

SPECIAL MEETING

The Council of the Village of Centerville, County of Montgomery, State of Ohio met in Special Session, Monday, April 22, 1968 at 7:30 P.M. at the Municipal Building with Mayor Paul Hoy presiding. Councilmen present were as follows: Harold Wells, Richard Miller, John Davis, John Zengel, John McIntire, Don Lyons, Solicitor Fred Young, Engineer Frank Williams and Clerk-Treasurer Ronald Budzik.

The minutes of the meetings of April 1, 1968, April 2, 1968 and April 15, 1968 had been distributed prior to this meeting.

Mr. Davis moved that the minutes of the meeting of April 1, 1968 as distributed, be approved. Mr. Miller seconded the motion. A roll call vote resulted in five ayes in favor of the motion. Mr. McIntire voted no.

Mr. Davis moved that the minutes of the meeting of April 15, 1968 as distributed, be approved. Mr. Wells seconded the motion. A roll call vote resulted in four ayes in favor of the motion. Mr. Miller and Mr. Lyons abstained.

Mr. Davis moved that the minutes of the Public Hearing of April 2, 1968 as distributed, be approved. Mr. Zengel seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. McFadden appeared before Council representing the Montgomery County Health Department. He introduced himself to Council and expressed his desire to help the Village in anyway.

Rev. Harvey Smith of the Normandy EUB Church appeared before Council representing clergy in this area concerning the problem of open-housing. He presented Council with a Resolution signed by eleven members of clergy in Washington Township and Centerville. Mr. Dan Dreyer agreed with clergy on this matter and suggested that Council establish a working group to help people purchase homes in this area. Mrs. James Breslin complimented area men on their forthright action in this regard. Mayor Hoy will call a special meeting for a thorough study of the situation.

Mayor Hoy read correspondance received from the Village Solicitor concerning Workmen's Compensation for the Auxiliary Police Force. The matter was referred to the Safety Committee for study.

A letter received from John P. McHugh, Dayton Bar Association concerning Law Day, U.S.A. was read by Mayor Hoy. A Proclamation for Law Day will be issued.

A Resolution was received from Hilda Barga, Clerk of the Board of County Commissioners, adopting comprehensive maps prepared by the County Engineer as required under House Bill 919.

The Rezoning Request for property at the intersection of Clyo Road and Centerville Station Road was discussed. Clerk-Treasurer Ronald Budzik read a letter received from James J. Gilvary, Attorney for the applicant, containing questions and answers concerning the proposed change in zoning. This letter is

Miami Valley Regional Planning Commission
44 South Ludlow Street
Dayton, Ohio 45402

MEMORANDUM

To: Mayor Paul Hoy

Date: April 16, 1968

From: Steve Nelson

Subject: Potential Impact of Planned Industrial Parks Upon Small Communities in which they are located, with specific reference to Centerville, Ohio

It has become generally recognized in recent years that one of the best ways for small communities to expand their industrial bases is through the local development of planned industrial parks. The reasons for this will become evident, I believe, in the discussion to follow. Most important of them, however, is that an industrial park as such gives a community an opportunity to indeed control closely the kind of industrial development that comes into it. This is surely one of the key concerns in the case of Centerville and Washington Township. This is a residential area noted for its high quality and freedom from nuisance uses. It is understandable that residents desire it to remain that way. It is also apparent that the area needs the added economic base that industry can provide. Without it, the already high cost of residing in the area will undoubtedly rise higher.

I will concern the following discussion, then, with what I believe to be the major impact of additional planned industrial areas upon Centerville and its environs. I will assume that the industries being sought for the area are those of medium to light industrial intensity, as opposed to those of obviously heavy industrial intensity with their accompanying nuisance factors. Because we do not have under discussion any specific industrial prospects, all of the following remarks will, of necessity, be somewhat generalized.

Centerville is not completely without experience in regard to industrial development because of the presence of COMPARK, a small industrial area east of the center of town. Local officials and citizens should evaluate this area as they attempt to make decisions concerning additional industrial sites. The COMPARK development has contributed in keeping industrial concerns in Centerville localized. Since it is there, consideration should be given to the possibility of expanding it or designating more industrial land near it, in the interest of keeping additional industry located in the same section of the community. The effect of scattered sites for industry in an area of the character

of Centerville and Washington Township would be almost certainly negative. Conversely, the impact of designating a specific tract of land for industry and encouraging its occupancy by suitable operations would be an extremely positive one.

