

CENTERVILLE PLANNING COMMISSION

REGULAR MEETING

Tuesday, February 22, 1983

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

Attendance: Mr. Elmer C. Tate, Jr., Mr. Dallas Horvath, Mr. Brian Bergsten, Col. Stanley Morrow, Mrs. Marian Simmons, Mr. David Hall (where noted). Absent: Mr. Robert Chappell. Also present: Mr. Alan C. Schwab, City Planner; Mr. Karl M. Schab, City Engineer; Mr. Robert N. Farquhar, City Attorney; Mr. Steve Feverston, Planner; Mr. Jon Bormet, Administrative Assistant.

Approval of minutes of January 25, 1983:

MOTION: Mrs. Simmons moved to approve the Planning Commission minutes of January 25, 1983, with the following changes:

Page 8, under VOCA Corporation, first paragraph, third line, the third word "conditional" should be changed to the word "permitted"; and, Page 8, under VOCA Corporation, fourth paragraph, sixth line, the third word "six" should be changed to the word "seven".

Mr. Horvath seconded the motion. The motion was approved unanimously 5-0.

COMMUNICATIONS

Mr. Schwab stated that the Planning Department received a letter from the VOCA Corporation withdrawing their application for a conditional use at 1007 Fernshire Drive for a Residence Family Home.

VOCA Corporation - Verbal Request to Address the Planning Commission

Mr. Terry Mambort, Project Director for the VOCA Corporation, stated that they did submit a letter on February 11, 1983, withdrawing their application for the conditional use at 1007 Fernshire Drive. He stated that he felt it would be informative for the Planning Commission and the citizens of Centerville to make some comments on the events that have occurred since the last Planning Commission meeting. He stated that he felt the most disheartening element about the entire issue is that on no occasion did anyone contact the Corporation in terms of securing information pursuing some of the facts. He stated that one call was received from one gentleman who also called the Columbus office to obtain some information and was very professional in his conversation. The fact that no one in the newly formed Red Coach South Civic Association or its citizens, ever had the courtesy or the courage to contact them is somewhat disheartening. He stated this issue does not just focus on the VOCA Corporation nor what it represents in terms of the services people with disabilities, it makes a general statement on how people in the community feel towards anyone with a disability. He stated that it is unfortunate that some of these individuals and the VOCA Corporation have only met through the media by some of the comments that have been made. He stated if they sat down together, some of these issues could have easily been resolved, at least to some clarification. He stated some interesting notes since the last meeting are that their office has received approximately six abusive and harassing telephone calls of which some derogatory

statements were made. He stated that they were aware meetings were held in the neighborhood and unfortunately only one side of the issues were discussed. He stated that the expert on property values in the community acted unethically and unprofessionally, and is being reviewed by the Board of Realtors. He stated again the information of property values is available from Ohio and throughout the country, and an additional study is being submitted tonight to City staff. He stated that they would be more than happy to share this information with anyone who is interested. Mr. Mambort stated it is not VOCA's material, but is material that has been done at universities, Planning Commissions, and city bodies throughout the country. He stated that again maybe someone will accept their invitation to visit some of the existing programs offered by the VOCA Corporation in the community and in other parts of the State of Ohio. He stated that a disadvantage is that the adults act as models and the misinformation and misconceptions are being passed on to the future generations who have used physical abuse on property of newly established homes. He stated it is also making a statement that anyone with a disability or handicap does not have the right to live in a decent house. He stated they are aware that there are some people in the community that want to make some modifications to the existing ordinance and the VOCA Corporation would be willing to offer their services as a part of that working body. Mr. Mambort thanked the Planning Commission and City staff for working with he and his company in a professional manner and also the citizens of Centerville that did support them in favorable phone calls and correspondence.

Red Coach South Civic Association, John Bramlage - Verbal Request to Address the Planning Commission

