

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, August 26, 1980

Mr. Tate called the meeting to order at 7:45 p.m.

Attendance: Mr. Elmer C. Tate, Jr., Mr. Brian Bergsten, Col. Stanley Morrow, Mrs. Marian Simmons, Mr. Bernard Samples (where noted).
Absent: Mr. Dallas Horvath, 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.

Approval of minutes of July 29, 1980, Planning Commission meeting:

MOTION: Mrs. Simmons moved to approve the Planning Commission minutes of July 29, 1980, as written. Col. Morrow seconded the motion. The motion was approved unanimously.

SETTING OF PUBLIC HEARINGS

The following items were set for public hearing on Tuesday, September 30, 1980 at 7:30 p.m. in the City Building:

Percy, Celine - Rezoning from R-1 to R-3

Location: 201 West Spring Valley Road

Slouffman, Leroy - Variance on Front Setback Requirement

Location: 2826 Shetterly Lane

COMMUNICATIONS

Mr. Schwab stated that there are several items for discussion.

Bigger Plat - Record Plan

Mr. Schwab stated that the record plan for Bigger Plat, Lot 1, has been conditionally approved by Council. An expanded record plan was approved that would include a 55 right-of-way dedication along Bigger Road. One (1) joint curb cut was approved on Bigger Road with a generally specified location. Any parcels created along Bigger Road with frontage on Bigger Road would have to access through that single curb cut.

Terrace Creek - Preliminary Plan

Mr. Schwab stated correspondence has been received from the engineering firm for the Terrace Creek project asking for an extension of approval for one (1) additional year. Mr. Schwab stated that the preliminary plan was originally approved on August 28, 1979 and will expire on August 28, 1980 unless this preliminary plan approval is extended.

Staff recommends that this request be granted. In reviewing the preliminary plan, staff sees no situation which would require any alteration of the preliminary plan.

MOTION: Col. Morrow moved to extend the approval of the preliminary plan for Terrace Creek for a period of one (1) year as requested. Mr. Bergsten seconded the motion. The motion was approved 3-0-1. Mrs. Simmons abstained.

Shadybrook - Preliminary Plan

Mr. Schwab stated that there is also a request from the same engineering firm to leave the preliminary plan for Shadybrook on the table. Some work is going on in terms of negotiations involving the project.

Mr. Tate indicated that no action need be taken, that the project will remain on the table.

Percy, Celine - Conditional Use

Mr. Schwab explained that this application is on the agenda under new business. He explained that the conditional use is contingent on the proper zoning. The public hearing on the zoning change will not be heard until September 30, 1980. For this reason, the applicant wishes to have both the rezoning and conditional use application reviewed at the next regular meeting.

Mr. Tate asked if there is a time limit for action by the Planning Commission on the conditional use application.

Mr. Farquhar stated that it can be postponed until the public hearing on the rezoning application. The conditional use application cannot be approved anyway because it does not have the proper zoning.

R. K. Associates

Mr. Schwab stated that late this afternoon a request was submitted by Ken Rath, R. K. Associates, asking for permission to sell cheese out of his truck located on the property of the Centerville Mill. The truck will be parked on the Clyo Road site just south of the main building. The request is to cover the dates of September 12 and 13, 1980. A more formal application will be filed if Mr. Rath wishes to continue his business on a permanent basis. Mr. Schwab stated that in talking to the applicant, he has a route which would locate him on this site every four (4) weeks. At this time, the applicant is requesting temporary approval for a 30-day period to allow him to do this until he comes in for permanent approval.

Mr. Tate asked Mr. Farquhar if there is a problem with this request.

Mr. Farquhar stated that the City looked into the request for the Farmer's Market in Centerville Square and found it not to be a problem with this situation, if Planning Commission wished to approve it.

Col. Morrow asked if arrangements had been made with Centerville Mill.

Mr. Schwab stated that Mr. Rath has a lease agreement with Centerville Mill for a longer term than just a 30-day period.

MOTION: Col. Morrow moved to approve the request for Ken Rath of R. K. Associates, for a 30-day period for temporary approval of the truck location for the sale of cheese, as requested. Mrs. Simmons seconded the motion. The motion was approved unanimously.

