

MINUTES OF
CENTERTVILLE PLANNING COMMISSION MEETING
June 29, 1976

The meeting was called to order by Mr. Elmer C. Tate, Jr., at 7:40 p.m.

Attendance: Mr. Elmer C. Tate, Jr., Mr. George J. Schottmiller, Mr. Dennis Donnellan, Mr. James P. Hickey, Mr. Michael V. Thill, Mr. Roland McSherry, Mr. Jeffrey T. Siler. Also present were: Mr. Darryl Kenning, City Manager; Mr. Garth L. Reynolds, City Planner; and Mr. Robert Farquhar, Municipal Attorney.

Mr. Thill presented a proposed slate of officers for the Planning Commission for the following year: Mr. Tate as Chairman, Mr. Schottmiller as Vice Chairman, and Mr. Hickey as Secretary. Mr. Thill moved the proposed slate of officers be accepted as nomination for those offices. Seconded by Mr. Siler. Approved unanimously. There were no other nominations by the Board.

MOTION: Mr. McSherry moved the nominations be accepted by the Board as officers for the following year. Seconded by Mr. Thill. Approved unanimously.

Correction to the minutes of the May 25, 1976, Planning Commission meeting were: Page 3, Article 4, second paragraph, last sentence, should read "19 lots"; Mr. Schottmiller's name should read George J. Schottmiller wherever referenced.

MOTION: Mr. Hickey moved to accept the minutes as corrected. Seconded by Mr. Donnellan. Approved unanimously.

Correction to the minutes of June 8, 1976, Workshop Session: Page 3, second full paragraph should read the east curb cut "would not" be directly across from Bill Knapp's curb cut.

MOTION: Mr. Thill moved to accept the minutes as corrected. Seconded by Mr. McSherry. Approved unanimously.

MOTION: Mr. Siler moved to accept the minutes of the Special Meeting held June 8, 1976, as written. Seconded by Mr. Schottmiller. Approved unanimously.

Correction to the minutes of the June 15, 1976, Workshop: Mr. Schottmiller's name should be George J. Schottmiller wherever written.

MOTION: Mr. Hickey moved to accept the minutes as corrected. Seconded by Mr. Thill. Approved unanimously.

The following Public Hearings were set for July 27, 1976, at 7:30 p.m.:

1. Brainard Rezoning
Re: Rezoning from R-2 to R-3
Location: Northwest side of Overbrooke Road, approximately
1,200 feet south of the intersection of Whipp Road
with Overbrooke Road
2. Frazee Rezoning
Re: Rezoning from R-3 to APD
Location: South side of Franklin Street adjoining and
between Virginia Avenue and Weidner Lane

3. Park Lake Development, Inc. Rezoning
Re: Rezoning from R-2 to R-3
Location: West side of Sheehan Road, approximately 140 feet south of the intersection of Village Square Road and Sheehan Road

COMMUNICATIONS

Mr. Reynolds reported his office has been working on (1) the Census Tract to realign boundaries of population districts, trying to keep approximately 2,500 people per district; (2) a base map of the City and Township which will be on a larger scale than the present map (1" equals 800'); (3) the zoning map, which will be done in black and white for reproduction purposes and which will show lot lines; (4) hiring a temporary employee, at least until the end of the year, to work in the City Planner's office--Mr. Joe Flanagan, who interned in Centerville last year and has a Bachelor's Degree from Wright State University.

PUBLIC HEARINGS

1. Request by Edwin S. Weber, Jr. for a variance on the height of a fence at 2222 East Alex-Bell Road.

Mr. Reynolds presented a drawing of the proposed tennis courts to be installed at 2222 Alex-Bell Road. He pointed out location selected would have natural screening from trees lining street and lighting of the courts should not present a problem to the neighbors for the same reason. The location shown on the drawing would be moved further north and the property owner was agreeable; the two trees which would be in this new location will be moved to the street side of the lot and hopefully be saved; however, the size of the trees (6-8" diameter) may be too large to transplant.

Mr. Weber stated he wanted to put up a standard tennis court fence around the court on two sides, one side would be against the bath house, and the fourth side would be open.

Speakers in favor: none.

Speakers opposed: none

Mr. Hickey asked if the ground to the west of the property was vacant. Mr. Weber stated the tennis court would be located on the east side, and the next door neighbor's house would be approximately 120 feet away.

MOTION: Mr. Thill moved to approve the proposed fence variance for the tennis court to be constructed on the Weber property, subject to the court being moved further north as recommended by the City Planner. Seconded by Mr. Donnellan. Approved unanimously.