Mr. John Bramlage, President of the Red Coach South Civic Association, stated that since the last meeting, the community has learned a great deal. He stated that for that they wished to thank the Planning Commission for the courtesies extended to them by the Planning Commission and City staff. He stated much work has gone into the last few weeks by individuals in the neighborhood doing research, printing pamphlets, etc., which has resulted in learning quite a lot about the issue. He stated that the thing that they learned most was that you cannot take things for granted as they have done in the past, and for that it makes most of them better citizens. He stated in looking over the work of the Planning Commission as well as the presentation made at the last meeting by the VOCA Corporation, they found it interesting that the proposal was for eight male adults, but the application itself stated eight adults in terms of mixed sexes. In the investigation that various members of the Civic Association have done, the proposal was not only for the mentally retarded, but at least one and perhaps many more were dual-diagnosed. He stated that the community is sympathetic toward the handicapped. Mr. Bramlage stated their concern as citizens basically tends to be with the health, safety and welfare of their own personal community. Another concern is the fact that there is not a live-in staff principally because of staff burnout. He stated that is a rather interesting phrase and probably should have been indicative to them that the patients were to be something more than what would be normally found in a mentally retarded facility. As staff burnout is a concern of VOCA, likewise, neighborhood burnout is a concern of the neighborhood. Mr. Bramlage stated if the care of these people is difficult and intense, there maybe some very legitimate legal questions in terms of what responsibilities these people's behavior as they operate within the neighborhood. He stated that when there is any appointed body

such as the Planning Commission and elected body such as Council, there is a very strong need to uphold the law and its provisions which is certainly necessary and good for the continuation of the community. He stated there is also a stronger or more urgent need to continually review those laws for applicability and also to assure the safety and well-being of those current citizens in the community, as well as being alert to the sensitivity and needs of these current citizens. Mr. Bramlage stated that they find it terribly interesting that the applicant of the issue has found it necessary to shelter and reshelter legal entity. He stated that the question is who the City and the citizens really dealing with. He stated after having reviewed the Ordinance applicable to this case and the history of the development of that Ordinance which they recognize that the Planning Commission and Council have vowed to uphold, there is no wonder that there is confusion and there will probably be some long-range problems existing as a result of that Ordinance. This is no fault of the Planning Commission. Mr. Bramlage stated it is their recommendation that the Ordinance be rewritten and during this rewriting a moratorium be proclaimed on all similar requests until the Ordinance is in proper, clear, and enforceable form. In order to assure a well written document, the citizens of Centerville, particularly of Red Coach South, step forward to offer their help, guidance, and thoughts including Mr. Mambort's. He suggested that 1) at a minimum, the initial inquiry before any writing of Ordinance occurs should include representative voices from all districts, precincts, and civic groups in the City of Centerville; 2) an inquiry needs to be made as to the medical and psychiatric problems relative to such facilities as seen through the eyes of competent medical people; 3) the legal responsibilities of a corporation for running these types of facilities and the termination of those responsibilities as it relates to the behavior and control of its patients; 4) a clear definition of what is permitted and what is not permitted in terms of use in R-1 areas; 5) if it the decision to permit such flagrant use of R-1 areas for business purposes, that all future buyers of property be properly and fully informed of such possible deviant uses. This would have to be in the form of full disclosure by the act of the seller and any agent of the seller of that particular property; 6) by correcting this Ordinance perhaps controls can be built into the Ordinance such as limiting the number of people per site, limiting the approval time of such grants possibly on a probationary one-year period for a number of years, etc.

Mr. Bramlage stated that if the moratorium is not in order, then they request that a procedural step be interjected into the present process that has been used the past two meetings. This procedural step would require the Planning Commission to personally survey the neighborhood and present the findings and attitudes of the neighbors as an integral part of the request for the zoning variance, that the survey have a minimum sample of 50% of the residential areas affected, and that this survey be conducted in a professional manner. He stated that during the presentation, the applicant often referred to surveys submitted and used as substantial evidence in this case, that the citizens feel is weak statistical sampling. Mr. Bramlage asked the citizens present who do not feel that this issue is in the best interests of Centerville, Red Coach South, their families and homes, to stand (the majority of those in attendance did so).

John Blake - Verbal Request to Address the Planning Commission

Mr. Blake stated that he wished to echo Mr. Bramlage's remarks to the Planning Commission thanking them for the consideration shown at the last meeting concerning the problem that the neighborhood found themselves with. He stated that they found the issue on very short notice and were extremely anxious when they came to the meeting about what was occurring, and again thanked the Planning Commission for listening to the citizens and sharing the views of the Planning Commission members on the subject. Mr. Blake stated that he does not think that they will be faced with a situation like this one again because while the procedure may not be changed, he stated that Mr. Schwab has assured him that the Planning Department will inform representatives of the Civic Association that an application has been filed. He stated that he is not going to answer Mr. Mambort's accusations since the issue is not before Planning Commission at this time, only to say that there are answers for each and every statement that he made. Mr. Blake stated that his concern is the way the application was presented to the City and to the Planning Commission by not making a complete and full disclosure of what is actually being planned for the neighborhood. He stated if the complete and full disclosure were made, he is confident that the Planning Commission and Council would not grant approval. The problem is that it proceeds on representations made by Mr. Mambort most of which are true-- there is an element of grain of truth to everything he said. As an example, the group home was to house mild mentally retarded men. Mr. Blake stated that one of the physicians in attendance stated that you do not need group homes for mild mentally retarded people. Mr. Blake stated that lead him to think that if you do not need a group home for the mild mentally retarded, why do they have to be institutionalized? He stated that the answer to that lies in that there principle problem is not mild mental retardation. Mr. Blake stated that as Thomas Merton once said, "to use one truth to obscure a larger truth is a very insincere way of telling a lie".

