

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, April 28, 1981

Mr. Horvath, acting chairman, called the meeting to order at 7:35 p.m.

Attendance: Mr. Dallas Horvath, Mr. Brian Bergsten, Mrs. Marian Simmons, Mr. Bernard Samples, Mr. Robert Chappell (where noted), Col. Stanley Morrow (where noted). 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.

Approval of minutes of March 31, 1981, Planning Commission Regular Meeting:

MOTION: Mr. Samples moved to approve the Planning Commission minutes of March 31, 1981, as written. Mr. Bergsten seconded the motion. The motion was approved 3-0-1. Mrs. Simmons abstained.

SETTING OF PUBLIC HEARINGS

The following item was set for public hearing on Tuesday, May 26, 1981 at 7:30 p.m. in the City Building:

An Ordinance Amending Resolution Number 22-75, Resolution Number 23-75 And Ordinance Number 44-75, And Providing A Flood Damage Prevention Program For The City Of Centerville, Ohio.

PUBLIC HEARINGS

Centerville City Schools - Sign Variance

Mr. Schwab made a slide presentation of the request from Centerville City Schools for the addition of a conditional illuminated sign to be located in front of Centerville High School, 500 East Franklin Street. The proposed sign is to be an internally illuminated bulletin board sign which will be ground mounted. The permitted setback requirement is 25 feet from the future right-of-way. The requested setback is 5 feet from the existing right-of-way. A variance on the area is also involved. Only one (1) sign is permitted for a school under the Zoning Ordinance. The request is for this additional sign which covers 64 square feet in area. The proposed sign is to be constructed of brick approximately six (6) feet high and fourteen (14) feet long. The message board will have a plastic face with changeable copy. Plastic locking doors will cover the message board in order to protect the letters.

Mr. Schwab stated that it is his understanding that the persons constructing the sign do not have funds to illuminate the sign at this time, however, the sign will be hooked up to electricity so that when the funds become available the sign can be illuminated. The double-faced sign is to be centered in front of the high school and placed perpendicular to the right-of-way. In reviewing the variance guidelines, staff feels that the request meets the standards for granting a variance.

Mr. Horvath opened the public hearing.

Col. Morrow entered the meeting at this time.

Mr. Barry McWain (President of CHS Student Council), 946 Ashcreek Drive, stated that the school and community would benefit by the proposed sign. The school would promote its own activities as well as community activities. For these reasons, he stated that the sign is needed.

Mr. Carl McCullough (agent and student of CHS), 66 Hampton Drive, stated that the necessity of this type of a sign has been proven at the Magsig building. He stated that the sign existing at that location is deteriorating and in need of repair. Instead of relocating that sign at the new high school, it was determined that a new sign should be constructed.

Mr. Samples asked what is planned for the existing sign.

Mr. McCullough stated that the school will be contacted to see if perhaps the sign can be upgraded. If they do not express any interest in this, the sign will most likely be dismantled and taken away.

Mr. Jim Reppert, 61 Glencroft, stated that he feels that the sign is needed, however, the request for the variance of the setback is wrong. He stated that there is no reason for the setback to be less than the required 25 feet. The sign can be placed at either the east or west end of the parking lot. If the sign were placed only 5 feet from the sidewalk area, it would be detrimental to the residential area.

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

Mr. Horvath stated that the sign could not be centered in front of the school if a variance is not granted on the setback requirement.

Mr. Bergsten asked if the sign would be visible if the sign were placed with a 25 foot setback at the westernmost curb cut.

Mr. Schwab stated that you would have to walk off the area and look at it.

Mr. Chappell entered the meeting at this time.

Mr. Bergsten asked what the plan is for widening Franklin Street.

Mr. Schab stated that there are no plans for widening Franklin Street for at least five years. He stated that there are no plans of this nature included in the 5-year Capital Improvements Plan.

Mrs. Simmons stated that perhaps staff should do some measurements to show the location of the sign if it were placed 25 feet back from the right-of-way. Mrs. Simmons stated that she has no objection to the request, but if some people do then we should probably investigate it further.

Mr. McCullough stated that the area between the sidewalk and the parking area measures 42 feet. He stated that perhaps the sign could be moved back further than the proposed 5 feet since the 42 foot area does allow some flexibility.

MOTION: Mr. Bergsten moved to approve the sign variance for the Centerville City Schools (Centerville High School) with the provision that the sign be set back as close as practical to the 25 foot setback requirement. The final location is to be approved by staff. Mrs. Simmons seconded the motion. The motion was approved 4-1-1. Mr. Samples voted no; Mr. Chappell abstained.

