

**CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, September 30, 1986**

Mr. Tate called the meeting to order at 7:38 P.M.

Attendance: Mr. Elmer Tate, Jr., Chairman; Mr. Robert Looper; Mrs. Marian Simmons; Mr. Robert Hosfeld; Mr. David Hall; Mr. Stanley Swartz. Absent: Mr. Robert Chappell. Also present: Mr. Steve Feverston, Planner; Mr. Stephen King, Administrative Assistant; Mr. Karl Schab, City Engineer.

Approval of the minutes of the August 26, 1986, Meeting:

MOTION: Mr. Hall moved to approve the Planning Commission minutes of August 26, 1986, as written. Mrs. Simmons seconded the motion. The motion was approved unanimously 6-0.

Approval of the minutes of the September 16, 1986, Work Session Meeting:

MOTION: Mr. Looper moved to approve the Planning Commission minutes of September 16, 1986, as written. Mr. Swartz seconded the motion. The motion was approved 4-0; Mr. Hall and Mrs. Simmons abstained.

PUBLIC HEARINGS

An Ordinance Which Establishes Park Land Dedication Or Fees-In-Lieu Requirements For New Residential Subdivisions Or Developments.

Mr. Feverston reviewed background data used in the drafting of this proposed Ordinance. He reviewed the lot reduction/park land dedication provisions contained in the new Zoning Ordinance and this mandatory park land dedication or fees-in-lieu contained in the proposed Ordinance, both of which will apply if Ordinance is passed. He reviewed Staff's recommendation for approval with Section 12 being changed as follows:

If a fee-in-lieu is required, the amount thereof shall be deposited with the Park District or the City prior to the signing by the City of the final plat or prior to the issuance by City of any permit allowing implementation of an approved development plan.

In the case where the final plat is a section of an approved preliminary plat, only a proportionate amount of the total fee-in-lieu for the approved preliminary plat shall be paid prior to the signing of each approved final plat which is a section of that preliminary plat.

In the case of a permit allowing implementation of a

portion of an approved development plan, only a proportionate amount of the total fee-in-lieu for that approved development plan shall be paid.

Mr. William Yeck, Secretary/Treasurer of the Centerville-Washington Park District Board, outlined the benefits of the proposed mandatory park land dedication program. He reviewed the history of park land acquisition in the Centerville, Washington Township area between 1963 and 1979 through the lot reduction/park land dedication program contained in the Zoning Ordinance for the City and the Zoning Resolution for the Township. This program was very effective until it died in 1979 due in part to the fact that it is not conducive to small developments, and due to the increase in multi-family developments. This new plan developed by the Zoning Task Force, will provide for the participation of all new developers, whether development is single family or multi family, in the dedication of park land to meet the future needs in the community.

Mr. Karl Zengel, Zengel Construction Company, believes the need for future park land has been blown out of proportion by the authors of the proposed Ordinance. The present lot reduction program is effective and is currently being utilized. He objected to developers being required to donate park land or fees-in-lieu. He questions whether additional park land is needed and whether the method proposed is the proper way to acquire land. Mr. Zengel cited several comments made by the National Home Builders Association, outlining reasons why the proposed Ordinance should not be passed: the park land standard - seventeen acres of property for each 1,000 persons residing in the planning jurisdiction is excessive; 400 feet of frontage for park land of at least five acres is excessive.

Mr. Gary Anderson, 9770 Rose Arbor Drive, summarized the neighborhood use of Rosewood Park in Rose Estates. He moved to Centerville because of the school and neighborhood park programs. Speaking on behalf of the Washington Baseball League, he emphasized the need for additional park provisions. He believes that property values will continue to appreciate with park land dedication programs. Developers make the choice to build in Centerville. Mr. Anderson sees this as not a question of giving up land but what will provide the greatest good to the largest number of people.

Mr. Jim Cross, Attorney representing the Home Builders Association of Dayton and the Miami Valley, believes that this proposed Ordinance imposes an added cost to developers which must then be passed on to the consumer. The lot reduction/park land dedication program now in existence in Centerville, does not cost anyone. The proposed Ordinance imposes a new burden, an added tax upon new entrants into the area, a tax which established homeowners did not have to pay. Mr. Cross objected to Section

18, the imposition of criminal penalty for non-compliance. He suggested that the Ordinance be "cleaned up" and that figures be modified.

Mr. Dave Schneberger, 90 Terrace Villa Drive, encouraged the Planning Commission to retain the current program, he supported the expansion of neighborhood parks.

Mrs. Jill Sortman, 371 Marsha Jeanne Way, President of the Rose Estates Civic Association, stressed the importance of park land in neighborhoods.

