

CENTERVILLE PLANNING COMMISSION  
REGULAR MEETING  
Tuesday, June 29, 1982

Mr. Tate called the meeting to order at 7:30 p.m.

Attendance: Mr. Elmer C. Tate, Jr., Mr. Dallas Horvath, Mr. Robert Chappell, Mrs. Marian Simmons, Col. Stanley Morrow. Absent: Mr. Brian Bergsten. One current vacancy exists on the Planning Commission. Also present: Mr. Alan C. Schwab, City Planner; Mr. Karl M. Schab, City Engineer; Mr. Robert N. Farquhar, City Attorney; Mr. Steve Feverston, Planner I.

The following items were set for public hearing for Tuesday, July 27, 1982, at 7:30 p.m. in the City Building:

Domino's Pizza - Sign Variance

Location: 885 East Franklin Street

An Ordinance Amending Ordinance Number 15, Dated December 11, 1961, The Zoning Ordinance For The City Of Centerville, To Establish Regulations Governing The Size, Character And Location Of Signs Within The City Of Centerville, Ohio.

Limerick's - Sign Variance

Location: 2 Loop Road

Mr. Tate explained that the last item set for public hearing for July 27, 1982, Limerick's, has a representative present in order to address the Planning Commission since he will be unable to attend the scheduled public hearing. Mr. Tate stated that these comments will be taken into consideration at the time the regular public hearing is heard on July 27, 1982.

Mr. Norman Hyams, representing Limerick's located at 2 Loop Road, stated that the restaurant was opened approximately 2-1/2 years ago under another name. He stated that he is dumbfounded at the number of people that are not aware that a restaurant exists in that location. As an example, Mr. Hyams noted that newscaster Art Brown of Channel 2 was not aware that the existing building housed a restaurant. From the time of construction, Mr. Brown had always assumed that the building was an office building. In questioning a customer in their north restaurant, Mr. Hyams asked if he had ever visited the south restaurant at Far Hills and Loop Road. The customer then asked Mr. Hyams if that location was anywhere close to Bill Knapp's.

Mr. Hyams stated that this really hurts because they have made a substantial investment at this location. He stated that they cannot effectively advertise because they cannot effectively identify. He stated for this reason a variance has been filed that would propose a minimal size sign that would do the job of advertising the restaurant. He stated that the proposal is approximately two times larger than what currently exists, in order to compete for attention. Mr. Hyams stated that the people attending this meeting are aware a restaurant exists in that location because they are concerned citizens. A lot of people are not concerned and unless you can hit them full-faced and say "here is a restaurant", they do not know a restaurant exists there.

Mr. Hyams stated that he is not aware of all the restrictions, but would like some relief even on a temporary basis. He stated that he would be willing to gamble by putting up the proposed permanent sign pending the outcome of the legislation. He stated that the submitted application requests moving the sign setback in line with the existing Bill Knapp's sign because the existing Limerick's sign is 15 ft. behind it. The proposed sign is 56 sq. ft. per side for a total of 112 sq. ft.

Mr. Tate stated that if you have a problem and you feel that a sign is the answer, the Planning Commission can give immediate relief. He stated that the Planning Commission is required to hold a public hearing and a decision can be made at that time.

Mr. Hyams asked if anything could be done on a temporary basis prior to the public hearing since the problem is critical.

Mr. Tate asked what Mr. Hyams had in mind in regard to a temporary sign.

Mr. Hyams stated that he would request that the proposed permanent sign be constructed under temporary approval pending the outcome of the public hearing. He stated that it is worth the gamble.

Mr. Tate stated that he could put up any type of sign for 30 days because banners are strung across streets and all kinds of things are done for short periods of time. For a 30-day period, if a sign is constructed that is not satisfactory, it will have to be taken down. He stated if Mr. Hyams wanted to gamble on it, he could do so.

Mr. Hyams asked how he should proceed.

Mr. Farquhar stated that Mr. Schwab should address this question, as this procedure is very unusual.

