

CENTERVILLE PLANNING COMMISSION  
REGULAR MEETING  
Tuesday, March 31, 1987

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. Absent: Mr. Robert Chappell; Mr. David Hall; Mr. Robert Hosfeld. Also present: Mr. Alan C. Schwab, City Planner; Mr. Karl M. Schab, City Engineer; Mr. Steve Feverston, Planner.

Approval of the minutes of the March 10, 1987, Meeting:

MOTION: Mrs. Simmons moved to approve the Planning Commission minutes of March 10, 1987, as written. Mr. Looper seconded the motion. The motion was approved 3-0-1, with Mr. Swartz abstaining.

COMMUNICATIONS

Home Builders Association - Temporary Signs

Mr. Schwab reviewed the request from the Home Builders Association for temporary signs to be placed within the public right-of-way throughout the City for the purpose of directing the public to the site of the 1987 Homearama. The location of Homearama this year will be the Deer Run Condominium site along the west side of Clyo Road south of Alex-Bell Road. The signs should be in place for the exhibit from June 12, 1987, through June 28, 1987, and will be removed promptly June 29, 1987.

Mr. Jacque Sheley, Executive Director of the Home Builders Association, was present to discuss the request.

MOTION: Mr. Looper moved to approve the temporary signs for the purpose of directing the public to the Homearama site from June 12, 1987, through June 29, 1987. Mrs. Simmons seconded the motion. The motion was approved unanimously 4-0.

PUBLIC HEARINGS

Epiphany Lutheran Church - Variance of Parking Lot Setback Requirement

Mr. Schwab reviewed the request by Epiphany Lutheran Church located at 6430 Far Hills Avenue for a variance of a parking lot setback requirement. The required setback for a parking lot from the property line is 100 feet. The requested variance, if approved, would allow an 8 foot setback for the parking lot located along the north property line abutting the Villager Apartment complex. Mr. Schwab explained that the Church did obtain approval, prior to the effective date of the current

Zoning Ordinance, for the parking lot area to expand and maintain a 25 foot setback which was the requirement standard at that time of application. The entire surface is proposed to be a paved area.

Staff recommended the variance request be denied based on the following analysis:

1. The existing parking lot is currently setback 64 feet from the north property line adjoining the Villager Apartments.
2. An addition to the existing parking lot was approved and a zoning certificate was issued by the Department of Development to extend the parking lot to within 28 feet of the north property line. This approval was granted under the old Zoning Ordinance which required a parking setback of 25 feet for a church use.
3. The intent of the provision of the new Zoning Ordinance is to establish a buffer to provide a separation that reduces the impact of a parking lot or driveway of a non-residential use to a residential use.

Mr. Tate opened the public hearing.

Mr. Larry Hobbs, Pastor of the Church, stated that the Church is trying to direct traffic generated from SR 48 to use their access on Espanola Trail by placing additional parking along the north property line. He explained that vehicular traffic, in trying to avoid traffic on SR 48, cuts through the Church lot and would interfere with the outdoor activities on the south portion of the parking lot. This is the reason for placing development emphasis along the north property line. Mr. Hobbs stated that screening is proposed to be planted along the parking area abutting the Villager Apartments in order to maintain the division of uses.

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

Mr. Looper stated that based on discussions with Council, Planning Commission, and the Board of Architectural Review during review of the Zoning Ordinance, he felt that those standards for setback should be maintained. He pointed out that the setback approved for the 25 foot setback before the current Zoning Ordinance was adopted, was nonconforming. He felt that approval of this application would be a further erosion of those new standards.

Mr. Swartz stated that he did not feel that the request was unacceptable as long as the screening would provide a buffer between the Church and the residential use.

MOTION: Mr. Swartz moved to approve the variance application submitted by Epiphany Lutheran Church to allow a 8 foot parking lot setback along the north property line subject to appropriate screening be planted and maintained along the north property line in the area of the parking lot. Mrs. Simmons seconded the motion. The motion was approved 3-1 with Mr. Looper voting no.

Joan F. Williams - Sign Variance

Mr. Schwab reviewed the sign variance application submitted by Joan F. Williams for the property located at 7623 Clyo Road. The required setback from the public right-of-way is 19 feet and the applicant is requesting a 3 foot setback. There is currently a sign located on the mailbox which is in violation and therefore, resulted in this variance application. The applicant intends to locate a new sign behind the sidewalk area.

Staff recommended that the variance application be approved based on the following analysis:

1. The property is zoned I-1 and fronts on Clyo Road.
2. The ground sign would be hidden by vegetation in the front yard of the parcel and directly under a deciduous tree if located at the minimum setback line.

