

CENTERVILLE PLANNING COMMISSION

Regular Meeting
September 26, 1972

1. Roll Call -- Present were Mr. Baker, Mr. Maxton, Mr. Elliott, Mr. Tate, and Mr. Davis. Absent was Mr. Wells.
2. Approval of the minutes of the meeting of August 15 and 29. Motion by Mr. Davis, seconded by Mr. Maxton to approve the minutes of August 15. Unanimous approval. A motion by Mr. Maxton, seconded by Mr. Elliott to approve the minutes of August 29. Unanimous approval.

The minutes of the September 12 meeting were distributed with the agenda but was not acted upon at this meeting.

3. Public Hearing
7:30 P.M.

Z-72-15 Wainscott rezoning. This was a request to rezone six lots, five on the south side of East Franklin Street in the vicinity of Cemetery Lane and one on the north side of East Franklin Street at the northeast corner of Cemetery Lane from Centerville zoning classification R-2 to Architectural Preservation District. Mr. Wainscott presented the case for the applicant. Mr. Herbert Severt, 41 Woodfield Place, asked for clarification of the Architectural Preservation District ordinance. Mr. Baker explained this ordinance 80-71. Charles Null, 130 East Franklin Street, asked why this area was not included in the original Arch. Pres. Dist. ordinance was passed. He was told that the original boundary lines were arbitrary, map changed, and the specific reason for the district being where it presently is are unknown. The alley opposite Cemetery Lane may have had some bearing on the boundaries. Kenneth Poff, 146 East Ridgeway, indicated that in his opinion the entire area between East Ridgeway, Cemetery Lane and Franklin Street should be changed to the Arch. Pres. Dist. He stated that the only advantage to rezoning is to increase property value and he thinks that the other residents not included in this request should have the same advantage. He also said that there is nothing now in the area that looks Early American. Mr. Richard Miller, East Ridgeway Road, commented that when an owner owns more adjoining land the land adjoining automatically goes to highest zoning.

Karl Schab, City Engineer, checked the legal description contained in this ordinance against the map presented and found that the map and the ordinance did not coincide in that the ordinance described all the Wainscott contiguous holdings which is more than the .55 acres shown on the rezoning map.

Roy Geultig, 143 East Franklin, favored this rezoning and believes the entire area should be rezoned.

OPPOSED:

Mr. Gene Huck, 135 Weller, he used the Shell Service Station as an example of what could happen in this area and said that Centerville was deteriorating.

He believes Franklin Street already carries excessive traffic and that this proposed rezoning will increase it. He opposes this rezoning because we have enough business at present.

Barbara Huck, 135 Weller, feels that they would be adversely affected by this rezoning because their backyard might adjoin some unpleasant business.

Richard Miller, 128 East Ridgeway, believes that this application should be re-submitted because of defects in the ordinance and in notice of public hearings.

Herbert Siever, 41 Woodfield Place, "rezoning is a spreading cancer. Everyone wants to rezone so they'll have commercially valuable property when the original purchase was for a residentially valuable property."

Planning Commission member's comments:

Mr. Maxton inquired as to Waincott's future plans. Waincott replied that he wants to stay in his home for the present but when he leaves he wants to be able to sell for business because the property to the west is already so zoned.

Mr. Baker commented that if the Arch. Pres. Dist. is increased it should be in depth away from Franklin Street rather than lengthwise along Franklin Street.

Mr. Maxton said one of the evils of the A.P. Ordinance is that it includes B-1 zoning. He pointed out that if any remodeling is done to the homes in the Arch. Pres. Dist. it would have to conform to A.P. regulations. He feels that A.P. has both good and bad points. He stated that each zoning case must go to this or another board for evaluation. Mr. Elliott questioned the boundary of the A.P. district. Mr. Baker feels that there is a need for better information regarding legal description and recommends holding off any decision until the next meeting.

The Planning Commission asked for the advice of the City Attorney regarding the conflict in the public hearing notice and the discrepancy in the legal description contained in the ordinance.

