

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, July 27, 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, Mr. Robert Chappell, Mrs. Marian Simmons. Absent: Col. Stanley Morrow. Also present: Mr. Alan C. Schwab, City Planner; Mr. Karl M. Schab, City Engineer; Mr. Steve Feverston, Planner; Ms. Gail Young, Legal Counsel.

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

Clark-Greimann Development Corp. - Rezoning from R-1 to R-2
Location: South of Centerville Station Road and east of Southbury Drive

COMMUNICATIONS

Mr. Schwab stated that a letter was received by the Planning Department from Byron R. Firsdon requesting the construction and placement of a residential development identification sign. The sign would be located at the entrance to the Hidden Hills subdivision for a temporary period of 12 months. The sign would be facing Kentshire Drive directly, from the south side of the street on the first lot of the project. The dimensions of the proposed sign are to be 4 ft. by 8 ft. with the materials to be a plywood construction painted a dark color. Wooden 8 inch letters will be used and painted a lighter color for contrast.

Mr. Byron Firsdon, applicant, stated that there has been an expression of interest among property owners in the subdivision to identify their particular neighborhood. He stated they are requesting the placement of the sign to be approved for a period of one year. After that time, they will evaluate the sign and determine whether it should remain. He stated if the decision is to let the sign remain, they will request a formal variance for the sign.

MOTION: Mr. Horvath moved to approve the request to erect a residential development identification sign for the Hidden Hills subdivision for a temporary period of 12 months. Mr. Chappell seconded the motion. The motion was approved unanimously.

PUBLIC HEARINGS

Domino's Pizza - Sign Variance

Mr. Schwab made a slide presentation of the sign variance request for Domino's Pizza located at 885 East Franklin Street. The zoning on the property is I-1, although a retail business is permitted as long as the additional requirements of a B-1 and B-2 sections of the Zoning Ordinance are met. The applicant has requested a setback from the right-of-way of 25 ft. The current sign is located 35 ft. back from the right-of-way which is the building setback requirement. Mr. Schwab stated that there is apparently some confusion on the applicant's part as to what setbacks are permitted in that location. Since the requested setback is permitted in the Sign Ordinance, this issue will not be considered a part of the variance request.

The identification total signage permitted is 40 sq. ft. under the Ordinance based on 1-1/2 sq. ft. of sign area per linear foot of building frontage. The request is for 129 sq. ft. of total sign area. The total sign area can be broken up between the freestanding sign and a sign on the building. Currently, there is only a free-standing sign existing on the site. The request is to enlarge the freestanding sign to 86 sq. ft. and add a 43 sq. ft. sign on the building.

Mr. Schwab stated that the signage as it exists currently does not do a very good job of identifying the property. By relocating the existing signage and putting it on the building would make the property more visible plus the building would appear to be open instead of vacant.

Staff recommends denial of the request based on a lack of any unique factor to the property. In reviewing the request, the standards for granting a variance have not been met.

Mr. Schwab stated that the applicant did submit a copy of a court decision out of a court in the Cleveland area. Legal counsel has advised the City that this particular decision was not binding on our local court, although it could be referenced in pursuing that avenue if it were to go in that direction.

Mr. Tate stated that he sees nothing wrong with moving the sign forward; however, he stated it was his recollection when the site plan was originally reviewed for Domino's, there was a discussion of parking spaces. At that time, it was noted that Domino's does not solicit drive-in business. They solicit people ordering their product from home to be delivered so the identification of the property as such is not critical.

Mr. Horvath stated that his feeling is a sign on the building would be more appropriate than a freestanding sign and would identify it much better than it does now.

Mr. Bergsten stated that the current location of the sign is very poor with all the trees around it. He stated that signage on the building would better identify it.

Mr. Tate opened the public hearing.

Mr. Jim Hardin, Wilson Sign Company which is representing Western Ohio Pizza, stated that he feels a unique situation does exist as the site is so well landscaped that the existing sign is hidden. He stated that Domino's does two kinds of business, that being delivery as well as walk-in. Mr. Hardin stated that even if the existing sign is moved to the 25 ft. setback which is permitted, they would still request the additional wall signage due to the poor visibility of the freestanding sign. He stated that they have tried to operate the business with the signage permitted in the Sign Ordinance, but it just has not worked. It is, therefore, requested that the variance be granted in order to gain some relief.

Mr. Tate asked the square footage of the current signage.

