

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, July 31, 1984

Mr. Tate called the meeting to order at 7:45 P.M.

Attendance: Mr. Elmer C. Tate, Jr., Chairman; Mr. Robert Looper; Mr. Robert Chappell; Mrs. Marian Simmons; Mr. David Hall. Absent: Mr. Harry Williams; Mr. Brian Bergsten. Also present: Mr. Alan C. Schwab, City Planner; Mr. Karl M. Schab, City Engineer; Mr. Steve Feverston, Planner; Ms. Gail Young, Legal Counsel; Mr. Jon Bormet, Administrative Assistant.

Approval of the minutes of June 26, 1984:

MOTION: Mrs. Simmons moved to approve the Planning Commission minutes of June 26, 1984, with the following correction:

Page 1, under Unfinished Business, third paragraph, fourth line, the word "as" should be changed to "has".

Mr. Looper seconded the motion. The motion was approved 4-0-1 with Mr. Chappell abstaining.

SETTING OF PUBLIC HEARINGS

The following item was set for public hearing for Tuesday, August 28, 1984, at 7:30 P.M., to be heard in the City Building:

An Ordinance Establishing Minimum Standards Governing The Condition, Maintenance And Rehabilitation Of All Existing Structures; Establishing Minimum Standards Governing Supplied Utilities And Facilities And Other Physical Things And Conditions Essential To Insure That Structures Are Safe, Sanitary And Fit For Occupation And Use; Establishing Minimum Standards Governing The Condition Of Dwellings Offered For Rent; Fixing Certain Responsibilities And Duties Of Owners And Occupants Of Structures, And The Condemnation Of Structures Unfit For Human Habitation And The Demolition Of Such Structures; And Fixing Penalties For Violation.

The following item was set for public hearing for Tuesday, August 14, 1984, or Tuesday, August 28, 1984, at 7:30 P.M., to be heard in the City Building:

Penrod, R. Wayne and Peggy E. - Rezoning from WT R-3 to O-S
Location: 6239 Wilmington Pike

PUBLIC HEARINGS

Ahern, William D. and Susan - Variance of Setback Requirement

Mr. Schwab reviewed the request by William D. and Susan Ahern to permit the existing location of an accessory building at their residence at 1153 Deer Run Road. The setback required for locating the accessory building on this R-1 zoned lot is 75 ft. from the front lot line. The accessory building currently maintains a 45 ft. setback. This 16 ft. by 20 ft. accessory building has been in place for quite some time without the appropriate approvals. The Zoning Inspector has been pursuing this particular complaint for a long period of time.

Mr. Schwab pointed out that this particular lot does have a great deal of slope which limits the possibility of several placement locations on the lot. The homes to the rear of the lot in question are situated at a lower grade and, therefore, a direct view of the accessory building does not exist. The property owner directly next door to the applicant has his home situated on his lot at the furthest point away from the accessory building.

Staff recommends approval of the variance requested by William D. and Susan Ahern based on the following reasons:

1. The backyard is heavily wooded.
2. The slope of the lot severely limits the practical locations for an accessory building.
3. The lot is irregularly shaped.

Mr. Tate opened the public hearing.

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

Mr. Chappell asked how far the neighbors house was from the existing building.

Mr. Schwab stated that the house is approximately 100 ft. or more from the building.

Mr. Hall asked if the proper permits were obtained.

Mr. Ahern, applicant, stated that no permit was required because the building does not have a foundation.

MOTION: Mrs. Simmons moved to approve the request for a variance submitted by William D. and Susan Ahern for the placement of an accessory building at 1153 Deer Run Road. Mr. Chappell seconded the motion. The motion was approved 4-0-1 with Mr. Looper abstaining.

UNFINISHED BUSINESS

D'Amico & Manzo's Restaurant - Site Plan Amendment

Mr. Schwab reviewed the revised plans submitted for a site plan amendment for D'Amico & Manzo's Restaurant located at 79 South Main Street in the APD. The revised plans show an expansion to the existing restaurant for an additional 756 sq. ft. of floor area to total 2,156 sq. ft. of floor area. The addition would be to the front of the building. The proposed outdoor seating area will be along the north side of the building west of the relocated main entrance to the restaurant. The proposed parking area will be in the existing grassy area on the north side of the property and will be brought forward to meet the proposed building line.

The proposed architecture is to maintain the flat roof style of construction with a parapet wall up on the top of the building. The BAR has reviewed this project and their comments have been distributed to the Planning Commission for their review tonight. Mr. Schwab stated that the BAR members were split as to the approval of front and side yard parking.

Mr. Schwab stated that the applicant is also proposing to place bumper blocks along the north property line to restrict vehicular traffic from using their lot as a cut-through.

Staff recommends approval of the site plan amendment with the following conditions:

1. The side yard parking be eliminated.
2. A raised curbed landscaped planter approved by the City Planner be constructed along the north property line abutting the parking area.

MOTION: Mr. Hall moved to remove the request for a site plan amendment submitted by D'Amico & Manzo's Restaurant from the table. Mrs. Simmons seconded the motion. The motion was approved unanimously.

