

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, July 14, 1992

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

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

MOTION: Mr. Durham moved to excuse Mr. Foland from the meeting as he gave notice to the Planning Department. Mr. Stone seconded the motion. The motion was approved unanimously 6-0.

Approval of the minutes of June 9, 1992:

MOTION: Mr. McMahon moved to approve the Planning Commission minutes of June 9, 1992, as written. Mr. Swartz seconded the motion. The motion was approved 5-0-1 with Mr. Stone abstaining.

PUBLIC HEARINGS

China Cottage - Variance (Satellite Dish Antenna)

Mr. Schwab reviewed the request for Variance concerning the installation of a satellite dish antenna at the China Cottage Restaurant, 6290 Far Hills Avenue. The zoning on this particular property is B-2, General Business. The applicant is seeking three (3) variances for the installation of the antenna. The first variance is to allow the dish to be mounted on a pole attached to the side of the building--the ordinance requires an antenna to be mounted directed to the roof. The second variance is to allow the size of the dish to be 10 ft. in diameter--the Ordinance allows a maximum of 4 ft. in diameter. The third variance is to allow an antenna height above the roof to be 10 ft.--a 4 ft. height above the roof is permitted. The proposed location for the antenna is on the east wall at the northeast corner of the building. Mr. Schwab stated that this is much like the variance request reviewed and approved by the Planning Commission for Centerville Lanes on South Main Street.

Staff recommended to approve the Variance application as requested.

Mr. Hosfeld opened the public hearing.

Mr. Paul Brandon and Mr. Steve Edsel, Entertainment Theatre Systems, contractors for the owner of China Cottage, were present to review the application.

Mr. Brandon stated that their recommendation to the owner of the restaurant was to place the 10 ft. dish on a pole due to the stress on the roof structure as well as the wind which would affect the reception.

Mr. Stone asked why a 10 ft. dish was necessary.

Mr. Brandon stated that a 4 ft. dish will only receive one (1) satellite and there are 22 satellites available with a 10 ft. dish.

Mr. Edsel stated that the 10 ft. dish is required to receive the additional gain not provided with the 4 ft. dish in order to receive sport-event channels, entertainment channels, etc.

Mr. Stone asked if other sizes were available less than a 10 ft. dish.

Mr. Edsel indicated a 7.5 ft. dish is available, however, the wind could, again, affect the reception. A 10 ft. dish is the industry standard.

Mr. Hosfeld asked if these standards were considered when the Ordinance was adopted.

Mr. Schwab stated that the size of the dish was considered by Council to be acceptable for 4 ft. as roof-mounted and 10 ft. as ground-mounted away from the building. Council felt that if there were situations that a ground-mounted antenna is not practical and a 10 ft. dish would be required to be located higher than the 12 ft. standard in the Ordinance or on the roof of the building, they would rather deal with those situations on a case-by-case variance basis. In this case, staff looked at the site and its exposure on all sides as well as the location of the parking on the property, and it did not seem practical to staff to put a ground-mounted dish in any location that would make sense. Staff felt that in reviewing the standards for a variance, it was not unreasonable to locate the dish in the requested location in the fashion proposed. Mr. Schwab stated further that this Ordinance addresses the installation standards of satellite dishes the same in all zoning districts with no separation between residential and commercial properties.

Mr. Samples asked if the Ordinance required that a ground-mounted dish be screened.

Mr. Schwab stated that the Ordinance only requires that the location not be in the front yard or side yard. Screening the dish is not a requirement. He stated that this particular property has 3 front yards and 1 side yard. In this case, even if the dish were ground-mounted, it would require a variance for the location. If a location for a ground mounted dish were established, it would

have to be within the parking area with 4 posts around it to keep vehicles from hitting it, it would be subject to vandalism, etc., and given the way the parking area is laid out, it did not make sense to put it there in this case.

Mr. Samples stated that at the time this Ordinance was considered, the Zoning Task Force and Council concurred that their concern was what they perceived as a potential proliferation of 10 ft. dishes all over the City. He stated that he was not inclined to vote favorably for this variance adding that if Council wants to make an exception in this case, that is up to them.

Mr. McMahon stated that the Planning Commission has approved a variance of this nature previously and it makes perfect sense, given the size, shape and location to approve it as it would not disturb anyone.

Mr. Swartz stated that the Planning Commission should discount what was done previously as this site is bordered by residential to the east.

Mr. Durham stated that the intent of the Ordinance is aesthetic and, agreeing that this borders a residential area, should be treated differently. He stated that Council made it clear that they do not want 10 ft. antennas out there by requiring them to be in back yards and are ground-mounted. He stated that he agreed with Mr. Samples that if Council wanted to relax the Ordinance standards on a case-by-case basis, they should be the ones to do it. Mr. Durham stated that if Council feels that a restaurant should be permitted to have the ranges that only a 10 ft. dish can receive, then a change in the Ordinance should be made. If the applicant appeals this decision to Council, they will have to see if they have now decided that for this type of use, a 10 ft. dish should be made available. He further objected to the pole-mounting installation since the location does abut residential uses.

Mr. Schwab submitted for clarification that the standards for ground-mounted dishes would allow a 12 ft. diameter dish at a maximum height of 15 ft.

After discussion by other staff members, Mr. Schwab explained that in the case of a corner lot, you are permitted to locate the dish in the side yard location. This being the case, the side yard would be permitted to locate the ground-mounted antenna and would be subject to a 8 ft. setback along the side lot line.

Mr. Hosfeld asked Mr. Edsel if this could be accomplished.

Mr. Edsel stated that it would have to be located in the parking area with the protective poles and fencing material around it. He suggested that the proposed variance situation is the best cosmetic place to install the antenna since a location in the parking area would allow visibility from SR 48.

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

MOTION: Mr. McMahon moved to approve the Variance to allow the installation of a satellite dish antenna to be located at China Cottage, 6290 Far Hills Avenue, as requested. Mr. Stone seconded the motion. The motion was denied 1-5 with Mr. Hosfeld, Mr. Samples, Mr. Stone, Mr. Durham and Mr. Swartz voting no.

Mr. Hosfeld informed the Mr. Brandon and Mr. Edsel of their right to appeal the Planning Commission decision to Council.

There being no further business, the meeting was adjourned.