Once a desire for suitable industry has been acknowledged, along with a determination to control the location and type of such industry, an evaluation must be made concerning whether existing streets, water supply, sewers, etc., are sufficient to meet the increased demand that will be placed upon them. Insofar as water, sewer, gas and electricity are concerned, this evaluation can only be made by local officials and staff members in cooperation with the utility company providing services. The increased drag on these services will be of varying intensities, depending upon the requirements of prospective industries. The problem of streets is a more obvious one. There will certainly be an increase in traffic on the roads that provide access to the new industrial area. Again, the magnitude of this depends upon the type of activity involved and the number of employees it may have. In the specific case of Centerville's Franklin Street, improvements will probably be needed if this thoroughfare is to handle much additional traffic. It is already in poor condition and often congested. In this respect, additional industry can certainly have a negative impact on the community, just as residents are presently declaring.

An area of apparently major concern is the impact an industrial park will have on existing adjacent neighborhoods or neighborhoods that may be built in the future. This is largely dependent upon the thoroughness and care with which (1) the park tenants are selected, and (2) the physical development of the park is executed. In a southwestern Ohio community of about 14,000 people an industrial park of 100 acres is being developed simultaneously with a new residential area that is practically adjacent to it. According to the city manager of this community, there is no conflict between the two types of development. Buffers were planned to separate them, and in addition, the community has been extremely careful in its choice of industries for the area. There is no reason why light industry and residential areas cannot be good neighbors. The success of such a venture, however, depends upon the good sense and care of the local officials and citizens who are developing both. Neither can bear alone the responsibility for making a viable situation — they must cooperate if success is to be achieved.

Traditionally, the push to attract new industries to communities has been synonymous with the acquisition of a larger economic base for whatever the political jurisdiction in question. The impact of new industry in terms of economies is believed to be always a positive one. Or put more simply, any industrial concern that increases the local tax base is welcome, regardless

of what deleterious effects it may have otherwise. Few beliefs could be more fallacious than this one, but it is a surprisingly common attitude in many communities.

Just what the economic impact of a new industrial park upon its community will be is again difficult to measure without having specific kinds of activities to evaluate. In the community of 14,000 mentioned above, the new industrial park has added about 400 jobs to the community over a period of three years. Obviously, a considerable amount of disposable income has derived from these jobs. An in this case it is safe to estimate that the monies earned have been spent largely in that locality because it is a community somewhat distant from a metropolitan area. The industrial park industries in this example employ people who live in the community and the chances are very good that they spend a large proportion of their earnings there also. They may not necessarily be the case in the Centerville area. Therefore, both the primary and the secondary impact of new industries must be estimated in terms of who the new activities are apt to employ, where these people live, and where they are likely to spend their earnings. Given certain details about a specific industry, it is possible to estimate these things by using an appropriate multiplier factor.

The local officials in Centerville and Washington Township have undoubtedly already assessed the probable impact that a new industrial park would have in terms of an increased tax base, so I will not attempt to elaborate upon that aspect here.

In general, I would like to summarize the above remarks as follows. First, the planned industrial park concept is well suited to the Centerville community; it is undoubtedly the soundest approach to orderly industrial expansion in the area. Second, the success of such a park, and the impact that it will have on the community in every respect is almost completely dependent upon the policies established by the local officials and the subsequent actions taken by them.

In closing, we must recognize that we have not been requested to comment upon the pros or cons of a particular zoning application nor have we responded to this problem, but rather have directed ourselves at trying to provide positive steps toward creating a better relationship between evolving land use patterns. To this end it may be beneficial to cite some procedures which can be considered as recommendations aimed at guaranteeing the community and the adjacent property owners the quality which is rather consistently being striven for and normally implied by applicants in the case of industrial applicants. First, I think it would be most beneficial if you or your planning consultant would consider adding a provision to your subdivision regulations which would require a subdivision plat for industrial and commercial zoning cases.

Through this procedure Centerville would be able to obtain the necessary utility easements and road dedications which would eventually be required in your Comprehensive Plan. In this manner, you could also regulate the access points to the major thoroughfares so that they would not conflict with desirable traffic patterns; and be able to establish desirable set-backs from streets and property lines, guaranteeing to the adjacent properties sufficient clear space to prevent injurious effects from noise, odor, etc. There are examples in other communities of requiring as a part of the subdivision plat "restrictive covenants", stipulating permissive noise levels, smoke exhaust, the type of building materials, architecture, and the types of buffer walls and landscape treatment.

