

approved Nov 12, 1969

CENTERVILLE PLANNING COMMISSION

The Regular Meeting of the Centerville Planning Commission was held October 28, 1969. In attendance were Harold Wells, Elmer Tate, Nevin Elliott, John Butler, Willis Creamer, Bruce Baker, City Manager John Griffin and City Engineer Frank Williams.

The Minutes of the Meeting of September 23, 1969 were corrected and approved.

A. The Public Hearing on a rezoning request (Z-8-69) by Joseph M. and Helen Troyan was held. The request was to change from R-2 to B-1. Mr. Troyan presented his case which is summarized.

1. Both sides of North Main have been zoned B-1 and even though opposed, the property owners went to court and won their cases.
2. Signatures have been received from residents on both sides of South Main with no objections.
3. Centerville needs the tax revenue from this business zoning for schools and municipal services.
4. Mr. Troyan asked for a letter signed by all Planning Commission members if his request is denied. It is intended to be used in court.

B. The Public Hearing on a variance request (Case 69-6) by Zengel Builders was held. Mr. Karl Zengel presented their case which is summarized below.

1. The interpretation of an accessory building in the current zoning ordinance is very vague especially relative to garages or carports. Therefore since an attached garage would readily be permitted where it is now located, the mere fact that it is detached should not require it be moved back 35 additional feet to meet the requirement of 75 foot setback.
2. The proposed carport does a better job of sheltering adjacent property owners from parked cars than carports on nearby apartments.
3. The original plot plan had been presented and approved, showing the location of the carport. Thus there was no intention to deceive and only an honest mistake occurred.
4. Mr. Zengel presented pictures illustrating his proposals. He also stated that they could legally have put up a seven foot high retaining wall and that they were doing a better job of screening from neighbors with the roof.
5. Mr. Wilbur A. Spatz, 50 Poinciana Drive, reminded the Planning Commission that the building was in violation of existing zoning law. He also presented pictures illustrating the undersirable wall when viewed from his front porch.
6. Mr. Spatz stated that he had complained to the Zengels about their violation prior to the construction of the wall after conferring with Mrs. McLaughlin at City Hall.
7. Mr. James Nutter stated that the City Administration knew of the violation prior to construction and failed to protect Mr. Spatz by stopping construction in time.
8. Mr. George Wycoff, 55 Mimosa, a resident who claims he may be faced with the exact problem and is not in favor of this happening to him, stated his disapproval.
9. A vote is scheduled to occur on November 12, 1969.

C. A Public Hearing was held on variance requests 69-7 and 69-8 for signs advertising Black Oak Estates. Mr. Tate moved to approve the two signs by approving the requests for a period of eighteen months. Mr. Elliott seconded the motion. The motion passed 6-0.

D. Proposals for elevation, site plan and theater signs were presented by Mr. Roland Eichner representing The Edward J. DeBartolo Company.

1. A twin movie theater is being substituted for the original single theater.
2. The original theater was proposed as an anchor for the west end of the original design.
3. A second pylon type sign containing two theater reader boards is also proposed.
4. Mr. Creamer asked if the height of the original theater building had been reduced. It was stated that a reduction of six to eight feet had occurred when the single theater was made a double theater. Mr. Creamer objected to the reduction because it detracted from the original concept of having the theater anchor the structure.
5. Mr. Butler and Mr. Creamer asked if the final drawings would come to the Planning Commission for discussion.
6. Mr. Griffin stated no, that the approval of final drawings was an administrative function prior to issuing a building permit and that the Planning Commissions function was to approve the overall concept.
7. Mr. Baker stated that it was difficult to concieve the overall concept when drawings presented were not to scale and were presented several months apart due to constructing one part prior to seeking approval of part two.
8. Mr. Wells stated that considerable consideration should be given to maintaining the anchoring effect. Mr. Wells moved to approve the elevation and site plan and to accept a twin theater not less than twenty-six or more than thirty-two feet in height. Mr. Elliott seconded the motion. The motion was approved 6-0.
9. Mr. Wells and Mr. Baker stated that there was no good tie-in between the location of the theater and the proposed pylon sign. Mr. Wells further asked about the originally proposed sign on the facade of the theater. Mr. Wells proposed returning to a sign on the facade of the theater if the height were slightly increased.
10. Mr. Eichner stated that the original concept of one theater reader board on the Gold Circle pylon was now impossible and was abandoned.
11. Mr. Baker asked why a double theater reader board on the Gold Circle pylon was unsatisfactory and why, since the Gold Circle pylon was three feet taller, it was not a better location for a double theater reader board.
12. Mr. Eichner explained that the pleasing appearance of the Gold Circle sign would be disturbed by two theater reader boards and that for that pylon only one was acceptable.
13. Mr. Butler stated that he feared a series of pylon type signs along A-B Road as the shopping center progressed further westward.
14. Mr. Creamer moved to reject the proposed sign and to return to the original concept of one sign. Mr. Baker seconded the motion. The motion passed 5-1. Mr. Elliott was opposed.

E. Since the allowed time for discussion of request Z-8-69 would run out before the next meeting, discussion was started on the request. Mr. Wells reviewed the check list used by the Planning Commission. The review is summarized below.

1. The change would create an isolated unrelated district, ie., "spot zoning."
2. The proposed change would be contrary to existing comprehensive land use plans.
3. The change would adversely effect living conditions in the neighborhood.
4. The change would constitute an "entering wedge" and thus be a deterrent to the use, improvement or development of adjacent property.
5. The Planning Commission unanimously agreed on these four points. Mr. Creamer moved to reject the request for rezoning. Mr. Tate seconded the motion. The motion passed 6-0.

F. A Public Hearing was set for November 12, 1969 at 7:30 for request no 69-9 by Richard and Beverly Kiser, 335 Cedarleaf Court, for partial use of premises for day nursery.

G. A Public Hearing was set for December 10, 1969 at 7:30 for a request by Mr. Loring Duff, 7400 Pinefrost Lane for a special use of his property as allowed under Washington Township Zoning laws.

H. A public hearing was set for November 25, 1969 at 7:30 for proposed revision of the Zoning Ordinance as discussed at the meeting of October 14, 1969.

I. A Public Hearing was set for November 12, 1969 at 8:30 on a Planning Commission initiated ordinance change of R-2 to R-3 on the Troyan, Puterbaugh, Ware and McNeil properties.

J. The preliminary plan for Oak Creek, Section Four was discussed relative to the location of Feedwire Road. The rest had been previously approved. Mr. Butler moved to approve Section Four. Mr. Elliott seconded the motion. The motion was approved 6-0.

K. There being no further business the meeting was adjourned.

Bruce H. Baker
Secretary