

CENTERVILLE PLANNING COMMISSION  
REGULAR MEETING  
Tuesday, March 31, 1981

Mr. Tate called the meeting to order at 7:35 p.m.

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

Approval of minutes of January 30, 1979, Planning Commission Regular Meeting:

MOTION: Mr. Samples moved to approve the Planning Commission minutes of January 30, 1979, as written. Mr. Horvath seconded the motion. The motion was approved 3-0-2. Mr. Chappell and Col. Morrow abstained.

Approval of minutes of May 15, 1979, Planning Commission Special Meeting:

MOTION: Mr. Horvath moved to approve the Planning Commission minutes of May 15, 1979, as written. Mr. Samples seconded the motion. The motion was approved 3-0-2. Mr. Chappell and Col. Morrow abstained.

Approval of minutes of May 29, 1979, Planning Commission Regular Meeting:

MOTION: Mr. Samples moved to approve the Planning Commission minutes of May 29, 1979, as written. Mr. Horvath seconded the motion. The motion was approved 3-0-2. Mr. Chappell and Col. Morrow abstained.

Approval of minutes of February 24, 1981, Planning Commission Regular Meeting:

MOTION: Col. Morrow moved to approve the Planning Commission minutes of February 24, 1981, as written. Mr. Chappell seconded the motion. The motion was approved unanimously.

SETTING OF PUBLIC HEARINGS

The following items were set for public hearing on Tuesday, April 28, 1981 at 7:30 p.m. in the City Building:

Centerville City Schools - Sign Variance  
Location: 500 East Franklin Street

Arby's Restaurant - Sign Variance  
Location: 832 South Main Street

COMMUNICATIONS

Mr. Schwab stated that he received confirmation that K-Mart has purchased the Goldman's Shopping Center site located on the northeast corner of Spring Valley Road and SR 48. He stated that representatives from K-Mart indicated that they will be submitting a site plan amendment within the next few months in order to proceed with the conversion.

PUBLIC HEARINGSAn Ordinance Amending Ordinance Number 15-61, The Zoning Ordinance, And Ordinance Number 48-70, By Changing Definitions And Requirements For Educational Facilities In The City Of Centerville, Ohio.

Mr. Schwab explained that the proposed Ordinance deals with private or public compulsory schools and nursery, kindergarten, and day care facilities. Currently in the Zoning Ordinance, schools in general are a contingent use. A contingent use means that as long as the parking requirements and the other requirements that are in the specific district are met, the use is allowed in all districts. There is no requirement for a site plan review unless the use is to be located in a business or industrial district. Nurseries, kindergartens and day care centers are currently listed as a conditional use which would be allowed in a R-3, B-1 or B-2 district.

Mr. Schwab stated that the problem is in the definition of these two different uses. He stated that kindergarten, nursery, and day care centers are not defined at all. In reading the definition of a private school under a contingent use, it is confusing as to whether a day care center could be considered as a private school and therefore, classify as a school. Should a day care center classify as a school, it would be permitted to locate in all zoning districts.

The proposed Ordinance is an attempt to clarify the situation. The definition of a nursery, kindergarten or day care would be clearly stated and still clearly make those facilities a conditional use which would be allowed in a R-3, B-1 or B-2 with the addition of a R-1 and R-2. The proposed definition of a compulsory school (grades 1-12) is simply to clarify what was apparently the intent of the definition of a school under the contingent use category. This definition would state that a compulsory school (grades 1-12) could operate in any zoning district in the City as long as it meets the requirements. The requirements that were added to the already existing parking requirements primarily are those for churches under the contingent use. One basic requirement will be that the area must be five (5) acres. He stated that some of the smaller schools would obviously not be able to meet this basic requirement. This Ordinance will keep the school in the spirit of the contingent use section, but will control the situation where we are getting these smaller, private schools that are teaching grades 1 through 3 and are locating in any district in the City.

Mr. Tate opened the public hearing.

There being no speakers for or against the subject of the Ordinance, Mr. Tate closed the public hearing.

MOTION: Mr. Samples moved to recommend approval of the Ordinance to Council as presented. Mr. Horvath seconded the motion. The motion was approved unanimously.

UNFINISHED BUSINESSShadybrook - Preliminary Plan

To remain on the table.

