

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, February 14, 1989

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

Attendance: Mr. Elmer Tate Jr., Chairman; Mr. Robert Looper; Mrs. Marian Simmons; Mr. Stanley Swartz; Mr. Robert Chappell; Mr. Robert Hosfeld; Mr. Arthur Foland (where noted). Also present: Mr. Steve Feverston, Assistant City Planner; Mr. Robert N. Farquhar, City Attorney (where noted).

Approval of the minutes of January 31, 1989:

MOTION: Mr. Looper moved to approve the Planning Commission minutes of January 31, 1989, as written. Mrs. Simmons seconded the motion. The motion was approved 5-0-1 with Mr. Hosfeld abstaining.

PUBLIC HEARINGS

Rowland, Annette E. - Rezoning from R-1d to O-S

Mr. Schwab reviewed the rezoning application submitted by Annette E. Rowland requesting a zoning change for the property located at 7244 Far Hills Avenue from Single-Family Residential, R-1d to Office-Service, O-S. The current existing use on the .5 acre property is single-family residential. The surrounding land uses include office to the south, single-family to the north and east. The property to the north has maintained a welding shop in the garage area for years as a home occupation. One lot further to the north is the Montessori school which is a legally nonconforming use.

Staff recommended to deny the rezoning request based on the following analysis:

1. The City Master Plan designates single-family residential land use for this land. The rezoning of this parcel is not in accordance with the City Master Plan.
2. The City Master Plan recommends against extending "strip" commercial zoning along major thoroughfares.
3. The City Policy Plan discourages rezoning from non-business to business use and promotes the clustering of business/commercial development.
4. The City Policy Plan residential land use goal is to maintain the character of the community as predominately low density single-family residential.
5. Tracts of Office-Service zoned land exist within the City.

6. The granting of the requested rezoning would be singling out this parcel not for the public interest but only for the benefit of the landowner.

Mr. Tate opened the public hearing.

Mr. Brad Judge, Judge Engineering Company representing the applicant, stated that a survey was done of the land uses within 1/2 mile in each direction of the property. On the east side of SR 48 south, were 12 business and one (1) residential (currently listed for sale) were found; to the north were 11 residences, one (1) school and one (1) business (Cross Pointe Centre). On the west side of SR 48 north were 6 businesses, one (1) church and one (1) apartment complex; to the south 11 businesses, one (1) church and 2 apartment complexes.

Mr. Foland arrived at this time.

Mr. Swartz asked if the welding shop and school became vacant, if there nonconformity would become invalid.

Mr. Schwab stated that if the uses were vacant from these locations for a period of 2 years, all restrictions would revert back to single-family residential zoning.

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

Mr. Chappell stated that the properties across from the Dayton Mall area seems to have developed on larger lots which have allowed them to develop as office uses and not necessarily impact the residential areas surrounding them. The areas across from Cross Pointe Centre are on smaller lots which would be highly impacted by such zoning changes.

Mr. Schwab stated that what many communities choose to do what was done across from the Dayton Mall or Southtown, and that is zone every residential use existing along a major roadway to office use once the traffic increases, the road widens and commercial develops across the street. What you end up with is higher resale for the property and a somewhat more compatible use with the heavy traffic volume. The disadvantage is that you have a structure that was constructed as a residential dwelling which creates parking problems. The traffic volumes increase as a result of the use which affects the flow down of traffic and potential accidents. Also affected are the property values of the single-family residences surrounding these properties. The owners are moving out and most likely taking a lesser purchase price as a result of backing up to a business use.

Ms. Annette E. Rowland, applicant, stated that she is facing a dilemma because the existing structure is deteriorating and making improvements to the residence is not feasible since no one wants to rent it as a residence. She stated that even though the properties to the north are zoned residential, the legal nonconforming uses do not make her property attractive for a residential use.

Mr. Hosfeld stated that perhaps the City should look at the area along SR 48 north to Elmwood Drive as to what it really is and consider changing it to reflect the zoning of the existing uses.

Mrs. Simmons agreed stating that even though the City would like to maintain single-family residential, sometimes it is not practical as in this case.

Mr. Chappell stated that he had concern with allowing office use on a 1/2 acre lot, however, a precedence seems to have been set with allowing commercial zoning on this particular strip along SR 48.

