

CENTERVILLE PLANNING COMMISSION  
REGULAR MEETING  
Tuesday, June 28, 1994

Mr. Stone called the meeting to order at 7:30 P.M.

Attendance: Mr. Scot Stone, Chairman; Mr. Arthur Foland; Mr. Stanley Swartz; Mr. Robert Hosfeld; Mr. Jack Kostak. Absent: Mr. James Durham; Mr. Peter McMahon. Also present: Mr. Alan Schwab, City Planner; Mr. Steve Feverston, Assistant City Planner; Mr. Robert N. Farquhar, City Attorney.

MOTION: Mr. Foland moved to excuse Mr. Durham and Mr. McMahon as each gave prior notice to staff of their absence. Mr. Kostak seconded the motion. The motion was approved unanimously 5-0.

Approval of minutes:

MOTION: Mr. Foland moved to approve the Planning Commission minutes of May 31, 1994, as written. Mr. Kostak seconded the motion. The motion was approved 4-0-1 with Mr. Hosfeld abstaining.

MOTION: Mr. Kostak moved to approve the Planning Commission Work Session minutes of May 31, 1994, as written. Mr. Swartz seconded the motion. The motion was approved 4-0-1 with Mr. Foland abstaining.

PUBLIC HEARINGS

Duritsch, John - Variance of Outdoor Dish Antenna Height/Size

Mr. Schwab reviewed the Variance request by John Duritsch, 360 Blackstone Drive, requesting the approval of an installation of a roof-mounted dish-type antenna. The zoning on the property is R-1d, single-family residential. The applicant is requesting a 10 ft. diameter dish installed at a height of 10 ft. above the highest portion of the existing roof. The ordinance allows a 4 ft. diameter dish and a 4 ft. height above the highest portion of the roof upon which the antenna is located. Mr. Schwab explained that the antenna currently is installed and is located over the garage area at the end of the tri-level house. The style of dish is an open end mesh placed on the back side of the garage area.

This variance request is to resolve the fact that the antenna was installed in error without a permit.

Staff recommend to approve the Variance request subject to the following condition:

1. The antenna dish must be an open mesh-type construction.

The Planning Department finds that the east-west orientation of this lot with the front yard of the lot on the western side precludes the rear yard location of a larger dish-type antenna that can point to satellites located on the southwestern horizon. Also, the Planning Department finds that the request variances and location of the antenna comply with the intent of the satellite dish-type ordinance and cause no material harm to adjacent property owners.

Mr. Stone opened the public hearing.

Mr. John Duritsch, applicant, stated that he is a licensed ham radio operator and needs clear line of site for the satellite to work. He stated that 4 ft. of height on the roof will not allow the signals to be obtained. He stated that a certified mechanical engineer was hired to design the installation of the dish so that the antenna will not fall. If a wind storm should occur, the dish will simply bend and fall to the ground, and not take flight. He stated that FCC regulations state that if a jurisdiction does not discriminate against a regular television antenna, discrimination cannot be used against the size, shape or height of a satellite dish antenna--they have to be treated equally. Mr. Duritsch stated that the mesh material was used as it has a lower wind load, makes a better appearance, and the location was the only point which was visible for its effectiveness based on surrounding property obstructions.

Mr. Cecil Rooks, A & A Antenna, stated that the antenna is structurally sound with 8 ft. of support under the roof. The location of the dish is the only site available on this lot for proper signal contact.

There being no other speakers, Mr. Stone closed the public hearing.

Mr. Foland objected only to the fact that the installation of the dish was done prior to the issuance of a permit and, therefore, a variance was made necessary after the fact.

Mr. Kostak asked if there were any objections from neighbors received by the City.

Mr. Schwab indicated there were no objections received.

MOTION: Mr. Hosfeld moved to approve the Variance application as requested by John Duritsch, 360 Blackstone Drive, subject to the following condition:

1. The antenna dish must be an open mesh-type construction.

Mr. Kostak seconded the motion. The motion was approved unanimously 5-0.

UNFINISHED BUSINESSKenny Rogers Roasters - Planning Commission Special Approval

Mr. Swartz excused himself from the meeting at this time due to a possible conflict of interest.