Mr. Tate asked how the elimination of the proposed 8 additional parking spaces would affect the expansion.

Mr. Fred Weir, contractor for the project, and Mr. D'Amico, restaurant owner, were present to answer questions of the Planning Commission.

Mr. Weir stated that the restaurant is in need of additional parking at the present time. The expansion will make that additional parking even more essential.

Mr. Hall asked what the seating capacity is presently and what the capacity will be after the expansion.

Mr. Weir stated that it is now approximately 60 and the expansion will double the seating area for a total of approximately 120 people.

Mr. Tate asked how many parking spaces are required.

Mr. Schwab stated that there would be 17 parking spaces required based on the requirements, and the existing spaces currently number 25 spaces which would meet the requirement without adding the additional 8 parking spaces as proposed. Mr. Schwab agreed that there is currently a parking problem there now at peak times, and that would definitely be compounded with the addition.

Mr. Tate stated that according to the letter sent to Council, the BAR is split as to the approval of the parking variance.

Mr. Hall asked if there is any problem with overflow parking in the Independence Square parking area.

Mr. Weir stated that there has not been a problem yet, however, with the requirement of the landscaped curbed planter along the north property line, it may create some bad feelings. Mr. Weir pointed out that the present number of parking spaces is less than what is shown on the site plan because of the placement of the dumpster which eliminates 2 of those spaces. He stated that employee parking can amount up to 10 cars.

Mr. Tate stated that it is his opinion that the additional parking is needed.

Mr. Hall stated that with the situation of front yard parking directly next to the restaurant, a situation which is inconsistent with what the City is trying to do, it would seem unfair to punish one person.

Mr. Weir stated that the building addition will maintain an 8 ft. green space in front of the building and the proposal is to continue this green space across the property. Screening will be planted along the additional parking area which should conceal the parking area.

Mr. Chappell stated from his own experience, the need for additional parking is justified.

MOTION: Mr. Chappell moved to recommend approval of the site plan amendment for D'Amico & Manzo's Restaurant located at 79 South Main Street with the following conditions:

1. A raised curbed landscaped planter approved by the City Planner be constructed along the north property line abutting the parking area with the plan that was submitted.

Mrs. Simmons seconded the motion. The motion was approved 5-0.

Mr. D'Amico stated that he would like to know what can be used to replace the wood fence to the rear of his property because it is in disrepair.

Mr. Tate stated that he could work with staff to determine this.

Centerville Mill - Site Plan Amendment

Mr. Schwab stated that since the last Planning Commission meeting, he contacted Mr. Will Wilson of Centerville Mill to explain the action taken by the Planning Commission. Mr. Schwab suggested to Mr. Wilson that he come to the next Planning Commission meeting in order to talk to the Planning Commission members to determine what should be submitted for their consideration. After that conversation, the Planning Department has not received any additional proposals from the applicant.

The members of the Planning Commission agreed that Mr. Tate should contact Mr. Wilson and discuss the situation; and, therefore, the project was to remain on the table for an additional 30 days.

NEW BUSINESS

Springstone Lea - Record Plan Replat

Mr. Schwab reviewed the record plan replat for Springstone Lea located north of Centerville Station Road and east of Cloyo Road. The replat is being requested to relocate the lot line on the west side of the subdivision. After the plat was recorded, there was some kind of discrepancy between the line which was recorded and the deed line that was shown on the adjacent property owner's deed.

Mr. Schwab stated that the only difference between the two plats is a slight shift of approximately 6 to 10 ft. along the west property line mostly to the rear of the plat.

Staff recommends to approve the replat as submitted.

Mr. Looper asked if the minimum lot size would still be maintained as a result of the replat.

Mr. Schwab indicated that the minimum lot sizes are more than adequate.

Mr. Schwab stated that the second issue is a request to waive the required \$200 fee for a record plan replat. In discussing this with legal counsel, there is some question as to whether the Planning Commission or City Council can waive a fee of this sort. Mr. Schwab stated that if it is the decision of the Planning Commission to waive this fee, it should be made subject to the review of the City Attorney to conclude that this would be a proper action for the City take. Mr. Schwab pointed out the amount of staff time spent reviewing this replat was minimal. It would be, however, possibly a bad precedent to set by reducing the fee. He stated that the structure of the fee schedule was based on the idea of balancing out the amount of time spent. There have been many plats that have required more or less time than what is considered average.

MOTION: Mr. Hall moved to recommend approval to Council of the record plan replat for Springstone Lea with no comment on the waiver of the fee. Mr. Looper seconded the motion. The motion was approved unanimously.

Rules of Procedure

Mrs. Simmons stated that she would recommend that the subject of the revision of the Planning Commission Rules of Procedure be placed on the agenda for discussion at the next meeting.

Mr. Tate directed staff to place the review of the Rules of Procedure on the agenda for the next meeting. At that time, the Planning Commission will also have elections of the officers of the Planning Commission.

Staff was directed to contact the two Planning Commission members not in attendance at this meeting to inquire as to their availability for the Special Meeting scheduled for August 14, 1984.

There being no further business, the meeting was adjourned.

8-28-84

Elmer Tate

