

CENTERVILLE PLANNING COMMISSION  
REGULAR MEETING  
Tuesday, February 26, 1985

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

Attendance: Mr. Elmer C. Tate, Jr.; Mr. Robert Looper; Mr. Brian Bergsten; Mrs. Marian Simmons; Mr. David Hall; Mr. Robert Hosfeld; and Mr. Robert Chappell (where noted). Also present: Mr. Alan C. Schwab, City Planner; Mr. Karl M. Schab, City Engineer; Mr. Robert N. Farquhar, City Attorney; Mr. Jon Bormet, Assistant City Manager.

Approval of the minutes of January 29, 1985:

MOTION: Mr. Looper moved to approve the Planning Commission minutes of January 29, 1985, as written. Mrs. Simmons seconded the motion. The motion was approved unanimously 6-0.

SETTING OF PUBLIC HEARINGS

The following item was scheduled for public hearing for Tuesday, March 26, 1985, at 7:30 P.M., to be heard in the City Building:

Linclay Corporation for Anchor Hocking - Sign Variance

Location: 101 East Alexandersville-Bellbrook Road (SR 725)

COMMUNICATIONS

Mr. Schwab informed the Planning Commission that Tom Harrigan Olds had verbally requested that their application for approval of a temporary sign be withdrawn.

Hartzell Flowers - Temporary Garden Center

Mr. Schwab reviewed the request from Hartzell Flowers for a temporary garden center to be located along South Main Street in Centerville Place Shopping Center. The period of time requested for this use extends from April 20, 1985 through June 25, 1985. The applicant has proposed the same location as was approved last year which is the area in the parking area southwest of the traffic light at the main entrance to the shopping center. The layout of the items for sale would also be as approved the previous year as well as the location of the tent and greenhouse.

Staff recommended approval of the request with the condition that proper building permits be obtained for the greenhouse and tent.

Mr. Bergsten asked if there were any problems from the operation last year.

Mr. Schwab stated that the staff was not aware of any problems.

MOTION: Mr. Bergsten moved to recommend approval to Council of the request by Hartzell Flowers for a temporary garden center from April 20, 1985, through June 25, 1985 subject to the condition that the proper permits be obtained from the City. Mrs. Simmons seconded the motion. The motion was approved unanimously 6-0.

Hidden Valley Fruit Farm - Temporary Garden Center

Mr. Schwab reviewed the request submitted by Hidden Valley Fruit Farm for a temporary garden center to be located in the Centerville Square Shopping Center on the northwest corner of South Main Street (SR 48) and Spring Valley Road. The period of time requested for this use extends from April 15, 1985, through July 1, 1985. The proposal is to have a tent area along the south side of the parking area. The plants are to be located immediately to the south of the tent. A 4 ft. by 4 ft. sign is also proposed to be located to the south of the site just off the asphalt area. Mr. Schwab stated that the applicant has indicated that should the storeroom along the south side of the shopping center remain vacant during the time they have proposed to be at this location, they may lease it for storage space.

Staff recommended approval of the request with a condition that the applicant obtain the proper permits from the City.

MOTION: Mrs. Simmons moved to recommend approval to Council of the request submitted by Hidden Valley Fruit Farm from April 15, 1985, through July 1, 1985, subject to the condition that the proper permits be obtained from the City. Mr. Looper seconded the motion. The motion was approved unanimously 6-0.

PUBLIC HEARINGSHuntington Bank - Sign Variance

Mr. Schwab made a slide presentation of the application submitted by the Blommel Sign Company for Huntington Bank located at 60 Loop Road. The zoning on the property is B-2, Roadside Business. The variance being requested is to permit a larger freestanding sign. The Zoning Ordinance allows a sign height of 16 ft. The applicants are requesting an 18 ft. sign. The sign area permitted is a maximum of 50 sq. ft. and the applicants are proposing 96 sq. ft. in sign area.

