

CENTERVILLE PLANNING COMMISSION  
REGULAR MEETING  
Tuesday, November 30, 1982

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

Attendance: Mr. Elmer C. Tate, Jr., Mr. Dallas Horvath, Mr. Brian Bergsten, Col. Stanley Morrow, Mrs. Marian Simmons, Mr. Robert Chappell, and Mr. David Hall (where noted). Also present: Mr. Alan C. Schwab, City Planner; Mr. Karl M. Schab, City Engineer; Mr. Robert N. Farquhar, City Attorney; Mr. Steve Feverston, Planner; Mr. Jon Bormet, Administrative Assistant.

Approval of minutes of October 26, 1982:

MOTION: Mrs. Simmons moved to approve the Planning Commission minutes of October 26, 1982, as written. Col. Morrow seconded the motion. The motion was approved 5-0-1. Mr. Tate abstained.

COMMUNICATIONS

Mr. Schwab stated that the Planning Commission meetings will again be broadcast on Cable TV thanks to Mr. Bill Kelly. Mr. Kelly has volunteered to operate the cameras during the meetings. Mr. Schwab stated that although the meetings will not be broadcast live, they will be replayed on the Wednesday night following the meetings at 7:00 P.M.

PUBLIC HEARINGS

St. Leonards, Inc. - Rezoning from R-1 to E-C

Mr. Schwab made a slide presentation of the requested change in zoning from R-1 single-family residential to E-C (Entrance Corridor) which is a conditional use zoning classification, for an area located south of Centerville Station Road and east of Clio Road. All proposed uses in an E-C zoning district must be approved by City Council for conditional use.

Mr. Hall arrived at this time.

The variety of conditional uses which are possible to apply for under the E-C zoning classification range from office use to multi-family uses to various things such as hospitals and even some industrial uses are eligible for application. The intent is to follow up this rezoning application with a conditional use application which would be more specific as to the use being proposed for the St. Leonard facility. These proposed uses would include congregant living for the elderly, a senior citizen center for the Centerville-Washington Township residents, two churches which currently occupy the premises, and also, classrooms and other associated health care related services which would hopefully rent space from the facility. The acreage requested to be rezoned in this application is 52.8 acres which is just a portion of the St. Leonard site. The Comprehensive Plan calls for quasi-public or private land use which is what is being proposed as the conditional use of the site.

Staff recommends to approve this zoning application based on the intent that is expressed by the applicants for the continuing use of quasi-public uses. Mr. Schwab stated that it should be pointed out that the number of uses eligible under an E-C zoning is to be applied for is very widespread. Council could grant, after approval of the rezoning, other

uses than what are being proposed at this time. He stated that the St. Leonard people who own the remainder of the property have expressed a desire to use the site including the 52 acre parcel as more of a humanitarian/social purpose for the benefit of the community.

Mr. Tate opened the public hearing.

Dr. Brian Forschner, member of the Board of Trustees of St. Leonards, Inc., stated he would like to speak in favor of the project. He stated that the non-profit organization called St. Leonards, Inc. was created on August 3, 1982. The purpose of creating this organization was to secure an option to purchase and operate what was formerly called St. Leonard College. On September 29, 1982, the Franciscans gave St. Leonard, Inc., a 90-day option to lease with the option to purchase. In effect, they donated 52 acres and the existing facility to St. Leonard, Inc., if they could fulfill threefold requirements. They required that the primary purpose of this center was to be used for senior citizens individual capabilities, to maintain the existing retreat center, and to allow the development of a senior citizen center to be located there. Since that time, Seniors, Inc., which is now a corporation of Centerville-Washington Township, is meeting there and plans to meet there in the future. Heritage United Presbyterian Church and the Catholic Sunday both meet at the existing facility for worship services. During the 90-day option, three things have to be achieved. This includes appropriate zoning, a marketing and feasibility study must be completed, and \$500,000 has to be raised of which the majority has been raised. Dr. Forschner stated that it is their feeling that the proposed development will continue to satisfy the requirements of the Comprehensive Plan for the City of Centerville. He stated it is for these reasons that they feel that the current R-1 zoning should be changed to E-C in order to use the facility and grounds for the proposed development which is so badly needed in this community.

