

CENTERVILLE PLANNING COMMISSION
Minutes of Regular Meeting
Tuesday, June 27, 1978

Mr. Tate called the meeting to order at 7:30 p.m.

Attendance: Mr. Elmer C. Tate, Jr., Mr. James P. Hickey, Mr. Francis G. Cash, Ms. Marian Simmons, Mr. M. Brian Bergstein, Mr. Dallas Horvath. Also present: Mr. Garth L. Reynolds, City Planner; Mr. Karl M. Schab, City Engineer; Mr. Robert N. Farquhar, City Law Director. Absent: Mr. Roland McSherry.

Mr. Tate announced since it was time for election of officers, the Commission would go into Executive Session for ten minutes and then return.

At the end of the Executive Session Mr. Hickey nominated Mr. Tate as Chairman of the Planning Commission. Seconded by Mr. Cash. Approved unanimously.

Mr. Tate moved to nominate Mr. Cash for Vice Chairman of the Planning Commission. Mr. Horvath seconded. Approved unanimously.

Ms. Simmons moved to nominate Mr. Hickey for Secretary of the Planning Commission. Seconded by Mr. Cash. Approved unanimously.

Mr. Tate asked for a motion to approve the minutes of the May 30, 1978 meeting and noted Ms. Simmons was not yet a member of the Planning Commission and should not be shown as absent from that meeting. Mr. Hickey moved to approve the minutes of the May 30, 1978 meeting with the correction of Ms. Simmons' attendance. Seconded by Mr. Cash. Approved unanimously.

Mr. Hickey asked if the K-O Times had printed a retraction of the comments made concerning Dr. Roach. Mr. Tate said he had not seen any and requested staff draft a letter over his signature to the K-O Times.

Mr. Horvath moved to approve the minutes of the June 6, 1978 Work Session as submitted. Seconded by Mr. Bergstein. Approved, Mr. Hickey abstained since he was not at that meeting.

Mr. Cash moved to approve the minutes of the June 6, 1978 Special Meeting as written. Seconded by Mr. Horvath. Approved, Mr. Hickey abstained as he was not present at the meeting.

COMMUNICATIONS

Mr. Reynolds said he had received a letter from the realty company for Pelbrook Shopping Center requesting an extension of the sign variance to last the duration of the project. The sign identifies who to contact for leasing retail space.

Mr. Archdeacon, speaking for the developer, said they thought all the details had been worked out with the various governments involved, but he has now received a letter containing stipulations he would like to discuss with the Planning Commission.

Mr. Hickey moved to grant an extension of the sign variance for Pelbrook Shopping Center for one year, commencing June 15, 1978. Seconded by Mr. Horvath. Approved unanimously.

Mr. Creager (?), representing Ole Spanish Village Shopping Center, stated he is a renter at the center, as well as a sign designer, and he would like to know why a new sign for the center was not being approved. Mr. Tate said he understood the staff had been meeting with the owners of Ole Spanish Village and thought it would have been on the agenda for tonight.

Mr. Reynolds said he had met with the owners on May 22, 1978 and told them the procedure for filing a variance request, but they never turned in their drawings and request until last Friday, and the city requires 19 days before putting on the agenda. By the staff adding a variance request to the agenda without waiting the appropriate time would set a precedent and Mr. Reynolds, therefore, requested the owners come before the Commission.

Mr. Creager said they feel they need the sign on the front and back of the center to direct people to the parking. An internally lit sign would also be more visible than the externally lit one they presently have. He said they also do not want to decrease the size of the back sign to enlarge the size of the sign along SR 48 as suggested by the staff. Mr. Tate said they would have to present drawings of what they wanted in order for the Commission to reach a decision.

Mr. Hickey asked if the zoning is changed to B-2 as it may at the July 12 City Council meeting if this wouldn't permit a larger sign. Mr. Reynolds said free standing signs are not changed by zoning, and proposed sign will exceed area allowed and require a variance.

Mr. Tate asked about granting a temporary sign and Mr. Farquhar said the cost proposed is too great to consider a temporary structure and should not be put up unless it can stay up.

Mr. Hickey said he would not be in favor of granting a temporary sign since it is the applicant's responsibility to get the paperwork in to the staff. Mr. Tate said the sign variance will be scheduled for a public hearing on July 11, 1978 at the special meeting of the Planning Commission at 7:30 p.m.