Mr. Schwab pointed out that at the time the original site plan was approved for this project, Council had a concern with the sign as shown on the site plan. That sign was shown as being 16 ft. in height with a single face of approximately 50 sq. ft. Council asked in consideration of the site plan that a different proposal for the sign be submitted. Huntington Bank submitted a proposal to Council as requested which was considerably lower in height with a sign area of approximately 24 sq. ft. per side for a total of approximately 50 sq. ft. for the double-faced sign.

In reviewing the variance checklist, staff felt that this particular property had no unique characteristic which would warrant the granting of the requested sign variance. It was, therefore, the recommendation of staff to recommend that the request be denied.

Mr. Schwab stated further that if the Planning Commission felt that the request should be denied, possibly the applicant should renegotiate the height of the sign with Council which could allow the height to be the maximum allowed by ordinance.

Mrs. Simmons stated that the issue should probably go back to Council since they put the original restrictions on the applicant.

MOTION: Mr. Hall moved to deny the variance requested by Huntington Bank, and should it be the desire of the applicant, the issue should be renegotiated with Council. Mr. Bergsten seconded the motion. The motion was approved unanimously 6-0.

Mr. Dick Blommel, representing the applicant, asked how he should proceed.

Mr. Tate stated that the decision of the Planning Commission should be appealed to Council since the restrictions were placed on the applicant by Council originally.

#### UNFINISHED BUSINESS

##### U-Haul Company/Union 76 - Variance on Outdoor Storage

Mr. Schwab stated that since the last meeting, a legal opinion was obtained from the City Attorney as to whether the ordinance permits outdoor storage for a filling station in a B-2 zoning district. The opinion of the City Attorney was that the use would be permitted in a B-2 district as the requirements are currently written. Based on that opinion, staff recommended that a variance not be granted, but an interpretation be given that permits U-Haul type storage and retail facilities in concert with a filling station use.

MOTION: Mr. Hall moved to dismiss the variance request since it became a moot issue based on the interpretation of the City Attorney.

Mr. Bergsten seconded the motion. The motion was approved unanimously 6-0.

Mr. Chappell arrived at this time.

##### Friendship Village of South Dayton, Inc. - Rezoning from R-1 to E-C

Mr. Tate indicated that he would withdraw from any discussion and voting on the conditional use issue as requested by Friendship Village since his property was located within the 500 ft. radius of the site, but he would participate in the rezoning in order to constitute a quorum.

Mr. Bergsten indicated that he would also withdraw from any discussion and consideration in conjunction with both applications submitted by Friendship Village. He stated further that he did not feel that he should abstain from hearing any of the Planning Commission discussion.

Mr. Robert Hadley, representing Friendship Village, stated that even though they were not anxious to postpone the decision, they felt that perhaps someone living within the 500 ft. radius of the site should also withdraw from the rezoning issue.

Mr. Farquhar stated that it was his opinion that an interest had been established for Mr. Tate as well as Mr. Bergsten. He stated that not only should they not participate in discussion, they should probably withdraw from the meeting.

Mr. Tate stated that he would withdraw under protest because the reason for being a member of the Planning Commission is due to an interest in planning and zoning. With the arrival of Mr. Chappell, he noted, a quorum was now possible with his withdrawal.

Mr. Hall chaired the meeting during the application submitted by Friendship Village.

Mr. Robert Hadley referred to a letter published in the Centerville Times on February 9, 1985. He stated that the letter was written by a person who had originally signed the petition against the development of Friendship Village and the letter was to express the fact that the writer had changed his mind about the project. The writer pointed out that the facilities which are not available in the south suburbs have waiting lists in order to become a resident. The writer stated that perhaps the advantage of this facility far outweighs the disadvantages. Mr. Hadley stated that the application should not be judged on the number of units in the development, but rather the number of residents introduced to the neighborhood. He stated that there will be approximately the same number of residents with this type of development as what would be involved if it were developed single-family.

Mr. Bill Ipe, 5713 King Arthur, asked if the application was in order since the applicants were not the property owners.

Mr. Hall stated that an opinion had been submitted by the City Attorney stating that the application was in order and could be considered.