NEW BUSINESSThrockmorton Brothers, Inc. - Site Plan Amendment (Temporary)

Mr. Schwab made a slide presentation of the temporary site plan amendment to Centerville Place Shopping Center which would allow the placement of a garden center by Throckmorton Brothers, Inc. The request is to occupy the 6,000 foot store area and 30 parking spaces in front of that store (formerly Pascoe True Value Hardware) for the period from April 16, 1981 to June 16, 1981. Mr. Schwab explained that there is no question as to whether the garden center can be located within the store area. What is being considered is the 30 parking spaces directly in front of the store area. He stated that under the business zoning, the ordinance does not provide for any outside storage. There is a provision for people who are currently located in a retail space to have a temporary 3-day sale if they get the proper permit for a sidewalk sale. This type of outside storage and sale of retail goods is prohibited in a business district and would require temporary approval to conduct sales from the 30 spaces.

Mr. Horvath expressed his concern over the traffic coming into the shopping center. He asked if parking will be provided within the 30 spaces or will it be strictly used for storage.

Mr. Schwab stated it will be used strictly for storage and will be roped off. He stated that given the vacancy of the store area which would be used by Throckmorton Brothers, Inc., the parking spaces in question are not really being utilized at this time.

Mr. Tate stated that he feels that the use will be good for the shopping center.

Mr. John R. Griffith, attorney for Throckmorton Brothers, Inc., stated that this type of operation has been going on in the community for several years. He stated that the site that was used last year on North Main Street in the Township has another use and a different site had to be found. He stated that they wanted to locate a center in the Centerville area and the site in the Centerville Place Shopping Center was chosen.

MOTION: Col. Morrow moved to recommend approval of the temporary site plan to Council for the purpose of establishing a Throckmorton Brothers, Inc., garden center in the Centerville Place Shopping Center from April 16, 1981 to June 16, 1981. Mr. Samples seconded the motion. The motion was approved 4-1. Mr. Horvath voted no.

Connemara, Sec. 4 - Record Plan

Mr. Schwab made a slide presentation of the record plan for Connemara, Section 4 located south of Rahn Road and east of Alex-Bell Road in Washington Township. The record plan proposes 10 lots over an 8.7 acre area. Thoroughfare improvements will be required along Alex-Bell Road.

This section of Connemara is the fourth and final section of the subdivision. It is in conformance with the approved preliminary plan layout. Staff recommends approval of this record plan with the following conditions:

1. The 6 inch water main that ends at the fire hydrant between Lots 24 and 27 be extended to connect with the 30 inch water main on Alex-Bell Road.
2. The developer create a free water flow from the end of the 30 inch storm sewer outlet at the Alex-Bell Road crossing (vicinity of the southwest corner of Lot 25).
3. Subject to the signing of a Subdivider's Agreement and receipt of a Performance Bond for public improvements in an amount approved by the City Engineer.

Mr. Schab stated that the inspection fee would be in the amount of \$140.50 and the performance bond would be set at \$66,600.

MOTION: Mr. Horvath moved to approve the record plan for Connemara, Sec. 4 with the following conditions:

1. The 6 inch water main that ends at the fire hydrant between Lots 24 and 27 be extended to connect with the 30 inch water main on Alex-Bell Road.
2. The developer create a free water flow from the end of the 30 inch storm sewer outlet at the Alex-Bell Road crossing (vicinity of the southwest corner of Lot 25).
3. Subject to the signing of a Subdivider's Agreement and receipt of a Performance Bond in the amount of \$66,600 and Inspection Fee in the amount of \$140.50.

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

#### Creekview Estates - Record Plan

Mr. Schwab made a slide presentation of the record plan for Creekview Estates located northwest of Mad River Road and south of Alex-Bell Road in Washington Township. The proposed plan is a cluster subdivision of six (6) lots covering an area of 4.2 acres. Five (5) lots will be buildable with the sixth lot in a homeowners' association. The zoning on this parcel is Special Use and the layout of this plan is a condition of the zoning. Holes Creek runs through the site and under Mad River Road. There will be one (1) access drive off of Alex-Bell Road which will be two-way along the fronts of the garages and garage parking areas, with a loop that will provide additional parking for the units.

The most significant feature of this plan is that there is a 100-year flood level which runs across a portion of the site. The design that is now being proposed for these lots shows each unit being built on stilts. The developer is proposing to dedicate 43 feet of right-of-way from the centerline along Mad River Road and 45 feet on Alex-Bell Road. Mr. Schwab pointed out that this proposed amount is in excess of the requirements of the Thoroughfare Plan. He stated that the County did indicate that there is a road improvement currently being started through the pipe on the Alex-Bell and Mad River Road intersection. The improvement involves the replacement of the bridge on Mad River Road just south of the intersection and the bridge on Alex-Bell Road just east of the intersection, signalization of the intersection, and the addition of some turning lanes.