PUBLIC HEARINGS

Centerville Associates, LTD

Mr. Schwab made a slide presentation of the sign variance request for Centerville Associates, Ltd., which is the owner of the Centerville Place Shopping Center located on South Main Street. The zoning on the parcel is B-3. The request is for a sign variance which would allow construction of seventeen (17) 4 ft. x 1 ft. identification signs under the canopy. The signs are to be placed perpendicular to SR 48 and would be used primarily by pedestrian traffic in the shopping center.

The permitted sign area for the shopping center is 984 square feet. The request is for an additional 136 square feet of signage which would total 1,120 square feet.

Staff recommendation is to grant the sign variance as requested.

Mr. Tate questioned the need for a variance stating that the signs are actually internal signs to be used for direction.

Mr. Farquhar stated that since the signs do advertise the name of the store, the signs would require a variance.

MOTION: Mr. Tate moved to approve the sign variance request by Centerville Associates, Ltd., for the Centerville Place Shopping Center. Mrs. Simmons seconded the motion. The motion was approved unanimously.

Mr. Tate stated that he failed to open the public hearing.

Mr. Farquhar stated that the Planning Commission can ask if there is anyone in attendance wishing to speak in opposition. He stated that the Planning Commission does not have to ask for anyone to speak in favor since the vote was in favor.

Mr. Tate asked if there is anyone in attendance wishing to speak in opposition to the sign variance request.

There were no speakers in opposition.

Mr. Samples arrived at this time.

AN ORDINANCE AMENDING ORDINANCE NUMBER 15-1961 AND REPEALING ORDINANCES NUMBERS 80-71, 20-73, 70-72, AND 36-79 BY CHANGING THE POWERS OF THE PLANNING COMMISSION AND BOARD OF ARCHITECTURAL REVIEW.

Mr. Schwab stated that as a result of the work session on August 12, 1980, staff has prepared some recommendations for change to the ordinance.

Mr. Tate opened the public hearing.

Mr. Will Frazee, business address 26 East Ridgeway and home address 146 West Franklin Street, stated that the ordinance is an attempt to rigid governmental control of a process which is dynamic in its nature. The money that fuels it is private other than public money. He stated that the business people do not want to recreate a Salem Avenue and they recognize that some reasonable regulations may well be in order to keep it from happening. At this point, the business people and the municipality part company. The current draft of the A-P Ordinance is by far the best product that has yet come out of this year's long process and with many improvements over the "killer" ordinance that was being promoted several years ago.

The current proposal still looks to uniformity in an area which is noted for its diversity. What we really need to do is to protect our diversity. Therefore, Mr. Frazee stated, he can only oppose the imposition of uniformity. He stated that the District is really being put at the mercy of the municipal authorities. In reviewing the outlines of the APD, we have to realize that the worst parts of it were created by actions of municipal planners and the Council when they approved Entrance Corridor zoning which marched down through the heart of Centerville with its service stations and other faulty development. Therefore, Mr. Frazee stated, he has to view the municipality as the largest enemy of the District as the group that has done the most damage. The businessmen have been remarkably kind in contrast to the District. He stated that if we look in the area of North Main Street south of Ohio Bell in Washington Township, we have to realize that without paint guidelines and without detailed requirements and restrictions that private capital has come into that area and done an extremely good job of converting residences into commercial uses. Therefore, Mr. Frazee stated, he doesn't think it is imperative to have page after page of a detailed ordinance to really preserve, enhance, and maintain the APD. He stated that after all these years he has finally gotten it through his head that we are going to have that and it is going to be this ordinance. Mr. Frazee stated that he is not going to comment on the ordinance in detail because there is so much in it that he disagrees with.

Mr. Bob Perkins, chairman of the BAR, stated that basically the BAR agrees with the thrust of the ordinance. There more pluses than minuses. He stated that Procedures One and Two are excellent. He stated that he doesn't see how we can achieve the success that we have achieved in Centerville since 1972 without an ordinance. This has not happened anywhere else.

Mr. Perkins stated that in a letter submitted to Council back in February, the views of the BAR were outlined. He stated that basically the BAR likes the ordinance but opposed to Procedure Four which gives Council final approval. He stated that they oppose it because it makes the applicant go before three (3) boards which creates a time lag of at least ninety (90) days. With the present ordinance, this process will occur in forty-five (45) days. He stated that the membership of the BAR has much expertise in a variety of fields and sees nothing that the BAR cannot handle. Drainage, setbacks, paving, etc., are subjects in which Planning Commission could advise the BAR about. If Council does get final approval, Mr. Perkins stated that pressures can be applied and a situation can be created where the decision will be more political than practical.

