

**CENTERVILLE PLANNING COMMISSION**  
REGULAR MEETING  
Tuesday, May 30, 1989

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

Attendance: Mr. Elmer C. Tate, Jr.; Mr. Robert Looper; Mrs. Marian Simmons; Mr. Arthur Foland; Mr. Stanley Swartz; Mr. Robert Hosfeld; Mr. Robert Chappell. Also present: Mr. Alan C. Schwab, City Planner; Mr. Steve Feverston, Assistant City Planner; Mr. Robert N. Farquhar, City Attorney; Mr. Norbert Hoffman, City Engineer.

Approval of the minutes of May 9, 1989:

MOTION: Mrs. Simmons moved to approve the Planning Commission minutes of May 9, 1989, as written. Mr. Looper seconded the motion. The motion was approved unanimously 7-0.

PUBLIC HEARINGS

National Amusements, Inc. - Sign Variance

Mr. Schwab reviewed the variance application submitted by National Amusements, Inc., for Showcase Cinemas located on Loop Road at I-675. The request is for a ground sign to be located along the entrance to the cinemas, 180 square feet per face/360 square feet in total sign area and a height of 18 feet, 11 inches. The standards permit a sign area of 32 square feet per face/64 square feet in total sign area, and a sign height of 11 feet according to the setback being proposed in the application.

Mr. Schwab stated that an existing ground sign for the cinemas is the result of a variance granted by the Planning Commission when the master plan was reviewed for the Linclay Corporation for the entire shopping center property. That variance, transferred with the sale of the property, allowed a ground sign 25 feet high and 64 square feet per face/128 square feet in total sign area. The wall signage facing I-675, as well as the second ground sign along Loop Road, meets the standards in the Ordinance.

The proposed sign would be a marquee style sign for the 12 cinemas and would replace the conforming ground sign located along Loop Road.

Staff recommended that the variance application be denied. Mr. Schwab stated that the letter submitted with the application makes a case that their marketing surveys on other sites that have ground signs with marquees have shown that 40% of their business is due to people responding to marquee advertising. Loss in monetary value is not to be considered to justify the granting of a variance. Staff's conclusion was that the site already has been granted an additional ground sign that is larger than the standards in the ordinance permits by virtue of a variance. Based on these points, staff felt that the request was unreasonable.

Mr. Tate opened the public hearing.

Mr. Charles Atkins, attorney representing Showcase Cinemas, stated that what is important to their clients is to not only advertise the business location, but also what the product is at a particular time. He stated that patrons of the cinemas go to Showcase because of a particular movie and not just because it is Showcase Cinemas. Unlike other businesses, he stated that their menu of items changes every week and those available items must be displayed. He stated that the circumstances and conditions of a cinema make the situation unique, and are, therefore, not taking issue with the loss of monetary value in the general sense. Mr. Atkins stated that without the proposed sign, they are not making use of the property because customer attendance is lacking the amount that is projected to make a reasonable project viable.

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

Mrs. Simmons stated that at the time of the original review of the site plan for Showcase, members of the Planning Commission observed that no marquee was proposed for the facility. The person representing the project at that time, stated that no marquee was permitted if the other signage was constructed.

Mr. Tate stated that he did not object to the sign.

Mr. Looper stated he did object to the sign. He pointed out that the requested sign would be the largest sign to be approved by this particular Planning Commission. He added, too, that original approval was given to the project with the representatives of Showcase Cinemas stating that they would not be returning to the Planning Commission for any additional sign variances. Mr. Looper stated that the issue of the variance is economic, and under those terms of the Zoning Ordinance the Planning Commission is prohibited to grant the request.

Mr. Swartz asked why a condition was not placed on the purchase of the property for a sign variance to be obtained for the marquee at the time of site plan review.

Mr. Atkins stated that at that time, the feeling was to try to work within the standards of the Ordinance and give it a try without the marquee. He stated that over a period of time, they have found it is not working. Mr. Atkins stated that they felt their situation was unique because the location is somewhat isolated.

Mr. Swartz asked what the traffic counts were along Loop Road.

Mr. Hoffman stated that the counts along Loop Road were between 4,000 and 6,000 vehicles per day, and 35,000 to 40,000 vehicles per day in both directions along I-675. Along Alex-Bell Road in front of Cross Pointe Centre, the daily count is approximately 16,000 to 20,000.

Mr. Swartz stated that he objected to the size of the sign. He stated that the sign is attempting to attract 100,000 people, and a marquee for 4,000 vehicles per day is not going to accomplish that number. Mr. Swartz stated that people are going to have to find out about this cinema in other ways rather than on a marquee.

Mr. Hosfeld stated that many people think that what their projects do in another location is what should be done in Centerville, and if there is a marquee at every other location that is what is needed here. He suggested that the statistics be studied to determine what people in this area use as information to decide what they are going to do for entertainment. Mr. Hosfeld felt that the bigger sign is not the solution--that it will cost a lot of money and they will only perpetrate another sign war.

