

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, February 26, 1991

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

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

Approval of the Planning Commission Work Session Minutes of January 29, 1991:

MOTION: Mr. Foland moved to approve the Planning Commission Work Session Minutes of January 8, 1991, as written. Mr. Swartz seconded the motion. The motion was approved unanimously 5-0-1 with Mr. Hosfeld abstaining.

Approval of the Planning Commission Minutes of February 12, 1991:

MOTION: Mr. Foland moved to approve the Planning Commission Minutes of February 12, 1991, as written. Mr. McMahon seconded the motion. The motion was approved unanimously 6-0.

Approval of the Planning Commission Work Session Minutes of February 12, 1991:

MOTION: Mr. Durham moved to approve the Planning Commission Work Session Minutes of February 12, 1991, subject to the following change:

On Page 2, Paragraph 4, first line, the word "sneaky" should be changed to "unfair".

Mr. Foland seconded the motion. The motion was approved unanimously 6-0.

PUBLIC HEARINGS

The Kroger Company - Variance

Mr. Schwab reviewed the Variance application submitted by The Kroger Company for their store located at 1023 South Main Street in the Centerville Place Shopping Center. He stated that the request is to eliminate screening and a concrete pad required for a large trash collection facility. A recycling container is defined as a dumpster in the current Zoning Ordinance and, therefore, would be required to maintain the same standards.

The existing recycling container, located along the north wall of the Kroger store, is painted green in color and rests on large wheels. It is divided into separate compartments to allow separation of specific recyclable materials. This particular container is at the present time changed twice weekly by simple replacing the full container with an empty container.

Mr. Schwab stated that this particular issue will undoubtedly increase in the business districts due to the community's interest in recycling.

Staff recommended the variance be approved for a one (1) year period. Mr. Schwab explained that a dumpster is normally used by a business for their own private use. In this particular situation, the dumpster is being placed at this location with the intent that it will be used by the general public as a community service. By screening the container, its use would be limited since it would be hidden to satisfy the intent of the Ordinance requirements. The applicant also feels that the concrete pad is not necessary based on the lightweight containers used on the site. Because of its specific use, staff felt it was a unique circumstance and, therefore, warranted granting a variance.

Mr. Schwab stated that this is a difficult issue to address under the Variance procedure. He suggested that perhaps the issue should be researched in depth, and if appropriate, a revision to the Zoning Ordinance should be adopted to deal with requirements specifically for recycling containers. Also, a limited period of time approved for this variance would allow the site to be monitored and consideration of specific requirements could be made based on this site as a test site.

Mr. Hosfeld opened the public hearing.

Mr. Steve Redmund, representing The Kroger Company, stated that they wanted the facility to be visible in order to maximize its use. Further, he stated that at this particular location on the site, they can monitor the area so it does not become an undesirable dumping ground.

MOTION: Mr. Durham moved to approve the Variance request by The Kroger Company for their location at 1023 South Main Street. The approval limits the recycling container to remain at its present location along the north side of the building, without screening or a concrete pad, for a period of one (1) year. Mr. McMahon seconded the motion. The motion was approved unanimously 6-0.

The members of Planning Commission agreed that the subject of recycling containers should be a separate issue addressed in the Zoning Ordinance and directed staff to research the topic to be forwarded to Council.

OLD BUSINESSLandmark Preservation Ordinance

Discussion of this proposed Ordinance continued from the previous Work Session after the members had an opportunity to consider its contents.

Mr. McMahon stated that he felt the idea of Landmark Preservation would be a desirable addition to the Zoning Ordinance.

Mr. Hosfeld noted an important point was the unanimous support of the Planning Commission for the speedy passage of an ordinance to protect historic properties outside the Architectural Preservation District (APD).

Mr. Durham asked why the Ordinance could not be made a part of the Architectural Preservation Ordinance to be administered together. In this way, the historic designations would not be lost. He suggested placing a provision in the Ordinance that would say we would review all demolition permits from the inception of this Ordinance. Any property that would appear to have some historic merit, the City would have a limited period of time written into the Ordinance to review that property and determine whether it should be designated as a landmark property. That would allow a safeguard against a mass of demolitions of buildings in the City.

Mr. Swartz stated that he would like the historic designations to be placed in the deed so that future owners of these properties would be aware of the property status prior to its purchase.

Mr. Farquhar stated that could be achieved by filing an affidavit relating to matter of title. This process would provide the purchaser with notice of the designation.

Mr. Farquhar and Mr. Durham agreed it may not be legally binding, however, the notice would be achieved.

Mr. Farquhar stated, further, that a specific zoning designations could be assigned to these properties so there would be no question what standards would be maintained.

The members of Planning Commission directed staff to draft a letter to Council including the following points to be reviewed at the March 12, 1991, meeting:

1. All Commissioners support the concept of City protection of historic buildings outside the current APD Zoning District.
2. Some Commissioners question the wisdom of having two separate ordinances dealing with historic properties in the City (i.e., existing APD Zoning Ordinance and proposed Landmarks Preservation Ordinance).

3. All Commissioners support requiring the City to place a recorded affidavit on the property title and adding a designation on the City Zoning Map for each landmark property in an attempt to improve notice to future purchasers of a landmark designated property.
4. All Commissioners support the addition of a demolition protection provision to the Landmark Ordinance for potential but unreviewed landmark properties in the City.

There being no further business, the meeting was adjourned.

Approved R. H. Stiefel
3/12/91