Ms. Helen Wingard, representing the Miami Valley Council on Aging which is the nine county planning agency for elderly services designated by the Ohio Commission of Aging, read a statement from the Executive Director, Karen Thymes, supporting the request for rezoning. The statement as well as some supportive documentation was submitted to Mr. Tate.

Mr. Matthew Baldwin, Director of Outreach Program at the Downtown Senior Citizen Center, stated that this proposed development is targeted toward the moderate income elderly population. It is a private development which does not have to rely on funding from the government, and it will offer a complex of services for the elderly for the entire south community. For these reasons, Mr. Baldwin stated he strongly endorses the proposal.

Mr. C. L. Stingley, resident of Centerville since 1940 and Vice-President of Seniors, Inc., stated that the senior citizen group is currently occupying and using a portion of the existing facility for their activities. He stated that before the group incorporated they had formed a senior citizen task force of their own. He stated that the Seniors, Inc., joined with the other parties that share an interest in St. Leonards because they have the same goals and wanted to accomplish the same things with the senior citizens.

Ms. Pamela Hopkins, representing Catholic Social Services of the Miami Valley, stated she has been involved in the St. Leonard project as well as the Seniors, Inc., project. She stated that in the experience of their agency in the community and long service to seniors, they feel that this proposed project is innovative and very much needed. She stated this type of project will certainly fill a gap in the continuum of care for the elderly and, therefore, supports the rezoning.

Rev. Preston Dawes, Heritage United Presbyterian Church and Chaplain to the City of Centerville, stated that he is a member of the St. Leonard Advisory Board which has reviewed a number of proposed uses for the property in question. He stated during these reviews, it became very clear that the community wanted the continuation of the Franciscan presence on that site. The Advisory Board made that known to the Province of St. John the Baptist. The Board was very pleased with the development that has resulted in St. Leonard, Inc. and the request for the rezoning in question. He stated that since August, 1981, the congregation he serves has studied, worshiped, and had office space in the existing facility. He stated they have had the opportunity and a great deal of pleasure in a number of cooperative ventures with the Sunday Community. He stated that they have also begun to develop a relationship with St. Leonards, Inc., both of which have clearly resulted in the opportunity in this community for a unique cooperative venture between a Roman Catholic community and Presbyterian community. He stated that they have been informally invited by St. Leonards, Inc., to become a partner in ministry to the proposed residents of this facility and look forward to great eagerness to the possibility for a kind of cooperation that will be welcomed to many in this community. He stated he is very happy to speak in favor of this rezoning and requests that it be approved.

Mr. Joe Scullion, representing the Sunday Community, stated that they are also in support of the rezoning. He stated that they expect and intend to be an active participant in the St. Leonard center and intend to get involved with the senior citizens on a regular basis in order to get them involved in the Sunday Community activities.

There being no other speakers for or against the issue, Mr. Tate closed the public hearing.

Mr. Hall asked Dr. Forschner what would be the source of operating funds for the project.

Dr. Forschner stated primarily the operating funds would come from the residents paying rent there.

Mrs. Simmons stated that she is aware of the need for senior citizen housing in this area and feels that the development will be a good one for our community.

Col. Morrow stated that there has always been concern for the reapplication of St. Leonards and feels this is the most intelligent and worthwhile reapplication and one that the community can be very proud of.

MOTION: Mr. Horvath moved to recommend approval of the rezoning requested by St. Leonards, Inc., from R-1 to E-C. Col. Morrow seconded the motion. The motion was approved unanimously.