Mr. Horvath stated that any persons speaking in opposition to the variance request has five (5) days to submit an Intent to Appeal this decision and ten (10) days after that date to submit the formal Appeal.

Arby's Restaurant - Sign Variance

Mr. Schwab made a slide presentation of the sign variance request for Arby's Restaurant located at 832 South Main Street. The zoning on the property is B-2. The variance requested is to replace the existing freestanding non-conforming sign with a sign that is also non-conforming in size and height, but a little smaller. The permitted height of a sign in a B-2 zoning is sixteen (16) feet--the requested is for 24-1/2 feet (the existing sign is approximately 27 feet). The sign area permitted is 50 square feet--the requested sign area is 228 square feet (the existing sign is approximately 350 square feet).

Mr. Schwab stated that the proposed sign would have the new Arby's tophat logo, the name Arby's, the message part, and a changeable copy part below the sign. This proposal measures 114 square feet per side for a total of 228 square feet as well as being approximately 24-1/2 feet tall. He pointed out that Arby's is also requesting a change in the wall signage as part of the remodeling. Mr. Schwab stated that the total area of signage allowed on this project is 67.5 square feet of total sign area. What is being proposed on the building is 38.4 square feet of signage. The total existing signage is now 374 square feet. The proposed total signage including the wall signage is 266.4 square feet in comparison to the 67.5 square feet that is allowed.

In reviewing the variance checklist, Mr. Schwab stated that the variance request does not meet all the standards for granting a variance. He stated that this is a legally non-conforming sign which is well over the sign requirements that exist in the Sign Ordinance today. The purpose for allowing legally non-conforming signs is simply to allow them to fulfill their economic benefit at the time they were constructed. Our Ordinance assumes that these larger signs will become outdated and the property owner would want to replace them. He stated that even though in this situation the proposed sign is smaller than the existing one, it would be against the spirit of the Ordinance and unfair to the people in the area who have complied with the Ordinance to allow this variance.

Mr. Horvath opened the public hearing.

Mr. Jack Blommel, representing Arby's, stated that they are trying to establish the new style of Arby's along with their remodeling of the building. He stated that the proposed sign is done in colors used on the proposed remodeling. He stated that the proposed sign is the smallest of the standard series of signs used in this area.

Mr. Bergsten asked if there are any other smaller signs used for Arby's throughout the chain.

Mr. Blommel stated that there are, however, they have not been used in the Dayton area.

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

Mr. Horvath reminded the Planning Commission that when Ponderosa remodeled their building, additional wall signage was requested. Because the freestanding sign was legally non-conforming, that additional signage was denied. At a later date, Ponderosa came back with a reduced freestanding sign within the Sign Ordinance requirements and the additional wall signage was granted.

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 and if the Planning Commission allows them to continue with a sign that is this far out of the requirements that would be a poor precedent.

Col. Morrow stated that he agreed with those comments.

Mrs. Simmons stated it would be unfair to the other business people in the City.

MOTION: Mr. Bergsten moved to deny the sign variance as requested by Arby's Restaurant. Mr. Samples seconded the motion. The motion was approved unanimously.

Mr. Horvath stated that the applicant has five (5) days in which to submit an Intent to Appeal the decision of the Planning Commission and ten (10) days to submit a formal Appeal.

UNFINISHED BUSINESS

Arby's Restaurant - Site Plan Amendment

MOTION: Mr. Bergsten moved to take the Arby's site plan amendment off the table. Mrs. Simmons seconded the motion. The motion was approved unanimously.

Mr. Schwab reviewed the site plan amendment for the Arby's Restaurant located at 832 South Main Street. The site plan amendment is required in order to add a drive-in window, remodel the exterior as well as expand the building size.

Staff has looked at the fire hydrant situation and tried to come up with some proposal to establish coverage within a 300 foot radius as suggested by the Fire Department. Mr. Schwab stated that there is good coverage to Revere Village Apartments and the condominium project to the east. Staff concluded that the water lines are on the west side of SR 48. Staff recommends that there be a hydrant within 300 feet of Arby's. Mr. Schwab stated that a condition of the site plan amendment for K-Mart will be the addition of two (2) fire hydrants--one on the east side of the westernmost curb cut onto Spring Valley Road and one in the vicinity of the northernmost curb cut onto SR 48. This would leave it up to those two separate applicants (K-Mart and Arby's) to work out the fire hydrant placement agreement between themselves. Mr. Schwab stated that the additional fire hydrant on the west side of SR 48 will

cost in the neighborhood of \$1,500 according to the information that was submitted. This the best solution staff could arrive at.

Staff recommends approval 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 within approximately 300 feet of the Arby's building.