The County indicated that in talking with the consultant for the improvement project, the right-of-way requirements may be 50 feet from the centerline on Mad River Road and 70 feet from the centerline on Alex-Bell Road. Mr. Schwab stated that he was pointing out this improvement project as informational only so that the developer is aware of its impact on the proposed development.

Mr. Schwab stated that back in 1977, the developer of this plat came to the Planning Commission for approval to split these lots by simple deed. At that time, Planning Commission granted the lot split with the condition that the proper right-of-way be dedicated. He stated that because this plat will generate a limited number of additional traffic, it is difficult to justify more thoroughfare improvements than those proposed.

Staff recommends approval with the following conditions:

1. A covenant be placed on the record plan which states the following: "The lowest floor including the basement of any residential structure located on Lot Numbers one through five (1-5) shall be 802 feet. Amendment or removal of this covenant shall require the approval of the City of Centerville Planning Commission".
2. A notation be added to record plan drawing of each lot of the plat that states, "Minimum floor elevation 802 feet".
3. The City Engineer approve the construction drawings showing storm drainage and private roadway improvements.
4. In lieu of completion of the required improvements before recording the plat, the developer enter into a Subdivider's Agreement with the City of Centerville and post a Performance Bond with the City in an amount approved by the City Engineer.

Mr. Schab stated that if the plan is approved by the Planning Commission, the inspection fee should be submitted in the amount of \$40 and the performance bond in the amount of \$6,000.

Mr. Samples asked the significance of the 802 feet which is to be the lowest floor area.

Mr. Schwab stated that the 100-year flood level appears to be somewhere in the vicinity of 799 to 800 feet in that area of the Township. He stated that the normal requirement would be from 6 to 18 inches above the 100-year flood level. He stated that 802 feet would be anywhere from 2 to 3 feet above what the best estimates are of the 100-year flood level under current conditions.

MOTION: Mr. Horvath moved to approve the record plan for Creekview Estates with the following conditions:

1. A covenant be placed on the record plan which states the following:  
"The lowest floor including the basement of any residential structure located on Lot Numbers one through five (1-5) shall be 802 feet. Amendment or removal of this covenant shall require the approval of the City of Centerville Planning Commission".

2. A notation be added to record plan drawing of each lot of the plat that states, "Minimum floor elevation 802 feet".
3. The City Engineer approve the construction drawings showing storm drainage and private roadway improvements.
4. In lieu of completion of the required improvements before recording the plat, the developer enter into a Subdivider's Agreement with the City of Centerville; and, post a Performance Bond in the amount of \$6,000 and Inspection Fee in the amount of \$40 with the City.

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

#### Arby's Restaurant - Site Plan Amendment

Mr. Schwab made a slide presentation of the proposed site plan amendment to Arby's Restaurant located at 832 South Main Street. The zoning on the parcel is B-2. The proposed changes would be to add a drive-in window, remodel the exterior, and expand the building size. The parking proposed is 25 spaces. The building will be extended in order to convert the outside seating area to an inside seating area. A call box will be installed on the east side of the building with the pickup window on the north side of the building.

Mr. Schwab stated that the signage is not being considered at this time. The variance that was set for the next regular meeting proposes a reduction in the amount of existing signage, however, the proposed signage does exceed the maximum amount allowed. He stated that the existing signage now totals 374 sq. ft.; the proposed signage would total approximately 266.4 sq. ft.; the permitted sign area for this project would be 67.5 sq. ft. based on the linear frontage of the building projecting on SR 48 times the 1.5 sq. ft. per linear foot. If the freestanding sign was to total 50 sq. ft. in sign area, 17.5 sq. ft. of sign area could be used for wall signage. Mr. Schwab stated that the applicant would like the wall signage to be considered tonight because that signage is part of the building construction. He stated that given the situation on the freestanding sign, the Planning Commission would have to consider the two requests together at the same time in order to come up with any logical conclusion about the wall sign.

Mr. Schwab stated that directly behind the Arby's Restaurant is an open field which has been a constant problem with rodents that the Health Department has had to deal with at least on one (1) occasion. The recommendation of the Health Department is to try to limit that problem be constructing a fence behind the Cassano's and Arby's property which would at least maintain the trash on the property where it could be collected and disposed of properly.

Mr. Schwab stated that the original site plan submitted had many conflicting traffic movements. A revised plan was submitted which addressed most of the concerns of staff regarding these conflicting traffic movements. The dumpster area is to be relocated to the north side of the property with the gate area facing SR 48 at right angles.