Mr. Schwab stated that a temporary sign requires the Planning Commission to direct staff to approve them for a maximum of 30 days. The Planning Commission is able to grant any size they wish for a longer period of time if they so desire.

Mr. Hyams stated that basically it is the same sign with the words "Steaks, Seafood, Cocktails" so the building can be identified as a restaurant.

Mr. Farquhar stated there is no problem with granting a temporary sign, but there may be some problem with placing it where there is a setback variance also involved.

Mr. Tate stated that banners are placed over streets and those are temporary.

Mr. Horvath stated that banners are temporary and the proposal does not sound very temporary.

Mr. Tate stated that this would be enough to get him to the public hearing.

Mr. Hyams stated that it would be temporary permission and it is his understanding that it would be at his own risk. He stated that during that time, it will prove to him if it works and it is worth it to find out.

MOTION: Mr. Chappell moved to approve a temporary sign permit for Limerick's as requested, size to be no larger than 56 sq. ft. per side with a setback no closer than 10 ft. from the right-of-way line. This temporary permission is not to exceed 30 days from the date of erection of the sign. Mrs. Simmons seconded the motion.

Mr. Horvath stated that he does not feel that a sign is the answer to anybody's problems. He stated that radio and television is more effective than a sign is for an establishment. He stated that although this is temporary approval, the proposal sounds very permanent. He stated further that he does not like the idea of passing this approval using Bill Knapp's sign as an example since it is legal-nonconforming. He stated that this whole philosophy is backwards from what the City has tried to do.

Mr. Hyams stated that they have advertised very heavily and it does not seem to help.

The motion was approved 4-1. Mr. Horvath voted no.

Approval of minutes of May 25, 1982, Planning Commission Regular Meeting:

MOTION: Mr. Horvath moved to approve the Planning Commission minutes of May 25, 1982, as written. Col. Morrow seconded the motion. The motion was approved 4-0-1. Mr. Chappell abstained.

#### NEW BUSINESS

##### Swaim Parish - Site Plan

Mr. Schwab made a slide presentation of the proposed site plan for Swaim Parish located at 179 North Main Street in the APD. The request is to construct an 8-unit apartment complex which is subject to joint review of the BAR and Planning Commission, with final approval determination by City Council. Single through multi-family residential uses as well as B-1 neighborhood uses are all permitted in a mixture or separately on lots located in the APD. The parking required is 2 spaces per dwelling unit--proposed is in excess of 3 parking spaces per dwelling unit. The zoning surrounding the area is AP to the north, south and east. The area to the west is occupied by Wythe Parish Condominium Complex which is zoned R-3.

Mr. Schwab stated that this particular property was the subject of an application some time ago where it was proposed to have several business uses on the property and parking to go with those business uses. The proposed site plan would amend the previously approved site plan for the parcel.

Mr. Schwab stated that the density is based on the portion of the parcel which is proposed to have the apartments located on it. The other two buildings on the proposed site plan have been eliminated from consideration because the submitted plan is just a proposal to change that one portion of the approved site plan. He stated that the original, approved landscape plan has been submitted to follow what was approved for the area where the apartments are to be located.

Staff recommends to approve the site plan with the following conditions:

1. Side yard along the north property line be a minimum of 10 ft.
2. The "Y" intersection of Beer Warehouse traffic and residential traffic be changed to a 90 degree right angle intersections.
3. Brick sidewalks be installed along North Main Street for the entire 2.1 acre parcel.
4. Pedestrian steps to Wythe Parish (private street) be removed.
5. Final grading plan and storm water drainage plan be submitted and approved by the City Engineer.
6. The two easternmost proposed buildings along North Main Street (SR 48) not be considered approved as part of this application.

Mr. Schwab stated that the following should be noted by Planning Commission

A rear yard setback requirement for multi-family is 30 ft., however, for business it is 15 ft.

Regarding the density:

Zoning now permits 5.5 dwelling units per acre. The proposal is 10.0 dwelling units per acre. Wythe Parish was developed at a density of 8.5 dwelling units per acre.