UNFINISHED BUSINESS

1. Cassano's Sign Variance.

MOTION: Mr. Tate moved to bring discussion of the request for a sign variance by Cassano's before the Planning Commission. The issue had been tabled at the last Planning Commission meeting. Seconded by Mr. Schottniller. Approved unanimously.

Mr. Reynolds reported he had met with representatives of Blommel Signs to discuss the sign proposed for 5841 South Main Street; however, they were unable to bring the sign into conformity with the signage allowances and Cassano's requested the matter be brought to the Planning Commission. Mr. Reynolds showed slides of the existing signs and the proposed sign. The present sign on the building is 45-48 square feet. The size of the building is 35' which would allow signage of 52 square feet. However, the proposed sign is 140 square feet or more, depending on where it is measured, and is 19'7-3/4" high, which is higher than is allowed.

Mr. Richard Blommel of Blommel Signs pointed out there is currently a sign located where the proposed sign would be, which is 24' high and has 93 square feet per face. The new sign would be only 19'7-3/4" high and 75 square feet per face. The new sign would be 4-1/2' lower, in three colors as opposed to the present sign's five colors and would be more architecturally pleasing than the present sign.

Mr. Tate stated the sign as proposed is too large and other businesses coming into the community have been forced to use smaller signs and conform to the code, and it would be inconsistent to approve the proposed sign as presented.

Mr. Hickey reminded Mr. Blommel and the representatives from Cassano's who were present that all free-standing signs will be razed in 1978.

Mr. Ferrazzo, Director of Real Estate for Cassano's, stated their signs had been approved in nine states and were made from a production die. They could not afford to have a special die made for one sign. He pointed out the present free-standing sign had been approved by the Planning Commission previously and that they only want to replace that sign with a smaller, lower sign.

Mr. Tate responded at the time the original sign was put up there was no ordinance and the present request for variance is so far beyond the ordinance now in effect the Planning Commission cannot consider it. He stated Cassano's may appeal to the City Council if they wish.

MOTION: Mr. Hickey moved to deny Cassano's request for a sign variance at 5841 South Main Street. Seconded by Mr. McSherry. Approved unanimously.

Mr. Reynolds pointed out the applicants had not attended two scheduled meetings to discuss this variance and have the option of removing the present building sign, which would reduce the present signage area. He said if the applicants want to appeal they must file a notice of appeal within five days with the City and then file an appeal within 10 days after that.

2. Lemon Rezoning.

MOTION: Mr. Thill moved to bring the request for rezoning from R-2 to APD for the Lemon property before the Planning Commission for discussion. The matter had been tabled at the last Planning Commission meeting. Seconded by Mr. Hickey. Approved unanimously.

Mr. Reynolds pointed out the area in question is located on the northeast corner of East Franklin Street and Cemetery Drive. The total area is 28,611 square feet, with a potential store area of 5,400 square feet, which meets

with the APD zoning classification. Mr. Reynolds stated depending upon the type of business which went into the property in question the traffic generated by these stores could be anywhere from 17.3 trips per day to 553 trips per day. Considering the residential area where the property is located, traffic would be an important consideration.

Mr. Thill asked if the area could be restricted to a particular use. Mr. Reynolds advised Mr. Farquhar, the City Attorney, did not feel it could.

Mr. Tate asked if the property were not rezoned could the Planning Commission grant a variance for particular usage. Mr. Reynolds stated it could not, as the current zoning does not allow the use requested.

Mrs. Lemon offered to make a restrictive deed for a portion of the property.

Mr. Tate recommended to Mrs. Lemon that she request the zoning be changed to R-3 rather than APD and then request a conditional use to put in a shop.

MOTION: Mr. Thill moved the rezoning of the Lemon property to APD be denied. Seconded by Mr. McSherry. Mr. Hickey opposed. Motion approved.

3. Olympic Industrial Park Record Plan.

Mr. Reynolds presented a status report of the record plan, stating there may be a resolution of the proposed road soon, depending on the property owner to the south (Huber Management) agreeing to it. The item should be ready for the next agenda.

4. Sambo's Restaurant Site Plan.

Mr. Reynolds presented a revised site plan for the building to be located on the southeast corner of North Main Street and Loop Road. He stated the proposed business site is zoned B-2, the lot size is 220' x 180' deep, and parking spaces requested are 65, while the required number is 31. The changes discussed in a workshop session have been worked out: (1) one curb cut has been removed and the remaining one has been widened; (2) the City Engineer is working with Sambo's to provide dishing in the parking lot to slow the run-off of water; (3) lighting on the property was to be on the building and applicant has requested a decision not be made until the lighting is up and has been adjusted; (4) the tiled areas of the building will be changed to brick; (5) the sign was not in the proper location and has been moved; however, the originally proposed ground mounted sign is not visible in its new location and the applicant wants to go to a free-standing sign.

