5 was referred back to the Planning Commission for recommendations to resolve certain problems arising out of the imminent construction of Bigger Road, a public street (70' right-of-way, 40' pavement) to the northern edge of the Black Oak Plat. At that point it meets Bigger Lane a 30' private right-of-way running south from Alexandersville-Bellbrook Road. It should be noted that north of "Alex-Bell", Bigger again becomes a public road.

A number of the residents of Bigger Lane appeared to protest the completion of Bigger Road to the Lane indicating it would open up their small street to unwanted and they felt illegal use.

It was agreed that the attorney's present representing two of the residents should confer with the City Attorney to define the legal rights of the various parties. The City Manager was asked to hold an informational meeting with the residents and other interested parties prior to further discussion by the Planning Commission.

Russ Miller, representing the Park District, and Karl Zengel, representing Zengel Construction Co., reported progress on resolving the questions related to the relocation of a proposed park site in the Pleasant Hill Plat.

It would appear that definitive action can be taken at the next Park Board Meeting (2nd Monday of the month) which should clear the way for Planning Commission action at the October 26 Meeting.

6. On motion of Mr. Tate, seconded by Mr. Baker, Robert B. Ferguson's request for curb cuts for property owned by him at the southeast corner of Main Street and Iron Gate Drive were approved as shown on a plat plan revised as of September 21, 1970. One of these was identified as curb cut #1 on application no. C-8-70 (#2 on that application was approved at previous meeting). The second cut approved by tonight's action, on Main Street as shown on the sketch, should be officially requested and indication made that the existing curb cut on Main Street in this property will be closed.

The Planning Commission took the opportunity to informally sound out Mr. Ferguson on the possibility of a street running from Lyons Drive through his property to State Route 48. Mr. Ferguson indicated that he was aware that such a street might be proposed and that though he had sold the rest of that particular piece he had retained a 60 foot wide parcel which would be available for purchase for street or other use.

7. No discussion or action ensued on the proposed subdivision in the Benjamin Robbins Plat. Needed information is not yet available. No interested party was present.

8. On motion of Mr. Butler, seconded by Mr. Baker, it was voted 3 - 2 to deny the Request for Rezoning from R-3 to B-1 submitted by Nevin E. and Celia Mae Elliott (Z-70-7). The majority opinion was that while the specifically proposed office use was probably appropriate as a transitional buffer between the B-1 district on the west and the R-3 district on the east, the B-1 zone as currently described provides no mechanism for guaranteeing office use. The similarity of several recent cases was cited and it was agreed that a revision of the ordinance should be considered which would allow for "conditional" uses subject to specific evaluation. The minority opinion held that this particular case was different in that no one appeared to oppose the proposed rezoning and that the proposed use would constitute an upgrading of the non-conforming use currently existing in the property under the "grandfather" clause. Mr. Elliott abstained from voting on this matter.

9. On motion of Mr. Baker, seconded by Mr. Tate it was unanimously voted to approve the Detail Drawings and Record Plan of Red Coach South, Section Four with the provision that sidewalks be ~~installed~~^{would} on the ~~north~~^s side only of Fernshire, exclusive of the cul-de-sacs.

10. A Public Hearing was set for October 14 at 7:30 on a request from the First National Bank for a variance (V-70-8) from the zoning ordinance relating to the erection of signs on property at the southeast corner of North Main Street and Zengel Drive.

11. A Public Hearing was set for October 14 at 7:30 on a request from Myran Ryan for a Conditional Use (C-70-2) for a Nursery School in a residential district. The address of the property in question is 132 South Main Street.

12. On motion by Mr. Tate, seconded by Mr. Baker it was unanimously voted to approve the Planning objectives as revised and recommend them to Council for endorsement.

A Special Meeting was scheduled for October 14 at 7:30. Next Regular Meeting is October 26, 1970.

Marion Loemker
Secretary