Mr. Schwab pointed out that if this is approved with an 18 ft. rear yard setback, this would essentially be a variance; however, he pointed out that if this was a business use it would not require a variance as it would be within the regulations of the Ordinance.

Mr. Schwab stated that most of the apartment complexes in Centerville were developed under the Entrance Corridor zoning classification where there is no real density standards. Those densities varied from approximately 6-14 dwelling units per acre and in a few cases up to 22 dwelling units per acre. He stated according to a study done approximately 2 years ago, the number of dwelling units in the APD was 16 per acre.

In figuring the density of what is proposed, staff did not figure the area as a whole parcel. Staff felt that since there was a proposed site plan for businesses on other portions of the parcel and an existing Warehouse Beer commercial use, it was reasonable given what was already approved on other parts of the parcel and this mixture of uses, to only consider in terms of density the part being defined as the area for the apartment complex. When you figure that proposed density for the 8 dwelling units, it comes out to about 10 dwelling units per acre.

Staff feels that the 5.5 dwelling unit per acre density is a somewhat new addition to the Ordinance and very few apartment complexes have been built at that density. For this reason, 10 dwelling units per acre is not an unreasonable density. Mr. Schwab stated that if this site plan is approved as presented, a variance would be granted on the density.

Mr. Jim Swaim, owner of the property, stated that when the plan was originally proposed some years ago, the commercial buildings were arranged in the front of the lot and the parking to the rear to cover restaurant uses. Those restaurants subsequently located further to the south out of the APD to escape having to meet the architectural requirements. He stated that approximately 1-1/2 years ago, a study was done to determine what a planner would feel would be a good proposal for the property particularly in the northern area. It was suggested that some type of financial facility be placed on the northern part of the property and apartments or condominiums to the rear of the existing Marathon station. This would allow a buffer zone between the commercial use and the existing Wythe Parish condominium project to the west. Mr. Swaim stated he has entered into an agreement with one of the larger financial institutions to develop a small branch or a one person office on the northern section of the parcel which would be compatible in design to the APD. He stated in order to make it financially feasible to develop this small use in the front, he is trying to develop the rear of the lot at this time.

Mr. Swaim stated that the apartments will be luxury-type apartments renting in the \$450-\$500 per month range. The design is to be a bi-level type and will meet all the architectural requirements of the APD. Each unit is to have garage space as well as additional parking space provided. He stated that although the requested 18 ft. rear yard setback would require a 12 ft. variance, actually an office building could be constructed with a 15 ft. setback and still remain within the requirements of the ordinance. He stated that a letter was given to the president of the homeowner's association of Wythe Parish which states that essentially any screening that is acceptable to them would be provided.

Mr. Jerry Butler, speaker for the Wythe Parish homeowners, stated that they had a list of 8 issues which they were able to put together in a short period of time. He stated that the area in question is a .859 acre part of which is designated for commercial development. If the area of the commercial development is taken out, the total coverage of area is down to 30,000 sq. ft. If the total coverage area is divided by 8,000 sq. ft. which is required for each unit, this figures out to 3.79 dwelling units per acre for this parcel of land. He stated that the owners of Wythe Parish think this is a pertinent issue as the other areas have been designated for other uses. He stated it is their feeling that density is a serious problem to them as homeowners. He stated that they spend a lot of money to maintain their property and feel that over-density that close to them is not in Centerville's best interest or that of Wythe Parish.

Mr. Tate asked what density the homeowners of Wythe Parish are proposing.

Mr. Butler stated they are proposing the density which is required in the ordinance--that being 8,000 sq. ft. per unit or 4 units for that tract of land instead of the 8 that are proposed.

Mr. Tate asked if Wythe Parish is 8.5 and maintains such good units there, why do they want the proposed project cut in half.

Mr. Butler stated that they feel that Wythe Parish was built according to the code when it was built. If the code was changed by the City of Centerville, it was changed for a good reason and there is no reason to change a code if a developer can come in and follow an old code.