PUBLIC HEARINGS

1. Elder Realty - Sign Variance

Mr. Reynolds said this business located at 152 West Franklin Street on a lot zoned R-3 used conditionally for an office has requested a new sign be installed 12' from the right-of-way of the road instead of the required 25'. He showed a slide of the proposed sign, which has a 7' post with the sign hanging off it, with a shingled, peaked roof over the sign. Mr. Horvath asked if it is larger than the existing sign,

and Mr. Reynolds said it was not. He said the sign would be in approximately the same location as the existing sign.

Mr. Guy Elder, owner of the property, said the sign would be set back a little further than the present sign but the trees would interfere too much with visibility if it were set back any further.

No speakers for or against.

Mr. Hickey moved to grant a variance for setback and size of sign for Elder Realty as requested. Seconded by Mr. Cash. Approved unanimously.

2. Amendment of Ordinance No. 15-1961.

Mr. Farquhar pointed out this amendment came about since there are so many new areas being developed in Centerville, they are being put up before the fire hydrants are installed and operational.

Mr. Bergstein asked what the procedure would be for making sure they were now in operation. Mr. Schab said the Building Inspector asks the Fire Department. Mr. Hickey commented he could see problems with the city being sued by a homeowner because he is not allowed to take occupancy of his property because a fire hydrant isn't working, and the homeowner saying the city did not hook up the hydrant. Mr. Hickey asked what could the city do if the County did not get a fire hydrant hooked up.

Mr. Cash moved to approve the proposed amendment to Ordinance No. 15-1961, inserting the words "newly constructed". Seconded by Mr. Horvath.

Mr. Hickey said he did not think the wording referred only to new homes but whenever an addition is made to an existing home. Mr. Cash said the section deals with new homes and the reference to reconstruction refers to changes made from the original drawings when the new home is being built. Mr. Farquhar said there should not be a subparagraph (A) and this is a typographical error.

The motion was approved. Mr. Hickey opposed.

3. Amendment to Ordinance No. 1123.17A.I.b, A2, A3 and A4

Mr. Farquhar said this was to clear up the existing ordinance wording since A2 already provides for a letter of credit but the rest of the ordinance does not mention the letter of credit.

Ms. Simmons asked if there is a form for this letter of credit, and Mr. Farquhar said the city's requirements are greater than most forms spell out since the city requires 30 days written notice before a letter of credit is allowed to expire where other cities allow a one-year letter of credit which automatically runs out.

Mr. Horvath moved to approve the proposed amendment to the Ordinance 1123.17A.I.b, A2, A3 and A4 as submitted. Seconded by Mr. Bergstein. Approved unanimously.

4. Amendment of Ordinance 1123.17

Mr. Farquhar said this amendment was prepared at the request of the Service Department since many developers are not cleaning up the mud and debris created during construction and left on the city streets. Currently it is a criminal ordinance with a maximum penalty of \$15 or \$25. Most developers would rather pay this small amount than pay their own crew to do it.

Speakers against the amendment.

Mr. Archdeacon, Woolpert Engineering, said he believes this ordinance would be harder to enforce than the existing one. He said the city would not be able to tell which developer if there were two side by side, and in many cases the developer is long gone when the builders start work and this ordinance would make the developer responsible for the builder's mess. Mr. Farquhar said the major problem occurs during the development stage, not when the buildings are going up.

Mr. John Judge, Judge Engineering, said he felt the individual lot developer should be responsible.

Mr. Lapsin said the wording should be changed to "as needed" instead of daily cleaning the streets because the streets are not dirtied every day. The city would have to send an inspector out every day to check the streets to enforce the ordinance and this would be expensive.

Mr. Hickey asked if there were any notification procedure set up. Mr. Farquhar said from an administrative position they did not want to have to notify each time, wait a period of time, and then have to clean up.

Mr. Hickey asked what it would cost to enforce and Mr. Farquhar said it was Mr. Bishop's estimate that it would cost less than \$100. Mr. Hickey said the cost to send out a crew would be more than that and recommended keeping the criminal code.

Mr. Hickey said every street is dirty and if the developer feels the street is not and the city says it is, the city will back-charge the developer against his bond and the developer has no recourse. He added he felt the city's own work should be included in the ordinance, as well as the railroad, if this ordinance is passed, but he does not feel it is workable in its present form.

