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The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Special Session on Monday, May 6, 1985 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Councilman James Singer, and the Pledge of Allegiance to the Flag with Deputy-Mayor Charles Taylor presiding. Councilmembers and City Staff present were as follows:

Councilmembers Brooks Compton
 James Singer
 Bernard Samples
 J. V. Stone
 Jeffrey Siler
 Clerk of Council Marilyn McLaughlin
 Assistant City Manager Jon Bormet
 City Planner Alan Schwab
 City Engineer Karl Schab
 Municipal Attorney Robert Farquhar

Mr. Taylor advised that Mayor Shirley Heintz would not be present for this Meeting. Mr. Siler moved that Mayor Heintz be excused from this Meeting. Mr. Singer seconded the motion. The motion passed by unanimous vote of Council.

Mr. Taylor advised that the main purpose for this Meeting was to consider a Rezoning Request for property located along the east side of Marshall Road, approximately 1,000 feet north of the intersection of Marshall Road with Whipp Road. He reviewed the procedure to be followed during the Public Hearing and the vote required of Council to pass the requested change from R-1 to E-C zone classification.

ORDINANCE NUMBER 5-85 ZONING ORDINANCE AMENDMENT FRIENDSHIP VILLAGE

The Public Hearing was held concerning An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance By Rezoning 15.000 Acres More Or Less, From Centerville R-1 Classification To Centerville Entrance Corridor Classification.

Mr. Schwab reviewed the Rezoning Request filed by Friendship Village of Dayton South, Inc., in order to construct and operate a fully developed life care retirement center for the elderly, including independent living apartments and a skilled nursing center. In conjunction with this Rezoning Request, the Applicant has filed a Conditional Use to construct the facility. He explained the fact that the Rezoning Request, if granted, would change the zoning to Entrance Corridor classification, and thus provide the zoning necessary for the Applicant's request for a Conditional Use - consideration of the Site Plan and all other particulars. This Conditional Use Application would also require a Public Hearing before Council thus affording the opportunity for citizen input once again. Mr. Schwab reminded the listening audience that the matter acted upon by the Planning Commission and now before City Council is the Rezoning Request. The Conditional Use Request has not been acted upon by the Planning Commission pending the result of the rezoning. Mr. Schwab located the subject property on a map and reviewed the zoning and uses of surrounding areas. The Planning Commission, during their Meeting on February 26, 1985, denied a motion to recommend approval of the zoning change to City Council by a

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vote of 2-3-2. Mr. Schwab reviewed the zoning history of the subject property and outlined uses which would be permitted according to existing zoning and the proposed zoning. The City Staff recommended disapproval of the rezoning application based upon the following reasons:

1. The City Master Plan designates low density single-family residential land use for this land.
2. The City Policy Plan residential land use goal is to maintain the character of the Community as predominately low density single-family residential.
3. Large tracts of undeveloped E-C zoned land exists within the City.
4. The granting of the requested rezoning would confer special privileges to the applicant that are denied other similarly situated properties in the area.

The Staff also expressed concern with the fact that, if the E-C zoning was granted, the parcel could be developed in many other ways than what is proposed.

Mr. Schwab reviewed the Conditional Use Request as submitted to the Planning Commission consisting of a three story building to accommodate 200 apartment units. The Plan has since been reduced to a two story building to accommodate 130 apartment units. In addition, on the original plan and the revised plan, the 60 bed one story nursing home is included. Parking has been reduced and landscaping increased on the latest Plan submitted. The Plan includes a detention basin in the south east portion of the property to control additional stormwater run off.

Mr. Bob Hadley, Attorney representing Friendship Village of Dayton South, Inc., identified his client as a not-for-profit organization with an all volunteer board. They would agree to any restrictions agreeable to the Municipal Attorney to guarantee that what is proposed is only what is constructed on the subject property now and in the future. Mr. Hadley emphasized the need for elderly housing in Centerville and in Montgomery County, units will not be available for occupancy until 1988, the need will continue to rise through the years. He defined Friendship Village as unique - apartments in a two story structure, a health care center and continuing care concept: it will provide seniors the opportunity to remain in the mainstream of residential living. Traffic volume should be low due to the fact that many of the residents would not own cars. Experience dictates that visitation occurs primarily on weekends. Mr. Hadley advised that 1 1/2 acres of this 15 acre tract of land will be under roof. He believes that this proposed development will have a minimal effect upon the neighborhood, there are 10-12 adjacent residences.