MOTION: Mr. Foland moved to remove the Special Approval application for Kenny Rogers Roasters from the table. Mr. Hosfeld seconded the motion. The motion was approved unanimously 4-0.

Mr. Schwab reviewed the Special Approval application submitted for Kenny Rogers Roasters to be located on the northwest corner of Wilmington Pike and Center Point Drive. The request is to construct a new cafeteria-style restaurant on the .897 acre parcel zoned B-1, Neighborhood Business. The parking requirement is 48 spaces and the plan proposed 48 spaces. St. Francis Church owns the entire property located to the north of this site and residential zoning is located to the west. The only substantial treeline in the area is along the southern property line where the Cheltenham subdivision is located. There is a swale that exists behind the sidewalk along Wilmington Pike as well as a swale across the Church property to the north for drainage purposes. The building will be constructed of white brick with awnings and wall signage towards Wilmington Pike. A ground sign will be located centered on the property along Wilmington Pike as well. The customer pick-up window is located on the back of the building and the dumpster pad is located on the northwest corner of the site. The landscape plan proposes a 6 ft. high, double-staggered row of evergreen shrubs with additional landscaping shown on the plan to satisfy the screening requirements including ornamental trees and low mounding to help shield the cars parked along Wilmington Pike. The north edge of the site will have a dry basin to flow into an additional basin on the southeast corner of the site to provide stormwater detention. This will then be channeled under Center Point Drive to flow to the south.

Staff recommended approval of the Special Approval application subject to the following conditions:

1. Detailed exterior building materials and colors to be submitted to and approved by the Planning Department.
2. Design of the dumpster screening, including gates to be approved by the Planning Department.
3. Design of the exterior lighting to be approved by the Planning Department.
4. No sign shown on the application is to be considered approved as part of this application.

5. Detailed stormwater drainage calculations and designs incorporating detention and/or retention and erosion control during construction must be approved by the City Engineering Department.
6. The plans show incorrect sidewalk widths along Wilmington Pike and Center Point Drive. A revised plan with the correct widths must be approved by the City Engineering Department.

Mr. Steven Kelly of Woolpert Consultants, and Mr. David Eaton of DAE Design, Mr. Ron Adler of Roasters Development, and Mr. Craig West of Mark Fornes Realty, were present to review the proposed plan.

Mr. Stone asked if the conditions suggested by staff had been reviewed by the applicants.

Mr. Kelly stated that many of the items were simply details which needed to be submitted and they took no exception to any of the suggested conditions.

Mr. Stone asked what type of screening materials would be used for the dumpster area.

Mr. Eaton indicated it will be of white brick construction with white mortar.

Mr. Stone asked if the applicants had considered additional screening on the site to enhance the restaurant.

Mr. Kelly stated that they considered the minimum screening required and have proposed a diverse mixture of plantings along Wilmington Pike with mulch areas to highlight canopy trees. A lot of landscaping has been introduced around the building. The island areas have also incorporated landscaping planting in them to exceed the screening/landscaping guidelines.

Mr. Schwab stated that he had discussed the desire of the Planning Commission to intensify the landscaping requirements and the applicants proposal addresses that increase in landscaping.

Mr. Kostak stated that he felt the additions in landscaping and screening is essentially important based on its proximity to the Cheltenham subdivision.

MOTION: Mr. Foland moved to approve the Special Approval application for Kenny Rogers Roasters subject to the following conditions:

1. Detailed exterior building materials and colors to be submitted to and approved by the Planning Department.

2. The dumpster will be of brick construction to match that brick material of the primary building. Design of the dumpster screening, including gates to be approved by the Planning Department.
3. Design of the exterior lighting to be approved by the Planning Department.
4. No sign shown on the application is to be considered approved as part of this application.
5. Detailed stormwater drainage calculations and designs incorporating detention and/or retention and erosion control during construction must be approved by the City Engineering Department.
6. The plans show incorrect sidewalk widths along Wilmington Pike and Center Point Drive. A revised plan with the correct widths must be approved by the City Engineering Department.

Mr. Hosfeld seconded the motion. The motion was approved unanimously 4-0.

There being no further business, the meeting was adjourned.

*Sue d Star*  
*Chairman 7/12/94*

