

CENTERVILLE PLANNING COMMISSION

Regular Meeting

*As corrected
Jan 25, 1971*

pg 3

The Regular Meeting of the Planning Commission was called to order at 7:30 P.M. December 28, 1970.

On roll call, Harold Wells, Elmer Tate, Bruce Baker, John Butler, John Davis and Nevin Elliott were present. Mrs. Marion Loemker was absent. Also present were City Manager John Griffin and City Engineer Frank Williams.

The Chairman welcomed the Council-Delegate John A. Davis.

On motion by Mr. Butler seconded by Mr. Baker, the minutes of the November 30, 1970, meeting were approved as written.

The Chairman then opened the Public Hearing on case #Z-70-9, a request from James P. McConnaughey and George Campbell to re-zone 36.104 acres on the south side of East Whipp Road at the Penn-Central Railroad and concerns an application for R-3 from Washington Township R-4 and Centerville R-1 classifications. The application was previously scheduled for hearing November 30, but was held over since an ordinance effecting the change was not prepared at that time.

The Chairman reviewed the Public Hearing procedure.

Mr. George Campbell, 715 Oakwood Avenue, Oakwood, then used the map to explain his request for re-zoning. He said the ponds and trees would remain as the property was developed with apartments. Mr. Campbell explained the buffer strip of R-1, green space and the roadway system.

Mr. Davis asked who would maintain the green space and Mr. Campbell said the developer would.

Mr. Butler asked about density and Mr. Campbell said 8 units per acre and would be principally two-bedroom units.

Mr. Elliott asked to clarify the zoning east of the railroad and Mr. Campbell said it was Washington Township R-4.

The City Manager then read the report from the County Sanitary Engineer, indicating the sewer would be transferred from the Moraine System to the Sugar Creek System. Mr. Campbell said the system was in Oak Creek drainage area but would be transferred.

The Manager then reviewed the December 27, 1970 report from the Park District and proceeded to review the illustration presented by the District. The drawing showed additional park proposed adjacent to the 25 acre park in Red Coach South, and southwest of the park. Mr. Campbell said the portion shown on his map was 2.67 acres, thus the Park District addition would amount to 3 acres, totalling about 6 acres.

Mr. Campbell said that the "green space" was private green space and would be maintained by the owner-developer. The Manager said that the Park District Chairman preferred to leave the green space to the owner, since it was too rough to develop suitably for the Park District.

The Chairman asked Mr. Campbell if he would enter into a covenant to perpetually maintain the green space. Mr. Campbell said he would think about it.

No one appeared to speak in favor of the re-zoning.

Mr. R.V. Zimmer, 5600 Chippegate Drive, then presented a petition with 231 signatures in opposition to the re-zoning. The petition listed several reasons for opposition: (1) that the proposal disrupted two neighborhoods; (2) East Whipp Road

is not prepared to take the added traffic that would arise from this proposal; (3) many persons felt that property values would be lowered in the area with the apartments, and, (4) apartments would mean problems for the school district.

The nearby owners, Mr. Zimmer stated, were disturbed that the request came up several times before the Commission and that there are too many apartments in the area.

Mr. Larry Case, 592 East Whipp Road, asked about the dark space at the top of the map and the Chairman stated that this would be R-1 and answered Mr. Case's question about the roadway exiting on Whipp. It was brought out that about 284 apartments were planned and Mr. Case said that this means over 500 cars onto Whipp Road.

Mr. Case stated that Mr. Campbell had received offers to develop the property for single-family homes. Mr. Campbell denied this.

Mr. Joe Fowler, 5800 Chipplegate Drive, felt that Mr. Campbell could develop the land for single-family. Mr. David Turner, 6341 Millbank, said that the proposal had some added tinsel but we still ended up with apartments imprudently placed in a single-family area. Mr. Bill Harvey, 900 East Whipp Road, asked about the Commission's responsibility for existing residential neighborhood.

The Commission Chairman, stated that the Commission could recommend a proposal based on sound planning to Council, but that some matters were already zoned by Washington Township and the Commission could recommend acceptance or denial only to Council.