Mr. Butler stated that they are especially concerned with the required 30 ft. setback. He stated if these properties are built so close and at so dense an area, with the elevation differences that exist, this will be a real infringement to them in the use of their land. If this 30 ft. setback is not required by the City, the Wythe Parish residents will lose as a result of it.

Mr. Butler stated that parking space issue is not a problem. However, the large parking area directly behind the existing Warehouse Beer would be on a very sharp grade and this does create a concern for drainage problems. He stated that the residents of Wythe Parish have some difficulty agreeing that the apartments will rent for the \$500 per month range. He stated that there are several apartments in Centerville renting in the \$240-\$260 per month range just north of the proposed site behind the Bette Massie store. He stated that they have not seen the specifications for the proposed luxury apartments, luxury apartments which are to be behind a gas station, beside a Warehouse Beer, and the density is very heavy. He stated that have some difficulty believing that situation attracts luxury people. He stated they have a fear that this is not a viable business venture and although that is very much Mr. Swaim's concern, it is very much that of a concern to the people in Wythe Parish. Mr. Butler stated if the property must be rented for less, then the renters that would be received are not the same ones as the residents of Wythe Parish are being assured would be living behind them, and that would be another infringement on the property in Wythe Parish.

Mr. Butler stated that regarding a proposal some time ago to construct additional apartments in that vicinity, he stated this is hearsay. When it was presented to Mr. Schwab, he stated he had no knowledge of it. This matter will have to be researched to determine if it is valid.

Mr. Butler stated that their condominium association is very tight on restrictions and in a condominium association this is easy to do. He stated that the restrictions they have for parking are very pertinent restrictions and they are in the best interests of the City. He stated that they do not allow campers, boats, and commercial type vehicles to be parked in the outside areas and require them to be placed in garage areas. He stated with a property located adjacent to them without that restriction they have regarding parking, there will be an open area for recreational vehicles, etc., which will over look their property and will infringe upon the code that they have kept. Mr. Butler stated their association feels that this is a good code which they feel the City of Centerville should be interested in. He stated that Mr. Swaim has indicated to the association in their meetings that this type of restriction cannot be controlled on rental property.

Mr. Butler stated that Mr. Swaim has offered any type screening that would be favorable to the property owners in Wythe Parish. He stated that no amount of screening will aid them in the proximity and the elevation of these properties. He stated at the current elevations, a 30 ft. fence would have to be constructed to keep the windows of these units from looking down directly on the back yards of Wythe Parish. He stated that they feel that is a problem of over density and a fewer number of units would fit in better with the properties of Wythe Parish.

Mr. Butler stated, in summary, that continual growth of unusual construction variances, like what are being requested in this application, neither will speak well of Centerville if they are granted nor really draw the most desirable forms of development in Centerville which is the purpose for zoning and zoning ordinances.

Mr. Horvath asked if the one-way driveway does comply as a fire lane and would there be any problems.

Mr. Butler stated that an emergency exit is shown across another property, however, it is not known if an agreement has been made with that property owner. If this is not available it makes the situation even more of a fire hazard with the proximity of the buildings only 17 ft. away from their property.

Mr. Horvath asked if the Fire Department has had an opportunity to review this application.

Mr. Schwab stated that it had been reviewed by the Fire Department and their comment is that if there is a locked gate that they have access to between the properties, then they are not concerned.

Mr. Bill Simms, developer for the project, stated that by using a bi-level type building they are taking advantage of the lowest point of the ground and therefore, drop the height of the building. This is the only type of building that would actually lower the profile of what could be built there. If the property were developed commercial, the buildings would automatically be built 4 ft. higher than the ones proposed. He stated that regarding the rents, he is astounded at what rents are being paid at this time. He stated people are not able to afford a home, but can afford \$400-\$500 per month for rent. He stated that the garage area that is proposed with these units will make the difference in renting them.

Mr. Simms stated that the fencing being proposed will screen any type of vehicle parked in the parking area and will not be visible from Wythe Parish. He stated that at this point in time, they do not have permission from the property owners to the north of the proposed site to use it as a fire exit. This is something that they believe they can work out with the Fire Department although there are other ways of providing access which will have to be worked out.