Mr. Hardin stated it is 32 sq. ft. total.

Mr. Schwab stated that the total signage permitted for the project is 40 sq. ft., therefore, allowing only 8 sq. ft. of additional signage for the site.

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

Mr. Tate stated he does not object to moving the existing sign closer to the right-of-way, however, a choice of signage on the building or a freestanding sign should be made.

MOTION: Mr. Horvath moved to deny the sign variance request for Domino's Pizza located at 885 East Franklin Street. Mr. Bergsten seconded the motion. The motion was approved unanimously.

Mr. Tate stated that the applicant does have a right to appeal the decision of Planning Commission to Council. A Written Notice of Intent to Appeal should be received by the City Clerk within five (5) days and the Written Appeal within ten (10) days after that time.

Mr. Schwab stated that the Clerk of Council could give the actual dates to the applicant should he so desire.

Mr. Tate stated that the public hearing for the Sign Ordinance has been postponed since the Ordinance does require additional work.

Limerick's Restaurant - Sign Variance

Mr. Schwab made a slide presentation of the request for a sign variance for Limerick's Restaurant located at 2 Loop Road. The zoning on the parcel is B-2, Roadside Business. The application is requesting a variance in the setback from the required 25 ft. to 10 ft., and in the freestanding sign area from a permitted 50 sq. ft. to 112 sq. ft. Mr. Schwab stated that the current sign is the temporary sign that was approved at the last Planning Commission meeting. He stated this existing 7 ft. by 8 ft. sign would become the permanent sign if the variance request is approved by the Planning Commission.

Staff recommends to deny the variance request based on the fact that no unique circumstances exist on the site.

Mr. Norman Hyams, applicant, stated that he has tried for 2-1/2 years to operate his business within the confines of the existing Ordinance and was appalled at the number of people who did not know a restaurant existed at the corner of Loop Road and SR 48. He stated that the current sign is the sign that he is asking for in the variance request so no additional changes will be made. Mr. Hyams stated that as soon as the sign was put up, his customers started commenting on it and business has gotten better.

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

Mr. Horvath stated that the sign does not look as bad as he thought it would; however, He stated that he does not see a need for the sign on the building. Mr. Horvath asked if the building signage were eliminated, would Limerick's be closer to the amount of signage allowed.

Mr. Schwab stated that we are dealing with two standards for signage-- one being the total identification signage for the property and the other being the maximum amount of 50 sq. ft. allotted signage for a freestanding sign. He explained that they do have additional signage allowed on the building, but not to exceed 50 sq. ft. of signage for a freestanding sign.

Mr. Chappell stated that he does not have a problem with the request. He stated with the terrain there and the speed of the cars, it is really needed.

Mr. Bergsten stated that although he did not attend the previous meeting, he did not understand why we are going so far out of the standard. He stated that should the prior Sambo's facility reopen, what standards does the City have for not granting them a larger sign.

Mr. Chappell stated that he believes that this particular property is unique and it meets the standards for granting the variance request.

Mr. Tate stated that in comparing the request for Limerick's and the variance request that was denied for Domino's, the issue is a different matter. He stated that Limerick's is a walk-in/sit down business where Domino's is not.

MOTION: Mr. Chappell moved to approve the sign variance for Limerick's Restaurant located at 2 Loop Road as requested. The sign is to be 112 sq. ft. total with a setback to be no closer than 10 ft. from the right-of-way. Mrs. Simmons seconded the motion. The motion was approved 3-2. Mr. Horvath and Mr. Bergsten voted no.

UNFINISHED BUSINESS

Hartford House Apartments (formerly Swaim Parish) - Site Plan

Mr. Tate stated that there were some questions at the last meeting to which staff was to answer at this meeting. He stated there was some question as how the density is to be figured. He stated that the Planning Commission had requested that all of the land that the applicant wanted to consider as part of this submittal be considered in the dwelling units per acre in determining density. Mr. Tate asked if that had been done.

Mr. Schwab stated that the applicant's response to that issue was that they are not willing to consider any portion of the land other than the part in which they are showing the apartment complex located on. Therefore, the density remains the same as what was indicated at the last meeting at 10.0 dwelling units per acre. The permitted density is 5.5 dwelling units per acre.

Mr. Tate asked if there was any additional information submitted by the applicant.

