

CENTERVILLE PLANNING COMMISSION
Regular Meeting
Tuesday, August 31, 2004

Mr. Clark called the meeting to order at 7:30 P.M.

Attendance: Mr. Paul Clark, Chairman; Mr. Jim Brunner; Mr. Jim Briggs; Mr. Joe Weingarten; Mrs. Carolyn Meininger; Mr. James Durham; Mr. Jeffrey Gammell. Also present: Mr. Steve Feverston, City Planner; Mr. Ryan Lee, Planner; Mr. Scott Liberman, Legal Counsel.

Approval of minutes:

MOTION: Mr. Briggs moved to approve the Planning Commission Meeting minutes of June 29, 2004, as written. Mr. Weingarten seconded the motion. The motion was approved unanimously 7-0.

PUBLIC HEARINGS

Mr. Feverston stated a letter had been received withdrawing the Variance application submitted for Planet Ford.

YWCA Dayton - Conditional Use Special Approval

Mr. Feverston reviewed the Conditional Use Special Approval application submitted for the YWCA Dayton requesting approval to establish a home for three (3) to five (5) adult women with the possibility of one (1) to six (6) children age five (5) or younger. The existing zoning on the property located at 238 South Main Street, is R-1d, Single-Family Residential. This property was the former St. Joseph Home for Children, a conditional use approved by Council in 1981, allowing a residence family home for a maximum of seven (7) foster boys.

In 1986 with the adoption of a new Zoning Ordinance, the definition of a residence family home changed to more closely match the provisions of the Ohio Revised Code. The maximum number of individuals living within a residence family home was reduced to six (6), however, this number does not include any house parent(s) or non-resident supervisor(s). The St. Joseph Home for Children became legally non-conforming with regard to the number of residents. In 2000, St. Joseph petitioned the City to expand the size of the home to provide additional living space for the residents. The City determined that an expansion of the physical size of the building was not an expansion of the non-conforming use provided all other provisions of the Zoning Ordinance were met. The City issued a building permit to expand the building to 4,052 square feet. In February of this year, the Home was closed by St. Joseph.

The Land Use Goal contained in the Comprehensive Plan provides the efficient use of land resources that encourages strategic development and redevelopment, preserves natural areas, strengthens downtown, and includes a range of housing choices - all in a high quality manner in keeping with the best planning practices for the entire community.

Mr. Feverston reviewed the following points of analysis:

1. The proposal would establish a transitional home for women who have been victims of domestic violence. This home would be a temporary residence for three (3) to five (5) able women from the south suburban community. Some of these women may have dependent children. The home would provide for up to six (6) children under the age of five (5). The house will not serve as an emergency shelter.
2. The length of stay would be dependent upon the ability to acquire permanent housing. The length of stay for a resident will range from six (6) months to two (2) years.
3. The house has served as a Residence Family Home since 1981.
4. The current Conditional Use does not expire. Any organization, group or individual may obtain an occupancy permit and establish a Residence Family Home in the manner approved by City Council.
5. The proposal does, however, change the nature of the Conditional Use from a foster home for boys to a home for able women who are victims of domestic violence. Because of this change, the City felt it was necessary for the Dayton YWCA to apply for a Conditional Use.
6. The legal non-conforming use of the property, the seven (7) residents that was approved by City Council would expire on February 12, 2006, if a residence family home is not established prior to that date. A maximum of six (6) residents would be permitted after that date.
7. The Planning Department has received a second inquiry about establishing a home for boys on this property.

Based on that analysis, staff recommended approval of the Conditional Use application subject to the following conditions:

1. This approval for a Residence Family Home shall be limited to the manner and occupancy that is described in the application.
2. Any change in the manner or occupancy of this Residence Family Home shall require a new conditional use application to be filed that is subject to approval by the City Council.

Mr. Clark opened the public hearing.