All of these efforts are aimed at guaranteeing an esthetic awareness among people and organizations which anticipate locating within the community and also represent an effort by the community to control its total environment and make it harmonious with the existing values and proposed surrounding land use.

We readily recognize that efforts to amend the subdivision regulations to take into consideration the comments made above would not have any immediate impact upon the decision before the community at this time; however, we feel that if this level of guidance is desirable, then through mutual understanding the applicants could, in the form of a letter of commitment to council, place such restrictions voluntarily upon themselves and hence establish a clear-cut image of good intentions for their project and, in turn, this could relieve considerable mistrust on the part of the adjoining property owners. In the case of the decision facing the community at this time, this may very well represent an acceptable compromise which both parties would be willing to enter into, thus preventing litigation.

Our office would be more than happy to meet with any group, public or private, in order to carry out the intentions of this memorandum and, in turn, work out the immediate details of the letter of commitment which has been referred to above.

SN/mc

SMITH & SCHNACKE

FRANCIS DEAN SCHNACKE
W. WALKER LEWIS, JR.
SAMUEL A. MCCRAY
FORD W. EKEY
LLOYD H. O'HARA
RODNEY M. LOVE
ALBERT H. SCALY
PAUL E. LACOUTURE
JOSEPH A. WILLIAMS
JAMES J. MULLIGAN
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JAMES R. MILES
JOHN G. SLAUSON
RICHARD J. CHERNESKY

AREA CODE 513

DAYTON 222-0481

CINCINNATI 721-8268

CABLE "SMITHLAW"

April 22, 1968

Mayor Paul C. Hoy
9034 April Lynne Ave.
Centerville, Ohio 45459

Re: Zoning Application
Paul E. Lacouture, Trustee

Dear Mayor Hoy:

This letter is written to you despite the story which appeared in yesterday's Dayton Daily News, which would seem to indicate that any further correspondence in the matter is academic. After the great emphasis placed on the questions submitted by the surrounding property owners, it comes as a shock to us that the matter will be decided without those questions having been answered.

I told the surrounding property owners that we would answer their questions in writing and I am going to do so regardless of the fact that certain council members may or may not have reached a decision without benefit of these answers.

REZONING AND DEVELOPMENT OF PROPERTY

1. How will the total property be developed?

Answer: The total property will be developed just as is shown on the development plan exhibited at the public hearing on this case. The particular E-2 uses to be developed are open to discussion with the representatives of the surrounding territory.

2. Who will assume the responsibility of building the buffer?
When?

Answer: We will assume the responsibility for the building of the "buffer". We will commence the same as soon as possible and, hopefully, simultaneously with the industrial site.

3. Who will assume the responsibility of building the homes?
When?

To: Mayor Paul C. Hoy (cont.)

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Answer: Same as answer to #2 above.

IMPACT OF INDUSTRY ON THE AREA

1. What kind of traffic situation will this cause?

Answer: There will be a moderate increase in vehicular traffic.

2. Will we need more police and fire protection? If we do, what would be the costs?

Answer: Less police and fire protection will be required than if the tract is developed residentially throughout.

3. What traffic can our roads handle at the present time?
Could the present road situation handle the additional traffic?

Answer: We do not know what traffic your roads can handle at the present time. We do know that your roads can handle the traffic required for our project, at least as well as if the tract were developed residentially throughout.

4. What are the total village expenditures as a result of this venture?

Answer: None.

TAX SITUATION

1. What is the approximate amount of tax benefit to Centerville as a result of the rezoning? What is the benefit for the first year? Second year? First five years? First ten years?

Answer: There will be no tax benefits for the first year following rezoning because the tax duplicate is one year behind. The tax advantage to the village second year we estimate at \$30,000.00. The tax advantage to the village at the end of the first five years we estimate at \$664,000.00, and at the end of ten years \$2,500,000.00.

2. What is the difference in tax income if the property is developed under the present zoning structure as compared to the proposed rezoning structure?

Answer: The tax advantage to the village at the end of the second year would be approximately \$14,400.00; at the end of the first five years \$179,000.00; and at the end of ten years \$514,700.00.

To: Mayor Paul C. Hoy (cont.)