Mrs. Carol Kennard, 9458 Bonnie Ann Place, Program Director for the Centerville-Washington Park District, realizes the need for neighborhood parks. Living in an area without a park is a detriment to the neighborhood. She stressed the importance of close proximity between homes and park land.

Mr. Dana Bales, 934 East Rahn Road, wants to see the present ratio - acres per population, maintained. He believes that people moving into the area should participate in park land acquisition.

Mr. Harvey Smith, Chairman of the Centerville-Washington Park District Board, pointed out the fact that the national ratio 1-2 acres of park land per 1,000 people, may not be what property owners in our area want, our community ought to have what residents want. He endorsed the exclusion of the criminal penalty from the proposed Ordinance.

There being no other speakers in the audience, Mr. Tate closed the public hearing.

Upon question of Mrs. Simmons, Mr. Looper advised that the Penalty Section was copied from a model Ordinance.

Mr. Hall expressed concern with the present ratio being determined using both Centerville and Washington Township figures, perhaps only Centerville figures should be used.

Mr. Tate pointed out the fact that the ratio should be established to satisfy the desires of people in Centerville, it should not be based upon other averages. He suggested that a Work Session be set to consider comments received during the public hearing and to further review the proposed Ordinance before issuing a recommendation to City Council.

MOTION: Mr. Hall moved that An Ordinance Which Establishes Park Land Dedication Or Fees-In-Lieu Requirements For New Residential Subdivisions Or Developments, be tabled, to be further reviewed during a Planning Commission Work Session scheduled for September 14, 1986. Mrs. Simmons seconded the motion. The motion passed

5-1, Mr. Looper voted no.

UNFINISHED BUSINESS

Centerville Mill/Penn Central - Lot Split.

Due to the lack of representation, this matter was not removed from the table.

NEW BUSINESS

Mr. Hosfeld left the meeting at this time due to a potential conflict of interest in this agenda item.

Mr. Feverston reviewed a request for lot split submitted by Mr. Thomas Leen and Russell Crockett, 1235 and 1237 Black Oak Drive. This is a two family dwelling having an original lot area of 15,000 square feet. Requested is the division of this property into two lots, each 7,500 square feet per dwelling unit, with a lot width of 50 feet. Required by the Zoning Ordinance is 7,260 square feet per dwelling unit. Mr. Feverston reviewed Staff's recommendation for approval preceded by the following analysis:

1. The subject property is a part of the Black Oak Estates IV Subdivision, Section 2 and is currently developed as a double in accordance to the provisions of the subdivision regulations and zoning ordinance.
2. The granting of the lot split would establish two lots that are above the minimum lot area but are below the minimum lot width and minimum side yard as required by the zoning ordinance.
3. The minimum lot width of 100 feet applies to a lot having an area of 15,000 square feet.
4. Since the subject property is developed, the granting of the lot split would not alter the appearance of the property or change the character of the neighborhood.
5. In this situation, the granting of the lot split would have very little effect other than the execution of the deeds.
6. There would have to be some type of deed restrictions, that are agreeable to both owners, to provide for maintenance and uniformity of the properties and the decoration of the exterior of the structure.

Mr. Thomas Leen, applicant, explained their intent for this lot split in order to prevent anticipated problems in the future:

neither party wants to move from Centerville, but desires small lot to maintain. He explained how this jointly owned double differs from others in the neighborhood being mostly rental units.

Mr. Hall expressed his displeasure with this type precedent being set for individual side-by-side units.

Discussion which followed revealed the need for legal counsel in this matter.

Mr. Russell Crockett, applicant, stated his desire to remain in Centerville, their intent with this lot split is to plan for the future when one of the owners passes or becomes incapacitated, this is not a frivolous idea.

MOTION: Mr. Looper moved that this lot split request submitted by Mr. Leen and Mr. Crockett be tabled for further review and consultation with Mr. Farquhar. Mr. Swartz seconded the motion. The motion passed 5-0.

Mr. Hosfeld returned to the meeting at this time.

Election of Officers

MOTION: Mr. Looper moved that the office of Secretary of the Planning Commission be eliminated, and so stricken in the Rules of Planning Commission, to conform to the new Zoning Ordinance in effect September 16, 1986. Mrs. Simmons seconded the motion. The motion passed unanimously 6-0.

MOTION: Mr. Looper moved that the current Vice Chairman of the Planning Commission - Mr. David Hall, be re-elected to that office. Mrs. Simmons seconded the motion. The motion passed unanimously 6-0.

There being no further business, the meeting was adjourned.