Ms. Cindy Bremer, Vice-President of Shelter and Housing Services for the YWCA Dayton, was present for the review of the Conditional Use application. The YWCA has served the women of Montgomery County continuously since 1870. Housing services are provided and they currently have the only domestic violence shelter in the County. She stated the establishment of this particular facility is not intended to be an emergency shelter for the residents. The intent of

this facility is to provide economic empowerment to women as women try to reorder their lives after living in a difficult situation. A comfortable residential setting will be provided for three (3) to five (5) women at a time, some having young children, while developing training, job skills and support. All residents of this facility will be responsible women who are well-screened and will be fully accountable to house rules of the residence. A house coordinator will be on-site to assist with skill development, to oversee the good order of the home and mentor the residents. Both residents and staff will share in responsibility to maintain the home/yard and make sure things are properly run. Ms. Bremer stated a hot line service will be available 24 hours a day and management team stands ready to address any concerns that might arise. The number of women will be voluntarily limited to three (3) to five (5) women, however, the number of children cannot always be predicted so flexibility is being requested to house from one (1) to six (6) children.

Mr. Durham asked if all the women will have cars.

Ms. Bremer stated there could occasionally be one (1) resident with a car as well as the staff person, however, public transportation will be primarily used by the residents.

Mrs. Meininger asked if the staff coordinator would be living at the home.

Ms. Bremer stated the staff coordinator would be on-site only during the day shift. A management backup will be available 24 hours a day if needed.

Mr. Weingarten asked if the intent is to have a maximum of six (6) children at any one (1) time.

Ms. Bremer stated six (6) children would be the maximum, however, they do have single residents.

Mr. Briggs asked about the area this area would serve.

Ms. Bremer stated they are seeking this facility to serve southern Montgomery County as their program currently under serves women from this area.

Mr. Clark opened the public hearing.

Mr. Michael Martens, 228 South Main Street, stated there is concern that as many as eleven (11) people could reside in this facility. The zoning on the property requires a thirty (3) foot buffer at the rear of the house which was reduced with the addition to the house in 2000. The parking situation is a concern as the garage was enclosed previously and the zoning indicates a two (2) car garage is required. Mr. Martens stated they have a concern of security since a staff person would be on-site only during the day shift and a possibility of a third party person could create a problem. He asked if other facilities of this type would be available for their inspection as it might benefit the neighbors to address some of their concerns. The absence of a 24 hour a day staff person is a concern of the neighborhood. He stated since the garage was enclosed, the character of the house has been changed to more of a commercial facility as the garage gave it a residential look.

Ms. Bremer stated other projects of this type are located at the YWCA in Downtown Dayton, Preble County, and a future facility in Harrison Township.

Mr. Howard Crider, 44 Benzell Drive, asked what type of education would be provided to make these women self-sufficient and where would it be provided. He suggested it might be best to locate this facility closer to that educational facility. He also voiced concern on the issue of an estranged husband coming to the facility and creating security problems that would tax the manpower of the Police Department.

Ms. Jane Beach, 811 Rockcreek Drive and board member of the YWCA, stated she has had the opportunity to see how the YWCA operates the program and has determined it is very comprehensive in the care they offer. The community should be very proud to offer this type of facility to provide a transition from a shelter to a residential facility and jobs to women that are seeking future independence. She stated she is a single mother with a child and she finds a way to maintain her house and yard, and is secure enough to call the police if an irate former husband were to show up. Ms. Beach stated these women will find a way to accomplish things just as everyone else manages their life situations.

There being no other speakers, Mr. Clark closed the public hearing.

Mr. Brunner stated that based on the phrase "able-bodied women" it appears these residents have made some progress from their initial situations.

Concerning the issues raised by Mr. Martens, Mr. Feverston stated that the lot meets all zoning requirements in the R-1d zoning district. This particular lot is a corner lot and, therefore, has two (2) front yard and two (2) side yards. The setback line Mr. Martens referred to is a side yard setback line which is required to be ten (10) feet which is maintained. At the time the house was expanded, the legal opinion was the expansion was done in a manner consistent with the rights of any other property owner. The garage was enclosed in 1981 which was previous to the current requirement of a two (2) car garage. The maintenance of the house will be required as any other property owner in the City.

