

CENTERVILLE PLANNING COMMISSION
Minutes of August 30, 1977
Meeting

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

Attendance: Mr. Elmer C. Tate, Jr., Mr. George J. Schottmiller, Mr. Michael V. Thill, Mr. Robert Hopperton, Mr. James P. Hickey, Mr. Jeffrey T. Siler, Mr. Roland McSherry. Also present: Mr. Karl M. Schab, City Engineer; Mr. Garth Reynolds, City Planner; Mr. Robert Farquhar, City Law Director.

Mr. Siler moved to approve the minutes of the July 26, 1977 Planning Commission meeting. Seconded by Mr. Hopperton. Approved unanimously, with the exception of Mr. Thill, who abstained.

Mr. Tate moved to accept the minutes of the August 16, 1977 Work Session as written. Seconded by Mr. Hickey. Approved, with the exception of Messrs. Siler and Hopperton, who abstained.

COMMUNICATIONS

Mr. Reynolds stated the staff has received a request from the developer of a piece of property located on the southwest corner of Alexandersville-Bellbrook Road and Mad River Road to split the deed. The property will be developed for five condominiums, each of which will need its own deed, and the property has only one deed. Mr. Reynolds asked for Planning Commission's permission to stamp the existing deed,

Mr. Reynolds also pointed out the developer has indicated he would be willing to dedicate a 43' strip on both A-B and Mad River Roads for right-of-way for the widening of both streets sometime in the future. He said this is not required of a developer when there are only five lots involved, but because A-B is considered a thoroughfare, the applicant has made this concession.

Mr. Tate asked how far back from the intersection the access to the property will be on A-B Road. Mr. Reynolds indicated the preliminary plans show approximately 300'.

Mr. Thill moved to authorize the City Planner to stamp the deed as requested for the property located on the southwest corner of Alexandersville-Bellbrook Road and Mad River Road. Seconded by Mr. Hickey. Mr. Thill amended his motion to include: with the requirement the applicant dedicate 43' of right-of-way on Mad River Road and Alexandersville-Bellbrook Road. Seconded by Mr. Hickey. Approved unanimously.

PUBLIC HEARINGSOrdinance on Procedures for Sidewalk Sales in Business Districts

Mr. Reynolds stated the ordinance was designed to allow sidewalk sales in B-1, B-2, B-3, Entrance Corridor, or Architectural Preservation districts to encourage business in these areas. The ordinance provides for a \$75 deposit in case of destruction to public property or the area not being cleaned up, and allows the sale to last not longer than three days.

Mr. Hickey stated the last complete sentence of Item #1 of the proposed ordinance should should read "within one day following termination of sale".

Mr. Thill asked if the damage were over \$75 would the City have the right to collect. Mr. Reynolds indicated it would. Mr. Hickey noted under Item #1 there is a \$75 deposit per applicant, but under Item #2 in the AP District a group having a sale can pay one \$75 deposit.

Mr. Thill asked why persons not owners of shops would be allowed to participate in the sidewalk sales, as indicated in Paragraph 3. Mr. Reynolds said this is to permit the flea market or artist type sale to be held.

There were no speakers for or against the issue.

Mr. McSherry asked what gas stations are allowed to sell under Section 2. Mr. Farquhar said this is a mechanical type statement which excepts sales of gas and oil when relating to items sold outside of buildings.

Mr. Hickey moved to recommend to City Council that the Ordinance for Sidewalk Sales in Business Districts and the Amendment to Ordinance 15-61 be approved as amended. Seconded by Mr. Thill. Approved unanimously.

Ordinance Amending Ordinance 15-61, Section 32.05

Mr. Reynolds stated the new ordinance would eliminate the clause pertaining to free-standing signs in Centerville which are required to be taken down January 1, 1978. Mr. Reynolds said this existing ordinance has been around approximately five years and as the time grows near to enforce the taking down of any legal non-conforming free-standing signs, the City has calculated it could cost them up to \$500,000 if a sign owner demanded payment for loss of property. In reviewing the Ohio laws' the law director could not find enough support to the city's demand for removal of the signs to make a case stand up in court, and he recommends the revision of the amendment.

There were no speakers for or against the matter.

Mr. Thill pointed out that applicants were told that free standing signs would have to come down 1/1/78 and asked if they could demand compensation. Mr. Farquhar said they could not but there were many signs existing which would not fall in this category.

Mr. Hopperton asked about condemnation or amortization of the signs, and Mr. Farquhar agreed that some signs could be condemned, however, Ohio laws do not provide for amortization. Mr. Farquhar said the signs are definitely considered to be property and Ohio cases substantiate it, and the City would be taking away someone's property so they would be required to compensate the owner.

Mr. Tate said if a sign is damaged beyond 50% of its original structure and the owner wants a new sign, the new sign should conform to existing codes. Mr. Reynolds said this is provided in the ordinance, which spells out set back, size and height requirements. Mr. Farquhar said with 50% or more damage the sign is no longer a structure and can be removed with no cost to the City as the damage comes under public safety of the police powers.

Mr. Tate suggested Paragraph B be removed completely from the ordinance since the City has not been effective in enforcing violations of the sign ordinance, such as the Cassano case. Mr. Reynolds said if the use of a property changes the owner can be made to make his sign conform to code.

Mr. Thill moved to recommend to City Council that the Amendment to Section 32.05 of Ordinance 15-61 be approved. Seconded by Mr. Siler.

Mr. Hopperton asked if the wording of the amendment could be any stronger or if the City Planner and Law Director feel the wording is the best it can be considering the intent of the Commission is to move toward no free-standing signs in Centerville. Mr. Farquhar said the purpose of this amendment was to remove the date only, and Mr. Reynolds commented to word the ordinance absolutely no free standing signs would not be practical since there are some areas where the free-standing type sign is the only really effective means of identification for a business and the Commission would have to be granting variances in these cases, which would set precedents, which would end up making the ordinance useless.

Mr. Hopperton asked if the language of surrounding communities' ordinances have been studied, and Mr. Reynolds said the wording of the proposed ordinance would be almost exactly what is found in other areas, since much of it is dictated by Ohio's laws.

Vote of Commission: Mr. Hickey, Mr. Schottmiller, Mr. Siler, Mr. Hopperton in favor. Mr. Thill, Mr. McSherry, and Mr. Tate against. Motion approved.

NEW BUSINESS

Mr. Schab stated all streets are in and inspected at the Normandy Office Park and requested the \$230,000 bond be released subject to receipt of a maintenance bond of \$11,500.

Mr. Thill moved to release the bond of \$230,000 on Normandy Office Park, subject to receipt of a maintenance bond in the amount of \$11,500. Seconded by Mr. Schottmiller. Approved unanimously.

Mr. Schab stated all improvements have been put in at Woodbourne, Section 32, as required and requested the bond of \$13,400 be released subject to receipt of a maintenance bond of \$1,000.

Mr. Thill moved to release the \$13,400 bond of Woodbourne, Section 32, subject to receipt of a maintenance bond in the amount of \$1,000. Seconded by Mr. Siler. Approved unanimously.

Mr. Reynolds gave the Commission rough drafts of the housing survey for Centerville and reviewed some of the statistics. He said he would be in touch with the Commission to set up a work shop with the City Council to review the information to work toward a housing plan for Centerville. The next regular meeting will be September 27, 1977.

Mr. Thill moved to adjourn the meeting. Seconded by Mr. Schottmiller, approved unanimously.

Anna T. Siler