Mr. Tate stated that in their discussions over the events since the last meeting, the number of people that have showed an interest in this issue certainly warrants some additional action on the part of the Planning Commission. He stated that they will study the Ordinance and at the conclusion of that review, recommendations will be made to Council. If there is reason to change the Ordinance or to investigate further, there will be a board of people that will be called to serve. This board will include citizens from the City of Centerville, and various State and local agencies. He stated that in the many letters that he and the members of Planning Commission received, there were some suggestions for changing the Ordinance. He stated that he is not sure if some of these changes can be made, but they will be studied.

Mrs. Simmons stated that she received both positive and negative letters and phone calls. She stated she appreciated those that offered suggestions, but did not appreciate those who did insinuate that the Planning Commission did not study the issue and not do their homework.

Mr. Horvath thanked everyone who contacted him regarding the issue stating that there were some good points raised.

Mr. Tate stated that he appreciates the interest of the citizens of Centerville which reflects what kind of people we are. He stated that he feels this issue can be resolved to everyone's satisfaction.

John W. Judge Engineering Company - Request for Temporary Real Estate Sign

Mr. Schwab stated that the request for a temporary real estate sign by the John W. Judge Engineering Company is for one (1) and possibly two (2) temporary signs for a period of one (1) year to be located in Rose Estates. The area that they are concerned in marketing is the area south of Sheehan Road and west of Village Square Road. A number of the lots in this area remain unsold even though the streets are in place. The request is for one (1) single-faced 3' by 4' sign, approximately 8' tall to be located along Sheehan Road, advertising the subdivision lots for sale. Also being requested is permission to at a later date, erect a sign on the interior streets of the subdivision. The request, however, is for an immediate sign along Sheehan Road and a potential sign somewhere in the interior area which would be identical to the one to be placed along Sheehan Road.

Mr. Horvath stated that he objected to the height of 8' when the Sign Ordinance requires a maximum of 6' in residential areas.

Mr. Schwab pointed out that the sign area is permitted, the request before Planning Commission is the height of the sign as well as the extended time period of one (1) year. Staff is only permitted to approve a temporary sign for 30 days. The sign will be required to have a setback of 25' from the right-of-way.

MOTION: Mr. Horvath moved to approve a temporary 3 ft. by 4 ft. single-faced sign not to exceed 6 ft. in height, to be placed 25 ft. back from the right-of-way as required by the Ordinance, for a period of no longer than one (1) year as of this date. Mr. Bergsten seconded the motion. The motion was approved unanimously.

Mr. Horvath stated that if an additional sign is desired on the interior streets of Rose Estates, it will have to be formally requested and reviewed by Planning Commission.

OLD BUSINESSMiniature Golf Course - Site Plan (Conditional Use)

MOTION: Mr. Horvath moved to remove the site plan for the Miniature Golf Course from the table. Mr. Bergsten seconded the motion. The motion was approved unanimously 5-0.

Mr. Schwab reviewed the original site plan for the Miniature Golf Course in order to compare it to the revised plan that the applicant submitted. The proposed use is a conditional use proposed for 121 North Main Street in the APD. He stated that the plan proposed a planter area containing a park bench along SR 48 and a fence to help screen the parking area, and concrete retaining wall. The property slopes to the west which with the help of the fence and retaining wall makes the parking area less visible. The original plan proposed 23 spaces and has been revised to provide one (1) additional space for a total of 24 parking spaces. The requirement in the Ordinance is 29 parking spaces, so the parking requirement has not been satisfied.