Mr. Tate and Mr. Horvath agreed that the density should be computed in one way to avoid confusion.

Mr. Swaim stated that it seems that the issue of the residents of Wythe Parish is the height of the building and not the density.

Mr. Butler stated that both issues concern them.

Mr. Swaim stated that they are required to build under the requirements of the APD a certain type of building. The proposed buildings are buildings that conforms, looks and is compatible with the Wythe Parish subdivision. He stated any building that is constructed there whether it is one unit or 10 units will overlook the properties of Wythe Parish. There is no way around that since the proposed site is 20 ft. higher than the properties on which Wythe Parish is constructed. He stated that the density on the property can be figured any number of ways. He stated he tried to figure it with the least number of apartments that could be built, trying to conform with what the City requires in good taste and good building standards, to make it compatible to Wythe Parish, in order to make the project economically feasible to develop. He stated that the project can be constructed for less, but it will not be something people will like 5 years from now. In order to make this project compatible with

the Wythe Parish concerns, a certain number of units must be constructed to justify the money being spent on the project.

The other alternative would be to go back to the commercial type building which was approved for the site with a 15 ft. setback and parking all around it.

Mr. Swaim stated that he does not understand their fear of a person who will pay \$400-\$500 per month for rent and be an undesirable neighbor.

Mr. Butler stated that they do believe that the question of density is a concern as this will regulate how many windows will be overlooking the Wythe Parish area and the number of units situated 17 ft. from their property. He stated that 4 units would certainly be less objectionable than 8 units because that would be half as many families backing up to the closeness of the properties in Wythe Parish.

Mr. Butler stated that the 3 most important issues discussed are the density, the distance from the property line, and the fire dangers that might exist if proper access is not provided to the proposed site. He stated that it is the feeling of the residents of Wythe Parish that an office building would be more desirable as that property would be used at the opposite time from when the residents of Wythe Parish would be using theirs. He stated that it is their feeling that if it is not profitable to develop the area with a lesser number of units, the zoning should not be changed to make it profitable.

Mr. Swaim stated that he finds it very hard to believe that after years of not wanting the commercial development on the site, they would prefer it to what is now being proposed. He stated that if he came in with a commercial development proposal, there would probably be a portion of the residents of Wythe Parish that would prefer the residential development.

Mr. Tate stated that the Planning Commission can only review what is proposed and the project will be reviewed on the merits of that proposal.

Members of Planning Commission stated that they would like the question of density calculation clarified and also if the emergency access is available.

MOTION: Mrs. Simmons moved to table the site plan for Swaim Parish. Mr. Horvath seconded the motion. The motion was approved unanimously.

Mr. Farquhar stated that the area was a platted lot at one time. If it has not been vacated, that is the area to be considered.

#### Julie's Bridal Shoppe/Camelot Projects - Site Plan

Mr. Schwab made a slide presentation of the site plan for Julie's Bridal Shoppe/Camelot Projects, Inc., located at 125 and 133 East Franklin Street in the APD. He stated that this project is subject to a Procedure 4 review which requires review by the BAR, Planning Commission, and final approval by City Council.

The request is to construct an addition to the existing Bridal Shoppe at 125 East Franklin and to convert the adjoining residence at 133 East Franklin into office space. The proposed parking area would combine the



lot to share a common parking area thereby using the parcels as one lot. The parking requirement for the two combined uses is 10 spaces--12 spaces have been proposed.

Staff recommends to approve the site plan for Julie's Bridal Shoppe/Camelot Projects, Inc., with the following conditions:

1. Both properties be in common ownership.

Mr. Schwab stated that in order for the lot to function as one lot for zoning purposes, the lot should be under one ownership. It is the understanding of the City that this will occur soon.

2. Screening be added as follows:

- a. The eastern 30 ft. of the rear yard on Lot 29.
- b. The eastern side yard screening on Lot 30 be extended 25 ft. to the south.