Mr. Richard Rush of Charles K. Schmandt, Architects for Sambo's, stated by moving the sign back from the road its size (8' high) would not give substantial identification for the restaurant. He requested a sign which would be 10' high so it would be above the cars and which would be 100 square feet. Since his allowance would be 90 square feet, Mr. Rush requested a variance.

Mr. Tate pointed out they could raise the sign 16' without a variance; however, the sign surface area would require a variance. Although the sign is not rectangular in shape, the surface area is determined by making a rectangle of the extreme dimensions of a sign.

Mr. Reynolds pointed out Sambo's has a 4' x 8' sign available and they have complied with all the changes requested by the Planning Commission except the sign. He suggested that Sambo's consider angling their parking spaces to direct the flow of cars coming into the site; however, 10 parking spaces would be lost in the process.

MOTION: Mr. Hickey moved to accept the revised site plan of Sambo's Restaurant subject to (1) receipt of revised signage for the property, (2) subject to approval by the Planning Commission of the lighting, and (3) subject to receipt of a color rendering as requested by the City Planner. Seconded by Mr. McSherry.

Mrs. Wageman, from the floor, asked if the Planning Commission had considered the proximity of Davis Buick's entrance to the proposed entrance to Sambo's and the potential traffic problem.

Mr. Thill responded the Commission held a workshop and considered at length the traffic problems that could come up.

Approved unanimously.

NEW BUSINESS

1. Request for approval of West Congress Park Drive and Paragon Road Street Dedication, located at the northern terminus of Congress Park Drive in Washington Township.

Mr. Reynolds showed drawings of the streets involved and explained that the Planning Commission had previously looked at these streets when the section was known as Buckingham Village and had been concerned about the angles where the two streets met. Some engineering changes have been made to correct this problem and the City Engineer recommends acceptance of these streets.

Mr. Archdeacon, for the developer, American Modulars Corp., stated the bond is estimated at \$84,494.05, which is rounded to \$85,000.00.

Mr. Reynolds indicated that the bond and inspection fees should be computed by the City Engineer and if approved, the motion should be subject to the Engineer's computations.

MOTION: Mr. Thill moved to approve the dedication of the streets as proposed, subject to bond and inspection fees to be determined by the City Engineer. Seconded by Mr. McSherry. Approved unanimously.

2. Request by Sagamore Estates for approval of a Preliminary Plan, located on the southeast corner of Alex-Bell Road and Rahn Road in Washington Township.

Mr. Reynolds showed slides of the 30 lots located on the southeast corner of Alex-Bell Road and Rahn Road. He stated the site is zoned R-3, that the applicant will deed 43' along Alex-Bell and 43' along Rahn Road for right-of-way, and that most concern are the two lots on the curve at Alex-Bell Road (lots 29 and 30).

Mr. Lapsins from Judge Engineering, representing the developer, John E. Ducko, Inc., stated the proposed lots conform in size and are 3/4 acre lots.

Mr. Siler asked if the lots facing Alex-Bell Road would exit internally. Mr. Lapsins stated there would be one exit for each two homes, in other words, the driveways would fall on the lot lines and be used in common for two homes; there would be turn-around space so the cars would come out onto Alex-Bell Road facing forward.

Mr. Reynolds stated he had met with the T.C.C. and Montgomery County Planning office to discuss the future of Alex-Bell Road and its possible realignment, which would affect the subject property.

Mr. Lapsins stated that would increase the radius between Lots 29 and 30 as requested.

MOTION: Mr. Hickey moved to recommend to the Centerville Council that they accept the Preliminary Plan of Sagamore Estates as presented. Seconded by Mr. Schottmiller. Approved unanimously.

3. Request by Cordova Heights for approval of a Preliminary Plan, located on Windsor Park Drive just west of the intersection of Normandy Lane and Windsor Park Drive in Washington Township.

Mr. Reynolds presented a preliminary plan for 5.8 acres containing 12 lots. The existing zoning of the site is Special Use, to the south it is R-2, to the east R-4 and special use, to the north R-2 and to the west, industrial. Provision is made on the preliminary plan so Essington Circle can be extended between Lots 6 and 5.

Mr. Tate asked how far it is between Normandy Lane and Congress Park Drive along Route 725. If Essington Circle were extended to Route 725, would the intersections of the three streets then be too close together.

Mr. Reynolds stated the lots are approximately 100' wide, the subdivision range is 400-1200', so these intersections would fall in the recommended range.