Mr. Earl Hayes, Architect representing Friendship Village of Dayton South, Inc., reviewed the revised rendering of the proposed two story structure. The construction drawings include a detention pond, a swale with an underground drain to carry surface water into the detention pond, thus solving the existing drainage problem experienced by residents to the east of the subject property. The maximum height of any portion of the building is 30 feet.

Mr. Ronald Goss, 802 Kings Row Avenue, located at the northeast corner of the Friendship Village property, expressed his satisfaction with the coming of this facility.

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Mr. James Hickey, Attorney for the neighborhood association, asked for dismissal of the Application for Rezoning based upon the Applicant not having ownership of the subject property. Mr. Farquhar identified ownership as not being a requirement, he has reviewed the contingency contract to purchase, the Applicant is bound to move forward if the zoning is granted.

Mr. Hickey pointed out the fact that the Master Plan developed for the City of Centerville proposes single family low density for the development of the area in question. Friendship Village South could apply for tax exempt status, thus bringing no tax dollars to the City of Centerville. Mr. Hickey identified other available areas which would accommodate this proposed facility. He cited the proposed as spot zoning. He suggested that, if this rezoning is granted, contingencies be placed upon the property to provide for reversion of the zoning in the event the elderly facility is not constructed. Mr. Hickey expressed concern with the detention pond being a health and safety hazard for neighborhood children.

Mr. George Walter, 5731 King Arthur Drive, spokesperson for the neighborhood association, clarified their opposition not being against senior citizens and retirement villages, but against this type facility in an established residential area.

Mr. James McMinn, 5680 King Arthur Drive, gave a slide presentation of Friendship Village of Dayton North, Friendship Village of Dayton South, St. Leonards and Bethany Lutheran Village - developments and surrounding areas.

Mr. William Ipe, 5713 King Arthur Drive, expressed his concern with the safety of children and the detention pond currently in existence as a result of recent rains and the pond as proposed by the developer.

Mr. Robert Heigel, 949 New England Avenue, brought attention to a sanitary sewer problem in the neighborhood, he believes the proposed facility will add to this existing situation.

Mr. Richard Moff, 5661 King Arthur Drive, recognizes 35 to 40% of this 15 acre tract being covered with buildings and parking. He believes this two story facility on just 15 acres will have a negative impact upon the neighborhood.

Mrs. Sharon Skidmore, 5641 King Arthur Drive, has been unable to sell her home due to the proposed rezoning.

Mr. J. McAlpine, 6390 Millbank Drive, believes that neighborhoods should be retained as neighborhoods, there are places for apartments.

Mr. David Fischer, 6030 Oak Hill Lane and representing the Whipp Road Association, defined their goals as the preservation of privately owned land of East Whipp Road property owners and to promote positive and on-going communications between appropriate local, state and federal representatives and agencies. The Association opposes any measure to increase traffic on East Whipp Road, thus their opposition to this proposal.

Mrs. Marsha Kuntz, 6231 Flemington Road, reviewed her experience with spot zoning, the uncertainty of how land will be developed: single family units are the units of society.

Mr. George Walter submitted to City Council petitions containing over 800 signatures, 400 of which were presented to the Planning Commission and an additional 400 representing various areas in Centerville and Washington Township, all in opposition to the proposed rezoning.

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Reverend Forrest Schwaim, Pastor of Fairhaven Church and resident of the City of Centerville, believes that the facility proposed will improve the quality of life in the City, it is needed and will enhance the neighborhood. Some permitted uses under the current R-1 zoning would be a detriment to the neighboring residences.

Mr. Robert Looper, 50 Zengel Drive, Member of the City Planning Commission and the Zoning Task Force, stressed the need to take care of senior citizens, our senior citizens want to remain in Centerville.

Mrs. Marian Simmons, 1460 Taitwood Drive, Member of the City Planning Commission, outlined statistics of the growth of age groups during recent years. The elderly need a place to live and maintain independent living. On a recent search, she found no currently E-C zoned land desirable for elderly housing. She encouraged the passage of this rezoning request.

Mr. Archibald McMillan, 6222 Flemington Road, emphasized the need for additional care for senior citizens in our community. He pointed out the fact that this type development will generate less traffic and noise than a single family residential development.

Mr. H. R. McKenzie, 706 Kings Row Avenue, brought attention to the several non-tax paying facilities located in the surrounding area.