Mr. Ken Myers, 6111 Chipplegate Drive, asked about the extension of Chipplegate eastwardly and felt that the Commission should act on this extension. The Chairman said that the street matter would be brought up on the development plan and was not a matter of the re-zoning at this meeting.

Mr. Campbell said he felt that the City would have to have the street.

Mr. Myers, asked the Manager if he asked the Chief of Police about the traffic situation and if the Board of Education was contacted. The Chief was not asked about the proposal, Mr. Griffin stated and there was no reply from the School Superintendent.

Mr. Myers said that there were 390 apartments zoned at Hewitt and Bigger. It was brought out that the land was zoned E-C and apartments were permitted, but not planned for the land. Mr. Myers felt that no more apartments were needed. Mr. Wells replied that the Commission and Council were obligated to hear requests brought by the public.

This proposal would go to Council the first meeting in February, Mr. Wells, said, and in reply to a question, stated that the petition would be made a matter of record.

Mrs. Larry Case, 592 East Whipp Road, also expressed opposition to the proposal and asked when the time limit on such applications would be discussed. The Manager replied that the subject was on the agenda.

Mr. Case then asked about the signatures on the petitions and said that the people were supposed to have a voice in the decision. Mr. Wells said that the names would have a bearing on the Commission's decision. There was requirement in the State law, as Mr. Case said, that the Commission had to observe the petitions.

Mr. Fred Straler, 6316 Millbank Drive, asked how many homes could be placed on this ground and Mr. Butler said that about 100 homes, Mr. Straler asked Mr. Campbell why single-family homes would not be built and Mr. Campbell replied that it was partly economic, partly because of the Railroad and that the normal developer would clear off the land and do a better job on the development.

Mr. Charles Stevenson, Millbank Drive, asked about the progress on the rapid transit study for the Railroad right-of-way. The Manager gave a brief summary of progress to date. The study would be completed in 1971.

Mr. Doyle, 6110 Park Ridge Drive, expressed opposition and thanked the Commission for turning down the previous request for this land.

Mr. Jim Huber, 6340 Millbank Drive, felt that almost any type of apartment could be built on the property, or, that which would meet the Building Code. Mr. Myers, said that the Centerville Building Inspector has no jurisdiction in this matter. The Manager said that this was true.

The Chairman then closed the Public Hearing, indicating that the Commission would make a decision at the next Regular Meeting.

Mr. Butler moved that this Rezoning Request be denied, seconded by Mr. Tate.

Mr. Tate then stated that we single out one statement from the Master Plan and build a whole case out of it, in reply to Mr. Baker. He stated that the Commission record was not favorable on every case, but that the Commission looked at each case brought in for consideration. There was no pre-conceived notions about the matters, such as making decisions prior to regular consideration of an item.

The Chairman then summarized the attitude survey in 1967 and the Planners remarks about apartments. He said that 70% of replies from Centerville residents favored single-family units, and that most of the respondents were living in single-family homes. The Planner, he said indicated that consideration should be given for multi-family and that the area for apartments recommended by the Planner had changed over the period of the study.

The Chairman then called for the question, following this discussion. On roll call vote, Mr. Baker voted no., and then a clarification of the question was made. Mr. Butler reiterated that his motion was to deny the request. On roll call, the vote was five 'aye' votes and one abstention.

The Chairman then opened the second public hearing, being a request from Mark Beachler and Glenn Frierhood, #V-70-9, 65 West Franklin, concerning the set-back of a business sign.

Mr. Glenn Frierhood, 2321 Pondview, then appeared, as co-owner, on behalf of the Cricket Cage.

The City Manager reviewed the map, plot plan and sign in existence.

Mr. Butler stated that the sign was in keeping with the area and of good appearance.

The Manager reviewed the situation and recommended a uniform set-back and uniform size of sign for this area of West Franklin Street and there were several more to come in for variation requests. The Commission indicated that each one should be judged on its own merits and should come before the Commission. The Chairman suggested a time limitation. It was brought out that the street was widened, but that the right-of-way remained the same and the set-back, consequently remained the same.

