

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, October 27, 1981

Mr. Horvath called the meeting to order at 7:35 P.M.

Attendance: Mr. Dallas Horvath, Mr. Brian Bergsten, Col. Stanley Morrow, Mr. Bernard Samples, Mrs. Marian Simmons, Mr. Robert Chappell. Absent: Mr. Elmer C. Tate, Jr. Also present: Mr. Alan C. Schwab, City Planner; Mr. Karl M. Schab, City Engineer; Mr. Robert N. Farquhar, City Attorney; Mr. Joseph S. Minner, Assistant City Manager; Mr. Steve Feverston, Planner I.

Approval of minutes of September 29, 1981, Planning Commission Regular Meeting:

MOTION: Mr. Samples moved to approve the Planning Commission minutes of September 29, 1981, as written. Col. Morrow seconded the motion. The motion was approved 5-0-1. Mrs. Simmons abstained.

SETTING OF PUBLIC HEARINGS

The following item was set for public hearing for Tuesday, November 24, 1981, at 7:30 p.m. in the City Building:

K-Mart Corporation - Sign Variance
Location: 8900 Lebanon Pike

PUBLIC HEARINGS

Bill Knapp's-Dayton, Inc. - Sign Variance

Mr. Schwab made a slide presentation of the proposed sign variance requested by Bill Knapp's located at 6460 Far Hills Avenue in the City of Centerville. He stated that the variance is a request for sign area as well as sign setback. A proposed 96 sq. ft. sign would replace an existing legally non-conforming sign which is approximately 145 sq. ft. in size and is placed 15 ft. from the right-of-way. The existing sign ordinance permits a sign area of 50 sq. ft. maximum. The variance request further proposes a sign setback of 15 ft. from the right-of-way instead of the 25 ft. minimum setback requirement. Mr. Schwab stated that the existing sign has lights mounted on the top which illuminate the building and parking area. He stated that the proposed sign would be externally illuminated and the same lights would be used on top of the proposed sign.

In reviewing the standards for granting a variance, Mr. Schwab stated that staff could not determine that the property had a unique situation which would warrant a variance. Staff recommends that the variance application for Bill Knapp's be denied based on the review of the variance standards.

Mr. Horvath opened the public hearing.

Mr. Gabe DiFiore, representing Bill Knapp's, stated that one correction would be made regarding the illumination of the sign. He stated that the sign itself is internally lighted. He stated contrary to staff's position, a certain amount of uniqueness does exist in the Loop Road area. He stated that they are the only commercial building in that area that in any way conforms to the colonial architecture scheme that is prevalent in Centerville. He stated for this reason, they feel that their request should be given consideration for an exception.

Mr. DiFiore stated that the existing sign is in ill repair. It is very expensive to repair, however, he stated they are willing to do this if a variance is not granted. He stated if the existing sign is repaired, the City will have a sign which is substantially over the requirement of the sign ordinance. If the variance is granted, the sign would be replaced with one which is much smaller even though it still exceeds the requirement. Mr. DiFiore stated that this is the request and it is up to the Planning Commission if they want the old, dumpy-looking sign or if they want the new one. He stated that they can live either way, although they would prefer the new one.

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

Mr. Horvath asked if the existing wall sign is included in the amount of sign area allowed for Bill Knapp's.

Mr. Schwab stated that the permitted signage is based on 1 1/2 sq. ft. per linear foot of building frontage. Out of that total signage, a maximum of 50 sq. ft. can appear as a freestanding sign.

Mr. Bergsten asked Mr. DiFiore if the proposed sign is a standard size sign for the restaurant chain.

Mr. DiFiore stated that the proposed sign is a standard size that has been acceptable in other areas.

Mr. Bergsten asked if any of the other facilities have smaller signs that the one being proposed.

Mr. DiFiore stated that three (3) existing facilities do not have any freestanding signs. He stated that these three (3) facilities are located in shopping malls and if a freestanding sign were used it would have to be part of the mall identification sign. He stated that Bill Knapp's chose not to include its sign in these three (3) locations.

Mr. Samples referred to the April 28, 1981, Planning Commission minutes concerning the sign variance request for Arby's restaurant. Quoting from the Planning Commission minutes, Mr. Samples stated that . . .

"Mr. Bergsten stated that the Planning Commission would be setting a very poor precedent if the variance request were approved. The spirit of the ordinance is to get all of these signs down to a minimum size. If Planning Commission allows them to continue with a sign that is this far out of the requirement that would be a poor precedent. Mr. Bergsten moved to deny the sign variance and Mr. Samples seconded the motion. The motion was approved unanimously."

