

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, June 24, 1980

Mr. Tate called the meeting to order at 7:38 p.m.

Attendance: Mr. Elmer C. Tate, Jr., Mr. Dallas Horvath, Mr. Brian Bergsten, Mr. Bernard Samples, Col. Stanley Morrow, Mr. Robert Chappell (where noted), Mrs. Marian Simmons (where noted).
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 May 27, 1980, Planning Commission Meeting:

MOTION: Mr. Samples moved to approve the Planning Commission minutes of May 27, 1980, as written. Mr. Horvath seconded the motion. The motion was approved unanimously.

SETTING OF PUBLIC HEARINGS

The following item was set for public hearing on Tuesday, July 29, 1980 at 7:30 p.m. in the City Building:

Revere Village Apartments - Sign Variance
Location: 865 Revere Village Court

COMMUNICATIONS

Darr, Michael - Lot Split Request

Mr. Schwab made a slide presentation of the requested lot split located at the east end of Stanley Mill Drive where it dead ends. The zoning on the parcel is R-1. The parcel is approximately 4 acres and is proposed to be split into two (2) parcels fronting on Stanley Mill Drive with each parcel having twenty-five (25) feet of frontage. One parcel would be 2.17 acres and the other would be 2 acres. The proposed lot line would run at approximately the centerline of Stanley Mill Drive to the east continuing to the County Line.

Staff recommendation is to approve the lot split stating that it should be made known that there is drainage flow from the reverse parts off Pelwood Drive as well as flow from the end of Stanley Mill Drive. The applicant should be aware that he will have to accept the water as it is being discharged on his property now and properly handle that as well as any additional drainage that they may create be discharged in a satisfactory way.

The second consideration is that each one of these lots is about two (2) acres in size. The existing zoning requires 20,000 square feet per lot. This will potentially allow for more lots than are presently being proposed. It will only be by the approval of the Planning Commission that additional lots can be split and developed.

Staff does recommend to approve this lot split with the considerations that have been made.

MOTION: Mr. Horvath moved to approve the lot split for the parcel located at the east end of Stanley Mill Drive as presented. Mr. Samples seconded the motion. The motion was approved unanimously.

PUBLIC HEARINGS

Architectural Preservation District Ordinance

Mr. Schwab made a presentation stating that this is a proposed Architectural Preservation District (APD) Ordinance that has received a lot of review over the past several years. This particular draft has only been reviewed over approximately the past six (6) months.

Mr. Schwab stated that what this Ordinance attempts to do is to do the following:

1. Adopt more specific standards for the APD.
2. Provide a level system of review processes to be incorporated into the Ordinance. The degree of action to be taken on a project within the APD will be determined. The level system will include the following:
 - A. No approval needed by the City of Centerville.
 - B. Staff review process for simple type alterations including drainage, temporary signs, etc.
 - C. Applicant goes before the Board of Architectural Review (BAR) for approval that would involve major alterations.
 - D. Council would have final approval of site plans. These plans would first be reviewed by the Planning Commission and BAR which would each forward their recommendations to Council. Council would then review the project and give final action. This procedure would only occur with new buildings, conditional uses, etc.

Mr. Schwab stated that staff has worked on this Ordinance for the last two (2) or three (3) years. He stated that he had only been involved with this Ordinance approximately the last year. Staff has tried to look at different ordinances of this type from cities all over the country as well as talking with local experts on historical preservation and design review. The staff has listened to the businessmen, Council, Planning Commission, the BAR, and numerous committees and staff has tried to draft something that is satisfactory to the majority of the people. Staff welcomes any comment that anyone has regarding this Ordinance.

Mr. Tate opened the public hearing.

Mr. Tom Ross, owner of Ross' House of Antiques located at 39 South Main Street, stated that he had a letter from Jack Landis, owner of Landis Art Glass. The letter stated that there are some buildings in the APD that should be declared historical and should be

preserved. These kinds of restrictions should not be enforced on everyone. Mr. Landis pointed out that many businesses have been forced out of business because of the strict restrictions placed on the APD. He stated that he does object to being restricted to what he does for the good of his business in Centerville. People who live in or have a business in the APD should be making the laws that govern them.

