

**CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, November 8, 1988**

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

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

Approval of the minutes of the October 11, 1988, Meeting:

MOTION: Mrs. Simmons moved to approve the Planning Commission minutes of October 11, 1988, as written. Mr. Looper seconded the motion. The motion was approved unanimously 4-0.

Approval of the minutes of the October 25, 1988, Meeting:

MOTION: Mr. Looper moved to approve the Planning Commission minutes of October 25, 1988, as written. Mr. Foland seconded the motion. The motion was approved 3-0-1 with Mrs. Simmons abstaining.

COMMUNICATIONS

Linclay Corporation - Approval of Sign Design/Colors

Mr. Schwab reviewed the request by the Linclay Corporation for approval of the design and colors of the signs to be placed on the rear of Cross Pointe Centre located on the northeast corner of SR 48 and Alex-Bell Road (SR 725). This request is a result of the conditions placed on the variance approved by the Planning Commission for signage and a painting treatment for the back of the shopping center structure facing I-675. The sign will be constructed of individual blue plastic letters with white neon bulbs behind them. The sign area will not exceed the 70 square feet approved during the review of the variance application.

MOTION: Mr. Foland moved to approve the sign design and colors for the rear wall treatment as submitted by the Linclay Corporation for Cross Pointe Centre located on the northeast corner of SR 48 and Alex-Bell Road (SR 725). Mrs. Simmons seconded the motion. The motion was approved unanimously 4-0.

Thomas Harrigan Chrysler/Plymouth - Reconsideration of Sign Variance

This item is to remain on the table until the next meeting.

Mr. Chappell arrived at this time.

PUBLIC HEARINGS

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.

Mr. Schwab explained that the Zoning Task Force had been asked by City Council to review the Zoning Ordinance after that Ordinance had been in effect approximately one (1) year to determine if any changes should be considered to the document. As a result of that review, the Zoning Task Force has recommended that several amendments be considered to the Zoning Ordinance. City Council drafted the legislation in ordinance form to be reviewed and considered by the Planning Commission and, therefore, this is the subject of this public hearing.

The following items list the ten (10) proposed subjects of change:

1. Proposed Minimum Side and Rear Yard Building Setbacks for the Multi-Family and Non-Residential Zoning Districts.
2. Proposed Front and Side Yard Building Setbacks and Building Height Requirements in the APD.
3. Proposed Location of Playgrounds for a Compulsory School or a School: Kindergarten, Day Care or Nursery.
4. Proposed Antenna or Tower Requirements.
5. Proposed Sidewalk Requirement Changes for Multi-Family or Non-Residential Uses.
6. Proposed Home Occupation Changes to the Zoning Ordinance.
7. Proposed Amendment to the Supplement Requirements Section Establishing Architectural Standards for Non-Residential Zoned Properties.
8. Parking or Storage of Vehicles on Residential Property Including Recreational Vehicles.
9. Proposed Parking Requirements and Access Control Changes to the City Zoning Ordinance.
10. Proposed Changes to the Sign Section of the Zoning Ordinance.

Mr. Schwab stated that probably the most controversial subject is that of regulating the parking of recreational vehicles (RV's) on residential property. The Ordinance being considered would allow front yard parking of a licensable, self-propelled recreational vehicle which would not exceed 8 feet in width, 8 feet in height, and 20 feet in length (approximately the size of a van). Parking of an RV would be permitted in a side and rear yard provided it is not parked with the minimum setback requirements. In these side and rear yard areas, only one (1) area can be used to park vehicles. That area can be no larger than 8 feet wide, 12 feet in height, and 25 feet in length. There is an exemption provided for visitors to park a nonconforming RV for 7 days out of a 6 month period. This particular section of the Ordinance has a provision contained in it which allows the Ordinance to not become effective until 180 days after it would be passed by Council.

A maximum of one (1) commercial vehicle is permitted to be parked in the front yard only as long as it does not exceed the maximum size requirement.

Antenna heights are proposed to be limited to a 50 foot height in a residential, agricultural and the Architectural Preservation District (APD). Office and business districts will be limited to a 110 foot height with an additional requirement that the antenna base maintain a setback of at least 110% of the tower height from any property line. Industrial zoning districts will have the same restrictions as that of the office and business districts; however, the antenna height cannot exceed 150 feet. Construction of an antenna will require approval of a Conditional Use by City Council. Industrial zones will have the same restrictions as office and business zones with a maximum height of 150 feet.

