

CENTERVILLE PLANNING COMMISSION  
REGULAR MEETING  
Tuesday, November 24, 1981

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, Mr. Bernard Samples, Mrs. Marian Simmons. Absent: Mr. Robert Chappell. 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 October 27, 1981, Planning Commission Regular Meeting:

MOTION: Mrs. Simmons moved to approve the Planning Commission minutes of October 27, 1981, as written. Mr. Horvath seconded the motion. The motion was approved 5-0-1. Mr. Tate abstained.

Mr. Tate stated that the next regular meeting of the Planning Commission would be scheduled for December 15, 1981, due to the upcoming holiday season.

SETTING OF PUBLIC HEARINGS

The following items were set for public hearing for Tuesday, December 15, 1981, at 7:30 p.m. in the City Building:

Bench Billboard Company - Variance on Setback Requirement

Location: Southeast corner of SR 48 and Loop Road

Bench Billboard Company - Variance on Setback Requirement

Location: Southeast corner of SR 48 and Fireside Drive

COMMUNICATIONS

Mr. Schwab stated that Bill Knapp's-Dayton, Inc., has appealed the decision of the Planning Commission regarding the sign variance which was denied at the regular Planning Commission meeting of October 27, 1981.

PUBLIC HEARINGS

K-Mart Corporation - Sign Variance

Mr. Schwab reviewed the variance request as submitted by the K-Mart Corporation located at 896 South Main Street in the City of Centerville. The zoning on the site is B-2, Roadside Business. The request is to allow two (2) wall signs, which are mounted on the front of the building and on the fence to the garden center, to extend above the wall of the building. Those signs are currently in place. He stated that the ordinance only allows a wall sign to cover the wall area that it is on and not extend above the wall or beyond the ends of the wall. In this case, they are asking to allow the "K" section of the sign to extend approximately one (1) foot above the top of the building and the Garden Center sign to extend approximately three (3) feet above the top of the fence. He stated that the "K" could be moved down as there is enough room, however, it will not be aligned with the remaining letters.

Mr. Schwab stated that during the site plan review, the drawings at that time showed both the K-Mart sign and the Garden Center sign just as they are erected. The Planning Commission, in their recommendation to Council, included a condition of approval that the Garden Center sign be down on the fence and the "K" not extend above the wall. Council also included that condition in their approval. The building permit was issued with a condition that those signs not be erected as indicated on the site plan. The sign company came in and put the signs up as they were indicated on the blueprints. Rather than stop work on the project, the variance application was submitted by the K-Mart people.

In reviewing the variance standards, Mr. Schwab stated that staff could find no conditions or unusual circumstances which warrant granting a variance. It is, therefore, the recommendation of staff to deny the variance for K-Mart.

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

Mr. Horvath stated that the site plan for the K-Mart facility was reviewed by the Planning Commission twice at which time the Planning Commission made it very clear in their recommendation to Council that the sign was not to extend above the top of the building. He stated that the situation is nothing that the City created--it seems to be an error on part of the sign company. He stated that now they are coming in and asking for forgiveness for their error for which the City would grant a variance. Mr. Horvath stated this would be setting a precedent to encourage people to violate the conditions of approval.

Mr. Samples, quoting from the Planning Commission minutes of April 28, 1981, stated that:

"Col. Morrow moved to recommend approval to Council of the site plan amendment for K-Mart with the following conditions:

8. The "K-Mart" and Garden Center" signs shown on the plan not extend above the wall on which they are mounted."

Mr. Gary Crull, representing K-Mart, stated that they ran into problems as far as lowering the existing sign. He stated that there was a glass partition which extended up which has since been replaced by panels. He stated by lowering the "K", the "mart" section of the sign would have to be lowered into the panels. He stated at the time the sign was erected, the glass area (now panels) did not have anything to which the sign could be attached. That is the reason the sign company installed the sign in the manner in which they did. Regarding the Garden Center sign, Mr. Crull stated that by lowering the sign to the fence line, it would give opportunity for vandalism on the sign face as it is plastic.

Mrs. Simmons asked the height of the fence.

Mr. Schwab stated that it is nine (9) feet high.

