

## CENTERVILLE PLANNING COMMISSION

Regular Meeting  
July 29, 1975 - 7:30 pm

Those Present: Messrs Baker, Schottmiller, Gillingham, Tate & McCrabb and Mrs. Lake.  
Also Present: G. Reynolds, City Planner; K. Schab, City Engineer; J. Levermann, Administrative Assistant & R. Farquhar, City Attorney.  
Absent: G. Maxton

The Minutes of the June 24, 1975 meeting were unanimously approved as prepared. Motion to approve made by Mr. Gillingham, Seconded by Mr. McCrabb.

### Communications

Mr. McCrabb asked about the background of the signs at the OI' Spanish Villa Shopping Complex. Mr. Reynolds said that the file had been reviewed and the last action took place on 6/25/74 - at that time the approval of signs was requested by Planning Commission. He read from the minutes of that meeting - it was at that time felt that if the signs were in conformity with the model sign which PC at that time approved, they would be reviewed by staff only - if they were not in conformity they would be presented to PC for review. Mr. Reynolds said staff would like to know if this is the way PC wants this to be handled. He said it appears that it had been determined by PC that each building can have a sign. Mr. McCrabb said he felt the signs were to be attached to the building and would be a part of the architectural review. There is currently a sign up at the complex for 'Associates' which Mr. McCrabb felt had been rejected - the standard logo is used and there is not a Spanish theme used. Mr. Gillingham recalled that there was only to be a sign identifying the complex and small signs within to identify each store. (1-1/2 sq. ft. of sign per linear ft. of building is permitted in business zoning.) Mr. Reynolds asked for PC to advise staff whether or not the building inspector can approve signs that are within this Spanish theme or if PC wants to review each of them.

\* Mr. Tate made the motion that the signs in the OI' Spanish shopping complex be turned over to staff and if the signs conform to those shown on the approved drawings, staff will approve - if there is any deviation from this they will be presented to PC for approval. Seconded by Mr. Schottmiller. Motion approved 4-2, Mrs. Lake and Mr. McCrabb being the negative votes.

### Planner's Report

Mr. Reynolds reported that he and the City Engineer attended a meeting with Richard P. Eastman, Greene Co. Engineer regarding the property off Wilmington Pike. As a result of that meeting, it has been suggested that a task force of five study this problem. PC Members will receive a copy of a letter to be written to the City Manager making the recommendation that Centerville be involved in this study.

Public Hearings

1. Request for Variance (V-75-6) at 101 Westpark Drive - Building Setback. Bob Ferguson, Applicant.

Mr. Reynolds as well as James Woodley, Woodley Development Co., explained that the variance is being requested to keep the building at 30', the same as the rest of the buildings. Mr. Tate questioned the need for a public hearing since the ordinance reads that if 25% or more of the buildings on any street are at the same setback, a variance is not required. No citizens present were in favor or opposition.

- \* Mr. Tate made the motion to approve the setback variance, V-75-6, at 101 Westpark Drive as requested. Seconded by Mr. Gillingham. Approved unanimously.

2. Request for Variance (V-75-7) at 7798 Raintree Drive - Swimming Pool Setback. Larry Berberich, Applicant.

Mr. Reynolds explained the request and showed a drawing of the property in question. The pool encroaches on the front by approximately 2-1/2'. Based on a petition signed by a majority of the property owners in the immediate area, it is recommended by staff that this request be approved.

Mr. Baker made reference to a drawing of shrubbery screening around the pool and asked Mr. Berberich if he would be planning to plant them as close as possible to those shown in the drawing. Mr. Berberich stated that the shrubbery is already in place as shown on the drawing. Mr. Gillingham asked about the replacement guarantee of any shrubs that may die. Mr. Berberich stated that any shrubs that die will be replaced - if not by the nursery, by the applicant. Mr. McCrabb asked if the shrubs were planted before or after the 'red ticket' was placed on the project. Mr. Berberich said they were planted after - he added that he had outlined his position on 6/13/75 and had since gotten the plantings in.