Mr. Don Rossett, builder for Arby's, stated that he had obtained cost estimates from the State for the placement of a fire hydrant on the east side of SR 48. These costs came in at \$6,735. If rock is encountered, the cost will increase to \$11,135. At these rates, he stated that he cannot afford to do the remodeling. He stated that what he feels the Planning Commission is trying to do is to cover up a mistake that was made in the past. He stated that in reviewing his records of over 40 years, he has never been able to extend a water line for the distance they have extended South Main Street without installing fire hydrants. He stated that what he believes he is being asked to do is to amend a mistake. He stated that staff's proposal that the hydrant be placed on the west side of SR 48 places a different view on the cost situation, although he stated he does not have an estimate for this. He stated that he still does not think it is fair, however the cost may be feasible.

MOTION: Mr. Chappell moved to recommend approval to Council of the site plan amendment for Arby's Restaurant 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 within approximately 300 feet of the Arby's building.

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

Resurrection Evangelical Church - Variance from Requirements for Church Use

Mr. Schwab stated that under the new AP Ordinance there is a provision where the BAR and the Planning Commission are both involved in a application for a site plan amendment. A division of responsibilities where things that are not architectually oriented are reviewed by the Planning Commission. In this case, we are involved with a variance from requirements for a church use. A church use is permitted in all zoning districts providing certain requirements are met. One of those requirements is a five (5) acre parcel which is the strictest requirement.

Mr. Schwab made a slide presentation of the request from the Resurrection Evangelical Church for a variance from the requirements for a church use. The proposed location is 11 North Main Street in the APD. Services are to be conducted on Wednesday evening and Sunday morning. Public parking is provided at the rear of Washington Township Hall and parking is also provided at the rear of the proposed location.

Staff feels that the normal five (5) acre requirement is for a more established congregation and that due to the small size of this congregation (approximately 30 people), this requirement can be waived because it is a unique situation. Staff recommends approval of the variance with the following conditions:

1. Church use of the premises be restricted to Wednesday evening and Sunday morning.
2. The building comply with all electrical, building, and fire codes applicable to a church use.

Mr. Bergsten asked the current use of the building.

Mr. Schwab stated that it is now vacant.

Mr. Bergsten asked what type of signage would they have.

Mr. Schwab stated that they would have what is allowed in the APD which is approved by the BAR.

A trustee of the church stated that the conditions placed on the approval are acceptable. He stated that the church does have property on Alex-Bell Road where they plan to develop their church. However, at this time they are trying to locate at a temporary location in order to establish an identity in the Centerville area.

MOTION: Mr. Samples moved to approve the variance as requested by the Resurrection Evangelical Church with the following conditions:

1. Church use of the premises be restricted to Wednesday evening and Sunday morning.
2. The building comply with all electrical, building, and fire codes applicable to a church use.
3. No signage is being approved with this application.

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

Saxony Builders - Site Plan Amendment

Mr. Schwab gave an explanation that this item is being reviewed as part of the new AP Ordinance. He stated that the location of screening on a property is now the determination of the Planning Commission. The BAR can determine the materials of which the screening is to be made, but not the location. He stated that this application deals with Saxony Builders located at 175 South Main Street in the APD. The request is a site plan amendment which would delete screening on the east property line. The former residence was converted to an office with parking placed in the rear of the building. The driveway to the garage area was replaced with sod and the driveway to the parking area was placed on the east side of the building. The request is to delete the screening on the east property line between what is the business now and the park area to the east.

Mr. Schwab stated that at the time this building was converted from a residence to a business use, an application was made to the BAR under the old AP Ordinance. Under the old AP Ordinance, there were requirements for screening in certain instances. When the BAR looked at the original application, during review one of the conditions placed on the approval was to provide screening along the east property line at the parking area. When that one condition was placed on the approval, the applicant would have his normal appeal rights under the old AP Ordinance. At that time, the applicant did not exercise that right to appeal the BAR decision. The applicant converted the residence and it is in full compliance with the conditions of the BAR except for the screening requirement. The applicant indicated in a request to the BAR that he would like the screening requirement deleted. The BAR indicated in the last month or so that they would not be in favor of deleting that requirement. By virtue of the fact that when the original motion was passed, the applicant had an appeal right and did not exercise that right, that left him with no appeal process to the Council. Under the new AP Ordinance, the requirement for screening is a decision of the Planning Commission and not the BAR. This brings the applicant to the Planning Commission asking that the Planning Commission waive the screening that was a prior requirement of the BAR. This is what the Planning Commission is reviewing. The Planning Commission is making the final decision on this matter, however, should the request be denied, the decision could be appealed to the Council.