Mr. Horvath stated that when the project was reviewed previously, a representative of K-Mart was not even present to explain any problems that they might run into as a result of the placement of the signs. He stated that this is a matter of reading the conditions of approval and following them. He stated that he is sure that there are different sizes of "K's"

made from what is up at the South Main location. He stated that he has been to other K-Mart locations where there are smaller K-Mart signs, so it is not that they cannot put up a smaller "K".

MOTION: Mr. Horvath moved to deny the sign variance request submitted by the K-Mart corporation. Mr. Samples seconded the motion. The motion was approved unanimously.

Mr. Farquhar explained to Mr. Crull his right to appeal the decision of the Planning Commission to City Council. Mr. Crull was informed that he would have to file within five (5) days of the decision an Intent to Appeal and an additional ten (10) days to file a formal petition to appeal.

#### NEW BUSINESS

##### Tibbetts Hardware Home Center - Site Plan Amendment (Centerville Place)

Mr. Schwab made a slide presentation of a site plan amendment to Centerville Place Shopping Center for Tibbetts Hardware, which would occupy 1031 South Main Street in the City of Centerville. The zoning on the site is B-3. The request is for the addition of outdoor storage and retail sales areas in the vicinity of the proposed store area. It is proposed to have the outdoor sales occupy an area along the store front approximately four (4) feet deep to sell and store seasonal items such as salt, fertilizer, landscaping items, etc. At the rear of the store, it is proposed to construct a chain link fenced-in area for more outdoor storage of bulky materials that will not easily store inside. It is also being requested to have two (2) trailers for storage outside the fences in area.

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

1. The outdoor sidewalk sales area shown in front of the store not be permitted.
2. The two trailers be relocated at the rear of the store to an area approved by the City Planner.

Mr. Schwab stated that the Washington Township Fire Department is concerned with the placement of the gate on the proposed fenced-in area. He stated that the gate area could be relocated to the satisfaction of the Fire Department.

Mr. Tate asked if some of the parking spaces could be deleted other than relocate the trailers.

Mr. Schwab stated that could be a possibility as the shopping center does have more parking spaces than are required.

Mr. Horvath stated that he prefers the location of the trailers as shown on the plan and would rather see the deletion of the parking spaces.

Mr. Tim Logan, Beerman Realty Company, stated that it is their intention to delete approximately six (6) parking spaces to facilitate the traffic flow. He stated that they are willing to work with staff on the location of the trailers as well as the gate entrance.

Mr. Mark Miller, store manager for Tibbetts Hardware, stated that the outside sales is a large part of their business which is mainly seasonal items. In the fall and winter, salt and wood is usually kept. In the summer months, it is mulch, top soil, etc. He stated without the outside sales of these seasonal items, sales would be hurt drastically.

Mr. Miller stated that they keep the outside sales area very neat and clean so it would in damage the asthetic value of the shopping area.

Mr. Tate stated that the issue is not a metter of materials stored outside the front of the store. He stated it is a matter of opening up the zoning ordinance by granting a variance which would encourage other store owners to request a variance of the same type.

Mr. Miller stated that if they could have merchandise outside during their peak seasons, they would not have to have permanent approval.

Mr. Tate stated that would not be a problem to approve outside sales for a temporary time period as was done for Throckmorton Brothers. He stated he would rather have a temporary display in the parking area than a permanent display on the sidewalk in front of the store.

Mr. Schwab also suggested that a three (3) day sale could be approve by the City Manager.

MOTION: Mr. Horvath moved to recommend approval to Council of the site plan amendment to Centerville Place Shopping Center for Tibbetts Hardware Home Center with the following conditions:

1. The outdoor sidewalk sales area shown in front of the store not be permitted.
2. The two (2) trailers be located at the rear of the store as shown on the site plan. The deletion of a sufficient number of parking spaces to accommodate proper traffic circulation around this location to be approved by the City Planner.
3. The gate area in the fenced area is to be relocated to the satisfaction of the Washington Township Fire Department.