Mr. Ross stated that he had worked out some of his thoughts today and would like to present them tonight. He stated that he had come here tonight as a concerned businessman and property owner in the APD. Mr. Ross stated that one concern is the composition of the BAR. The BAR should be made up of only residents, business people, and property owners of the APD. The BAR should be made up of three (3) residents, three (3) business people, and one (1) business resident so that people can govern themselves and not be governed by others. Another concern was that of approval of painting of the structure and type of landscaping that is allowed in the APD. Mr. Ross stated that the signage is based on a human scale because the BAR is trying to create a walk in district. He stated that approximately 5% to 10% of his customers walk in. Mr. Ross called for encouragement and help from the City government and then the business community would be more cooperative with the APD concept.

There are some good points about the APD. The regulations, however, are too restrictive to be conducive to a prosperous business community. In regard to the building restrictions, Mr. Ross stated that he really does not care what color his building is painted as long as it presents a good appearance. He stated that he does not mind picking from the colors in the Ordinance, but he feels that this is giving up his right as a property owner. Mr. Ross stated that he will give up this right if the members of City Council, the BAR, etc. allow him to come to their residences and tell them what colors they can paint their homes.

Mr. Ross stated that he is not totally against the APD. He stated that the following changes should be made in the Ordinance:

1. The BAR should be composed of only APD residents, business people, and property owners with the breakdown being 3 residents, 3 business people, and at least 1 business resident.
2. Signage should be much less restrictive in size, color, and shape.
3. In painting, a chart of recommended colors to choose from could be made available, but it should be clearly a voluntary choice.

Ms. Janet Bender, D'evereux Galleries in Independence Square, referred to the "Design Review Criteria" where it stated that the City of Centerville was built to human scale. The problem is that this area does not serve pedestrian traffic--it serves vehicular traffic. The business people would like more leniency regarding signage.

Ms. Bender read a letter from Mr. Robert J. Crawford, business and property owner at 92 East Franklin Street. The letter stated that the general principles of the APD planners may be well intentioned; however, it is making it more difficult for property owners in the district. Instead of helping business prosper and grow, the City is hindering it to do stringent unnecessary restrictions. It was also encouraged that at least one half of the BAR membership be owners and/or all residents in the APD.

Mr. Ed Massie, resident of 74 Weller Avenue, stated that he and his wife are completely supportive of historic preservation. His basic concern was with the decision of the BAR regarding the clock proposed by Ross' House of Antiques located at 39 South Main Street. He stated that the clock is not out of scale with the building and the community in general. One of the BAR members commented to the press that the City would accept the clock for erection at the corner of Main and Franklin Streets. This is not very consistent with what should be expected from our City officials in this community. In fact, the clock would not match very well next to a Shell gas station or a Waylo. Mr. Massie stated that if the members of this board are making decisions for one area of this City, then the members should be residents or business persons of the APD.

Ms. Barb Woodward, former owner of an antique shop in the APD, stated that her interest is mainly an old one. Signage is a real problem. Also she agreed that the representation of business persons and residents of the APD should be at least a majority. Parking is very much a problem.

Ms. Woodward read a statement from Attorney Will Frazee, 26 East Ridgeway, who is unable to attend the meeting tonight. In referring to the Ordinance and the BAR, he stated that the matter has reached the critical stage. He recommended that in the best interests of the municipality and the individual businessman that there be no ordinance.

Mr. Jim Rauch, owner of Unique Designs at 25 East Franklin Street, stated that he is against the Ordinance as it is written now particularly in regard to representation on the BAR. The BAR should consist only of business persons and residents of the APD. After having his business at this location for three (3) years, he stated that there could be no more than 5% walk in; therefore, having the signs to human scale is not acceptable. The City has not helped the merchants in this area at all. At least ten (10) establishments have gone out of business over the past three (3) years and they are leaving for a reason. Insisting that the regulations in the proposed Ordinance be followed is not going to attract new businesses.

Mr. Tony Staub, owner of 133 North Main Street, stated that he is against the proposed Ordinance and he agrees with the statements as previously given by Mr. Ross.