Mr. Schwab stated that a revised plan was submitted. He stated that the rear yard setback has been increased by approximately 5 ft., which would expand it to 23 ft. The rear yard requirement is 30 ft. This 23 ft. rear yard setback was achieved by narrowing the green space between the existing service station and asking for a wooden fence for the screening requirement versus a planting area as proposed.

Mr. Schwab stated that a staff recommendation was to change the "Y" intersection of the Warehouse Beer traffic and the residential traffic to a 90 degree angle intersection. The area has been rearranged with a planting area which makes the intersection more of a right angle. Staff feels that the revised change to the intersection would be acceptable with an addition of a stop sign and stop bar for the residential traffic exiting the area.

Mr. Schwab stated that an agreement with the property owner to the north could not be made in order to provide fire access to the emergency gate. To satisfy the turnaround situation, additional pavement was provided to allow a fire truck to back up and turnaround for exit. To scale out the area, it appears that this will work; however, the Fire Department commented that they would prefer more room than what is shown to negotiate the turnaround. The dumpster could be moved forward to the east to allow more room as well as provide more width to the turnaround area.

Staff feels that since the area has very tight dimensions, it would perhaps be better to do away with the proposed turnaround area and make a wide emergency exit which could be utilized, recognizing that it may disappear. It would be the most practical solution to just have the trucks back out of the approximate 200 ft. area given the site plan layout.

Staff recommends to approve the site plan with the previous staff recommendations except for those which have been addressed in the revised plan.

Mr. Tate stated that the 23 ft. setback did not seem to be a problem, but the density was since it is almost double what is permitted.

Mr. Jim Swaim, applicant, stated that the emergency access can be worked out with the Fire Department. The concern of the closeness to the property line was addressed by narrowing the green space area. He stated that the parking could be turned around and cut down to satisfy the additional required 7 ft. He stated that it is his feeling that the additional parking is more important than the 7 ft. to satisfy the 30 ft. requirement.

Mr. Swaim stated that the major concern seems to be the density. The property is located in the APD where the idea is to have a mix of office, business, and apartments to try to typify the older cities and to have buffer zones to keep the different areas separate. He stated that economically, the best thing to do with the property is to take a two-floor office condominium project and set it 15 ft. back from the property line which would be permitted under the zoning requirements. In order to provide a buffer zone, one has to be able to make a project economically feasible. He stated that originally the plan showed 10 units and he cut it to an 8-unit minimum to make it work out.

Mr. Swaim stated what is being looked at is basically 2 more units. The architecture and view will be the same. The parking is 3 times what is required and the fact that 2 more families will reside there will not really affect any of the things that the Planning Commission need look at other than the fact it is a unique piece of property. The property, being located in the APD, has been put upon the property owner to try to make some economically feasible alternatives to a strict business use. He stated that is what he is trying to do. He stated the only alternative is to go back to the business use. He stated that he does not think his proposal is a particularly bad one in view of the positives that it does give.

Mr. Horvath stated that it is his feeling that if the use is going to be changed from a business use to a residential use, the residential zoning requirements should be complied with. If it is more feasible to have a business there, maybe it would be more appropriate to have an office building there.

Mr. Tate asked if the property was previously zoned business.

Mr. Swaim stated that when the property was purchased, it was zoned entirely business. Since the property has since been rezoned to APD, it limits a certain number of things that can be done with the property. He stated the AP idea asked that a property owner look at the whole ordinance and that is what he is trying to do.

Mr. Chappell stated that he sees a need and a purpose for the project as well as the economics involved, but there is a problem with the density.

Mr. Jerry Butler, resident, stated that they do not disagree with Mr. Swaim improving his property, but feel that Wythe Parish has been there and they have taken care of their property. He stated that they provided by the zoning when it was built and the homeowners are just asking that Mr. Swaim is made to go by at least equal zoning of the City at that time, and not endanger the values of the property in Wythe Parish by encroaching closer to the land than current zoning regulations allow. He stated that they are also asking that the area not be developed more dense than what Wythe Parish was built under a zoning ordinance of 10 years ago. He stated that their primary point is a proposal that stays within the current Centerville zoning and does not allow variances, will be difficult to complain about.

Mr. Tate stated that on the basis of the proposal, since the proximity of Wythe Parish to the project has to be a concern of the Planning Commission, he stated that his own feeling is that the right thing would be to approve the project. However, with the current zoning and since the people in Wythe Parish object to the project, the Planning Commission will have to stick strictly to the zoning requirements. He stated when Mr. Swaim brings in another proposal, it will be reviewed and if it meets the zoning requirements, it will be approved.