Mr. Schwab stated further that the widening of Clyo Road several years ago took ten (10) feet off the front yard area and, therefore, created a problem with sign setback.

Mr. Tate opened the public hearing.

Mr. Alan Williams, son of the applicant and occupant of the business located on the parcel in question, stated that he would like to have a sign that could be seen from Clyo Road before passing his business. He stated he intended to have a new sign constructed which would meet size requirements of the sign ordinance.

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

Mr. Swartz inquired as to whether a size limit could be placed on the approval of the setback variance.

Mr. Schwab stated that any reasonable condition can be placed on a variance approval.

Mr. Looper stated that in viewing the site prior to the meeting, he felt that a variance was warranted.

MOTION: Mr. Looper moved to approve the Sign Variance submitted by Joan F. Williams to allow a 3 foot setback for the sign to be located at 7623 Clys Road. Mrs. Simmons seconded the motion. The motion was approved unanimously 4-0.

#### NEW BUSINESS

##### Cellular One - Planning Commission Special Approval

Mr. Schwab reviewed the application submitted by Cellular One for the purpose of constructing a 290 foot telephone radio communications antenna at 1690 Thomas Paine Parkway. The location for the antenna is on the existing Stuttgart Automotive property on the rear portion of the site. The proposed antenna is a permitted use on the I-1 zoned 1.711 acre parcel of which only .23 acres (100 feet by 100 feet) will be leased for the antenna site. In review of this application, Mr. Schwab stated that the concern of the City staff is the height of the tower in relationship to the size of the lot, as well as its affect on surrounding businesses and residences. A 7 foot high chain link fence is proposed without barbed wire to surround the entire antenna site. The exterior colors of the support tower would be painted with alternating bands of red and white, and would display a flashing red light on top of the tower per requirements of the FAA. Emergency power sources would be located within the equipment building on the site.

Mr. Schwab reviewed the height and transmitter frequency power level of other antennas in the Dayton area.

Staff recommendation was to deny the application based on the following analysis:

1. Height of Tower in Relationship to Lot Size  
Given the tall height of the antenna support tower, the small size of the lot, and the proximity of the antenna tower to existing industrial buildings and vacant developable land, the application does not demonstrate to the satisfaction of staff that debris resulting from failure of the antenna tower, whatever the cause, could reasonably be expected to be contained within the proposed lot.
2. Negative Effect on WHIO-AM Radio Station Night Broadcast Directional Antennas

The WHIO-AM radio station engineers expressed great concern that the height and position of the proposed antenna tower would interfere with the night-time directional broadcast pattern of the WHIO-AM radio towers located on East David Road. The Federal Communications Commission has a general policy that the construction of any new antenna within two (2) miles of an AM station directional antenna array must not cause a change in the authorized operating parameters of

the AM station. The proposed antenna tower is approximately 1.74 miles south of the WHIO-AM antennas.

Mr. Schwab stated that he had discussed the proposed antenna application with other radio engineers who maintain similar height self-supporting antennas in the Dayton area. Several of these radio engineers expressed concern about the height of the proposed radio antenna in relationship to the lot size.

Mr. Schwab stated that the second staff recommendation of potential interference with WHIO-AM was a problem that is under the authority of the FCC to regulate, rather than the City of Centerville.

Mr. Craig Jarvis, applicant for Cellular One, stated they have 8 sites serving the greater Dayton area. This particular site will take some of the traffic from those other sites. He stated that they have prepared their application and proposed plans totally within the City requirements and standards, down to the sidewalk along Thomas Paine Parkway, increased setback requirements, no installation of barbed wire on the fencing, and asphalt driveway to serve the site.

Mr. Skip Brooks, Vice President of Cellular One, stated that the design of the tower structure is such that should failure occur, the top third of the structure would fold over against the remaining structure and would, therefore, contain itself on the proposed lot.

Mr. John Carlisle, Broadcast Engineer for Cellular One, stated that the design of the antenna is such that it will withstand 100 mph up to 130 mph winds. Also, the design of the antenna to fold down upon itself should failure occur lends itself to placement of the antenna on a small site. He stated that they will work with WHIO to take measurements before and after the construction of the antenna and if necessary detune the Cellular One antenna so that is electrically disappears to WHIO's antennas.

Mr. Brooks stated that the site locations are critical in their placement in order to serve the entire area. He stated each location is under 24 hour surveillance at their main offices

Mr. Swartz stated that the height of the structure was a problem and further, he was sympathetic to the concerns of the people living in the area.

Mr. Doug Larkin, President of the Thomas Paine Homeowners' Association, stated that his Association recommended disapproval of the application based on the structure's affect on safety, property values and reception of other signals servicing the area.