Mr. Bill Ahern, owner of 33 West Franklin Street, stated that he has been involved with this Ordinance for approximately 3 to 4 years. Mr. Ahern stated that there are definitely some good points in the Ordinance. He is not in favor of throwing it away; however, there are still some problems. He suggested that some of the problem

areas in the Ordinance be rewritten by the business people. After this, if the business people and the City cannot get together and compromise, there are going to a problems.

Mr. A. E. Martin, 50 South Main Street, asked what gives the City the power to tell the property owners what they can do with their real estate. What authority does the City have to tell the property owners what color you can paint your building, what kind of roof to put on your building, etc. He stated that the Constitution of the United States gives a person the right to have their on properties as long as they are maintained and kept up. The City does not have the right to tell anyone what he can do with his property. Mr. Martin stated further that if the City wishes to paint his house a certain color or put a certain roof on it, then the City can buy his property which is now for sale. If the City does not have the money, then they can go to the federal government and get the money to rebuild the house and do it the way the City wants it. For example, the City got money for the building adjacent to the Waylo station which Mr. Martin described as an "eyesore". He stated that he would not trade his building for ten (10) like it. Also, the aluminum light poles that were just installed at the intersection of Main and Franklin Streets are hideous. Mr. Martin stated that he is sick and tired of the City just picking on a few people and telling them what they can do with their property. He stated that it is not legal to make these restrictions on one district in the City and not the entire City. This is discrimination.

Mr. Tate stated that this is a public hearing on an ordinance that was put together from committees. These are the ideas of all these committees thrown together. The district itself was created in 1972. The City has been trying to work out a reasonable ordinance for the district since that time. We still have not come up with anything that meets anyone's approval because we have so many sources of information. We have paint chips that were suggested by the businessmen and now we have paint chips that are objected to by the business people. There is hardly any way that you can please everyone with an ordinance. We are trying to get it in such a condition that at least the people can live with it. This particular draft of the Ordinance is at least in readable form.

Mr. Andy Kleinhenz, owner of Pantsmakers located at 160 North Main Street, asked if this Ordinance has been worked on for eight (8) years and nothing satisfactory has been done, what is the purpose of this Ordinance. Something that has been lost from the idea of the APD is that the district is a place for business and not for just a hobby. As a businessman, this Ordinance is something that you just do not need. Mr. Kleinhenz stated that there is definitely interest in the future of APD by the business people. They are concerned that their ideas that were drafted a few years ago have not been incorporated into the Ordinance. The City has asked for input, and then they do what they want to. The City should state what they would like to have and then think back and see if it is possible and can be done. Representation of the business people and district residents is very important.

Mr. Vern Dowlar, resident of 31 East Ridgeway, stated that perhaps we are getting some things confused. The historical significance of some buildings is very important. However, there does seem to be an over-anxious spill over of anxiety perhaps to do too much in a district that we cannot really do. Mr. Dowlar suggested that the City of Centerville purchase this district and include its development in its Master Plan. This plan should be voted on by the residents of the City. He referred to the penalty included in the Ordinance for not following the paint color chart that has been included in the Ordinance. He pointed out the penalty is not a small one. If the owners and business people are going to be under such a severe penalty, then they should be able to represent themselves on the BAR.

Mr. Bob Salmon, Quill House Advertising, located at 163 South Main Street, stated that regarding businesses that have left the area their major complaint is that the Ordinances that are in control of what happens in Centerville tend to be in restraint of trade, to keep people out of the area, make it difficult for the businesses to survive, and as a result they find other areas that are more responsive to their needs as business people. Mr. Salmon stated that he was asked to speak for two other businessmen in his building (Independence Square) who recommend that the Ordinance as written be seriously reconsidered and that business people in the area be made a part of that decision process.

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

Mr. Bergsten stated that most of the remarks that have been made here tonight he agrees with. He stated that he personally could not support any ordinance that was not supported by the vast majority of the people in the district. As for the makeup of the BAR, it seems like supreme logic that it should be residents of the area. Mr. Bergsten recommended that if there is going to be an APD, a new board should be made up and that board should write a new ordinance.