Citizens in favor - none

Citizens in opposition -

Mr. Don Anderson, 1375 Black Oak Drive, said that he had originally thought that this was a matter to be determined by PC - he does not feel 2-1/2 ft is enough to quibble about. However, he feels that the ordinances were designed to keep a certain uniformity. He feels that this structure is ugly to have to view from the front. The purpose of the ordinance, he continued, is to protect the value of the properties and this pool is setting in the front yard. He feels the applicant will enjoy his pool if this is approved, but in the long run he will suffer as well as the rest of the neighbors. This is a semi-permanent structure and is not the same as temporary things that some of us might have out, he said.

Mr. Keith Dunker, 7781 Windy Hill Ct. feels that this is an eye sore. Although Mr. Berberich has indicated he will put in more landscaping, he said, he does not feel this will adequately conceal it. He does not feel strongly about the 2-1/2 ft, but

he feels that some sort of fence is necessary. He said he is sorry this has gone like it has for these people, but he does object to this being in the front yard. He cited the City newsletter article stating that a pool with a depth of 24" must have a 5' fence - he does not believe the present fence to be that high. Mr. Baker suggested that someone should check on the height and Mr. Berberich said that the fence height at the far end of the lot is 5'10", it was contoured from the pool and is 6' in some places.

It was stated that not more than 3' of fence or hedge is permitted in the front yard, according to the plat restrictions. The City does not permit anything in the front yard that reduces visibility. Mr. Baker said that PC variance would not override anything that is in the plat restrictions. Mr. Farquhar said that plat restrictions are not anything that the City enforces.

Mrs. Lake said that this situation is very awkward, not to mention the location. The reason for the 'red tag' was for screening, she said. We are not getting into a situation regarding deed restrictions where if the height of the trees is maintained, they will not be much higher than they are now. Mr. McCrabb said he feels this property, being on the corner, has two front yards - he then read the definition of a yard and said this should not be in the front yard. Mr. Schab said that a ruling has been made that it is not in the front yard, but in the side yard - it is beside the house, not in front of it. Mr. McCrabb questioned if this is behind the setback and asked about the definition of the property between the principle building and the setback line, when the building is further from the property line than required. Mr. Schab said the area between the building line and the right-of-way line should be the front yard and if this is the case the pool is only 2-1/2' in the front - the balance of the pool is in the side yard. Mr. Farquhar was asked if a corner lot has two front yards and he answered that he does not believe so. Mrs. Lake commented that in the existing ordinance a building has to be 35' back, an accessory structure (such as this pool) should be 75' back. Mr. Schab said this is true, but this 75' restriction is not scheduled to appear in the ordinance that is being re-written. Mr. Farquhar said that from what has been said it seems that the concern is with the size of the variance - if the variance is granted, they will have the pool. Mrs. Lake asked about screening requirements. Mr. Farquhar said a safety fence is required for the pool, but the screening is additional. He said the variance could be granted on the basis that the screening would remain and if something else eliminated the screening he would have to come back as he would have a violation. He added that anything beyond the 35' line could be higher than 3'.

Mr. Anderson made reference to the petition that Mr. Berberich had had signed. He said that two people had complained to the City originally and that when this situation was explained to him when the petition was circulated, he did not know which sheet to sign to express his opinion - the way it was presented was confusing to him.

Mr. Baker summarized the various facets: 1) 2-1/2' violation; 2) a swimming pool is an accessory structure and would not be permitted at all under the present ordinance regarding 75' for this type structure; 3) the address is on Raintree and the house faces Black Oak; 4) the screening situation in the front yard; 5) if this is not

\* granted, we must be aware of the consequences of the property owners. Mr. Tate and Mr. Schab said that this variance request is to allow the swimming pool in the position as presented with the request. Since this is the only absolute consideration (the 2-1/2'), Mr. Tate made the motion to accept the variance as requested. The motion died for a lack of a second. Mrs. Lake is concerned with screening. Mr. Gillingham said that it is obvious that the objections heard from the neighbors is regarding appearance. A screening of some close-growing hedge should be in order, but he questioned PC's authority in lieu of the restrictions of the plat. Mr. McCrabb said that if the 2-1/2' were the only consideration - we should not be taking this time. However, there are other circumstances: the original plat plan that was presented was very loosely presented and this apparently is where the problem began. Mr. McCrabb said he would be in agreement with the applicant if he had not put the screening in after the 'red tag' had been issued and now PC has the additional consideration of the property owners additional cost.