April 22, 1968

CONTROLS AFTER REZONING

1. What control does the Council have over the type of industry that develops once rezoning takes place?

Answer: The Zoning Inspector has the full power to enforce all aspects of the Zoning Law of the village.

2. What type of business will we encourage by the B-2 rezoning? What control does the Council have in this area?

Answer: B-2 rezoning will encourage the following types of business: Business offices, banks, small neighborhood grocery delicatessen, neighborhood bakery, neighborhood pharmacy, boutiques, flower shops, small gift shops. As to those B-2 uses which the parties mutually agree are repugnant to the neighborhood, such as saloons, dog kennels, discount stores, bowling alleys, etc., we are prepared to enter into covenants restricting such uses from this tract, which covenants shall run with the land, shall be recorded in the proper volumes of the Recorder's Office of Montgomery County, Ohio. Council-matic control would not be necessary with these covenants.

3. What control does the Council have with respect to changes in the proposed plans?

Answer: We cannot change the covenants so entered into as provided for in the answer to question #2 and, therefore, the Council would not have to do anything.

HIGH-PRICED RESIDENTIAL ENVIRONMENT

1. What is going to happen to the present residential environment which has been created and continues to grow?

Answer: It will continue to prosper and grow to the east, to the north and to the northwest.

2. Is this type of residential development to be discouraged?

Answer: No.

3. What kind of environment will industry create?

Answer: We believe that a well regulated plan of industrial development such as proposed in the present case will establish a more balanced financial environment to help finance the many needs of the community and that with

To: Mayor Paul C. Hoy (cont.)

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the safe-guards of residential buffering and live screening, a very desirable homogeneity of industry and residents can be achieved.

NATURAL BARRIERS AND BENEFITS

1. Why do we want to eliminate the natural barrier that the railroad tracks and Cloyo Road now provide?

Answer: The railroad tracks referred to in this question are not a "natural barrier". They did not stop the feed mill from locating on the east side of same and their permanency as a barrier is subject to the needs of the users of the same. Cloyo Road is no barrier. Certainly no one would construct a \$40,000.00 home along Cloyo Rd. across the street from the feed mill on the basis of Cloyo Road being a "natural barrier". The present strip zoning of R-3 along Cloyo Road opposite the feed mill is no answer to the residents of Black Oak. We feel quite sure they would object to the type of apartment complex that could be successfully developed under the present zoning.

2. What specifically are the benefits to the village and the high-cost residential area with respect to the rezoning?

Answer: (a) Our development will buffer Black Oak Estates from the feed mill and other industries along Cloyo Road. It will protect the residents of Black Oak from low-cost high-density residential development, which is the only type that will succeed across from the feed mill and coal piles under the present zoning.

(b) The property values of Black Oak will be protected by the residential development of the same high caliber as their own, which will buffer between them and our industrial tract. We believe that our industrial development will stabilize the tax picture in favor of residential development and generate more money for better schools without producing children to crowd those schools.

(c) It will provide convenient neighborhood businesses for those residents of Black Oak.

To: Mayor Paul C. Hoy (cont.)

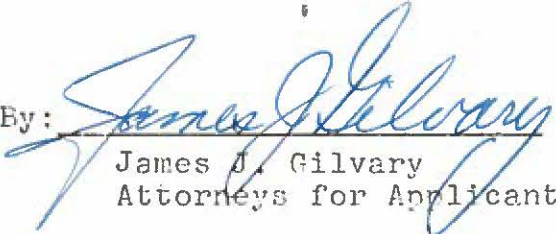
April 22, 1968

*Note in conjunction with tax situation, rezoning vs present zoning:- The tax advantage figures set forth on page 2 were in part based on an assumption that there would be 60 family units involved if the tract is developed as proposed by applicant. If the tract is developed as presently zoned, 118 family units would be permitted. Assuming, if you will, two children per family unit and further assuming an educational cost of \$523.00 per year (Montgomery County School Board Figures), it would involve an expense of \$124,000.00 per year to the community in educational costs under present zoning vs \$63,000.00 per year under the proposed zoning. We recognize this is not one of the questions asked, but it is certainly a statistic of vital concern to your community.

Thank you for this opportunity to answer these questions.

Sincerely,

SMITH & SCHNACKE

By: 
James J. Gilvary
Attorneys for Applicant

JJG/vs

hereby made a part of these minutes.