On motion by Mr. Elliott, seconded by Mr. Tate, the request for a variation in the terms of the sign provisions of Ordinance #15-61 for the Cricket Cage was un-animously passed, permitting the existing sign to remain at its two-foot setback from the property line on West Franklin Street.

The Chairman then opened the next Public Hearing and this request concerned an application, #V-70-10, for a variation in the terms of the sign provisions of Ordinance #15-61, to permit the existing sign to remain at its present location, two feet behind the property line. The property is owned by Dr. William C. Davis, and is located at 79 West Franklin Street. The Chairman reviewed the hearing procedure.

The City Manager reviewed the case and illustrated the request from drawings and plot plan.

No one appeared in favor or opposition to the request. Thereupon, Mr. Butler moved that the variation request, permitting a two-foot setback, be approved. The motion was seconded by Mr. Elliott and un-animously passed.

The next item concerned unfinished business and concerned the request of Thomas G. Forsythe, 16 Poinciana Drive, for a requested re-zoning for three lots from Centerville R-2 to R-3, located on the east side of Far Hills, about 300 feet south of Alex-Bell Road. The case number is Z-70-10.

It was brought out that there is no Conditional Use permitting an office use in R-3 District, and that should he wait to apply for Conditional Use in R-3, the present use would be in violation during this time period.

The City Manager reviewed the legal procedures that were invoked on Mr. Forsythe's operations at the two locations, 7036 and 7084 Far Hills.

Following a brief discussion, Mr. Tate moved that the request for re-zoning from Mr. Forsythe be denied. The motion was duly seconded by Mr. Baker and on roll call, Mr. Baker, Mr. Butler, Mr. Wells, Mr. Tate, and Mr. Elliott voted in favor of the motion, and Mr. Davis abstained.

The next item of unfinished business to be considered was a Rezoning Request filed by John Black, Stanley Swango, Jr., and P. Richard Brainard to re-zone approximately 148 acres along the east side of Clio Road from Washington Township Agricultural to Centerville R-1 R-4 and B-2. Mr. Williams brought out the fact that the Ordinance should read "Washington Township R-3 instead of Washington Township Agricultural". Mr. Wells reviewed some requirements which could be placed on the development, should the Request be approved. Mr. Griffin relayed that the Park District has recommended that the rough areas remain in private hands and that a Public Park be more accessible from a public street, namely Black Oak Drive and Raintree Drive. Mr. Butler expressed his favoring a Planned Unit Development and that he is not opposed to apartments, as such. Mr. Baker was opposed to the number of units proposed and he would like to see a different proposal by the developers. Mr. Elliott encouraged more planned developments in the Centerville area. Mr. Tate felt that the plan as submitted is a good, acceptable plan for a preliminary and details can be solved as the development progresses. On motion to deny this Rezoning Request by Mr. Tate, seconded by Mr. Baker, the roll call vote was: Mr. Baker, Mr. Butler, aye; Mr. Tate, Mr. Elliott, Mr. Wells, no; and Mr. Davis abstained.

A Variance Application, V-70-11, submitted by The Bonded Oil Company requesting a variation in the provisions of the Zoning Ordinance relating to business signs was received by the Planning Commission. The Company is requesting that a sign be permitted on Spring Valley Road 11 feet behind the right-of-way line and 30 feet behind the right-of-way line on the Dayton Lebanon Pike. Mr. Wells pointed out the fact that the Master Plans of Montgomery County and T.C.C. recommend the right-of-way of Spring Valley Road to some day be 82 feet as opposed to the current 65 feet. If Spring Valley is widened as such, he said the proposed sign would be in the right-of-way. A Public Hearing was set on this Request for January 25, 1971 at 7:30 P.M.

A Variance Request V-70-12, was presented to the Planning Commission for Dr. John D. Welsh, 69 West Franklin Street, requesting a set-back of 21 inches from the right-of-way line, to permit his sign to remain in it's present location. A Public Hearing was set for January 25, 1971 at 7:30 P.M.