Mr. Tate stated that the BAR has never operated in the same manner that other commissions act in. In most of the BAR's existence, the Board has had decision making power. The Planning Commission only makes recommendations for approval to Council. With Procedure Four, the BAR is being placed on the same status as Planning Commission. Very little gets final approval from Planning Commission. He stated that there will be very few projects that are major enough to require Procedure Four.

Mr. Tate stated that regarding political decisions from Council, there is not anything that will be presented that does not have some political implications. He stated that when a project gets to Council, they are elected officials and that is their prerogative.

Mr. Perkins stated that the Council is a very busy body and he does not think they should be bothered with this business. He stated that Council appointed the BAR and they should be able to make the final decision.

Mr. Loren Gannon, Montgomery County Historical Society, stated that there are a few things that he feels particularly strongly about. In Procedure Two, under Minor Alterations, siding and the changing of doors and windows are classified as minor alterations. He stated in no way in the design of a structure is the composition of the siding or the changing of the doors and windows architecturally a minor alteration. Those are major changes in the design of the structure. Mr. Gannon stated that he does not feel that it is appropriate to place these classifications under minor alterations. They should be moved under the Board.

Mr. Gannon stated that he most concerned with Procedure Four concerning the involvement of Council. He stated that he knows of no architectural board in the State that has to refer its decisions to the City Council. He stated that this procedure is an undue process of the property owner having to go before three (3) different boards before he could get a decision. He stated that most projects can be resolved by the BAR and should the decision not be satisfactory, it can be appealed to Council. Mr. Gannon stated that if he were presenting a project, he would not spend much time with the Planning Commission because they wouldn't affect him. He would spend his time with Council where it counted.

Mr. Tate stated that Mr. Gannon is basing his ideas on one way. He stated that if a project meets the satisfaction of the BAR, the project should be given final approval. If the BAR does not like the project, then the applicant has the right to appeal the decision to Council. Mr. Tate stated that should Council not like the project, they never have the opportunity to review it.

Mr. Gannon stated that Council does not need to review it. They gave the BAR a policy to follow. If the BAR does not follow that policy then the BAR must answer to Council. He stated that as a resident of Centerville, he feels Planning Commission should have more approval power. He stated that the procedure, as it exists now, is a waste of people's time.

Mr. Gannon stated that the ordinance is a very rigid ordinance. He stated he would rather see simple design criteria instead of all the specifications for all of the details in the ordinance. There is not much flexibility in it. He stated that an architect should review this proposed ordinance.

Mr. Tom Ross, Rosses' House of Antiques, stated that his main concern is the loss of power of the BAR and also the composition of the BAR. Mr. Ross stated that the area is, for the most part, a business area. He stated that he does not understand the resistance of the Planning Commission to have four (4) business people on the membership of the Board. Mr. Ross stated that the problem with the APD is that the concern is placed on the architecture, and business is taking the back seat. He stated that the APD cannot exist without the business people. The residents of the area do not have the interest that the business people do in the District. He stated that the composition of the BAR could include residents of the District, however, he would like the business people to have a majority of the membership. He stated he would like this recommendation made to Council.

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

Mr. Schwab stated that he had heard some comments tonight that he had not previously heard. He stated that regarding the many standards in this ordinance, his thinking is that if the standards in the ordinance are too hard to define, then really we are not sure what we want.

Mr. Tate asked if it was Council's intention to have a say in the major construction projects in the APD.

Mr. Schwab stated that after attending many work sessions on the subject, it seemed to be the desire of Council to be involved only in the major projects in the District. Whether their thinking would change in light of other people's opinions is not known.

Mr. Farquhar stated that if the Planning Commission wishes to make a motion for approval, it will take five (5) affirmative votes to pass it on to Council.

MOTION: Mr. Tate moved to recommend approval of the Architectural Preservation District Ordinance to Council with the changes noted by the City Planner as shown in the staff proposed changes. Mr. Bergsten seconded the motion. The motion was approved unanimously (5-0).