MOTION: Mr. Horvath moved to deny the site plan for Hartford House Apartments as presented. Mr. Bergsten seconded the motion. The motion was approved unanimously.

Mr. Tate added that when Wythe Parish came in and changed the Master Plan by having the Warehouse Beer blocking the street going through and making it into a private drive, they did not do Centerville a very great service at that time.

Mr. Horvath stated if a plan is submitted by Mr. Swaim that meets all of the requirements, he can build anything back in that area he wants to and the Planning Commission will have to approve it.

Mr. Tate stated that the proposed site plan is completely satisfactory except for the density which is a legal requirement which is too far out of the requirement.

NEW BUISNESS

Woodbourne Library - Site Plan Amendment

Mr. Schwab made a slide presentation of the proposed site plan amendment for the Woodbourne Library located at 6060 Far Hills Avenue. The zoning on the property is B-2. He stated that the request is for the addition of 15 parking spaces to the existing parking area. The pavement will be extended to the south of the existing parking area providing 6 spaces on each side (east and west sides) and 3 spaces to the end (south).

Staff recommends approval of the site plan amendment for Woodbourne Library as submitted.

Mr. Schwab stated that during prior discussions of the Library, there was concern over a future extension of Fireside Drive to Whipp Road. There was a question of the easements necessary for the drainage ditch and the right-of-way necessary for that extension. It appears that this extension of the parking area would still allow all the options to be possible in terms of both the road and a proper easement for the drainage ditch as it now exists. This would simply become an access point either right-in/right-out or full movement for the Library off of that road.

Mr. Horvath asked what the possibility of that proposed project is at this time.

Mr. Schwab stated that it is very slim at this time. He stated it was considered as part of an on-going engineering part of the Whipp Road project, but it was not included as part of that project. It appears now to be a Council option that they could construct, or an assessment project. There is not much favorable reaction among the businessmen to be assessed for the project.

MOTION: Mrs. Simmons moved to recommend approval of the site plan amendment for the Woodbourne Library to City Council. Mr. Chappell seconded the motion. The motion was approved unanimously.

The Barn - Site Plan

Mr. Schwab made a slide presentation of the site plan for The Barn located at 10 West Franklin Street (southwest corner of Main and Franklin Streets) in the APD. He stated that the project is a Procedure 4 review process in which Council has final approval determination.

The request is to construct an addition to an existing barn joining two buildings on the properties and to add a considerable amount of parking space to the site. The required number of parking spaces is 5, based on the new building that is being constructed. There are already three buildings on the property that are legally-nonconforming which are allowed to operate as businesses with the three existing parking spaces. The parking requirement has to be based on the additional building that is proposed according to the Zoning Ordinance. Because a small addition is now being proposed, it cannot be required to provide parking spaces for all the buildings on the site. The existing businesses are legally entitled to operate in a business fashion now without the required parking. All the City can require is that the additional new building meets the parking requirement for the use that is being proposed. The applicant is proposing 18 parking spaces on-premise and 7 parking spaces off-premise. Mr. Schwab stated that it appears there is no agreement for the 7 off-premise parking spaces so Planning Commission should be directed to consider only the 18 spaces shown on the site itself.

Mr. Schwab stated that the first building on the property is the existing Confederated Artists building and the property extends south to the public alley at the rear of the property. The proposal is to join the existing barn which has been utilized previously as a retail use as well as the small building on the parcel currently used as a retail use together, and operate a lounge in these combined buildings. In addition, parking will be placed in the front yard area connecting to the alley. The alley is a one-way alley with travel to the west.

The dumpster area is proposed to be located in the southwest corner of the parcel that will be well screened alongside the alley and would be accessed by a truck going in a one-way fashion and backing out to exit.

On the opposite side of the public alley is a stone building which is a current residence. This residence is 3 to 5 feet from the approximate 12 foot wide alley.

Mr. Schwab stated that staff worked on some proposals to widen the alley to allow 2-way traffic to enter and exit the site. The final conclusion of staff and the applicant was that the proposal is the best arrangement in terms of safety for the traffic and access to the property.

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

1. A variance be granted by City Council to allow the front yard parking as shown on the site plan (parking spaces #3-18).

Since the AP Ordinance does not allow front yard parking, a variance must be granted to allow the parking area to be fronting on South Main Street.