Mr. Samples stated that he recalled that the Planning Commission agreed that the new sign would have been more aesthetically attractive than the old one but it was still in excess of the maximum sign area permitted.

Mr. Horvath stated that if the Planning Commission is going to use the guideline, this variance should not be granted.

Mrs. Simmons asked if the guideline should be used if the size of the sign is at least approaching the requirements of the sign ordinance.

Mr. Bergsten stated that the fact remains that if a new restaurant came in, they would be required to meet the present size requirements. He stated if they replace the sign with a new one, it will last for 20 years; however, eventually they will take down the old one.

Mrs. Simmons stated they will repair the old one and it will be there for a longer period of time.

Mr. Bergsten indicated that he did not think that would be the case.

Mr. Chappell stated that he somewhat agreed with Mrs. Simmons. He stated that at least the setback variance was justified.

Mr. Samples stated that he did not see how the Planning Commission could approve this variance application and live with the decision on Arby's. He stated that the situation is the same for both applications.

Mr. Bergsten stated that unless there is a clear cut uniqueness to this property, the Planning Commission has a duty to turn down requests for variances or work to have the existing ordinance changed. He stated that if it is not agreed that the existing ordinance is what is wanted, then there are ways to change it. As long as it exists, the Planning Commission should uphold it.

MOTION: Mr. Bergsten moved to deny the variance request for Bill Knapp's. Mr. Samples seconded the motion. The motion was approved 4-2. Mrs. Simmons and Mr. Chappell voted no.

Mr. Schwab explained to Mr. DiFiore that he has the right to appeal the decision of the Planning Commission to City Council. Mr. DiFiore was informed that he would have five (5) days to submit an Intent to Appeal and an additional ten (10) days to file a written appeal.

Mastromatteo, Frank - Variance on Side Yard Requirement

Mr. Schwab made a slide presentation of the requested variance on a side yard requirement for the purpose of building a garage at 6150 Ironside Drive. The zoning on the parcel is R-1. The required side yard setback in a R-1 district is nine (9)ft. The proposal is requesting a side yard of one (1) ft. to provide for a three (3) car garage off the back of the driveway. Mr. Schwab indicated that the applicant restores vehicles and this area would allow him to park these vehicles out of the weather.

In reviewing the standards for granting a variance, Mr. Schwab stated that the property is unique because of the configuration and easements on the lot. He stated that the topography is steep with a drainage ditch running behind the property. Staff recommends that the variance request be approved based on the information that pertains to the applicant's property.

Mr. Horvath opened the public hearing. There being no speakers for or against the variance application, Mr. Horvath closed the public hearing.

Mrs. Simmons asked if this venture is for business or for a hobby.

Mr. Schwab stated that as he understands it, the garage will be used strictly for a hobby. He stated that the applicant is restoring cars now--he just wants a place to get the cars out of the weather.

Mr. Horvath asked if there are any plat covenants covering a business adventure that would prevent that from occurring.

Mr. Schwab stated that there are protective covenants that limit the number of garage faces that you can have to three (3). This variance would put the applicant over the maximum allowed. Mr. Schwab stated that the applicant is aware of this covenant as well as are the neighbors. He stated that this situation, however, would be a private matter between the lot owners in that part of the plat and not something that the City can consider. In other words, the City regulations would permit a garage, but the covenants would not. He stated that as for the garage being a business, a home occupation could exist under certain provisions. He stated you would have to assume that the applicant will operate within the limitations of the ordinance.

Mr. Schab stated that the Fire Department was concerned with the distance between the new structure and the existing house to the north. It is their feeling that there will be no problem if the buildings are a minimum of 20 ft. apart. He suggested that if the Planning Commission approved this variance application, perhaps it could be approved with the structure being one (1) ft. from the property line or 20 ft. from the next building.

Mr. Horvath stated that it bothers him that the applicant is not in attendance, as well as property owners in the immediate area.

Mr. Schwab stated that one (1) resident did come into the Planning Department to discuss the variance. He was aware of the covenants on the plat and did indicate that there was a good chance he would attend the meeting tonight.

Mr. Samples suggested turning the garage so that the side of the building would be facing the street.

Mr. Schab stated that there would be a problem getting in and out.