UNFINISHED BUSINESS

Lyons-McEwen Plat, Sec. 1 - Record Plan

Mr. Schwab made a slide presentation of the record plan for Lyons-McEwen Plat, Section 1, located north of SR 725 and west of McEwen Road in Washington Township. The area is 5.1 acres with one (1) lot being proposed for this section. There are thoroughfare improvements required for SR 725 as well as McEwen Road. He stated that a requirement of the preliminary plan for this plat was that with the first section of the record plan, the engineers for this project submit an overall grading plan for the whole preliminary plan to access the

flood potential of the whole preliminary plan site. Mr. Schwab reviewed a map of the flood plan obtained from the Corp of Engineers in Louisville, in an attempt to meet this condition of approval for the preliminary plan. He stated that the project was tabled at the last meeting because of the concern of the flood plain level, and how the grading plan and the rest of the preliminary plan would be affected by it.

Staff recommendation is to approve the record plan with the following conditions:

1. All building pad elevations on this record plan and the remainder of the preliminary plan be 897 feet or higher.
2. All parking lot elevations on this record plan and the remainder of the preliminary plan be 892 feet or higher.
3. Subject to the signing of a subdivider's agreement and the receipt of a performance bond and an inspection fee in amounts approved by the City Engineer.

Mr. Schwab stated that late this afternoon the Planning Department received a list of comments from the County Engineer's office. He stated that these items could be worked out between the County and City staffs, if that is the wish of the Planning Commission. He stated that most of the items involve County versus City standards.

Mr. Schab stated that staff has reviewed the construction drawings and it has been agreed that there will be a change in grade of a temporary swale which is shown 2.5% minimum grade which is in line with Centerville specifications. There is to be a bond posted for the maintenance of this swale if in fact the maintenance by the County will not be started at the time when this project is finished. He stated that the Township does not agree to have any maintenance of the swale. It was discussed by Bill Johnson, Washington Township Service Director, and City staff that McEwen Road should have a new centerline once the widening of the roadway is complete as shown on the construction drawings.

Mr. Schab stated that the approval should be subject to an inspection fee of \$240.00 and a performance bond in the amount of \$54,390.00.

Mr. Bob Archdeacon, representing the developer, stated that all the problems have been worked out between staff and himself.

MOTION: Mr. Bergsten moved to approve the record plan for Lyons-McEwen Plat, Section 1, subject to the following conditions:

1. All building pad elevations on this record plan and the remainder of the preliminary plan be 897 feet or higher.
2. All parking lot elevations on this record plan and the remainder of the preliminary plan be 892 feet or higher.
3. Subject to the signing of a subdivider's agreement, the receipt of a performance bond in the amount of \$54,390.00, and receipt of a inspection fee of \$240.00.

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

Southpoint, Sec. 7, Watkins Glen, Sec. 2, Washington Creek Two, Sec. 1,
Nutt Road Estates, Sec. 1 - Bond Releases

Mr. Schab made recommendations for bond releases on the following subdivisions:

Southpoint, Sec. 7: The Performance Bond of \$108,000 to be released subject to receipt of a Maintenance Bond of \$5,400.

Watkins Glen, Sec. 2: The Performance Bond of \$270,000 (posted in the form of a letter of credit) to be released, subject to receipt of a Maintenance Bond of \$13,500 for roadways and storm sewer system for the duration of one year, and also subject to receipt of a Performance Bond of \$21,000 for sidewalks.

Washington Creek, Sec. 1: The Performance Bond of \$527,000 be released subject to receipt of a Maintenance Bond of \$26,350 for the duration of one year and also subject to receipt of a sidewalk Performance Bond of \$55,000.

Nutt Road Estates, Sec. 1: Release of Performance Bond of \$143,000 subject to receipt of a Maintenance Bond of \$7,150 for the duration of one year.

MOTION: Col. Morrow moved to release the Performance Bonds for the following subdivisions and their conditions as recommended by the City Engineer:

Southpoint, Sec. 7: The Performance Bond of \$108,000 to be released subject to receipt of a Maintenance Bond of \$5,400.

Watkins Glen, Sec. 2: The Performance Bond of \$270,000 (posted in the form of a letter of credit) to be released, subject to receipt of a Maintenance Bond of \$13,500 for roadways and storm sewer system for the duration of one year, and also subject to receipt of a Performance Bond of \$21,000 for sidewalks.

Washington Creek, Sec. 1: The Performance Bond of \$526,000 be released subject to receipt of a Maintenance Bond of \$26,350 for the duration of one year and also subject to receipt of a sidewalk Performance Bond of \$55,000.

Nut Road Estates, Sec. 1: Release of Performance Bond of \$143,000 subject to receipt of a Maintenance Bond of \$7,150 for the duration of one year.

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

There being no further business, the meeting was adjourned.