Building heights of 35 feet for multi-family, office, commercial or industrial buildings adjacent to single-family residential zoning, are proposed to require a building setback of 50 feet. Most of these zoning districts have limit of 45 feet in building height. An additional 5 feet of setback will be required for each additional foot of building height above 35 feet.

In the case of day care centers, playgrounds would not be permitted to be located in the front yard of these properties.

Proposed changes to the home occupation section in residential districts would restrict the number of outside employees to one (1) and provide a 25% maximum of total floor area coverage for the area of the residence devoted to the home occupation not to exceed 500 square feet in area. The home occupation would have to be conducted entirely in the main building on the property and not in an accessory building or in the garage area of the home.

Delivery of goods to the property by a vehicle larger than a step van would be limited to one (1) delivery per week. The hours of operation would also be limited to 7:00 AM to 9:00 PM. Visitors to the business would be limited to two (2) persons outside the regular hours of operation by specific appointment. Many of the uses permitted and not permitted are listed specifically in the revised Ordinance.

The parking requirements for single-family, two-family and townhouses will be a minimum of a 2-car garage provided on the property with 2 parking apron spaces in front of each garage that would accommodate 2 parking spaces outside of the public right-of-way. One (1) additional guest parking space will be required that can be either on-site or in front of that residence if a public street is present. Condominiums and garden apartments will require 1.5 parking spaces for efficiency units, 1.75 spaces for one (1) bedroom units, 2 spaces for 2 bedroom units, and 3 spaces for 3 bedroom units. Office space will require one (1) space per 250 square feet of gross floor area; 5.5 spaces per 1,000 square feet of gross floor area for retail use; 2 spaces per 1,000 square feet of gross floor area for manufacturing use and one (1) space per 1,000 square feet of gross floor area for warehousing in an industrial zone.

The most significant change in the standards for signs would be relating to ground signs. The current setback requirement is 25 feet from the right-of-way line. The proposal is to reduce that setback to 10 feet or 1/2 the distance, whichever is less. Temporary signs for noncommercial events would not be permitted to be erected more than 30 days prior to that event. Signage in multi-family projects are proposed to allow the sign area to be split and each sign face could be placed on the walls on either side of the entrance.

A sidewalk requirement would be modified that only when a first principle building is constructed on a vacant piece of ground would those sidewalks be required for multi-family, business and industrial properties.

Side yard setbacks in the APD would be changed to be the average of the buildings on either side of the building in question rather than the average of the buildings on the entire block. Side yards will be required to be 10 feet and rear yards will be 50 feet rather than using the averaging formulas. Height limitations have been added that specifically restrict 1-story buildings to 20 feet, 1-1/2-story buildings to 26 feet, and 2-story buildings to 32 feet.

Those items being the major issues of revision to the Zoning Ordinance, Mr. Tate opened the public hearing for discussion and comment.

Mr. Herbert Leach, 7630 Bigger Road, was present to object to the restrictions proposed to be placed on the parking of recreational vehicles on residential property. He stated that he voiced his opposition during the last public hearing sessions regarding this same issue and felt that it would not resurface again. However, it has again become an issue in the Ordinance revisions and he has, therefore, begun distributing petitions against these restrictions to be filed at a later date. He also voiced his concern as to the inadequate notice given to the residents of this public hearing. Mr. Leach stated that as an owner of a 25 foot motor home, his particular property would not allow his RV to be parked at any location other than in his 45 foot driveway.

Mr. Jim Hussey, 77 Peachgrove, stated that he has served on the City Beautiful Commission and has observed a few abuses of RV's parked in a manner that would be offensive, but has also observed some beautifully kept properties that also house RV's. He stated that it seems we are suggesting to senior citizen age people that if you can afford an RV, you can afford to pay storage on it. Mr. Hussey stated that they have earned a right to have their toys.

Mr. Tom Holmes, 911 Shortcreek Circle and President of the Amateur Ham Radio Association, spoke against the tower height restrictions in a residential district. He stated that he and members of his association would be willing to work with the City to determine restrictions for tower heights that would be reasonable and beneficial to the interests of all parties. Mr. Holmes stated that ham operators assist many law enforcement agencies in different situations and would be ineffective in that way as well as in that of their hobby.

Mr. Mike Suhar, 1108 E. Whipp Road and President of the Miami Valley FM Association, submitted a letter and example ordinances limiting tower heights. He stated that the proposed Ordinance does not take into consideration the adverse impact of the reduced tower heights of amateur radio operation. There are many technical reasons where this limitation is not practical and in some cases can cause more harm than good. He stated that they do understand that some control is required and some towers may not be appropriate in some locations.

Dr. Walter Reiling, Centerville Amateur Radio Association, stated that he would support proper installation and inspection of towers.