Mr. Horvath stated that several years ago there was an ordinance that was before the BAR, before the businessmen, and finally before the Planning Commission. One whole evening was spent trying to pick out items that the businessmen, the BAR, and what the Planning Commission felt was within the City's jurisdiction. These thoughts were combined into one ordinance. This ordinance was presented at a public hearing and the public hearing was stopped because people wanted more information. They wanted to compare this ordinance with others like it around the nation and around the State to see if it was in line. Mr. Horvath stated that he agrees that the property owner should be able to have jurisdiction over his own domain. However, Mr. Horvath stated that as he recalled the idea of the color chart came from the businessmen not from the Planning Commission. He stated that the APD came about not from what we wanted in Centerville, but what we did not want. That is, the City did not want a Salem Avenue. Because it was not known exactly what we did want, that is why it is taking so long.

Mrs. Simmons stated that although this Ordinance is far superior from what we have had in the past, it does require some changes. She stated at one point it was decided that the members of the BAR should include representation of the businessmen.

Mr. Kleinhenz stated that the BAR creates another step of government and that is what the people are against.

Mr. Bergsten asked whether the vast majority of the people in the APD are against a district.

Mr. Kleinhenz stated yes, but he could not say for everyone.

Mr. Minner stated that Council with the recommendation of the Planning Commission increased the number of the membership of the BAR from 5 to 7 at the beginning of this year. It is now June and of those 2 additional seats only 1 has been filled. Mr. Minner stated that the reason only 1 has been filled is because of the absolute lack of applications. The City has asked through the Chamber of Commerce that interested persons should apply.

Ms. Bender stated that she was asked if she would like to apply to be on the BAR. When she expressed some interest, it was learned that she was not a resident of Centerville, therefore she was not eligible to serve. She stated that all she has is a business in Centerville and pays taxes.

Mr. Tate stated that requirement is a necessity to serve on any board or commission in the City.

Mr. Schwab stated that in the new Ordinance only the majority of the BAR must be residents of the City. It does make provisions that someone can serve on the BAR and not be a resident of Centerville.

Mr. Roger Lucas, Chamber of Commerce President, stated that the businessmen in the district were notified to see if they were interested in serving on the BAR. At the time, it was discovered that approximately 80% of the businessmen live outside the City limits.

Mrs. Simmons stated that she believes that a lot has been accomplished here tonight through discussion. She stated that perhaps we are closer to an ordinance than we thought at the beginning of the meeting.

Mr. Samples stated that since the major problem seems to be the representation of the businessmen on the BAR, he would not be able to support the proposed Ordinance if the Planning Commission were to take a vote this evening.

Col. Morrow stated that he strongly feels that any ordinance governing a section of the City should be represented by persons from that section.

Mr. Samples stated that the problems with the Ordinance have been made well known. He asked that the parts of the Ordinance that the people do like are also made known.

Mr. Farquhar stated that it should be pointed out that the district can go back to the zoning that it had before it was zoned AP in which event nothing except residential uses would be permitted south of Confederated Artists or south of Weller Avenue which would knock out a lot of existing uses which are represented here tonight.

Also, from Maple Avenue east and from the Peking Inn west. The existing ordinance was a response to the business people that wanted something in the area. Mr. Farquhar stated that back then, it was a step forward.

MOTION: Mr. Horvath moved to table the Ordinance until the next Planning Commission meeting. Mr. Chappell seconded the motion. The motion was approved unanimously.

UNFINISHED BUSINESS

Nutt Road Estates-Two - Preliminary Plan

Mr. Schwab reviewed the preliminary plan for Nutt Road Estates-Two located north of Social Row Road, south of Nutt Road and east of SR 48 in Washington Township. The plan proposes 61 single family lots with one park lot. The acreage is approximately 42 acres with thoroughfare improvements required on Social Row Road.

Staff's recommendation is that there be a stub street to the east in place of the proposed northernmost cul-de-sac. Mr. Schwab explained that should the land to the east develop in the future, it is most likely that it will develop in a string of cul-de-sacs along Social Row Road. It is further recommended that Walnut Valley Lane be relocated to the east. Also an additional walkway should be added for access to the park.