Mayor Hoy read a letter received from Ronald G. Logan, Attorney for the Black Oak Estates residents, ~~sighting~~ ^{CITING} a case which he felt bolstered the argument that this land should remain under its present zoning.

Mayor Hoy advised that he had asked the Miami Valley Regional Planning Commission to comment on the impact of planned industrial parks upon small communities in which they are located. These comments are hereby made a part of these minutes.

Mayor Hoy read a letter which was received from Earl Riber, Montgomery County Sanitary Engineer requesting that they be consulted before a zone change is granted for sewer facility purposes. Engineer Frank Williams was requested to check this out in regards to Residential being changed to industrial.

The feeling of Council regarding the change in Zoning Request was that they need more time to study the matter. Mayor Hoy advised that he would set up a Special Meeting between Council, Jerry Rogers, Miami Valley Regional Planning Commission, and a representative from Black Oak to discuss the above subject. Mr. Zengel moved to set up a meeting with Council, Jerry Rogers, and all interested parties. Mr. Wells seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Engineer Frank Williams reported on the proposed installation of traffic lights in the Village as authorized by the State. Mr. McIntire moved that the Village of Centerville go to bid for Traffic Lights in accordance with State Specifications at Spring Valley Road and Route 48, and at Bradstreet Road and Route 48. Mr. Wells seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The installation of curbs around the front lawn of the Municipal Building was discussed. Engineer Frank Williams estimated the cost to be \$660.00. Mr. Williams was directed to secure several bids for this job as well as an estimate for additional landscaping around the Building.

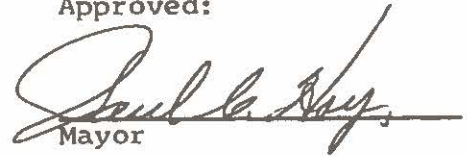
Mayor Hoy requested that the Solicitor prepare a Resolution of Appreciation complimenting the Charter Commission Members for their fine job in writing the Charter. Mayor Hoy appointed an Advisory Committee to help Centerville go through the transition to the Charter. Appointed to the Committee are: Harold Wells, Chairman, Dale Bertsch, Thomas Frazier, Phillip McLaughlin and Willis Creamer. This Committee will help Council in answering questions on various interpretations of the Charter. Solicitor Fred Young advised that he will aid the Committee and any person on Council during this transition period.

Mr. Lyons requested that the Rezoning Request for the property at Clyo Road and Centerville Station Road be referred to the Master Planner for a complete

study and that the Developer be required to provide the Village with an authoritative study of the traffic problem anticipated for this area if change was granted.

The meeting was then adjourned.

Approved:


Mayor

Attest:


Clerk-Treasurer

REGULAR MEETING

The Council of the Village of Centerville, County of Montgomery, State of Ohio met in Regular Session, Monday, May 6, 1968 at 7:30 P.M. at the Municipal Building with President of Council John Davis presiding. Councilmen present were as follows: Harold Wells, Richard Miller, John Zengel, John McIntire, Solicitor Fred Young, Engineer Frank Williams, and Clerk-Treasurer Ronald Budzik.

The minutes of the meeting of April 22, 1968 had been distributed prior to this meeting.

Mr. McIntire advised that the following: "Mr. McIntire felt that Council should have had prior notice and that legal implication be had by the Solicitor," should be added to the paragraph concerning the Advisory Committee to help Centerville go through the transition to the Charter, in the minutes of the meeting of April 22, 1968.

Mr. Wells moved that the minutes of the meeting of April 22, 1968 as amended, be approved. Mr. Miller seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Engineer Frank Williams reported for the Planning Board. Mr. Ted Boomershine wants to sub-divide his 3.1 acre lot into four parcels. The Planning Board suggested that Mr. Boomershine submit other plans, perhaps including a through street to the Recreation Area. He will seek the co-operation of the adjacent land owner regarding this suggestion.

Preliminary thoughts on an access road parallel to Route 48 in the E.C. District, in front of the Village South Apartments, was presented by a representative for Saxon's Restaurant. The representative was directed to formalize his ideas for consideration.

The Rezoning Application of Mr. Edward Wainscott for the north side of East Franklin Street from R-2 to R-3 was discussed. This request was denied by the Planning Board pending the Village Zone map completion by Parkins, Rogers and Associates. Mr. Davis read a letter received from the Planners advising that holding up this rezoning would be helpful until further uses on land in area are studied.