Mr. Chappell stated that he did have a concern as to the size of the sign, however, overall he felt that it has been proven to be a justifiable variance.

Mr. Tate suggested that the size of the sign be reduced.

Mr. Atkins stated that the sign could be decreased in vertical size by 2 feet because the upper portion of the sign is an identification sign. This reduction in sign area would amount to 40 square feet per side/80 square feet to sign area. He stated that the sign height could also be reduced to 8 feet from the ground to the bottom of the sign.

MOTION: Mr. Looper moved to deny the Variance application submitted by National Amusements, Inc., for Showcase Cinemas. Mr. Hosfeld seconded the motion. The motion was approved 4-3, with Mr. Tate, Mr. Chappell and Mrs. Simmons voting no.

Mr. Tate informed Mr. Atkins of his right to appeal the decision of the Planning Commission.

#### NEW BUSINESS

##### East Park Place - Record Plan

Mr. Schwab reviewed the Record Plan for East Park Place located along Centerville Station Road east of Forest Field Park. The zoning on the 6.796 acre parcel is R-1c, single-family residential. Eleven (11) lots are proposed for the development. Thoroughfare improvements along Centerville Station Road, as well as a fee-in-lieu of parkland dedication, will be required.

Staff recommended that the plan be approved subject to the following conditions:

1. In lieu of requiring an additional lane of pavement, sidewalks, curb, and storm sewers, Centerville Station Road shall be improved by the developer to the extent that provides safe ingress and egress, stormwater drainage and includes a temporary sidewalk. The design of these temporary improvements shall be subject to the approval by the City Engineer. The monetary difference between the full width improvement and the temporary improvements shall be placed in escrow with the City to be used for the future widening of Centerville Station Road.
2. Sidewalks shall be constructed on both sides of the new cul-de-sac street.
3. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.
4. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.
5. In lieu of completion of the required improvements prior to recording of the plat, a performance bond in an amount acceptable to the City Engineer shall be posted by the developer with the City of Centerville.
6. Prior to the signing of the record plat by the City, the developer shall pay a fee-in-lieu of parkland dedication in accordance with the provisions of City Ordinance 15-86, the City Parkland Dedication Ordinance.

There were no representatives of the developer present to review the record plan.

MOTION: Mr. Chappell moved to recommend approval of the Record Plan for East Park Place to Council subject to the following conditions:

1. In lieu of requiring an additional lane of pavement, sidewalks, curb, and storm sewers, Centerville Station Road shall be improved by the developer to the extent that provides safe ingress and egress, stormwater drainage and includes a temporary sidewalk. The design of these temporary improvements shall be subject to the approval by the City Engineer. The monetary difference between the full width improvement and the temporary improvements shall be placed in escrow with the City to be used for the future widening of Centerville Station Road.
2. Sidewalks shall be constructed on both sides of the new cul-de-sac street.

3. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.
4. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.
5. In lieu of completion of the required improvements prior to recording of the plat, a performance bond in an amount acceptable to the City Engineer shall be posted by the developer with the City of Centerville.
6. Prior to the signing of the record plat by the City, the developer shall pay a fee-in-lieu of parkland dedication in accordance with the provisions of City Ordinance 15-86, the City Parkland Dedication Ordinance.

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

#### Stone Lakes - Record Plan

Mr. Schwab reviewed the Record Plan for Stone Lakes located north of Whipp Road, south of Kings Row Avenue and east of Marshall Road. The zoning on the 23.648 acre parcel is R-1c, single-family residential. This plan has been submitted for the 48 lot development in accordance with the approved Special Approval application plan reviewed earlier this year. Road improvements will be necessary to Marshall Road for which monies will be required to be placed in escrow, and a fee-in-lieu of parkland dedication will be required as a part of this development. All streets within the development will private and gates at both entrances will be constructed. The center area of the development will be owned and maintained by a homeowners association which will include the retention ponds, lakes and landscaping, as well as other common land within the project.

Staff recommended to approve the plan subject to the following conditions:

1. A deed covenant shall be placed on the record plan pertaining to Lot #48 (the lot containing the historic limestone house) requiring specific approval by the City of Centerville for any alteration, addition, improvement, or demolition of the house. The wording of this covenant shall be subject to the approval of the City Law Director.
2. Stone Lake Drive shall be designated on the plan as a private street; Stone Lake Boulevard shall be eliminated as a separate private street name; and the plan shall be changed to clarify that the new Marshall Road right-of-way is the only additional public right-of-way being dedicated to the City.

