

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, March 29, 1988

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

Attendance: Mr. Elmer C. Tate, Jr., Chairman; Mr. Robert Looper; Mrs. Marian Simmons; Mr. Stanley Swartz; Mr. Robert Chappell; Mr. Robert Hosfeld. Absent: Mr. Arthur Foland. Also present: Mr. Alan C. Schwab, City Planner; Mr. Steve Feverston, Assistant City Planner; Mr. Robert Berner, Legal Counsel.

Approval of the minutes of the March 8, 1988, Meeting:

MOTION: Mr. Swartz moved to approve the Planning Commission minutes of March 8, 1988, as written. Mrs. Simmons seconded the motion. The motion was approved unanimously 5-0-1 with Mr. Hosfeld abstaining.

COMMUNICATIONS

Franklin Street Baptist Church - Temporary Banner

Mr. Schwab explained that a request had been received by the City to display a banner across West Franklin Street in the vicinity of Magsig School from the Franklin Street Baptist Church for the purpose of announcing a crusade event sponsored by the church. The banner would be in that location from April 21, through May 5, 1988.

Mr. Schwab stated that the Sign Ordinance does not permit signs in the public right-of-way with the exception of traffic control signs. After the adoption of the new Sign Ordinance, the Board of Architectural Review (BAR) had on a case-by-case basis approved banners across the public right-of-way for various community events. The Fire Department installed these banners after approval in most cases. Because the number of requests for banners have increased and create a scheduling problem, as well as questions about the content of the information on the banner being appropriate community events, the BAR became increasingly uncomfortable with their role in approving these banners. As a result of the BAR's feeling that some type of policy should be adopted in order to give them some guidelines for considering such banners, Council considered prohibiting them completely or to develop some type of method to allow the previously approved banners to be permitted. Council directed staff to create a policy to allow the community event banners previously used in the four (4) locations along North and South Main Street and East and West Franklin Street, and gave staff the authority to approve those banners. Staff developed a policy with one of the conditions being that only noncommercial banners would be permitted without detailing the meaning of commercial versus noncommercial.

The zoning inspector, in reviewing the request by the Franklin Street Baptist Church, felt that he could not make a determination as to whether the banner was commercial or noncommercial. The request was, therefore, referred to the BAR. The BAR considered the request and determined that the decision should ultimately be made by the Council, however, the procedural process was to send the issue first to the Planning Commission.

Mr. Everett Profitt, representing the church, stated that their request was made for the banner placement to allow more visibility of their church announcement than would a temporary sign on their church property. He stated that their intention is not to prohibit any of the other groups from seeking approval for their previously approved banners.

Mrs. Dottie Hicks, representing the church, stated that she felt that the feeling of the community-minded spirit was expressed with the banners announcing upcoming events.

Mr. Looper stated that the problem is that the Sign Ordinance prohibits signs in the public right-of-way. As a policy, community event banners have been permitted, but with an issue such as this one, all banners would have to be prohibited in order to not discriminate against any one group. Specifically, with this particular request, Mr. Looper questioned the division between church and state.

Mr. Hosfeld stated that he felt that the way the Ordinance is written, the banners should not be permitted. However, he expressed interest in amending the Ordinance to allow the banners to promote community events which gives the City its culture.

Mr. Schwab stated that where cities get into problems is not necessarily as a result of their following local regulations, it is a problem of those regulations being unconstitutional.

Mr. Tate asked how many banners have been denied approval.

Mr. Feverston stated that in the last several years, no banner has been denied approval.

Mr. Tate stated that being the case, the Planning Commission had no choice but to approve the request. He stated further that Council should be asked to give some definition as to what to do with the Ordinance.

Mr. Looper stated that he felt that issuing approval on this request is just making the problem more complicated. He stated that this request is technically a variance request and the proper procedure should be followed.

MOTION: Mr. Looper moved to deny the request by Franklin Street Baptist Church for a banner, with a further recommendation to Council that they review the Sign Ordinance pertaining to banners and clarify their position on the subject. Mr. Swartz seconded the motion. The motion was denied 2-4, with Mrs. Simmons, Mr. Tate, Mr. Chappell and Mr. Hosfeld voting no.

Mr. Berner stated that looking further into this request is the issue of the division between church and state. He indicated that looking beyond the sign restrictions, the church and state issue is a potential problem that should be researched.