PUBLIC HEARINGSAn Ordinance Amending Ordinance 15-1961, The Zoning Ordinance By Providing For And Regulating Outdoor Sales Or Displays

Mr. Schwab reviewed the contents of the proposed Outdoor Sales Ordinance stating that currently there are no permitted outdoor sales or displays within the zoning districts for the City with the exception of oil and related products at a service station. On rare instances either by variance or a temporary permission, outdoor sales and displays have been permitted by Planning Commission and/or City Council. This proposed ordinance would allow outdoor sales and displays in B-1, B-2, B-3, E-C, O-S, I-1 and APD districts. The standards in the ordinance include:

1. No sales be permitted in the public right-of-way except with the approval of the City Manager for limited sales either by lack of a building or any front yard where there would be no room for sales.
2. The distance from the building would limit the distance of outdoor sales and displays to a distance of 10 feet from any building on the property except where vehicles would be involved for the sale of farm products.
3. The height of outdoor displays is limited to 5 feet except where farm produce vehicles would be involved.
4. No vehicles are permitted in conjunction with an outdoor sales except for farm produce.
5. Vehicular, pedestrian and fire access must be maintained with the outdoor sale and display.
6. The minimum parking requirement for the use on the property must be maintained.
7. Products for sale or display must be products that are normally for sale on the premises except in the case of farm produce.
8. Seasonal sales, Thanksgiving through December 31, are permitted and must follow the farm produce requirements that are included in the standards within the ordinance.

Mr. Tate opened the public hearing.

Mr. Stan Swartz, 125 East Franklin Street, stated that his comments are strictly as a citizen and resident of Centerville even though he is a member of the BAR. He stated that he is not in favor of the proposed ordinance for several reasons including:

1. Outdoor sales would aesthetically ruin the City. The appearance of these products could not be controlled or limited to whatever that merchant is selling.
2. He stated that the City does not have the tax dollars to police the area.

3. Variances would result from people who do not have adequate space for outdoor sales or displays.
4. This would be contrary to all the sign ordinances of the City.

Mr. Swartz stated that he has received too many nice compliments on his home town to allow this ordinance to be approved and "junk up the place". He stated that other cities designate certain times of the year and areas for outdoor sales. This would allow outdoor sales to occur under neat and orderly conditions, but only during certain periods and not all the time.

Mr. Dick Miller, resident, stated he would urge the Commission to leave the ordinance as it is. Centerville has developed under this ordinance and has done a good job. To change it would be to help a few persons rather than the majority.

Mr. Michael Pekarek, 41 East Drive and member of the BAR, stated that he also speaks against the adoption of the Outdoor Sales Ordinance. He stated that outdoor displays are essentially advertisements and are, therefore, signs attracting to that business. City staff and Council for years have struggled with a fair sign ordinance for this community. He stated he cannot conceive that overnight this planning would be thrown out with the adoption of this ordinance. A second problem would be street clutter created by outdoor sales and displays. There are no provisions for clear supervision of the displays and no penalties for non-compliance. He stated as a member of the BAR, he is aware of the struggle and problems that staff encounters enforcing any ordinance. He stated this ordinance will not be an easy ordinance to administer. Traffic problems already exist in the downtown section of the City and people looking at these displays will only create further problems. Mr. Pekarek stated that if there is a need for outdoor sales, it seems only reasonable to limit and control them.

Mr. Bob Ferguson, 165 S. Pelham, stated that he has interest in fifteen (15) small stores in the Franklin East Plaza. He stated he looked at the existing businesses in that shopping center and does not feel that they would require outdoor sales and displays. He stated in looking at this situation, he sees no reason for a change to the ordinance.

Mr. Robert Perkins, 32 W. Ridgeway and member of the BAR, stated he is very concerned about the ordinance. He stated he has a background in marketing and engineering, and the vision he gets of the ordinance change is one of clutter. He stated by approving this ordinance, the City will be throwing out the Sign Ordinance which the BAR, Planning Commission and Council worked so hard to achieve. He stated he is aware that the merchants are having problems, but there are other answers to these problems besides approving an ordinance of this type. He stated that approving this ordinance will give some merchants an unfair advantage to those who can display their wares over those who cannot. Passage of this ordinance will create an unhealthy precedent and will become a lower common denominator in lowering our standards.