3. In lieu of adding one (1) lane of pavement including curb, gutter, sidewalk, and stormwater drainage improvements, across the entire frontage along Marshall Road, the developer shall pay an amount approved by the City Engineer to the City to be used for the future widening of Marshall Road.
4. The developer shall enter into a subdivider's agreement with the City including a performance bond in an amount approved by the City Engineer to assure construction of the private streets.
5. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.
6. A stormwater drainage plan shall be approved by the City Engineer showing stormwater drainage calculations and incorporating retention and/or detention and erosion control during construction in accordance with the provisions of the City Stormwater Drainage Control Ordinance.
7. The final grading plans and stormwater drainage plans shall be approved by the City Engineering Department with particular emphasis on the design of the mound at the rear of the proposed lots abutting existing single-family lots.
8. Prior to the issuance of the City of any zoning or building permits for the development, the developer shall pay the fee-in-lieu of parkland dedication. The amount of the fee shall be determined in accordance with the provisions of City Ordinance 15-86, The City Parkland Dedication Ordinance.
9. The City Engineer shall approve the design of the gates across the private roadways. The design of the gates shall allow convenient emergency access by the fire and police departments and shall allow manual operation of the gates during a power failure.

Mr. Bob Archdeacon, Woolpert Consultants representing the developer, stated that he had reviewed the recommendations with staff and the only problem they foresee is the change of the angle of the northern proposed addition to be at right angles to the existing stone house.

Mr. Schwab stated that staff had been reviewing some plans submitted for the alteration of this stone house with members of the Historical Society. Their concern is that the house maintain an historic character and therefore, the proposed addition to the north side of the house should be at a right angle to the existing stone structure.

Mr. Vic Green, associate partner of the development, stated that they are preserving the authentic portion of the house, but they also have to view the marketability of the house. Mr. Green stated that it would be very difficult to redesign the proposed northern addition to the stone house and still provide proper access to the garage spaces from the driveway.

The members of Planning Commission felt that there is not a problem with the proposed angle of the addition to the northern side of the stone house.

MOTION: Mrs. Simmons moved to recommend approval of the Record Plan for Stone Lakes to Council subject to the following conditions:

1. A deed covenant shall be placed on the record plan pertaining to Lot #48 (the lot containing the historic limestone house) requiring specific approval by the City of Centerville for any alteration, addition, improvement, or demolition of the house. The wording of this covenant shall be subject to the approval of the City Law Director.

The Planning Commission indicated that the proposed addition to the stone house is acceptable without changing the northern addition angle to a right angle.

2. Stone Lake Drive shall be designated on the plan as a private street; Stone Lake Boulevard shall be eliminated as a separate private street name; and the plan shall be changed to clarify that the new Marshall Road right-of-way is the only additional public right-of-way being dedicated to the City.
3. In lieu of adding one (1) lane of pavement including curb, gutter, sidewalk, and stormwater drainage improvements, across the entire frontage along Marshall Road, the developer shall pay an amount approved by the City Engineer to the City to be used for the future widening of Marshall Road.
4. The developer shall enter into a subdivider's agreement with the City including a performance bond in an amount approved by the City Engineer to assure construction of the private streets.
5. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.
6. A stormwater drainage plan shall be approved by the City Engineer showing stormwater drainage calculations and incorporating retention and/or detention and erosion control during construction in accordance with the provisions of the City Stormwater Drainage Control Ordinance.

7. The final grading plans and stormwater drainage plans shall be approved by the City Engineering Department with particular emphasis on the design of the mound at the rear of the proposed lots abutting existing single-family lots.
8. Prior to the issuance of the City of any zoning or building permits for the development, the developer shall pay the fee-in-lieu of parkland dedication. The amount of the fee shall be determined in accordance with the provisions of City Ordinance 15-86, The City Parkland Dedication Ordinance.
9. The City Engineer shall approve the design of the gates across the private roadways. The design of the gates shall allow convenient emergency access by the fire and police departments and shall allow manual operation of the gates during a power failure.

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

Cedar Cove, Section 2 - Record Plan

Mr. Schwab reviewed the Record Plan for Cedar Cove, Section 2, located north of Norwich Lane and east of Clyo Road. This plan is in accordance with the Major Use application previously approved earlier this year. This particular section of the development extends from Norwich Lane to Section 1 of Cedar Cove currently under construction. Norwich Lane will be a public street, 60 feet in width with sidewalks to be constructed along both sides. The interior streets will all be private streets throughout the project.

Staff recommended the plan be approved subject to the following condition:

1. In lieu of the completion of the public improvements prior to the signing by the City of the Record Plan, the developer shall post a performance bond and shall pay an inspection fee in amounts approved by the City Engineer and shall enter into a subdivider's agreement with the City.

Mr. Bob Archdeacon, Woolpert Consultants representing the developer, was present to review the project. He stated that the developer had no objections to the staff recommendation.

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MOTION: Mr. Foland moved to recommend approval of Cedar Cove, Section 2, to Council subject to the following condition:

1. In lieu of the completion of the public improvements prior to the signing by the City of the Record Plan, the developer shall post a performance bond and shall pay an inspection fee in amounts approved by the City Engineer and shall enter into a subdivider's agreement with the City.

Mrs. Simmons seconded the motion. The motion was approved unanimously 7-0.

There being no further business, the meeting was adjourned.

A handwritten signature in cursive script, appearing to read "Bruce Tate", is written in the lower right portion of the page.