Mrs. Lake said she agrees with Mr. McCrabb. She is very concerned with the work sheet that was presented. She said she would like to feel that this was accidental and she is not sure it is since this particular pool builder had a previous experience with corner lot in this City and she feels that Mr. Berberich, as an engineer, would have to agree that this plan implies that this is a pool in a back yard - there is nothing on here to create the implication that this is on a corner. I would certainly want this particular contractor watched very closely, she said, and the way this was done she is not sure this was an oversight. She continued that she does not feel, however, that she can let the property owner bear this burden of the pool builder. She said she feels very strongly about the shrubbery being put in when it was.

Mr. Schottmiller said he feels we should not be concerned with screening and he has no objections to the 2-1/2'. Mr. Baker said he feels there are violations regarding the 75'. Mr. Tate questioned trying to enforce something that will probably not be in the new ordinance.

\* Mr. Tate moved to approve the variance request for swimming pool setback at 7798 Raintree Drive as presented. Seconded by Mr. Schottmiller. Approved 5-1, Mrs. Lake being the negative vote.

3. Request for Variance (V-75-5) at 261 East Alex-Bell Road - Fazio sign. Artglo Sign Co. for Gold Circle, Applicant.

Mr. Reynolds showed a slide of the proposed sign, which would be placed below the existing Gold Circle sign, on the same poles. This application is to increase the sign area for a legally non-conforming sign.

Mr. Dale Beavers of Artglo Sign Co., Columbus, Oh explained that due to the great distance the building sets back from the street, it is felt that this large size is necessary for identification and visibility. They feel that to add this to the existing sign would be better than an additional sign. Mr. Beavers said they are not rigid on this possibility - they have alternative signs and are open to suggestions.

Citizens in favor - none; in opposition - none.

sq.ft.  
147/ is the frontage of the portion of the building occupied by the grocery store, 508 sq.ft. total on the building. The present sign is now 244sq. ft. over the allowable sq. ft. for the building. If this sign is approved it will be an additional 120 sq. ft. over.

The possibility of other buildings at this site was discussed. Other buildings were originally planned and it is felt that they will eventually be constructed, with the businesses requiring signs. There is now a 'Fazio's' sign on the building which is 469 sq. ft.. There was some discussion as to how the existing Fazio sign came to be with Gold Circle already having so much sq. ft. The existing sign provides Fazio identification.

\* Mrs. Lake made the motion to table this subject and have staff talk with Gold Circle about the whole complex plans as there is no question about the fact that there will be more businesses. Seconded by Mr. Tate. Approved to table 4-2, Mr. McCrab and Mr. Gillingham being the negative votes.

The general recollection is that this was to be a shopping center and this is why such a large sign was permitted. It has to be determined if each business can have a sign under the Gold Circle sign or if they can have the one sign on the building. Mr. Schab said that perhaps that would be more compatible. However, at this time we have the two stores with this building frontage - there would be no others in this building - as others are added, additional signs would be requested. What we are discussing now is the present frontage, he said.

4. Request for Rezoning (Z-75-3) (0.91 Acre from B-2 to R-3 on N. Main Street - Harriet Oakes, Applicant.

Mr. Reynolds reviewed the situation and showed a slide of the area in question. He explained staff's recommendation to consolidate access points to cut down on traffic problems. With this proposed staff plan there would be a dual access to the north of the property and taper on N Main.

Mrs. Oakes said she is in agreement with bringing the driveways together and with the stacking lane for at least two cars but not the entire length of the property.

Citizens in favor - none

Citizens in opposition -

Mr. Muzechek, Sheehan Rd., asked why this is being re-heard by PC. He was advised that due to the fact that the last public hearing had started ahead of the scheduled time, some who wanted to speak had arrived too late. Therefore, it was determined by the City Attorney to nullify the previous public hearing and to hold it again. Any action taken at that public hearing is, therefore nullified.

Mr. Fred Henley, 521 Sunnyclyff, stated that his property is directly behind Mrs. Oakes property and if this is rezoned he is concerned about the possibility of businesses and parking next to his back yard. He is concerned about traffic, noise and having to view parked cars and trash at the rear of the (possible) business.

Mr. Kenneth Gordon, 530 Sunnycliff, stated that he feels it would be a crime to tear down that beautiful house and put in a business and, of course, it would not be to my advantage to have anything else there, he said.