MOTION: Mr. Chappell moved to reluctantly recommend approval of the rezoning application submitted by Annette E. Rowland for the property located at 7244 Far Hills Avenue from R-1d to O-S, attached with the recommendation to the staff to evaluate and review the possibility of rezoning the properties from this property north to Elmwood Drive to O-S. Mr. Foland reluctantly seconded the motion. The motion was approved 5-2 with Mr. Looper and Mr. Hosfeld voting no.

UNFINISHED BUSINESS

An Ordinance Amending Ordinance Number 11-86, the Zoning Ordinance of Centerville, Ohio, Enacting Revised Zoning Regulations for the City of Centerville, Ohio, in Accordance with the Provisions of Chapter 713 of the Ohio Revised Code.

MOTION: Mr. Looper moved to remove the Ordinance from the table. Mr. Chappell seconded the motion. The motion was approved unanimously 7-0.

Mr. Looper read a letter to the Planning Commission from Mr. Bernard Samples, Chairman of the Zoning Task Force, which outlined the reasons the proposed RV Ordinance was established (see Exhibit A).

Mr. Farquhar pointed out that if the 3 changes were to be recommended to Council, another public hearing must first be held by the Planning since the change in the 180 day effective date of the Ordinance was a major change. He stated that minor changes would not require another public hearing to be held.

Mr. Looper stated that the 180 day provision was placed in the original ordinance to allow some consideration to those RV owners that would have to find storage locations. Since the legal opinion has been determined that these existing RV's would be "grandfathered", that provision is not necessary, however, the provision could be left in place since it make virtually no difference at this point in time.

Mrs. Christine Snyder, member of the Zoning Task Force, stated that the concerns of the Task Force were to not allow the situation of RV parking to get any worse and get better in the future. She stated that she personally believes that a complete ban of RV's is in the best interests of the citizens of Centerville; however, as a member of the Zoning Task Force, the outline of changes is a compromise that seems very liberal. Mrs. Snyder asked that the recommendations of the Task Force be sent on to Council for there final decision.

Mr. Chappell stated that he would rather see front yard parking of reasonable size RV's, rather than side or rear yard parking without screening. He stated that side and rear yards were not made for the parking of vehicles--they were made for patios and living conditions.

Mr. Tom Haas, resident of Centerville, stated that he had attended the Planning Commission meeting approximately 4 weeks ago, and the ideas seem to keep changing from meeting to meeting.

Mr. Swartz objected to side or rear parking stating that it would be a worse situation for the neighbors. He stated if that requirement was recommended for approval, screening requirements should be included to protect the surrounding properties.

Mr. Schwab presented slides of RV's parked on various properties throughout the City that were taken by the Zoning Task Force.

Mr. Schwab pointed out that in the case of antenna heights, if the ordinance were written as proposed by the ham operators had suggested, extremely large lots could potentially have antennas several hundred feet in height. This would defeat the intent of the ordinance as drafted by staff which was initiated by the Cellular One antenna on Thomas Paine Parkway.

After lengthy discussion of several points to be included in the ordinance, Planning Commission made a motion to forward the ordinance to Council with some changes.

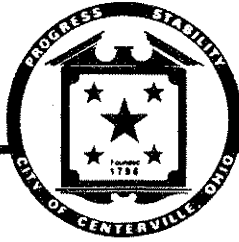
MOTION: Mrs. Simmons moved to recommend approval of the Zoning Ordinance Amendments to Council with the following changes:

1. Increase the time an RV may be temporarily parked in the front yard for loading or unloading purposes from 24 hours to 72 hours.

2. Require that the area underneath and immediately surrounding a parked RV be maintained free of weeds, overgrowth, and debris.
3. The overall dimensions of such a vehicle shall not exceed 8 feet high, 12 feet wide and 30 feet long, said vehicle to be parked in the side or rear yard.
4. An exception shall be made for the parking of a visitor's RV on the premises for a time not to exceed 30 days out of a 6 month period.
5. A 5 foot setback shall be maintained in the side yard and shall be appropriately screened.
6. The maximum height of an antenna in agricultural, residential or Architectural Preservation districts shall not exceed 100 feet.
7. Ground sign setback shall be reduced from 10 feet to outside of the public right-of-way.