Mr. Thomas Martin, Attorney representing the adjacent property owner directly east of the site, stated that his client's concern was the affect the antenna would have on his business. Mr. Martin explained that the business is a computer software product business. He stated that the building contains very expensive equipment and, in contacting the manufacturer of this equipment, the feeling is that the signal from the proposed antenna will interfere with the computer machinery. Mr. Martin stated that a different type of equipment could be purchased should interference occur; however, if that equipment should also fail, his client will not only be out of business, but will also have a great deal of money tied up in equipment that is of no use.

Mr. Martin asked the representatives of Cellular One if they were prepared to post a bond should his client's business be damaged due to problems created by the existence of the proposed antenna.

Mr. Brooks stated that they would be prepared to post such a bond provided the bond were prepared and administered by a third neutral party in accordance with terms agreeable to both parties.

A resident from the Thomas Paine Condominium subdivision stated that he was concerned with the aesthetics of the antenna. He stated no amount of screening could hide a 290 foot tower.

Another resident from the Thomas Paine Condominium subdivision stated that she thought the antenna was too high--it is double the size of the one located at Dorothy Lane and South Dixie Drive in Kettering.

Mr. Looper stated that, as with the case of Storage Inns of America located directly west of the proposed Cellular One site, he felt the site would be overdeveloped should the antenna be constructed.

Mr. Brooks stated they have some sites smaller than the one proposed for this particular site. He stated that because of the nature of this unmanned project, the proposed site is more than adequate in size.

MOTION: Mr. Looper moved to deny the Planning Commission Special Approval application submitted by Cellular One. Mr. Swartz seconded the motion. The motion was approved unanimously 4-0.

#### Whipp Road Plat - Record Plan

Mr. Schwab reviewed the Record Plan for Whipp Road Plat located on Whipp Road between Overbrooke Road and Wilmington Pike. The zoning on the 3.13 acre parcel is zoned R-3 and B-2, and proposed 2 lots in this particular plan. Thoroughfare improvements will include the relocation of Whipp Road to intersect with Feedwire Road at Wilmington Pike. The construction of Whipp Road will provide a 5-lane profile and will reconstruct old Whipp Road as a

cul-de-sac. Signalization will be added to the intersection of Whipp Road at Wilmington Pike and should reduce the traffic congestion in that area which is increased with the opening of I-675.

Mr. Schab stated that the surrounding communities are meeting regularly in order to make the widening of Wilmington Pike from Brown Road south to Alex-Bell Road a funded project as soon as possible.

MOTION: Mrs. Simmons moved to approve the Record Plan for Whipp Road Plat as submitted. Mr. Looper seconded the motion. The motion was approved unanimously 4-0.

Centerville Business Park - Modification to a Major Use Special Approval

Mr. Schwab briefly reviewed the request by the Woodley Development Company for a conceptual review of a proposed modification to a Major Use Special Approval for Centerville Business Park. The modification to the plan concerns the buffer strip along the west property line abutting the Steeplechase Apartment complex.

The original plan was approved with a 50 foot buffer strip along the west property line with a landscaped earth mound to be 6 feet in height. The proposed modification would increase the mounded area to 11 feet in height on the west side of the mound and 4 feet in height from the industrial building side of the site. The industrial buildings would be built into the side of the 4 foot mound rather than set back from that area. Additional landscaping is proposed along the entire length of the buffer strip that would result in a 6 foot high screening from the industrial building side to the top of the mound.

Mr. Bob Archdeacon, representing the developer, stated that the need for this modification was due to the amount of dirt on the site. He stated they wished to utilize this dirt by raising the building areas one (1) foot above the street.

The members of Planning Commission felt that the proposed changes to the mound and landscaping abutting the Steeplechase site would benefit the Steeplechase Apartment complex.

The plan will be forwarded to Council for action concerning this modification to the Major Use Special Approval application.

State Route 48 Dedication - Bond Release

Mr. Schab stated that this project was approved by the Planning Commission during the time the City exercised three-mile jurisdiction. The construction of an access road along SR 48 was approved at that time to create a common entrance now occupied by Arby's, McDonald's, etc. The construction of the roadway and storm sewer system are now complete and have been inspected by Centerville as well as Washington Township inspectors.

It is, therefore, recommended to release the Performance Bond of \$21,000 posted by Miller Brothers Excavating, Inc., and E.G.S. Investments for the construction project "State Route 48 Dedication".

MOTION: Mr. Looper moved to release the Performance Bond of \$21,000 posted by Miller Brothers Excavating, Inc., and E.G.S. Investments for the construction project "State Route 48 Dedication". Mrs. Simmons seconded the motion. The motion was approved unanimously 4-0.

There being no further business, the meeting was adjourned.