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

Mrs. Simmons stated that she could find no other community in the County that had an ordinance of this type and does not think we should have one either. She stated that many times, the Planning Commission has denied sales of this type to people who do not have adequate land.

Mr. Horvath stated that not one person has spoken in favor of the ordinance, and the more it is studied, the more he feels it is not an appropriate ordinance to recommend for approval to the City Council.

Mr. Hall stated that he is not opposed to the theory of the ordinance, but is concerned that there is no limitation or control. It should be limited to licensed business establishments and limited in terms of time and no signage.

Mr. Tate asked how this ordinance was generated.

Mr. Schwab stated that Council has had several requests to display products especially of the nursery stock type during certain times of the year. Council wanted to see if something could be drafted to address these situations.

MOTION: Mr. Hall moved to table the ordinance for further study. Mrs. Simmons seconded the motion. The motion was approved unanimously.

NEW BUSINESS

Antonio's Restaurant - Site Plan Amendment

Mr. Schwab made a slide presentation of the proposed site plan amendment to Antonio's Restaurant located at 28 West Franklin Street in the APD. The request is to construct a new entrance at the rear of the existing restaurant. The existing parking requirement for the use is 42 parking spaces, however, the BAR has granted a variance in the past or the restaurant predates the AP Ordinance so it is currently nonconforming to allow 35 parking spaces on the site. The additional building area that is being added would generate one (1) additional parking space in the standards of the ordinance. This additional parking space has been proposed on the submitted site plan. Mr. Schwab stated it should be pointed out that the submitted site plan does not reflect very accurately what is on the site. Conceptually it is correct, but in detail it is not. In review of the aerial photos, staff concluded that the added parking space would not work and there is essentially no other place to locate it. It is, therefore, recommended that the additional parking space be waived given the additional building area will not generate the need for additional parking.

Staff recommends to approve the site plan for Antonio's Restaurant with the following conditions:

1. Waive the required additional parking space for the proposed addition.
2. All relocated parking spaces shall maintain their existing 9 ft. by 20 ft. dimensions.
3. Entrance be located on the south side of the new addition.

4. A walkway shall be maintained to the entrance at a minimum of 4 ft. wide.
5. Submit 3 copies of the revised site plan reflecting the accurate layout of the existing property incorporating the above conditions and approved by the City Planning Department.

Mr. Tate asked if the staff recommendations would be satisfactory if included in the approval.

Mr. John Bull, representing Antonio's Restaurant, stated it would meet with their approval to include the recommendations of staff in the Planning Commission approval.

MOTION: Mr. Chappell moved to approve the site plan amendment for Antonio's Restaurant subject to the following conditions:

1. Waive the required additional parking space for the proposed addition.
2. All relocated parking spaces shall maintain their existing 9 ft. by 20 ft. dimensions.
3. Entrance be located on the south side of the new addition.
4. A walkway shall be maintained to the entrance at a minimum of 4 ft. wide.
5. Submit 3 copies of the revised site plan reflecting the accurate layout of the existing property incorporating the above conditions and approved by the City Planning Department.

Mrs. Simmons seconded the motion. The motion was approved unanimously.

#### Silvercreek Estates, Sec. 2 - Performance Bond Release

Mr. Schab stated Silvercreek Estates, Sec. 2, consists of one (1) lot and the 35 ft. of roadway to make the lot fully accessible is now in place as well as the sidewalks. The Washington Township Service Director as well as the City Inspector agree that the construction standards were observed and are acceptable to the Township for maintenance. It is, therefore, recommended that the performance bond of \$2,700.00 be released subject to receipt of a maintenance bond in the amount of \$1,000.00.

Mr. Val Lapsins, representing the developer, stated that a certified check was posted by the developer in the amount of \$2,700.000 to the City. He stated that the developer would like to request that the maintenance bond be waived because of the small section of roadway involved and also the fact that jurisdiction has since moved from the City to the County.