Mr. Looper seconded the motion. The motion was approved unanimously 7-0.

Robert J. Sanford
1/30/90



Shirley F. Heintz
Mayor

Darryl K. Kenning
City Manager

City of Centerville

*100 W. Spring Valley Rd.
Centerville, Ohio 45458-3759*

February 13, 1989

Chairman, Elmer C. Tate, Jr. and
Members of the Centerville Planning Commission
100 West Spring Valley Road
Centerville, Ohio 45458

Dear Mr. Chairman and Members,

In response to your request for information from proponents of the proposed ordinance regulating the parking of recreational vehicles (RV's), the members of the Zoning Task Force offer the following comments for your consideration:

1. Many older plats and virtually all newer plats are regulated by plat covenants which either severely restrict or ban RV parking altogether. Because of changes in home ownership over time, many residents are not aware of these plat covenants. Enforcement of these covenants would require a civil court action by the affected resident. The proposed ordinance would rightfully place this enforcement responsibility on the City rather than on individual homeowners.
2. We are presently one of only three area communities (West Carrollton and Trotwood being the other two) which have no restrictions on RV parking.
3. If large RV's were placed on permanent foundations anywhere on residential property, it seems likely that neighbors would complain. Likewise, if a homeowner were to build a permanent addition to his home in the shape of the typical RV design, this would probably be considered objectionable by neighbors. What is the difference if the RV happens to be on wheels but is parked in a fixed position in front of, along side of, or to the rear of a home for fifty weeks of the year?



*An Architectural Preservation District City
(513) 433-7151*

4. Professional realtors state that the presence of large RV's, boats, etc., adversely affect property values in the immediate vicinity. One can argue that ordinances based on aesthetics are not legally defensible. By the same token, an elected official would be abdicating a proper responsibility if he or she did not pursue whatever legislative remedies might be required to protect residential property values.
5. The argument that homeowners have an inherent right to use their property as they see fit is without merit. Zoning laws, by definition, restrict property uses.
6. Notwithstanding the Euclid, Ohio court decision (approximately twelve years ago), courts have ruled that ordinances based on aesthetics are valid. Locally, most of the restriction applicable in the City Architectural Preservation District deal solely with aesthetics.
7. Approximately two years ago, the City adopted an ordinance severely restricting the use of TV satellite dishes on residential property. There was virtually no opposition to this ordinance, even from satellite dish manufacturers. Although the ordinance was ostensibly based on some minor safety considerations, the overriding basis for this ordinance was aesthetics.
8. The mere existence of guides to help RV owners defeat or dilute parking ordinances such as those distributed by Family Motor Coach Association (Legislative and Legal Handbook) and T. L. Enterprises, Inc. (Good Sam's Parking Rights Manual) are indicative of the extent to which residents of communities throughout the country are seeking legislative relief from ordinances that either ban or restrict RV parking in residential areas.
9. None of the suggestions from opponents of the proposed ordinance effectively deal with the issue from the perspective of the concerned homeowner who feels that his property values are diminished by the presence of a nearby RV or boat. Instead, the counter proposals are obviously drafted to essentially protect the objectors own interests.
10. Legislative decisions should not be based on the views of a vocal group of supporters or opponents who attend public hearings, but rather on the elected or appointed officials view of what is best for the community as a whole. Having said that, the Task Force wonders whether the opponents of the opposed ordinance would be anxious or willing to let Centerville residents decide this issue via a referendum.

In light of recent information presented to the Planning Commission, the Zoning Task Force once again reviewed the proposed ordinance regulating the parking of RV's. The Task Force recommends the following changes to the proposed ordinance:

1. Increase the time an RV may be temporarily parked in the front yard for loading or unloading purposes from 24 hours to 72 hours;
2. Require that the area underneath and immediately surrounding a parked RV be maintained free of weeds, overgrowth, and debris; and
3. Eliminate the 180 day delay in the RV provisions becoming effective after the date of passage of the proposed ordinance.

Call if you have any additional questions.

Sincerely yours,

Bonnie
Bernard M. Samples, Chairman
Zoning Task Force

cc: City Council
Darryl K. Kenning

BMS:acs