Janet Henley, 521 Sunnycliff asked to be told what businesses could be there within the requested zoning. Mr. Reynolds said the application is for R-2 to R-3 and the only thing allowed would be doubles. Mr. Farquhar added that a contingent use is possible under R-3. He read from the list of possibilities: lodging house, church, plant nursery, public library, public school, etc., etc. He also said that a separate application could be filed for conditional use, which would allow business. Mrs. Lake said the public should know what is possible, but that the possibility of future applications (for conditional use) are not to be considered at the time of the rezoning application.

Mr. Baker said that in the past PC was going to stop all businesses and commercial use from going north from Zengel Dr. then the Zengel parcel was rezoned to the north and at that time it was felt that the low plantings were adequate between Dr. Gerlinger and this property. What, he asked, do we have to stop strip zoning from going further north. He said he feels staff's plan is a good one. Mrs. Lake said that at some time in the future there will be a by-pass in that area and there will be a short distance from Zengel Drive. However, we do have the area to the east of that to consider and very restrictive conditional use should be implemented. She added that she does not think the buffer with the Gerlinger property was sufficient. The proposal that the City Planner has shown would allow for adequate parking on the sides and this will protect the property owners to the east the best. Plantings should be required to protect the other properties.

Mrs. Lake asked about the 15' rear easement and screening as a deed restriction. Mr. Farquhar said this is not a proper deed restriction.

Mr. Reynolds said that Mrs. Oakes has agreed with Staff to enter into the drawing up of proper legal restrictions on the deed as presented to PC by staff (driveway and taper on N. Main Street).

- \* Mrs. Lake made the motion to approve the request for rezoning by Mrs. Oakes subject to proper legal documents regarding deed restrictions for the relocation of the driveway to the location as proposed by staff and the addition of the 10' taper drive along the east side of N. Main Street. Seconded by Mr. Schottmiller. Approved 5-1, Mr. Baker being the negative vote.

5. Request for rezoning From I-1, B-1, B-2, Wash. Twp. R-4 to: R-1, R-3, R-4, O-S, & B-2, on property located off Wilmington Pike. R & R Development Co., applicant.

Mr. Reynolds showed a slide of the area and explained the request, pointing out specific locations and present zoning as well as proposed zoning. The present land use involves a lot of agricultural use with a church on the corner. Portions of this property are in Greene County, Sugar Creek Twp., which are planned for light industrial use in the future.

Mr. Farquhar explained that this item came back to PC as there was a significant plan change after it was acted upon by PC and before it was taken to Council. Based on Mr. Farquhar's opinion, Council has sent this back to PC for review because of the extent of the changes. Mr. Tate asked to see what was approved, what was changed and what is currently desired.

Mr. Paul Rodenbeck, agent for R & R explained that there are two primary changes. The changes as well as the previously approved plan was reviewed and discussed at length. There is one area that had been Industrial and approved for residential by PC but during a workshop with Council, the developer changed it to Industrial again at Council's request. Mr. McCrabb questioned a workshop having been held with Council, asking what the purpose of PC is if the developer is having workshops with Council. Mrs. Lake said she does not recall the workshop with R & R regarding this. It was asked why this came directly to a public hearing rather than a PC review. Mr. Baker said this was done because the applicant requested it.

Citizens in favor - none

Citizens in opposition -

Mr. Bob Podiack, Church of St. Francis Bldg. Committee, commented that it seemed to him that two years there was more residential and now it looks like there will be a lot of commercial and multi-family and if this had been known they certainly would have bought in a different location. Mrs. Lake asked if St. Francis is aware that an industrial park is also being planned across the street in Greene County. Mr. Podiack said they were.

Mrs. Lake asked why the developer went from single family to doubles on the south. Answer: it was the impact of the thoroughfare itself. Mrs. Lake questioned the location of the access road and Mr. Schab said he believes the roadway that is shown on this plan is what we would want for the loop.

\* Mr. Gillingham moved that the rezoning of this property be granted as requested and shown on Exhibit A revised June 1975. Seconded by Mr. Tate. Approved 4-2, Mr. Baker and Mr. McCrabb being the negative votes.

This will go to Council without recommendation as five votes are required for recommendation. Mr. Farquhar advised Mr. Rodenbeck that they have five days to file an intent to appeal and an additional amount of time to file the appeal. He suggested the applicant contact the Clerk of Council for details.