The florescent light fixtures have hoods on top of them to illuminate the golf courses, but still contain the direct light to that area. Mr. Schwab stated that is not to say there will not be light reflecting from the ground to the adjacent properties. The fence along the north property

line has been extended approximately 40 ft. to the east in order to provide screening to the house on the lot to the north. The one building on the lot has been relocated to the south to allow a 12 ft. side yard setback. A brick area will surround the building that will be a small snack shop seating area. The drainage in the parking area will be a gravel area that will allow some infiltration of the runoff water from the parking area.

The BAR reviewed the revised plan and although parking and use are not under their jurisdiction of review, they recommended to Council that the application be denied based on the front yard parking which is not permitted in the APD. There was a lengthy discussion by the BAR as to the appropriateness of this type of use in the APD. The lighting that will be required as a result of this type of use was also undesirable for the APD.

Staff feels that some of the aspects that did not meet the requirements of the Ordinance on the original plan still do not meet the requirements in the revised plan. There has been an attempt to modify the impact of some of these situations, however, all of the standards have not been met in the revised plan. Some of the standards that have not yet been met include the drainage, parking and the number of spaces, etc.

Mr. Schwab stated that the revised application is better than the original, but it still does not meet the requirements of the Ordinance.

Mr. Hall arrived at this time.

Mr. Ken Huelsman, applicant, stated that most of the issues that were of concern have been addressed including the drainage, the building setback, screening, etc. The one issue that has not been addressed is the front yard parking and the number of spaces. He stated that along with the BAR, they tried to make other layouts by placing the parking down the side of the lot or to the rear. Those locations produced less parking spaces and it was felt that those locations made it more detrimental to the adjoining neighbors. He stated that the two places provided for drainage seemed to be workable with staff.

Mr. Horvath asked if the drainage is going to be adequate with these new additions.

Mr. Schab stated that what is being addressed is the water coming from the parking lot and not the water coming from the concrete areas on the golf course itself which amounts to approximately 50% of the area. He stated that the elevations are not available in order to determine the amount of runoff and how quickly the water will be dispersing. He stated when the project gets into the building permit phase, there will be an additional review and considerations to take care of the runoff not only from the parking lot, but from the area west of the parking lot adjacent to the residential properties.

Mr. Tate asked what type of soil is in this area.

Mr. Schab stated that this part of the City is not too conducive to have water soaking in the ground. It will have to rely on artificial means which has been discussed with the architect.

Mr. Horvath asked if the drainage for the parking lot is now adequate.

Mr. Schab stated he has seen some arrows on the horizontal layout, but not the elevations on the field. He stated that he does not know what kind of capability the sloping of the lot will be having. He stated he has no way of saying that it will be adequate or inadequate.

Mrs. Simmons asked Mr. Schab what additional materials he will need.

Mr. Schab stated he will need a topographic map showing the proposed elevations in detail. At that point, it can be determined if the drainage is adequate.

Mr. Doug Langley, architect, stated that the intention of the way the drainage works is that there is a central drainage trough with gravel in the middle of the parking lot. The parking lot will be sloped from the east side on a natural slope to that central gravel area. From the west side, the parking lot will be sloped to the gravel area at a very minimal fashion so that as water fills up the gravel in the middle, it will pond in the parking lot and then begin to move across the lot to the second gravel area that is in front of the golf courses. The idea is retention that will build up to a point that it will move across the property and down the natural slope that it takes now only in a slower fashion than it would be if it ran directly across the parking lot.

Mr. Bergsten asked what sort of signage will be permitted for this property.

Mr. Schwab stated that all the signage that is permitted in the APD currently has to be reviewed by the BAR and approved. This proposal is not requesting any signage at this time.

Mr. Tate stated that in looking at the elevation and given the fact that the lot sits down in a valley, one cannot see how the parking will be noticed from the street.

Mrs. Simmons stated when you drive by, it is hard to see the house because of the difference in grade from SR 48.

Mr. Horvath stated that a number of people have called him to say that the use is not appropriate for the APD. He stated that the lot still appears to be overdeveloped and the drainage remains to be a concern.

Mr. Farquhar stated that the traditional use of the APD is a B-1 use which is Local Business uses. A B-1 use is generally considered the kind of use from the surrounding neighborhood. It is questionable that this use meets that definition.

Mr. Schwab stated that B-1 uses are permitted by right in the APD. Another category that is a conditional use in a B-1 district such as a recreational facility. If this area was a B-1 district instead of the APD, what would be applied for is a conditional use for a recreational facility in a B-1 district as a conditional use. In the APD just as B-1 uses are permitted uses, all the conditional uses that go with B-1 uses are also conditionally permitted in the APD. This use is something that can be considered as part of this application and is a major part of what is being considered.