MOTION: Mr. Briggs moved to recommend approval of the Conditional Use application submitted by the YWCA Dayton for property located at 238 South Main Street to City Council subject to the following conditions:

1. This approval for a Residence Family Home shall be limited to the manner and occupancy that is described in the application.
2. Any change in the manner or occupancy of this Residence Family Home shall require a new conditional use application to be filed that is subject to approval by the City Council.

Mr. Weingarten seconded the motion. The motion was approved unanimously 7-0.

UNFINISHED BUSINESSProfessional Office Building - Modification of Exterior Elevations

Mr. Feverston reviewed the request for a modification of the exterior elevations originally approved by the Planning Commission for the Professional Office Building to be located on the northeast corner of Bigger and Clyo Roads. The zoning on the property is Office Service, O-S. The specific modification includes the construction of a metal hip roof on the proposed building and the number of building mass breaks have been reduced from three (3) to two (2) on each side of the entry door. The mass breaks will be increased from twenty-one (21) feet to thirty-two (32) feet which still satisfies the standards in the Zoning Ordinance. The proposed roof color is a softer gray than originally reviewed.

Staff recommended approval of the modification subject to the following condition:

1. The roof shall be finished with a dimensional shingle to be visually compatible with surrounding buildings.

Mr. Alex Luque, Atelier Design, stated the proposed metal roof material has a non-glare finish so it will not have a high-gloss reflective character. The seams of the panels are more narrow providing a ridge for a projecting element to the roof structure giving it a more finished appearance. This proposed change is a result of architectural structural concerns that became a burden on the project. The recommendation of a shingled roof would create a problem in that it would not be compatible with the structural framing of the steel panels and girth.

Mr. Durham stated he felt buildings of this type should be constructed with durable materials and the proposed metal roof would be consistent of the surrounding neighborhood. The elements of this building of brick, display window glass and a standing seam metal roof would present a better appearance.

MOTION: Mr. Durham moved to approve the modification of the exterior elevations to the Professional Office Building to be located on the northeast corner of Bigger and Clyo Roads subject to the following condition:

1. The roof material color shall be subject to approval by the Planning Department.

Mr. Briggs seconded the motion. The motion was approved unanimously 7-0.

NEW BUSINESSLakewood at the Commons at Yankee Trace, Section 1 - Record Plan

Mr. Gammell removed himself from the meeting at this time due to a possible conflict of interest

Mr. Feverston reviewed the Record Plan submitted for Lakewood at the Commons at Yankee Trace, Section 1, to be located along Yankee Street north of Yankee Trace Drive. The zoning on this 10.6332 acre property is R-1c, Single-Family Residential. This proposed plat is a replat of the eastern portion of the Bethany Commons at Yankee Trace, Section 1, record plan previously reviewed by the City. The creation of this one (1) lot will establish utility access easements for this section.

Staff recommended approval of the Record Plan subject to the following conditions:

1. A subtitle shall be placed on the Record Plat that indicates this is a replat of a portion of Bethany Commons at Yankee Trace, Section 1.
2. The easement for Holes Creek Trace, Little Yankee Run and a yet un-named street shall be labeled as a private access and utility easement and to permit the City access to the retention/detention basins for emergency purposes subject to approval by the City Attorney.

MOTION: Mr. Durham moved to recommend approval of the Record Plan for Lakewood at the Commons at Yankee Trace, Section 1, to City Council subject to the following conditions:

1. A subtitle shall be placed on the Record Plat that indicates this is a replat of a portion of Bethany Commons at Yankee Trace, Section 1.
2. The easement for Holes Creek Trace, Little Yankee Run and a yet un-named street shall be labeled as a private access and utility easement and to permit the City access to the retention/detention basins for emergency purposes subject to approval by the City Attorney.

Mr. Briggs seconded the motion. The motion was approved unanimously 6-0.

Mr. Gammell returned to the meeting at this time.

COMMUNICATIONS

Mr. Feverston stated a letter had been received requesting a Special Meeting for the Spa Gallery to be located on Dayton-Lebanon Pike. There were issues with the application that did not make it possible for review at this meeting and, therefore, would like to meet prior to the regular meeting at the end of the month.

The members of the Planning Commission concluded the application should be reviewed at the next regular meeting.

There being no further business, the meeting was adjourned.