MOTION: Mr. Samples moved to approve the application submitted by Frank Mastromatteo, 6150 Ironside Drive, allowing the construction of the garage structure no closer than two (2) feet to the adjacent property line. Mr. Bergsten seconded the motion. The motion was approved unanimously.

NEW BUSINESS

Yankee Station, Sec. 5 - Record Plan

Mr. Schwab reviewed the proposed record plan for Yankee Station, Sec. 5, located north of Yanks Court, south of SR 725, and west of Washington Village Drive in Washington Township. This record plan provides for one (1) lot on a 155 acre parcel. The street, sidewalks, and improvements are already bonded in front of the proposed lot. Staff recommends approval of the record plan for Yankee Station, Sec. 5, as submitted.

MOTION: Mrs. Simmons moved to approve the record plan for Yankee Station, Sec. 5, as submitted. Col. Morrow seconded the motion. The motion was approved unanimously.

McIntire Building - Site Plan Amendment

Mr. Schwab made a slide presentation of the proposed site plan amendment for the McIntire Building located at 60 West Franklin Street in the Architectural Preservation District. He explained that this application is one of those that has a split review between the Board of Architectural Review and the Planning Commission, and goes to Council for final approval. Mr. Schwab stated that the Planning Commission is basically concerned with the parking layout and screening for the project. There are 52 proposed parking spaces which more than meets the requirement of 32 parking spaces.

Mr. Schwab stated that the proposal is to make an addition to the existing structure just east of JT's Lounge and create a cluster effect. The existing structure will have some architectural alterations including enclosing the porch area. He stated that brick sidewalks do exist on a portion of the site and the remainder of the site will include extending those brick sidewalks. Staff recommends approval of the site plan amendment for the McIntire Building with the following conditions:

1. A revised parking layout approved by the City Planner be submitted.
2. A screened dumpster design and location approved by the City Planner be submitted.
3. A more detailed design of the parking lot elevations and the storm water drainage system for the property approved by the City Engineer be submitted.

Mr. Schwab stated that the proposed parking layout has some problems which include inadequate spacing for the angle of parking shown. Also, the circulation should move in a counterclockwise direction instead of a clockwise direction if it is to remain in the same type of configuration as what is proposed. He stated that the parking area allows adequate space to design something which will work.

Mr. John McIntire, applicant, stated that the counterclockwise direction of parking may create more confusion than the clockwise movement. He stated that the purpose for the establishment of the clockwise circulation was to allow additional exit from the lot. He stated that the architect for the project felt that the idea of additional exit was good and therefore, left the traffic circulation as it now exists. Mr. McIntire stated that he understands that this is just a recommendation which can be looked at, however, it may or may not be acceptable.

MOTION: Col. Morrow moved to recommend approval of the site plan amendment for the McIntire Building located at 60 West Franklin Street to Council with the following conditions:

1. A revised parking layout approved by the City Planner be submitted.
2. A screened dumpster design and location approved by the City Planner be submitted.

3. A more detailed design of the parking lot elevations and the storm water drainage system for the property approved by the City Engineer be submitted.

Mrs. Simmons seconded the motion. The motion was approved unanimously (6-0).

Mr. Minner Stated that this project will be forwarded to City Council for the meeting of November 2, 1981.

Mr. McIntire requested that copies of both the action by the BAR and the Planning Commission be forwarded to him prior to the Council meeting.

Yankee Station, Sec. 2 - Bond Release

Mr. Schab stated that notification has been received from the Washington Township Trustees accepting the roadways in Yankee Station, Sec. 2 for maintenance. It is, therefore, recommended that the bond be released with the following conditions:

1. The bond for sidewalks in the amount of \$8,400 is not to be released at the present time.
2. The Performance Bond for streets and storm sewers, in the amount of \$63,200 to be released, subject to the receipt of a Maintenance Bond of \$6,000 for the duration of one year. Said Maintenance Bond to also cover the proper grading or regrading of the areas between the curb and right-of-way line which might be affected in the course of sidewalk construction.

MOTION: Mrs. Simmons moved to approve the bond release for Yankee Station, Sec. 2 as follows:

1. The Performance Bond for streets and storm sewers, in the amount of \$63,200 to be released, subject to the receipt of a Maintenance Bond of \$6,000 for the duration of one year. Said Maintenance Bond to also cover the proper grading or regarding of the areas between the curb and right-of-way line which might be affected in the course of sidewalk construction.

Mr. Bergsten seconded the motion. The motion was approved unanimously.

There being no further business, the meeting was adjourned.

11-24-81
Elmer Totto