#### Unfinished Business

6. Mr. Gillingham gave his report from the Subcommittee on Group Home ordinance proposal. He explained that a lot of time and effort had gone into this and it was ready for review by PC members. A copy will be provided to each member at the end of this meeting. Mr. Gillingham said that there is now a case in court to determine the status of the home on Sheehan Rd. - depending on that decision, this ordinance may have to be revised in part. He further recommended that the proposed

ordinance be read thoroughly and considered on the overall. He said he had hoped to be able to work on this until it was complete but it is in draft form and he will no longer be serving on the commission. Mr. Baker commented that under Mr. Gillingham's leadership a lot was accomplished at the numerous meetings required for the completion of this draft. Mr. Baker asked that a workshop be arranged with the City Attorney and the City Planner in attendance. Mr. Reynolds suggested that perhaps it would be advantageous for the new PC members to be in attendance and suggested a late August workshop date. The Group Home Workshop is tentatively set for August 28 at 7:30 pm in the Community Room. Mr. Baker asked that Mr. Gillingham try to attend as a citizen as he feels his contributions beneficial to the project.

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New Business

7. Byzantine Catholic Church - Request for Variance (V-75-8) set for public hearing Tues., August 26 at 8:00 pm. This church would like to utilize the property at '48' and Bristol Drive as a church. Variance is required because since the other church was there (as a non-conforming use) 5 acres are required for this type of use and a different (church) body cannot take possession under the same non-conforming use.
8. George Mitchell, Jr. - Request for Rezoning (Z-75-4) set for public hearing Tues., August 26 at 8:30 pm. This is the property on W. Franklin, request from residential to A.P.
9. Mr. Bill Deets, Developer - Preliminary Plat Review - approx. 9 acres located in Wash. Twp.

Mr. Reynolds reviewed the area on a slide. This 9 acre parcel is located south of Whipp Road and East of Seton Hill.

Mr. Deets explained that the lots involved in this Preliminary Plan are the lots # 6,7,8,9,10,11,12,13 & 14 on the drawing provided. He explained what the surrounding zoning is. There was some question regarding sidewalks and Mr. Schab said sidewalks are not a consideration of this Preliminary plan. Mr. Deets said the only utilities that are in at this time is the water. Mr. Reynolds said he had been told that there might be some problem with the water and Mr. Deets said that Pyper had advised them that it was relocated and is okay.

Mr. Reynolds said he received a communication from Mrs. List, Wash. Twp. zoning, stating that this was within their requirements.

Mrs. Lake asked Mr. Schab about the water situation and he said that the water question seemed to have been in regard to the fire department, but he feels this can be discussed at the time of the final plat plan.

Mr. Deets said that it is his feeling that they would not want sidewalks. This is a wide area and we would like to keep this as natural as possible, he said. Mr. Baker asked about possible (future) changes by the developer. Mr. Deets

said the easement itself would be changed according to what PC decides, no property lines would be changed. Mr. Baker commented on a comment by Mr. Deets regarding sidewalks, saying that the fact that the sidewalk would not tie in with anything else does not alter his feeling that sidewalks should be required.

Mr. McCrabb made a general comment that with regard to the three mile jurisdiction, it seems that a tremendous amount of work is required for work that has been approved by other agencies. He said this has been through the County sanitary engineer, etc., and that part has not changed and we are creating a lot of time and money expenditures for the applicant. Mr. Schab said that the time has lapsed and it should be reapproved - it was presented to the Twp & Co. prior to 1968.

- \* Mr. McCrabb made the motion to approve the Preliminary Plat plan for Old Farmers Town, Section 2 as submitted. Seconded by Mr. Tate. Approved Unanimously.

10. Buckingham Village - Preliminary Plan - 117.922 acres located in Washington Twp.

Mr. Reynolds showed slides of the area and pointed out the acreage and the zoning in the area. He explained that a workshop has taken place with the following attending: Mrs. List, Wash. Twp., Mr. Geiger, TCC, a Woolpert Co. representative, Centerville's City Manager, Engineer and Planner. At that meeting it was determined that the distance between the two "T" sections shown on the map should be an additional 100' apart - it is shown on the maps provided to PC members as being 400' apart.