Mr. George Walter, representing the North Centerville Neighborhood Association, stated that their concern was that the zoning of the property is not suitable for this type of development. The fact that the land use was not suitable for the project was the point they wished to make.

Mr. Mike Gentile, 698 Essex Way, stated that any decision regarding the development of this property should be based on the wishes of the residents in that neighborhood. The residents believe that the R-1 zoning is appropriate for the site and nothing else is appropriate.

Mrs. Darlene Breen, Brampton Road, stated that acreage for the project does not seem to be comparable to the other facilities in the area. She stated that she was also concerned with the drainage problems that could arise from any type of development on this property.

Mrs. Simmons stated that it appears that there are conflicting goals in the Policy Plan. It is hard to maintain single family residences and still remain responsive to the needs of the increasing population of the elderly.

Mr. Looper stated that he was a member of the Zoning Task Force that wrote the Policy Plan and at that time, they realized that some of the policies were conflicting. He stated that they realized that there is a commitment to development areas of residences for the elderly. He stated with his health situation, he could see himself looking for a facility of this type in the not too distant future and he would want to remain in Centerville. In reviewing the letters submitted to the Planning Commission from the adjacent property owners, Mr. Looper objected to the statements that the Planning Commission had a duty to protect the rights of the property owners. He stated that although he agreed with that statement, it was also their responsibility to protect the needs of the community as a whole. He stated that he was totally in favor of the request pointing out that most of the residents would come from within the community.

Mr. Hosfeld stated that the issue is dealing with the rezoning of a property that is a part of a single family residential neighborhood that is well established. He stated that should be retained to maintain the stability of the neighborhood.

Mr. Hall stated that it is the right of a property owner to choose where he wishes to live and who his neighbors will be. He stated that the people in this neighborhood have lived with that thought in mind for a great number of years and he did not feel that he could change that by rezoning the land to meet additional needs of the community.

MOTION: Mrs. Simmons moved to recommend approval of the rezoning application submitted by Friendship Village from R-1 to E-C. Mr. Looper seconded the motion. The motion was denied 2-3-2, with Mr. Chappell, Mr. Hall and Mr. Hosfeld voting no; and Mr. Tate and Mr. Bergsten abstaining.

Friendship Village of South Dayton, Inc. - Conditional Use

This project did not require action based on the fact that appropriate zoning was not obtained.

An Ordinance Amending Ordinance No. 15-61, The Zoning Ordinance And All Amendments Thereto, By Amending The Provisions Which Pertain To Signs And Penalties For Violations Of The Ordinance For All Zoning Districts Within The City.

The proposed ordinance was reviewed by the Planning Commission page by page in order to discuss any revisions which should be made to the document.

Mrs. Simmons stated that in the Definitions section, "through lot" should be defined.

Mr. Schwab stated that "through lot" is defined in the Zoning Ordinance.

Mr. Hall stated if the definition is included in the Zoning Ordinance, that would be sufficient.

Mr. Looper stated that he did not agree that signage should be allowed on the rear of buildings as well as the front.

MOTION: Mr. Looper moved to change the following sentence under C. Definitions, 1. Building Frontage:

"Corner lots and through lots shall be considered to have two  
(2) distinct and separate building frontages.", to read . . .  
"one (1) distinct and separate building frontage."

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

*Chas. Tate* 3/27/85

After a lengthy discussion concerning political signs, the following motion was made:

MOTION: Mr. Hall moved to delete the following under E. Prohibited Signs and Sign Characteristics:

- "1. Any sign or part thereof which is erected within or above a public right-of-way. This provision shall specifically apply to any sign conveying a commercial or a non-commercial message including a political sign."

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

Mrs. Simmons excused herself from the meeting at this time.

The remainder of the sign ordinance was reviewed and the following motion was made:

MOTION: Mr. Hall moved to send forward the sign ordinance to include the changes and modifications recommended by Planning Commission. Mr. Bergsten seconded the motion. The motion was approved unanimously 6-0.

There being no further business, the meeting was adjourned.