Mr. Tony Staub, owner of 133 North Main Street, stated that his major concern is that there is not enough parking space. In looking at similar business of this nature, people with a 54-hole golf course on a normal Friday and Saturday night have anywhere from 50 to 100 cars in their parking lots. The proposed parking only provided 24 spaces which appears to be quite small. He stated you will always have 2 or 3 cars leaving the parking lot and 2 or 3 cars circling the parking lot. Once you have this situation, there will be many traffic conflicts involving people trying to both get in and out of the site.

Mr. Huelsman stated in reviewing around the country, the average number of parking spaces for a facility of this type is 20 spaces. He stated he does not have it documented, but he could provide such information.

Mr. Bergsten stated that the proposal does seem like a lot of development for this size lot and there is a concern regarding the drainage; however, he stated he is convinced that the people doing the development are willing to take these things into consideration and do a good job with it. In considering the neighboring properties, he stated he is in favor of permitting the use.

Mr. Tate stated it is hard to imagine something that will fit in well with a gas station and down in a hole.

MOTION: Mr. Bergsten moved to recommend approval to Council of the Miniature Golf Course assuming that the drainage considerations can be worked out with staff. Mrs. Simmons seconded the motion. The motion was approved 4-1-1. Mr. Horvath voted no and Mr. Hall abstained.

Mr. Tate stated that the whole project depends on working with staff to work things out.

NEW BUSINESS

Harry E. Misel, Jr. - Curb Cut Request

Mr. Schwab stated that this application is a request to amend a curb cut permit which was granted several years ago by City Council and reviewed by the Planning Commission. The location of the existing curb cut is on SR 48 just south of Spring Valley Road which is a common curb cut between the existing Taco Bell and the abandoned 7-11 Store. The original approval included a blister of pavement along the west side of SR 48 to allow through traffic to go around stopped traffic going into this curb cut. The City Corporation Line goes down the right-of-way on the east side of SR 48 so this curb cut application is the consideration of the City. The development of this property other than the curb cut onto SR 48 is the consideration of Washington Township. The request is to widen the existing curb cut to the north from 24 ft. to 35 ft. The Township is working with the owners of this property for a potential Capital Dry Cleaning firm with a drive-in window on the south side of the building. Taco Bell is also interested in a drive-in window on the north side of their building.

Mr. Schwab stated that staff has discussed this application with the Township and they do not have a problem with adding 11 ft. to the existing curb cut. The extra width of the curb cut will allow a third lane in order to provide a separate left out and right out lane. Staff recommends approval of the curb cut application as requested.

Mr. Horvath asked if the existing blister should be extended to match the width of the proposed curb cut.

Mr. Schwab stated that the situation should not be affected because the basic in-movement is still at the same location and that blister was to accommodate those in-movements. He stated it would seem that the function of that blister will serve the same purpose as it does now.

Mr. Horvath stated this is another case of alot being overdeveloped and creating a traffic problem. He stated we seem to be condoning it if we grant this curb cut. He stated that they have another curb cut off of Spring Valley Road to that development.

Mr. Schwab stated that the parcel is developed as a "L" shaped parcel which has access from SR 48 and Spring Valley Road. He stated that there is a Township Access Control Plan that proposes access points to be at 400 ft. to 450 ft. spacing between them. The curb cut to be widened is to serve any additional development in this area to the east and will become one major access point for this section of development. Mr. Schwab stated that he cannot say that he is that enthusiastic about the way the property has developed, but that seems to be a separate issue as to the curb cut itself. He stated that this curb cut will play a major role in completing the frontage road to be extended to Marco Lane, in order to construct what is planned in the Access Control Plan for Washington Township.

MOTION: Mrs. Simmons moved to recommend approval to Council of the curb cut application submitted by Harry E. Misel, Jr. Mr. Hall seconded the motion. The motion was approved 5-1. Mr. Horvath voted no.

Mr. Tate stated that it may be in the best interests of the community and City to set a work session in order to review the Group Home Ordinance. There have been a number of changes in the State Law and it would be a good idea to review the Ordinance. If it is found that possible revisions should be made, that determination can be sent to Council and they could appoint a committee to revise it.

The work session was scheduled for Tuesday, March 15, 1983, at 7:30 p.m. in the Law Library.

There being no further business, the meeting was adjourned.

Wallis J. Horvath
Acting Chairperson