Mr. Schab stated that this small section of roadway really does not require a maintenance bond and in conversations with Bill Johnson, Washington Township Service Director, he is in agreement.

Mr. Farquhar stated that if this section of roadway was in the City, a maintenance bond would be required. He stated, however, since this section is in the Township and they are agreeable, our Subdivision Regulations no longer are applicable and it can be waived.

MOTION: Mr. Bergsten moved to release the \$2,700.00 performance bond for Silvercreek Estates, Section 2. Mr. Hall seconded the motion. The motion was approved unanimously.

The Assembly of God Church - Site Plan

Mr. Schwab made a slide presentation of the proposed site plan for the Assembly of God Church located at 175 West Franklin Street in the APD. He stated that this project will receive joint review by the Planning Commission and the BAR under the Procedure 3 review. The request is to convert an existing single family residence into a church with a living quarters for the pastor of the church. A church use is required to have a minimum lot size of 5 acres. The proposed location is .46 acres. The parking requirement is 2 spaces for the residence portion of the facility and 15 spaces for the church use for a total of 17 spaces. The proposed number of parking spaces is 14. The applicant proposes 45 persons as the maximum occupancy for the church.

Mr. Schwab stated that there are several trees on the site, however, they do not form a continuous screen to the adjacent residences. He stated that a storm water drainage plan will have to be submitted and approved by the City Engineer due to the fact that the proposed parking area will create enough significance that it will require an adequate design to not negatively impact what is already not a very desirable situation.

Staff recommends to approve the site plan for the Assembly of God Church subject to the following conditions:

1. No variance be granted for parking and a revised site plan shall be submitted for City staff approval of 17 spaces.
2. Extend the screening along the eastern property line to meet the front yard setback of the building.
3. A storm water drainage plan be submitted for approval by the City Engineer.
4. A variance be granted to reduce the minimum lot size from 5 acres to .46 acres with the condition that the maximum church occupancy shall not exceed 45 persons.

Mr. Schwab stated that the Fire Department is concerned that the facility must meet all fire codes in conjunction with this being a meeting place for public assembly. The Fire Department indicated that the basement of this facility could hold approximately 105 persons. He stated that the basement should be constructed in such a manner that it could hold a maximum of 45 persons primarily due to the parking situation.

5. The building be constructed and modified so that it meets all building, electrical and fire codes of the City.

Mr. Bill Roberts, representing the church, stated that the plan submitted was submitted by the district's officials of the church basically to find out if the proposed location is feasible for a church and a residence, and what requirements are needed to get it to that point.



Mr. Schab stated that from an engineering standpoint, a plan will have to be designed to get the water from the proposed site to an existing sewer. Regarding the building codes, a two-hour fire separation may be required because the structure will have mixed uses. A sprinkler system may also be required.

Mr. Hall stated that he has a concern with the use because a church will want to grow and eventually we will have a problem controlling a use that was intended to go on a 5 acre lot squeezed onto a .46 acre lot.

MOTION: Mr. Horvath moved to approve the site plan for the Assembly of God Church located at 175 West Franklin Street subject to the following conditions:

1. No variance be granted for parking and a revised site plan shall be submitted for City staff approval for 17 spaces.
2. Extend the screening along the eastern property line to meet the front yard setback of the building.
3. A storm water drainage plan be submitted for approval by the City Engineer.
4. A variance be granted to reduce the minimum lot size from 5 acres to .46 acres with the condition that the maximum church occupancy shall not exceed 45 persons, and the design of the lower level be constructed in such a way that capacity will not exceed that 45 person requirement.
5. The building be constructed and modified so that it meets all building, electrical and fire codes of the City of Centerville.

Mr. Bergsten seconded the motion. The motion was approved 6-1. Mr. Hall voted no.

Mr. Hall stated that he would rather see the modified plans showing the 45 person limitation instead of just making it a condition.

There being no further business, the meeting was adjourned.

*Elmer Tate 2-22-83*