2. All existing concrete sidewalk along Franklin Street and South Main Street be replaced with brick sidewalk.
3. The front of the dumpster be screened with wooden gates.

Mr. Schwab stated that the closeness of the residence to the south of the site requires that the dumpster be completely enclosed. He stated that as attractive as the residence is, they should not have to look out at a dumpster; however, staff could not find another area on the site suitable for locating the dumpster.

4. A grading plan and storm water drainage plan be approved by the City Engineer.
5. A fire hydrant be installed along the South Main Street side of the property at a location acceptable to the Washington Township Fire Department.
6. The use of each building be added to the site.
7. The alley turning radii at South Main Street be improved to a minimum of 15 feet.
8. The curb cut radii to the alley be changed to 10 feet.
9. One parking space along SR 48 be eliminated to save the existing tree.

Mr. Horvath asked what screening is proposed.

Mr. Schwab stated that an evergreen screen is proposed to screen the site from the residence to the south. A stone wall is proposed along South Main Street to somewhat screen the cars, but not tall enough to screen the building.

Mrs. Magsig, resident to the south of the proposal, stated that she does not think that the site has proper ingress and egress. She stated that the current situation is not good now as there are many accidents due to the narrowness of the street. She stated that she has had to replace her rail fence several times due to the accidents. Mrs. Magsig stated that she does not care for a dumpster directly across from her property nor does she care for a bar being in that location. She stated that in the winter, the alley gets very slick and her house has been hit several times previously.

Mr. Doug Langley, architect representing the owner, stated that he believes that all of the conditions as requested by staff can be satisfied. He stated that the parking layout can be worked out with staff. The sidewalks will be brick as stated. There will be no problem in screening the dumpster entirely. He stated that they are working with an engineer on the drainage. He stated that they have no intention of taking any water down to the alley. Mr. Langley stated that they were not aware of the installation of a fire hydrant, but it will not be a problem. Putting the usage of the buildings on the site plan is certainly not a problem.

Mr. Langley stated that the only condition that seems to be a problem is the requirement of the turning radii at South Main Street be improved to a minimum of 15 feet. He stated that they looked at that initially and there are two problems with that. One is an owner problem. There is a utility pole at the corner which has 4 to 5 power lines coming into it. This will be a major exercise in moving the utility pole.

Mr. Langley stated it is his feeling that if the radius to the alley is increased, it will make it easier for cars to come in faster. This will create a more dangerous situation for the residence to the south of the site. He stated that if cars are forced to slow down to enter the alley because of its narrowness, they will become more parallel to the alley as they turn in instead of being aimed across the alley to the south side. Mr. Langley stated that they are concerned about that residence, also, and the owner of the proposed site is willing to put up a guard-rail that would be screened with a wood cover to match any given condition to protect the house. It will be something done attractively.

Mr. Langley stated that changing the curb cut radii to 10 feet as well as eliminating one parking space to save an existing tree will create no problems.

Mr. Chappell stated that he assumed that a one-way sign would be placed at the exit area in the parking lot.

Mr. Langley stated that although it does now show on the staff recommendations, it was worked out with staff that a right turn only sign would be installed.

Mr. Tate stated it would be a good idea to have a illuminating sign on the barrier in the alley to indicate one-way traffic flow to the west.

MOTION: Mr. Horvath moved to recommend approval of the site plan for The Barn with the following conditions:

1. A variance be granted by City Council to allow the front yard parking as shown on the site plan (parking spaces #3-18).
2. All existing concrete sidewalk along Franklin Street and South Main Street be replaced with brick sidewalk.
3. The front of the dumpster be screened with wooden gates.
4. A grading plan and storm water drainage plan be approved by the City Engineer.
5. A fire hydrant be installed along the South Main Street side of the property at a location acceptable to the Washington Township Fire Department.
6. The use of each building be added to the site plan.
7. Erect a barrier to protect the property of the residence south of the site with a one-way sign attached to that barrier.
8. The curb cut radii to the alley be changed to 10 feet.
9. One parking space along SR 48 be eliminated to save the existing tree.

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Mrs. Simmons seconded the motion. The motion was approved 4-1. Mr. Bergsten voted.

Mr. Bergsten stated that he could not vote for the project due to the proximity of the neighbor and the undesirable entrance to the site.

There being no further business, the meeting was adjourned.

Elmer Tab 8/31/82