This matter will be on the agenda of the October 17 meeting for a decision.

V-72-12

This was a request by Martin Bordewisch, 5009 LaFrance Place, Mt. Vernon Estates, Section 2 for a variance to reduce the setback from 60 feet as required to 40 feet in order to attach a two-car garage to the present dwelling. Mr. Bordewisch explained the request.

James R. Neil, 2558 Walford Drive, opposed in that he wants to preserve the existing cemetery of the Mt. Vernon plat. He suggested that there were other means for the added room on the applicant's house.

Mrs. Dorothy Berk, 2540 Walford Drive, opposed.

A lengthy discussion followed as to the significance of deed restrictions which would prohibit this construction. It was agreed that the City would seek legal opinion from the City Attorney as to the application of Section 3 of Ordinance 15/61 as to its meaning in regard to this particular application. It was held here that any variance granted by the Planning Commission would have no effect on any restrictions in the deed.

Mr. Baker recommended deferring any decision on this application until the October 17 meeting at which time the legal opinion will have been rendered.

New Business --

E-72-5 This is a request from Ponderosa Systems Inc. to set a pre-built metal storage building on the existing parking lot at the rear of the Ponderosa Steak House, North Main and North Village Drive.

No one from the Ponderosa Systems appeared to support this request which is in an E.C. district.

Mr. Davis thinks that it should be of a very temporary nature. This building is already in place as the owners of Ponderosa explained that they were not aware of the necessity of receiving Planning Commission approval of all buildings in the E.C. district.

Planning Commission members agreed to withhold any decision until the October 17 meeting in order to give all members an opportunity to view the building.

Informal Discussion --

Mr. Archdeacon of the Woolperly Company and a representative of the Acro Development Company appeared to explain further developments in their proposal. Mr. Winterhalter, City Planner, explained some proposals he is preparing for Planning Commission and Council in regard to the future development of this triangle. A lengthy discussion followed regarding the time element for submitting the market analysis, traffic study, and financial statement by the developer requesting a rezoning to business use as contained in Section 20F of Ordinance 15/61 and Section 6 of Ordinance 24/72. The question being is this study to be submitted prior to rezoning or after rezoning prior to presentation of preliminary plans. Mr. Archdeacon believes that the developer should not have to expend the money for these studies until they are sure of rezoning. The results of these studies may not be valid because business interests will not or cannot commit themselves until the proper zoning has been granted.

It was agreed that a legal opinion will be sought from the City Attorney as to the proper time for submission of these reports, that is, the market analysis, etc.

P.O. 72-5

Mr. Davis explained the reason for this proposed ordinance being returned to the Planning Commission which was the strictness of the screening requirement which presents the possibility of a 50 foot business lot being required to have a 20 foot green space. Mr. Wells suggested separating the two provisions

contained in P.O. 72-5 to give the Arch. Review Board the power to grant variances in one ordinance and to have a second ordinance containing the screening requirements.

The Planning Commission agreed to this proposal and there will be an ordinance concerning the granting of variances by the Arch. Review Board ready to present to Planning Commission by the October 17 meeting. The other requirements concerning screening needs further study by the Commission.

Mid-America Sub-division

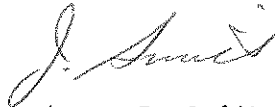
The City Engineer explained the present location of Marco Lane, the entrance road into the sub-division which is opposite the Elder-Beerman Store. The alignment of Marco Lane was shown on the original drawings as being opposite Elder-Beerman north entrance and actual construction has placed it a few feet south. The Judge Engineering Company explained to the City Engineer that a mistake was made in the original drawing.

Mr. Baker commented that the Elder-Beerman entrance is presently unsatisfactorily.

Mr. Davis suggested the possibility of having the Mid-American Developer relocate Elder-Beerman north drive.

No agreement was reached as to the actions to be taken in regard to this misalignment.

ADJOURNMENT



James R. Smith
City Manager

JRS:fh