Architect Harry E. Misel, Jr. submitted an Application for the E-C District, to locate a Pizza Parlor at 6090 Far Hills Avenue. He also Requests a variation in the terms of the parking requirements in the Zoning Ordinance relative to the E-C Districts, namely to permit parking in front of the building. Additional information on the building and sign and layout for the Ponderosa was requested of the Architect for review. The improvement of the ditch (concrete bottom or enclosed) running through this property was briefly discussed by the Planning Commission. A Public Hearing has been

set for January 25, 1971 at 7:30 P.M. to consider this Application.

Mr. Frank W. Williams submitted a Rezoning Request Z-70-12 for one lot at 7621 Clio Road, a change from Washington Township R-4 to Centerville I-1 District. This case was set for Public Hearing on January 25, 1971 at 8:00 P.M.

Presented to the Planning Commission was an Application for a Curb Cut, C-10-70, for a Beer-Wine Drive-in to be erected at 175 North Main Street. Mr. E.H. Swaim, the Applicant, explained the location of the building, it will set back 65 feet from the street and abutts the north property line. A 50 foot Curb Cut is requested to be located 14 feet 6 inches south of the north property line. This Curb Cut would serve as both the entrance and exit, the only parking spaces needed are just for the employees since it is a drive-in operation. On motion of Mr. Wells, seconded by Mr. Butler, the Curb Cut as shown on the Ralph L. Woolpert Company drawing 6606 RST 84, issued December 11, 1970, was unanimously approved.

Mr. Robert Archdeacon explained a plat of subdivision, namely, Section 6 of Red Coach South. This consists of one lot located at the intersection of East Whipp Road and the Penn-Central Railroad. Mr. Wells moved that Section 6 of Red Coach South be approved and be recommended as such to Council, subject to sidewalk correction being made on the Plan (4 foot changed to 5 foot). After being seconded by Mr. Davis, the motion passed unanimously.

The Rezoning Request submitted by Oak Creek Development Company was received by the Planning Commission. The Request is for R-4, R-3 and E-2 from Washington Township R-4 for property along the west side of Wilmington Pike at the intersection with proposed IS 675. This had been held up by the State for right-of-way acquisition, and the State is now saying that they do not need this amount of land. This Request is a continuation of a previous Re-Zoning. A Public Hearing was set for January 25, 1971 at 8:00 P.M.

Mr. Robert Archdeacon explained a development as proposed by Haverstick Builders, Inc. "The Woods" is to be located on 22 acres in the E-C District on the west side of Bigger Road adjacent to IS675 directly across the street from the Olympian Club. The proposed concerns the construction of 292 apartment units of Colonial and Williamsburg architecture and of flexicore construction with a density of 13.3 units per acre. Mr. Williams pointed out the fact that there is only one access to this property for nearly 300 units. Suggestions made by the Commission were: reducing the density to approximately 10 units acre, rearranging the location of buildings on the land, and create a better traffic flow into the development. The developer will rework the site plan and sight some of the trees on the plan keeping in mind the Commission's suggestions. This item will be on the January 25, 1971 agenda.

A Variance Application was received by the Planning Commission from Lubow Realty Company, to locate a sign five feet from the front property line at 52 North Main Street. A Public Hearing was set for January 25, 1971 at 8:00 P.M.

The draft of the amendment to the Zoning Ordinance pertaining to Office-Residential District was further reviewed by the Planning Commission. Mr. Butler recommended limiting O-R Use to the R-3 District as a Contingent or a Conditional Use. The Ordinance will be re-typed and set for Public Hearing in February.

Mr. Wells announced the two following Meetings to be held with the Centerville Planning Commission:

1. January 5, 1971, Town Hall, 8:00 P.M. with the Washington Township Zoning Commission.

2. January 13, 1971, Municipal Building, 8:00 P.M. with the Park District.

Concerning a time limit for the re-submission of a Rezoning Request, a legal opinion will be requested of the Municipal Attorney.

There being no further business the Meeting was adjourned.

Respectively submitted,

John P. Griffin
Secretary Pro-tem