Staff recommends approval of the revised site plan dated March 24, 1981 with the following conditions:

1. Delete Parking Space No. 25.
2. Signs shown are excluded from approval.
3. Dumpster be completely screened from view.
4. Concrete pad in front of the dumpster be extended to cover the floor of the dumpster screening structure.
5. A four (4) foot high chain link fence be erected from the dumpster enclosure to the east property line and extend along the entire east property line.
6. A fire hydrant be installed on the south side of the entrance driveway to SR 48.

Mr. Schwab stated that the fire hydrant is a request of the Fire Department. The Fire Department pointed out that for the whole commercial area, including the Goldman's store (future K-Mart), the filling station, Cassano's, Arby's, as well as the other tenants in the Goldman building, there are no fire hydrants except in the residential areas. The nearest fire hydrant to the north is on Bristol Drive, to the southwest at Clare-ridge Lane and to the east in Revere Village Apartment complex. Therefore, the request is to place a fire hydrant on the south side of the entrance driveway to Arby's on SR 48. Mr. Schwab stated that when K-Mart submits their site plan amendment, the Fire Department will further request a fire hydrant at the entrance to the shopping center located on East Spring Valley Road. He stated that the Fire Department feels that with the installation of these two (2) fire hydrants, the lack of hydrants in this area would be alleviated.

Mr. Horvath commented that it seems as though Arby's would want a fire hydrant close to their facility because of insurance reasons.

Mr. Donald Rossett, representing Arby's, stated that he originally built what is now the Arby's Restaurant and the adjacent Cassano's Restaurant. At that time, there was no requirement for a fire hydrant to be put in. He stated that the position of the owners is that they feel it is unfair to require them to put in a fire hydrant. He stated that they would be willing to pay their prorated share of the fire hydrant and realize the protection they would gain. They also feel that there are a lot of other people that will be gaining too. Mr. Rossett stated that this is a bad time to remodel a building. He stated that their business does not require the remodeling, however, they want to change the image of the building and to improve the appearance for the sake of business and the community. The owners feel that they cannot go beyond the limited expense that they proposed and the full share of the fire hydrant will mean that they will not do the remodeling. He stated that in terms of equity, K-Mart is in a far better position to bear the expense of the fire hydrant. He stated that he has never built any place where fire hydrants were not put in with the extension of water lines. The Fire Department was certainly remiss in their duty if they missed it at that time. If they were remiss, then it means that the City was also remiss.

Mr. Tate stated that he would like to table the project in order to investigate the question of the location of the water lines.

Mr. Rossett agreed to table the project.

MOTION: Mr. Chappell moved to table the site plan amendment for Arby's Restaurant. Col. Morrow seconded the motion. The motion was approved 4-1. Mr. Horvath voted no.

Wrens Cross, Sec. 1 - Extension of Subdivider's Agreement

Mr. Schwab explained that this is a request for the extension of a Subdivider's Agreement for one stretch of sidewalk that is missing in Section 1 of Wrens Cross. The extension would be for a reasonable period of time to allow the weather to break at which time the installation of the sidewalk could be done.

Mr. Horvath stated that his problem with this request is that the adjacent Walnut Grove subdivision was required to install sidewalks and one major point of that sidewalk issue was that it would make a tie-in with Wrens Cross. This has already placed the Planning Commission in an awkward situation and now the developer of Wrens Cross is requesting an extension.

Mr. Schab stated that the original Subdivider's Agreement was submitted in 1977. He stated that by extending the bond, the Subdivider's Agreement was also extended for the missing sidewalk. On February 1, 1981, the bond which was submitted in the form of a "Letter of Credit" expired. A new "Letter of Credit" was submitted which will expire on August 1, 1981. Therefore, it is the request that the Subdivider's Agreement be extended to May 31, 1981 in order to complete the installation of the sidewalk.

MOTION: Mr. Horvath moved to extend the Subdivider's Agreement for Wrens Cross, Sec. 1, to April 30, 1981 with consideration given for rain day allowance.

There was no second given to Mr. Horvath's motion.

FINAL MOTION: Mr. Chappell moved to extend the Subdivider's Agreement for Wrens Cross, Sec. 1, to May 15, 1981. Col. Morrow seconded the motion. The motion was approved 4-1. Mr. Horvath voted no.

There being no further business, the meeting was adjourned.

*Wallas J Horvath*  
*Acting Chairperson*