Mr. Bob Archdeacon, representing the developer, stated that the revised plan is an acceptable compromise as far as the street location is concerned. As far as the stub street to the east, he stated that the Washington Township Zoning Board created the 30,000 square foot lots along the area to the east due to concern by adjacent property owners who wished to protect and enhance existing estate lots. He stated that to stub a street into that area now is not what Washington Township had in mind in the way of protecting those estate lots.

Mr. Tate stated that as long as the walkway is worked out with the park district, he feels that the revised preliminary plan is satisfactory.

Mr. Chappell stated that his concern is the lack of a stub street to the east. This kind of development will eventually create more curb cuts along Social Row Road.

Mr. Schwab stated that when the entire area surrounding this development is complete it should appear that it was planned as one development. If this is not the case, it is poorly planned.

MOTION: Mr. Samples moved to approve the revised preliminary plan for Nutt Road Estates-Two subject to the northernmost cul-de-sac on the east side of the plan be changed to a stub street to the east and park access walkways be located between Lots #139 and #140 and between Lots #142 and #143. This walkway is to be coordinated with the Park District. Mr. Bergsten seconded the motion. The motion was approved 6-1. Mr. Tate voted no.

Greenbrier Commons - Sign Variance

Mr. Schwab stated that the requested sign variance had been tabled at the last regular Planning Commission meeting in order to obtain written approval from the property owner, on which the sign is placed, for the sign to remain on his property. Mr. Schwab stated that his office had contacted the applicant after the last Planning Commission meeting and explained what information the Planning Commission had requested before a decision can be made. He stated that the Planning Department has not received the requested information and has not heard from the applicant since she was notified on May 28, 1980.

MOTION: Mr. Horvath moved to take the sign variance request for Greenbrier Commons off the table. Mr. Bergsten seconded the motion. The motion was approved unanimously.

FINAL MOTION: Mr. Horvath moved to deny the sign variance request for Greenbrier Commons. Mr. Bergsten seconded the motion.

Mr. Samples asked the recording secretary, Mrs. Connie Cooper, if she had contacted the applicant.

Mrs. Cooper stated that she spoke with Ms. Diane Walker, applicant, by telephone on May 28, 1980. She stated that Ms. Walker was informed what must be submitted by the next meeting before this request would be considered any further. Ms. Walker was told that even though this information was to be supplied, it did not mean that the variance would be approved.

The motion was approved unanimously.

Shadybrook - Preliminary Plan

This project remains on the table.

An Ordinance Amending Ordinance Number 15-61, The Zoning Ordinance, As Amended By Ordinance Number 28-72, To Include Regulations Concerning Signs And To Provide Definitions Therefor, Within The Architectural Preservation District.

MOTION: Mr. Tate moved that the proposed ordinance be taken off the table. Mr. Bergsten seconded the motion. The motion was approved 6-1. Mr. Horvath voted no.

Winters Bank - Site Plan Amendment

Mr. Schwab made a slide presentation of the proposed site plan amendment to Winters Bank located on the southeast corner of SR 48 and Whipp Road adjoining the Siebenthaler's Landscaping retail facility. The zoning on the parcel is B-2. The request is for the addition of two (2) drive-in windows to the existing one (1) drive-in window.

On the entire complex, there are seventy-eight (78) existing parking spaces. The addition of the drive-in windows would delete eight (8) spaces which would leave seventy (70) parking spaces. The required number of parking spaces is fifty (50) spaces so the facility will still have adequate parking. The plan shows that the area will provide

stacking for approximately twenty-one (21) cars which is in conjunction with the recommendation of staff.

Staff recommends to approve the site plan amendment as submitted.

The Planning Commission had a brief discussion stating that they didn't have any problems with the site plan amendment.

MOTION: Mr. Horvath moved to approve the site plan amendment for Winters Bank as submitted. Mrs. Simmons seconded the motion. The motion was approved unanimously.

There being no further business, the meeting was adjourned.

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