Mr. Bergstein moved to approve the amendment to Ordinance No. 1123.17 as presented. Seconded by Mr. Horvath. Approved by Mr. Tate, Mr. Horvath, Mr. Bergstein and Mr. Cash; opposed by Mr. Hickey and Ms. Simmons.

Mr. Tate announced the amendment would go to City Council without recommendation from the Planning Commission since it did not receive the required five votes.

NEW BUSINESS

Hidden Hills - Record Plan, Section 1

Mr. Reynolds reviewed this record plan was previously approved under

the name Whispering Hills. The developer has since learned there is another development with a similar name and is requesting a name change for the development, as well as the streets. The streets would change from Bristle Cone to Shadow Lake Trail and from Wake Robin Circle to Hidden Hills Drive.

Mr. Hickey moved to approve the name change of Whispering Hills to Hidden Hills and the requested street names. Seconded by Ms. Simmons. Approved unanimously.

Silvercreek Estates, Section 1 - Record Plan

Mr. Reynolds said he had been working with the developer on this 14.1 acres located south of Spring Valley Road and west of Yankee Street and had requested him to continue a roadway across the entire project at the time of the first phase's development. The record plan does not show this request.

The County has requested the item be tabled for two weeks since the County Engineer is new and has not had an opportunity to review the intersection of Yankee Road. Mr. Tate said the Commission would review it at the work session.

Mr. Hickey moved to table the Silvercreek Estates Record Plan until July 11, 1978. Seconded by Mr. Horvath. Approved unanimously.

Normandy Farm Estates-3, Section 2 - Record Plan

Mr. Reynolds showed slides of this 15 acres located west of Normandy Lane, south of Normandy Ridge Road and north of proposed I-675 with 25 lots. He said the staff's comments are the cul-de-sac is not named and Mountain Trail has no sidewalks and recommends one on the west side of the street, extending across a built up lot to Normandy Lane.

He said ODOT wants to see something on the deed or covenants pertaining to Lots 415 to 405 which will be abutting the right-of-way of I-675. Mr. Farquhar said he does not feel it can be legally required.

Mr. Reynolds said the Park District has agreed to the park land, and the Sanitary Department wants No. 4 of the covenants revised to indicate that basements should not be constructed in this area since the area is swampy and they want to avoid any surcharge of the sewers.

Mr. Archdeacon said the cul-de-sac name is Copper Beach Court, and that no sidewalks were included since there are none in the area and since the Township does not want them anyway. Mr. Schab said Mrs. List called and said she was not in favor of sidewalks here although earlier she had sent a letter saying she was.

Mr. Schneider, from the Park District, said they are not requiring any sidewalks to the park land, but they are now in a law suit to have the developer put a walkway along the bluff.

Mr. Reynolds said he would go along with the Township if they don't want sidewalks and withdrew his recommendation for them.

Mr. Hickey moved to approve the Record Plan for Normandy Farm Estates-3,

Section 2, with bond of \$65,700, with no sidewalks required, and an inspection fee of \$303. Seconded by Mr. Cash. Approved unanimously.

Connemara, Sections 1, 2, and 3 - Record Plan

Mr. Reynolds said the preliminary plan has been approved, however, the County Engineer's office has requested tabling the plan for two weeks since the engineer is new and has not had time to review the plan.

Mr. Lapsin, for Park Lake Development Company, said he would like to get Section 1 approved tonight and whatever bond would be needed could be put on Section 2. Mr. Farquhar said if the Commission accepted Section 1 without a bond Section 2 may never come up for development.

Mr. Hickey moved to table all three sections of Connemara as requested by the County Engineer and recommended by staff. Seconded by Mr. Cash.

Mr. Schab pointed out the county is concerned since the project lies at the intersection of a township road and a county road, and the county is looking at widening their road by 2 feet and adding a 4 foot berm.

Motion approved unanimously.

Mr. Tate set the Work Session for July 11, 1978 at 7:30 p.m. and the next regular meeting of the Planning Commission for July 25, 1978 at 7:30 p.m.

Mr. Hickey moved to adjourn. Seconded by Ms. Simmons. Approved unanimously.

Elmer Tate
7/25/78