MOTION: Mr. Hosfeld moved to approve the request by Franklin Street Baptist Church for a banner to be located along West Franklin Street from April 21, through May 5, 1988. A recommendation is made to Council that they review the Sign Ordinance pertaining to banners and clarify their position on the subject. Mrs. Simmons seconded the motion. The motion was approved 4-2 with Mr. Looper and Mr. Swartz voting no.

PUBLIC HEARINGS

Robert L. Seeley, "Tr." - Major Use Special Approval

Mr. Schwab stated that the applicant had requested to table the application in order to give the applicant additional time to satisfy some of the staff recommendations prior to the hearing.

Mr. Tate opened the public hearing. There being no speakers, Mr. Tate closed the public hearing which will be continued at the April 12, 1988, Planning Commission meeting.

MOTION: Mr. Chappell moved to table the Major Use Special Approval application submitted by Robert L. Seeley, "Tr.", until the April 12, 1988, meeting at which time the public hearing is to be continued. Mrs. Simmons seconded the motion. The motion was approved unanimously 6-0.

UNFINISHED BUSINESS

Chardonnay Valley - Record Plan

Mr. Leonard Snell, representing Chardonnay Valley, requested that the Record Plan should remain on the table.

NEW BUSINESSCheltenham - Record Plan

Mr. Schwab reviewed the record plan for Cheltenham located north of Alex-Bell Road (SR 725) and Pelbrook Farm Drive. The zoning on the 24.28 acre parcel is R-1c which will be divided into 40 single-family lots. A fee-in-lieu of parkland dedication is required as a part of this record plan.

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

1. The intersection of Montpelier Boulevard and Nottingham Boulevard shall be realigned to a right-angle intersection with a design approved by the City Engineer.
2. Alex-Bell Road shall be widened by the developer to include a left-turn lane into the development. The design of this improvement shall be subject to approval by the Engineering Department.
3. A left-turn lane shall be constructed on Nottingham Boulevard at the intersection of Alex-Bell Road with the design subject to the approval by the Engineering Department.
4. A temporary sidewalk shall be constructed on the north side of Alex-Bell Road across the frontage of the development.
5. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.
6. Street names shall be subject to approval by the Planning Department.
7. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.
8. An easement shall be required to the retention basin to allow emergency access by the City.
9. 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.
10. 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. Bob Archdeacon, Mr. Dennis Davin and Mr. Rex Kearns, representing Ryan Homes, were present to review the Cheltenham project.

Mr. Archdeacon considered each of the staff recommendations. He was basically in agreement with those recommendations with the exception of the entrance to the project being limited to 50 feet as recommended by the Engineering Department. He stated that in order to make a more attractive boulevard area, it needs to be widened to 58 feet from back of curb to back of curb. The landscaped area itself will be 20 feet of that overall area.

Mr. Dennis Davin stated that they feel that the 20 feet width is necessary in order to create the type of entrance they need for their community. This added 6 feet area would allow them to have a more extensive landscape design. Mr. Davin stated that concerning the tapers along Alex-Bell Road, they should not create a major obstacle; however, he requested that staff be reasonable in their determination as to the length of the tapers that will be required.

Mr. Looper stated that the covenants are very restrictive and inquired as to whether the developer will enforce those items.

Mr. Davin stated that the covenants will be strictly enforced. He indicated that the community will not be a total Ryan home community, building materials will not include the use of aluminum or vinyl siding, no accessory buildings will be permitted, etc.

MOTION: Mrs. Simmons moved to recommend approval of the record plan for Cheltenham subject to the following conditions:

1. The intersection of Montpelier Boulevard and Nottingham Boulevard shall be realigned to a right-angle intersection with a design approved by the City Engineer.
2. Alex-Bell Road shall be widened by the developer to include a left-turn lane into the development. The design of this improvement shall be subject to approval by the Engineering Department.
3. A left-turn lane shall be constructed on Nottingham Boulevard at the intersection of Alex-Bell Road. The design of the boulevard shall be limited to a total width of 58 feet from back of curb to back of curb.
4. A temporary sidewalk shall be constructed on the north side of Alex-Bell Road across the frontage of the development.
5. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.

6. Street names shall be subject to approval by the Planning Department.
7. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.
8. An easement shall be required to the retention basin to allow emergency access by the City.
9. 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.
10. 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. Hosfeld seconded the motion. The motion was approved unanimously 6-0.

There being no further business, the meeting was adjourned.

A handwritten signature in cursive script, appearing to read "Elmer [unclear]", is written in the lower right portion of the page.