3. An asphalt tail 6 ft. wide be added to aid exit from the two easternmost parking spaces on Lot 30.

4. The final storm drainage plan and grading be approved by the City Engineer.

Mr. Stan Swartz, representing Julie's Bridal Shoppe, stated that he is in the process of purchasing the property at 133 East Franklin Street as a partnership. He stated that there will be no problems with the conditions that staff has recommended for approval.

MOTION: Mr. Horvath moved to recommend approval of the site plan for Julie's Bridal Shoppe/Camelot Projects, Inc., to Council with the following conditions:

1. Both properties be in common ownership.

2. Screening be added as follows:

- a. The eastern 30 ft. of the rear yard on Lot 29.
- b. The eastern side yard screening on Lot 30 be extended 25 ft. to the south.

3. An asphalt tail 6 ft. wide be added to aid exit from the two easternmost parking spaces on Lot 30.

4. The final storm drainage plan and grading be approved by the City Engineer.

Col. Morrow seconded the motion. The motion was approved unanimously.

The Barn Renovation - Site Plan Amendment

Mr. Schwab made a slide presentation of the proposed site plan for the Dennis Hoertt property located at 58 and 60 North Main Street in the APD. The purpose of the renovation is to convert the barn to a retail use and by doing that, making some minor changes to the parking layout, landscaping and planter areas. Sixteen parking spaces are required and they are proposing 15 parking spaces. Angled parking is proposed along the bank areas to the south with planter type landscaping. A walkway is shown leading from the parking area to the barn structure.

Screening is required along the east property line between the site and an existing residence. Some type of fence is all that room will allow, so it is the desire of the adjacent property owner to have some type of green vegetation screening placed on his property. This arrangement is to be determined by the two property owners.

Mr. Schwab stated that the Fire Department pointed out in their review of the project, that certain fire codes will have to be complied with at the time of the renovation.

Staff recommendation is to approve the site plan for the barn renovation with the following conditions:

1. Screening be added along the east property line behind the stone building.
2. At the southwest corner of parking space #5, a 5 ft. radius be added to the planting area.
3. The brick walk along East Ridgeway in front of the stone planter be widened to 4 ft.
4. Eliminate parking space #3.

Staff feels that even though the plan has a minimum number of parking spaces, this parking space will require backing movements onto East Ridgeway in order to exit the space. This would not be a desirable movement from a practical point and should not be encouraged.

Mr. Doug Langley, architect representing the owner of the property, stated that the items discussed during the review of the project create no problems for the owner. He stated that the BAR insisted on the screening to the east and has discussed the matter with the owner he represents. Mr. Langley stated that the owner is not unwilling to put the green screening in, however, he is hesitant to do it. Should the owner of the adjacent property decide to remove this screening once it was in place, Mr. Hoertt would have no control of keeping it in place. Mr. Langley stated from a design point, he does not see a need for screening along the east property line.

Col. Morrow stated that he believes that the entrance on East Ridgeway will also become a main entrance to the site. He stated if he were designing this project, he would also want to make the entrance on East Ridgeway attractive. Col. Morrow suggested that by placing some type of brick planter in parking space #3, this would not only make the entrance

area more attractive, it will permanently delete parking space #3 as recommended by staff. Also this will divide the driveways between the proposed site and the adjacent property which was also a concern of Planning Commission.

Other members of Planning Commission agreed with this solution, commenting that this type of treatment would tie the whole project together.

Mr. Langley stated he can work something up that will tie in with the remainder of the landscaping plan.

MOTION: Col. Morrow moved to approve the site plan for the Barn Renovation located at 58 and 60 North Main Street with the following conditions:

1. Some type of planter be placed in parking space #3 to be an entryway instead of screening.
2. At the southwest corner of parking space #5, a 5 ft. radius be added to the planting area.
3. The brick walk along East Ridgeway in front of the stone planter be widened to 4 ft.
4. Eliminate parking space #3.

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

There being no further business, the meeting was adjourned.

*Clara [Signature]* 8/31/82