Mrs. Peterman, 182 Hibiscus Court, supported the section of the Ordinance regulating recreational vehicles. She stated that any real estate agent will tell you that property values are affected on the basis of the presence of lack of presence of recreational

vehicles in the surrounding area. She stated that Centerville is one of a few area communities that do not regulate RV's in any way. Mrs. Peterman stated that Centerville stresses their open space, and RV's certainly do nothing to promote that concept.

Mr. Tom Wheeler, 476 Shirley Ann Drive, stated that there is currently a large RV in their neighborhood that blocks the view and encroaches the view on the sidewalk and the street. He stated further that this particular RV is also being used for a business which many of the neighbors find unacceptable. He stated that in contacting the City, there is basically nothing that can be done due to the lack of proper ordinances.

Mr. Bill Newell, 10245 Virginia Lee Drive, asked that the Planning Commission withhold their approval in order to allow the amateur radio hobbyists to work together with the City to assist in regulating tower heights in a fair way.

Mr. Louis Garrett, 7951 Overbrooke Road, stated that a published article in Motor Home Magazine offers assistance to motor home owners to overcome ordinances of this type. He cited the Euclid Suit in 1985 which was determined unconstitutional since it was based on aesthetics.

Mr. David Lambert, 1450 Bimni Drive, stated that he felt that the citizens against RV's would find side yard parking just as objectionable as front yard parking. Mr. Lambert supported home occupation for small businesses, stating that this use can be accomplished without disruption to the neighborhoods.

Mr. Rich Huddleston, 7970 South Oak Court, stated that by adopting the restrictions as proposed, this would essentially restrict the parking of RV's on any lot located on a cul-de-sac.

Mr. Joe Bailey, 7400 Pine Frost, stated that it seems that a very few residents are trying to regulate the rights of many residents.

The resident of 7678 E. Von Dette, agreed that a few residents are trying to regulate the rights of many and asked how many complaints had been received against RV's.

The Planning Commission indicated that they had no way of knowing how many complaints have been received by the City, but are strictly responding to the letters received as well as the public hearing input concerning these proposed amendments.

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

Mrs. Simmons suggested that a work session be scheduled concerning all the amendments proposed since the members of Planning Commission had many questions and comments concerning many of the proposed issues.

MOTION: Mr. Foland moved to table the Ordinance Amending Ordinance Number 11-86 for further review. Mrs. Simmons seconded the motion. The motion was approved 4-1, with Mr. Looper voting no.

Bob Ross Buick, Inc. - Variance to Waive Sidewalk Requirement

Mr. Schwab reviewed the request by Bob Ross Buick, Inc., 1 Loop Road, to waive the sidewalk requirement along the east side of SR 48 from Loop Road south to I-675. The Federal and State government bodies would be required to approve the construction of this sidewalk since the sidewalk would be located within the State right-of-way. Mr. Schwab stated that this variance is being requested as a result of a requirement by ordinance of sidewalk in accordance with the expansion of the car dealership previously approved on a Planning Commission Special Approval application.

Staff recommended that the variance request be denied based on the ordinance clearly requiring the sidewalk although there is a technicality in the State owning the right-of-way which would require their approval for construction.

Mr. Tate opened the public hearing.

Mr. Paul Striebel, representing Bob Ross Buick, Inc., stated that a unique situation exists due to the location of I-675 in relationship to the location of the car dealership. He stated that by providing a sidewalk along SR 48, his client feels that he would be contributing to a hazardous situation. Mr. Striebel stated that his client would not object to the sidewalk requirement if the State would provide a sidewalk with guardrails across the bridge area where it then becomes safe for pedestrian traffic. He stressed that their project should not be delayed by State approval being sought for the construction of the sidewalk.

Mr. Tate asked how the project would be delayed.

Mr. Striebel stated that his client would simply not be able to afford to construct the project if the sidewalks were required due to it being cost restrictive.

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

November 8, 1988

PC

Page 8

MOTION: Mrs. Simmons moved to deny the Variance application submitted by Bob Ross Buick, Inc., 1 Loop Road, to Waive the Sidewalk Requirement along the east side of SR 48 from Loop Road to I-675. Mr. Looper seconded the motion. The motion was approved unanimously 5-0.

Mr. Chappell stated that although he voted in favor of the sidewalk as provided in the Ordinance, he opposed this location for sidewalk based on the hazard to pedestrian traffic.

Mr. Foland agreed with the comments of Mr. Chappell and suggested, further, that pedestrian traffic be restricted in that particular location.

There being no further business, the meeting was adjourned.