Mr. C. B. Trimble, 699 Essex Way, pointed out the fact that if this property is development single family, the houses would be smaller in size in order to be economically feasible, on minimum lot sizes, which would ultimately have an adverse effect upon property values in the future. He believes that the water run off problem cannot get worse than it is currently. He would rather sit on his patio and look at a retirement facility than single family homes with drives and parked cars.

Mr. Charles Palmer, 5325 Silbury Lane, has had experience with Friendship Village Dayton North. They will do exactly what they say and commit themselves to doing.

Mrs. Deborah Patten, 5640 King Arthur Drive, speaking as a license real estate agent, believes that property value in the neighborhood will decline if this rezoning is approved.

Reverend Henry Gathigan, Executive Director of Friendship Village of Dayton North, hopes that Centerville will recognize the need for elderly housing in a desirable location. Seniors were and still are the most productive people in our community. They should be afforded the opportunity to remain in their community.

Mr. Michael Eckhart, 5830 Rockingham Road, believes that the facility proposed would be an attractive asset to our community.

Mr. George Walter believes that current retirement facilities are adequate to facilitate elderly needs, he asked Council to adhere to the City's adopted Master Plan.

Mr. Michael Gentile, 698 Essex Way, recognizing the need for housing, does not believe that this small project will adequately solve the elderly problem.

Mr. Robert Hadley stressed the need for something between the home and the nursing home, this is what Friendship Village offers, independent living with the security of knowing that skilled nursing care is available when needed. He pointed out the fact that neighbors have little control over the size of homes to be built under R-1 zoning, these could very easily be two story structures with architecture not necessarily pleasing to residents. He is satisfied that what is

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proposed is the highest and best use of the subject land. Mr. Hadley clarified the fact that, according to a recent Supreme Court ruling, the new Friendship Village facility would not be tax exempt.

Mr. Jerald Stolle, 5807 King Arthur Drive, encouraged City Council to decide the future of single family zoning.

Mr. Compton pointed out that the matter before Council at this time is not for or against the elderly, but rather satisfying the needs of the total community and considering the concerns of the neighborhood which will ultimately be affected by this proposed rezoning. If this rezoning is granted, Centerville will still be a predominately single-family residential community, a goal as outlined in the recently adopted Policy Plan for the City. The concerns of the neighboring residents can be addressed at the time the Conditional Use is considered for approval. Mr. Compton sees this as a means of working together to fulfill the changing needs of the Centerville community. Mr. Compton sponsored Ordinance Number 5-85, An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance By Rezoning 15.000 Acres More Or Less, From Centerville R-1 Classification To Centerville Entrance Corridor Classification, and moved that it be passed. Mr. Samples seconded the motion.

Mr. Singer recognizing the need for this type housing for the elderly population and the quality of Friendship Village, urged the Applicant to locate this facility, perhaps larger in size to satisfy anticipated future needs, in another location in the City of Centerville.

Mr. Siler also encouraged the construction of this facility, larger in size, in a different location in Centerville, he shares the concerns of the surrounding residents.

Mr. Samples, citing goals and objectives in the Policy Plan, believes that the City must retain residential zoning; Council has a moral obligation to protect the integrity of the existing neighborhood.

Mr. Stone stated his concern with this large facility being constructed in an established residential area.

A roll call vote resulted in five naves against the motion; Mr. Compton voted yes.

RESOLUTION NUMBER 9-85 LIQUOR PERMIT OBJECTION

Following a short recess in this Meeting, Mr. Bormet reviewed for Council a proposed Resolution objecting to the transfer of a D-5 Liquor Permit at the Bitter End Lounge, 6382 Far Hills Avenue in the City of Centerville, from Warren J. Toogood Enterprises, Inc. to Frank Crouse. The Resolution requests a Public Hearing be held in Dayton, Montgomery County, Ohio. Mr. Compton sponsored Resolution Number 9-85, A Resolution Opposing The Transfer Of The D-5 Liquor Permit At The Bitter End Lounge From Warren J. Toogood Enterprises, Inc. To Frank Ray Crouse, and moved that it be passed. Mr. Stone seconded the motion. The motion passed by unanimous vote of City Council.

There being no further business, the Meeting was adjourned.

ATTEST:

Maile [Signature]
Clerk of Council

Approved: Shirley F. Heints
Mayor