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

#### Wrens Cross, Section 2 - Release of Performance Bond

Mr. Schab stated that the performance bond for Wrens Cross, Section 2, was reduces from the original \$52,000 bond to \$7,000 by the Planning Commission in 1980. He stated that all of the required improvements have been made which includes the final lift of blacktop being installed. The Washington Township Trustees have accepted the streets for maintenance. It is, therefore, recommended by staff to release the performance bond of \$52,000 entirely, subject to receipt of a one-year maintenance bond in the amount of \$2,600.

MOTION: Mr. Bergsten moved to approve the release of the performance bond for Wrens Cross, Section 2, as recommended by the City Engineer, subject to receipt of a one-year maintenance bond in the amount of \$2,600.

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

Polo Club Estates, Section 3 - Release of Performance Bond

Mr. Schab stated that the partnership has dissolved which originally developed Polo Club Estates. It is necessary to get the bonds back in order and it is, therefore, recommended to release the performance bond of \$147,000 with the following conditions:

1. Receipt of new performance bond(s) in the amount of \$28,530 for sidewalks;
2. A maintenance bond of \$6,000 for one year for the streets, storm sewer system and related improvements;
3. Acceptance of the roadways by Washington Township.

Mr. Schab stated that the streets have not been formally accepted for maintenance by the Washington Township Trustees, however, in conversations with Mr. Bill Johnson, Service Director for the Township, this will be done at the next meeting of the Trustees.

MOTION: Mr. Horvath moved to release the performance bond for Polo Club Estates, Section 3, with the following conditions:

1. Receipt of new performance bond(s) in the amount of \$28,530 for sidewalks;
2. A maintenance bond of \$6,000 for one year for the streets, storm sewer system and related improvements;
3. Formal written acceptance of the roadways by Washington Township.

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

Silvercreek Estates, Section 1 - Release of Performance Bond

Mr. Schab stated that it recommended that the performance bond of \$196,500 for Silvercreek Estates, Sec. 1, be released subject to the acceptance of the roadways by Washington Township, and to receipt of a one-year maintenance bond in the amount of \$9,825. He stated that all improvements are in place which includes roadways, sidewalks, and storm sewer system.

MOTION: Mr. Samples moved to release the performance bond of \$196,500 for Silvercreek Estates, Sec. 1 subject to the following conditions:

1. Formal written acceptance of the roadways by Washington Township;
2. Receipt of a one-year maintenance bond in the amount of \$9,825.

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

Myrnan Woods - Release of Performance Bond

Mr. Schab explained that Myrnan Woods is a road dedication extending from Congress Park Drive to a point 2,000 feet east of McEwen Road an additional

850 feet in a easterly direction. Work on the project is now complete and the Washington Township Trustees have accepted the roadway for maintenance. It is, therefore, recommended to release the performance bond of \$62,550 subject to receipt of a one-year maintenance bond of \$3,130.

MOTION: Col. Morrow moved to approve the release of the performance bond of \$62,550 for Myrnan Woods subject to the following condition:

1. Receipt of a one-year maintenance bond in the amount of \$3,130.

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

McDonald's Restaurant - Temporary Sign Approval

Mr. Schwab stated that the McDonald's Restaurant located east of SR 48 and south of Whipp Road has requested a temporary sign to be placed in the grassy area in front of some existing bushes at the SR 48 location. The requested sign would be approximately the size of a real estate sign to be used for promotional items. Mr. Schwab stated that the question before the Planning Commission is to allow the sign to be placed within the area of the 25 ft. setback requirement. If the sign were placed further back on the property, it would meet the requirements of the ordinance.

Mr. Samples asked if a real estate type sign is descriptive enough.

Mr. Schwab stated that the ordinance allows up to twelve (12) square feet of signage for real estate signs. The only real question is the setback and allowing a zero foot setback would suffice.

MOTION: Mr. Bergsten moved to grant permission for a temporary sign for McDonald's Restaurant located east of SR 48 and south of Whipp Road for a period not to exceed sixty (60) days. The sign is to be twelve (12) square feet or less. Mr. Samples seconded the motion. The motion was approved 5-1. Mr. Horvath voted no.

There being no further business, the meeting was adjourned.