Mr. Archdeacon said that this is a revision of a previously-approved preliminary plan. He said several meetings have taken place with the area property owners.

Mr. Gillingham asked if the curve (on one of the streets) could be reduced. Mr. Reynolds said this was discussed as a possibility (primarily because it would reduce construction cost) but it would still end at the same point.

- \* Mr. Tate made the motion to approve the Buckingham Village Preliminary Plan as presented, with the owners and developers to get together and resolve the curve. Seconded by Mr. McCrabb. Approved unanimously.

11. Olympic Industrial Park - Preliminary Plan - 36.7 acres located in the City of Centerville.

Mr. Reynolds showed a slide of the area and pointed out the area in question. The desire is to provide a temporary access to serve the Olympic Club; when the I-675 access is constructed this temporary access would not be useable.

Future plans for the area were discussed at length as well as previous actions regarding this property. This is a request for approval for access to five lots only, Mr. Archdeacon explained.

- \* Mr. Tate made the motion to accept the Preliminary Plan for the Olympic Industrial Park for the five western parcels as shown with the road 25' to the east of the previous plan. (This plan dated June 1975.) Seconded by Mr. Schottmiller. Approved 5-1, Mr. McCrabb being the negative vote.

12. Zimmerman - Special Use Exemption - 4.8 acres, Subdivision Regulation - located in Washington Twp.

Mr. Reynolds reviewed a slide of the area involved and pointed out the acreage in question. This is a 'flag lot', which is not allowed in the Twp. They require frontage on a public street and this does not meet that criterion. They have requested a special use exemption from the city. Our subdivision regulations do not allow this except as a special use exemption. Staff recommends approval based on granting of a zoning certificate by Washington Twp.

Mr. Gilvery, representing the applicant, explained that there is now one home and some other buildings on the property and they want to replace the buildings with a home and build a third home and have this parcel in three lots and sell the original, existing home. There is now a 30' gravel lane at '48' and they propose widening the balance of the lane, which is 10' wide, from 10' to 14' blacktop - enough for two cars. Mr. Gilvery said that III-F provides for lot splits, Section 11 provides for provisions - he continued that the main reason for this exemption request is that to get to the western edge of the property would be \$30,000 and to go all the way would be almost double - the property sets so far back. This would be prohibitive for single family. Mr. Gilvery provided a petition signed by nine persons in the area who have no objections to the proposal.

Mr. Baker asked if it would be possible to bring a road in from the property to the south. Mr. Reynolds said this has been investigated and at this time the owner does not wish to do this. Mrs. Lake feels the property to the south is the way to approach this property. Mr. Gilvery said that the reason they have come to the City first is because they had to start somewhere and he hopes each body does not wait for the other to make a decision. Mr. Zimmerman asked what he can do with his property if this is denied. It was established that Mr. Zimmerman had purchased this land some time ago with the idea of building condominiums and the request to do that was denied.

\* Mr. Schottmiller made the motion to approve the special use exemption pending Washington Twp. approval and issuance of proper zoning certificate. Seconded by Mr. Gillingham. Approved 4-2, Mrs. Lake and Mr. Baker being the negative votes.

13. Ralph L. Woolpert Company - Preliminary Plat Review - Unplatted area - Woodburn, Section 33 located in Washington Twp.

Mr. Reynolds said that this was informally discussed several months ago. The concern then was with a creek on the property and getting a fire department truck into the area. It was previously determined that PC would approve it pending approval by the fire department. The fire department has since stated that they would, in any event, probably not take a truck into the area, but would probably leave it on Rahn.

Mr. Archdeacon further described the area and the problem with the creek. Mr. Schab said this was exactly the same plan as reviewed two months ago.

\* Mr. McCrabb made the motion to approve the preliminary plat plan for Woodburn, Section 33, as presented. Seconded by Mr. Schottmiller. Approved unanimously.

General

Mrs. Lake presented a proposal for a resolution that one member of the PC not be a member of Council, but that seven members be appointed by Council. A copy of her proposal is being provided to each PC member.

Meeting adjourned at 12:00 M.

Next regular meeting scheduled for August 26, 1975

Workshop on the Group Home proposed ordinance is scheduled tentatively for August 28, 1975.

Minutes approved by Bruce A Baker  
Vice chairman  
8/26/75

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