Mr. Lapsins of Judge Engineering, for the developer, Robert W. Keays, stated the intent of extending Essington Circle is to provide access to the land along Route 725 to the south of the proposed Cordova Heights but not to enter Route 725. The land is owned by American Modulars, who also owned the 12 lots being sold to the developer.

MOTION: Mr. Schottmiller moved to approve the preliminary plan of Cordova Heights as presented. Mr. Thill seconded. Mr. Hickey opposed. Motion approved.

6/29/78 4. Request by Centerville Square for approval of a Site Plan Review, located on the northwest corner of Spring Valley Road and State Route 48.

Mr. Reynolds showed drawings of the proposed buildings to be erected on the site. He explained the site plan had been reviewed in June, 1975, and the Planning Commission was concerned with the architectural aspects of the building and the signage at this time. He showed on the drawing there would be a curb cut on South Main Street and on Spring Valley Road. The building, of colonial type architecture, would have one section facing South Main Street (bottom drawing) and one section facing Spring Valley Road (top drawing). Building frontage on South Main would be 220' and on Spring Valley Road 150', for a total of 370', which permits a total of 555 square feet of signage. The roof line of the buildings will limit the signage on them and they will probably go

to ground mounted signs at the entries.

Mr. Jack Hutton, attorney for Big Hill Realty, the developer, stated during the past winter they have been working on the financing and they are now ready to begin construction.

MOTION: Mr. Thill moved to approve the architectural plan as submitted, subject to the lighting being acceptable to the Planning Commission, for Centerville Square. Seconded by Mr. Schottmiller.

Mr. Hickey expressed concern that he had not been on the Planning Commission at the time the original site plan was reviewed and was not familiar with the overall plan.

Mr. Reynolds stated that at the time of the site plan presentation the parking and overall layout had been approved after careful review, and the request tonight was only on the architecture of the buildings. Mr. Hickey asked if there is a time limit on the period between approval of the site plan and development of the land. Mr. Farquhar, City Attorney, stated only on the preliminary plan.

Mr. Hickey and Mr. Siler abstained. Motion approved.

5. Request for Meadows Professional Center, release of performance bond.

Mr. Reynolds read a request by Mr. Schab, City Engineer, that the performance bond for Meadows Professional Center be reduced from \$3,000.00 to \$1,525.00, subject to drainage being corrected. Mr. Reynolds stated the Trustees recommended the \$1,525.00 performance bond be released, subject to receipt of a maintenance bond of \$1,500.00, which would provide maintenance of the area for one year.

MOTION: Mr. Tate moved to release the Meadows Professional Center performance bond of \$1,525.00, subject to receipt of a maintenance bond for \$1,500.00. Seconded by Mr. Schottmiller. Approved unanimously.

6. Request for Madrid Estates, release of performance bond.

Mr. Reynolds read a recommendation from Mr. Schab, City Engineer, that the performance bond of \$121,000.00 be released subject to receipt of a maintenance bond of \$6,050.00 and a \$4,000.00 bond for ditch maintenance, and also subject to acceptance of the roads by Washington Township.

MOTION: Mr. Tate moved to release the performance bond of \$121,000.00 on Madrid Estates, subject to receipt of a maintenance bond of \$6,050.00 and a \$4,000.00 bond for ditch maintenance as outlined in the Subdividers Agreement, also subject to acceptance of the roadways by Washington Township. Seconded by Mr. Thill. Approved unanimously.

7. Request for Janco Plat, release of performance bond, has been withdrawn.

8. Request for Buckingham Village, partial release of performance bond.

Mr. Reynolds read a recommendation from Mr. Schab, City Engineer, to reduce the performance bond of Buckingham Village (Congress Park Drive) from \$54,500.00 to \$5,450.00. There are only minor corrections yet to be done.

MOTION: Mr. Tate moved to reduce the performance bond of Buckingham Village from \$54,500.00 to \$5,450.00. Seconded by Mr. Thill. Approved unanimously.

PUBLIC FORUM

Mrs. Wageman of Willowhurst Drive asked how zoning rules are enforced. She has been trying to get the Mother Hubbard Nursery School on Willowhurst and Alex-Bell Road to stop doing business in a residential area for 10 years and can get no responsive action from any City Official.

Mr. Reynolds suggested Mrs. Wageman get in touch with his office and he will update her on what the City is doing. The Council is investigating the matter and will contact the people involved in the business when they return from vacation the middle of July.

The next regular meeting of the Planning Commission will be held on July 27, 1976, at 7:30 p.m. in the City Building.

A workshop will be held on July 13, 1976, at 7:30 p.m. at the City Building.

MOTION: Mr. McSherry moved to adjourn the meeting. Seconded by Mr. Donnellan. Approved unanimously.