Mr. Schwab stated that there is not generally a requirement for screening from right-of-way. However, in this instance, the right-of-way is a park. Under the screening requirements in the new AP Ordinance, staff feels that the requirement by the BAR is still a legitimate requirement. Normally if the park area were just right-of-way, the parking area would be located in the front yard of the property. That situation would also require screening under the new AP Ordinance. For those two (2) reasons, staff would recommend that the site plan amendment not be approved.

Mr. Bob DiGuardi, 175 South Main Street, stated in the original application the lie of the land was considerably different than what it is now. The screening requirement was made assuming that the driveway and park area were at the same grade. He stated that the driveway and parking area are from 3-1/2 to 5-1/2 feet below grade. The reasoning for deleting the screening is that the parking area is not readily visible from SR 48 because of the change in grade. The addition of the split rail fence makes the park area appear separate. Mr. DiGuardi stated that he does

not feel that the screening provides any more of what it was intended to do than what is already existing. The screening has already taken place with the excavation and the addition of shrubs does not provide any additional benefit.

Mr. Schwab stated that the standards for screening are better defined in the new Ordinance which states that a six (6) foot screen is required to provide an eye level obstruction of a non-desireable view.

Mr. DiGuardi asked if the six (6) foot screen starts at the level of the property or that of the park property, which side of the line does the screen start.

Mr. Schwab stated that when walking across the park property, the eye level should face screening.

MOTION: Mr. Samples moved to deny the site plan amendment for Saxony Builders which would allow the deletion of screening. Mr. Bergsten seconded the motion. The motion was approved unanimously.

Mr. Horvath stated that Mr. DiGuardi has the right to appeal the decision of the Planning Commission to Council. The Intent to Appeal must be received within five (5) days of the decision and the written Appeal must be received within ten (10) days after that date.

K-Mart - Site Plan Amendment

Mr. Schwab made a slide presentation of the site plan amendment requested by K-Mart who is proposing to purchase the entire Goldman Shopping Center. The proposed amendment would be to add a garden center to the south side of the store along Spring Valley Road, add a trash compactor to the rear of the building, a parking layout change, and either by intent or a error in the drawing to relocate a curb cut. The existing parking spaces on the site are 440. The proposed parking spaces number 396 which is the difference in the amount lost due to the addition of the garden center.

Mr. Schwab stated that concerning the relocation of the curb cut, staff feels that it would be too close to the existing curb cut for Arby's. Staff feels that the existing curb cut is satisfactory in its present location. It is the understanding of staff that the asphalt parking area will be redone.

Staff has reviewed the site plan that was submitted as well as the site itself and the following conditions are recommended as a result of that review:

1. K-Mart acquire the premises.
2. All curb cuts onto SR 48 and Spring Valley Road remain at their existing locations and no new curb cuts be permitted.
3. The relocation of the northernmost SR 48 curb cut shown on the plan not be permitted.
4. Two fire hydrants be added to the site:
 - A. One hydrant on the east side of the westernmost curb cut onto Spring Valley Road.

- B. One hydrant in the vicinity of the northernmost curb cut onto SR 48.
- 5. The two incinerators at the rear of the building be removed.
- 6. At the east property line, eighty (80) feet of evergreen screening be added centered on the location of the new trash compactor.
- 7. Any change of the design of the light fixtures in the parking lot be approved by the City Planner.
- 8. The "K-Mart" and "Garden Shop" signs shown on the plan not extend above the wall on which they are mounted.

Mr. Schwab noted that there is not a representative for K-Mart present.

Mr. Chappell commented that 80 feet of screening is not much.

Mr. Schwab stated that a screen around the dumpster is not possible. He stated that the screening is more of a compromise because it is not fair to ask them to screen the entire area. He stated that if K-Mart did not put in the garden center, they would not even be required to come before the Planning Commission for review.

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

- 1. K-Mart acquire the premises.
- 2. All curb cuts onto SR 48 and Spring Valley Road remain at their existing locations and no new curb cuts be permitted unless a minor realignment and adjustment is made with staff approval.
- 3. The relocation of the northernmost SR 48 curb cut shown on the plan not be permitted.
- 4. Two fire hydrants be added to the site:
 - A. One hydrant on the east side of the westernmost curb cut onto Spring Valley Road.
 - B. One hydrant in the vicinity of the northernmost curb cut onto SR 48.
- 5. The two incinerators at the rear of the building be removed.
- 6. At the east property line, eighty (80) feet of evergreen screening be added centered on the location of the new trash compactor.
- 7. Any change of the design of the light fixtures in the parking lot be approved by the City Planner.
- 8. The "K-Mart" and "Garden Shop" signs shown on the plan not extend above the wall on which they are mounted.

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

There being no further business, the meeting was adjourned. *Elmer Cole*

