

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, November 25, 1980

Mr. Tate called the meeting to order at 7:40 p.m.

Attendance: Mr. Elmer C. Tate, Jr., Mr. Bernard Samples, Mr. Brian Bergsten, Col. Stanley Morrow, Mrs. Marian Simmons. Absent: Mr. Dallas Horvath, Mr. Robert Chappell. Also present: Mr. Alan C. Schwab, City Planner; Mr. Karl M. Schab, City Engineer; Mr. Joseph S. Minner, Assistant City Manager.

Approval of Minutes of October 28, 1980, Planning Commission Meeting:

MOTION Mrs. Simmons moved to approve the Planning Commission minutes of October 28, 1980, as written. Mr. Samples seconded the motion. The motion was approved unanimously (5-0).

COMMUNICATIONS

Stuttgart Automotive

Mr. Schwab stated that earlier in the year Stuttgart Automotive requested a temporary permit for an off-site sign to be placed at the northeast corner of Thomas Paine Parkway and Bigger Road. They are requesting that a 90-day extension be approved because the original approval expired on November 6, 1980. Approval of this request would allow the sign to remain in its present location until February 3, 1981.

MOTION: Mrs. Simmons moved to approve a 90-day extension for the Stuttgart Automotive sign located on the northeast corner of Thomas Paine Parkway and Bigger Road. Mr. Samples seconded the motion. The motion was approved unanimously.

Mr. Tate stated that he had seen the finished landscaping sign at Revere Village Apartments and is quite pleased with its appearance. Revere Village was granted a variance for the landscaping sign in July of this year.

UNFINISHED BUSINESS

Shadybrook - Preliminary Plan

To remain on the table.

NEW BUSINESS

R. K. Associates - Site Plan Amendment

Mr. Schwab made a slide presentation of the site plan amendment for R. K. Associates located at 7991 Clyo Road with is the site of Centerville Mill Hardware. He stated that the amendment to the site plan would provide permanent approval for R. K. Associates to place a Wisconsin Cheese Truck at the Clyo Road site for the purpose of selling cheese and associated products. He explained that temporary approval was given to this firm for one (1) weekend back in September of this year.

Staff recommendation is to approve the site plan amendment with the permission of the owner, subject to a location that would not result in ingress and egress problems.

Mr. Bergsten asked what type of signage is on the truck.

Mr. Schwab stated that it just states Wisconsin Cheese on the side of the truck.

Mr. Bergsten stated that if we give permanent approval for this use, business could operate every day with signage all over the truck. He stated that he doesn't think this is a good precedent to set.

Mr. Bergsten stated that if the Planning Commission were to limit the hours of operation, he could agree to that.

Mr. Schwab stated that as the business exists now, the truck is self-contained with an electric generator that sets outside the truck. He stated that as much as he has observed, the only signage is on the truck. The firm usually advertises in the local newspapers as to what location the truck will be at on a particular date.

Mr. Bergsten asked if there would be a problem in regulating the number of days he could operate per week.

Mrs. Simmons stated that she does not think the Planning Commission should try to control the signage by regulating the hours of operation. She stated if the objection is large signage, that should be stated.

MOTION: Mrs. Simmons moved to recommend approval of the site plan amendment to Council. Mr. Samples seconded the motion.

Mr. Tate stated that if a site plan amendment is granted, any type of truck could be placed on the site other than just that for R. K. Associates. For this reason, perhaps a time period should be placed on the approval in order to control the situation.

Mr. Bergsten expressed concern with the amount of signage allowed on the truck. He stated that the person who comes into Centerville and builds a building is regulated with the amount of signage he can have. He stated that anyone can drive a truck into the City with the whole truck covered with a sign and he is not regulated.

FINAL MOTION: Mrs. Simmons moved to recommend approval of the site plan amendment for R. K. Associates for a period of six (6) months. Mr. Samples seconded the motion. The motion was approved 4-1. Mr. Bergsten voted no.

Darr, Michael - Conditional Use

Mr. Schwab made a slide presentation of the application for a conditional use to establish a family home at 238 South Main Street. He stated that a family home differs from group home in that a family home is for foster children in a number under ten (10) persons in a facility. A group home would provide for ten (10) or more persons. The requirements for this use would be:

1. One-half (1/2) mile spacing between the proposed facility and any other similar multi-family facility.

2. The proposed facility not be adverse to the public health, safety, and welfare.

Mr. Schwab stated that staff has reviewed this case and finds that this particular facility would meet these standards. The facility would be located in the existing single family structure on the northeast corner of Waterford Drive and South Main Street access road. He stated that the proposed facility would be operated by the St. Joseph's Welfare Society. This location would house up to nine (9) young men between the ages of twelve (12) and eighteen (18). There will be a resident director that will have normal office hours. There will be no live-in employees--it will be a rotating shift which will provide supervision twenty-four (24) hours per day.

Mr. Schwab stated that this particular organization is well known for its excellence in this type of caring for foster children. A facility very similar to this proposal is operating in Vandalia for girls. In contacting the City of Vandalia, they indicated that although the home is not in a residential setting, it has been a source of no complaints. In talking with the people at the Department of Public Welfare, the person in charge of licensing this area gave the St. Joseph's Welfare Society high marks in the type of service they provide and indicated that in the Dayton area, they are the finest facility of their kind.

Staff would recommend approval of this Conditional Use based on a finding of meeting the criteria of the Zoning Ordinance.

Mr. Mike Darr, applicant, stated that Mr. Schwab had given a good presentation of the proposal and was willing to answer any specific questions Planning Commission might have.

Mr. Tate stated that some years ago when the group home located on Sheehan Road was established there was much concern. He stated that the home has worked out very well and some of those people who voiced their concerns loudest had since stated that the facility has not created any problems. Mr. Tate asked how this particular facility will be run.

Mr. Darr stated that his agency has found that they are receiving more referrals from the south Dayton area. The Child Welfare of America League has recommended that children be placed if possible in their own environment. This would not mean, however, that the children placed at this facility would be strictly from the south Dayton area. The agency is trying to set up a community based facility in different areas of town that will place these children in the type of environment that they will be returning to. He stated it is unfortunate that many times the problems of the children that reach St. Joseph's are that of an environmental problem caused by their home situation. It is a situation that the child is not in control of and through no fault of their own, they have no other place to go. This facility will house boys who are not drug offenders and do not have criminal records. They do not need institutional care, but there is no place to put them.

Mr. Samples stated that it is his understanding then that these children are not emotionally disturbed.

Mr. Darr stated that "emotionally disturbed" is a label that has been placed on the child. Anyone has some type of emotional problem when they have been rejected by their families, have problems in school, have lost their parents, etc. One of the advantages to this facility is that every child is evaluated every ninety (90) days by a staff of psychiatrists whether he is having problems or not. If a child does not fit into the neighborhood community, he can return back to the main campus.

Mr. Bergsten asked if the boys will attend Centerville schools.

Mr. Darr stated that they would. He stated that some of the children at the main campus attend public schools. Others are taught at the facility where they have their own school, teachers, and educational program. He stated that Montgomery County uses St. Joseph's facility for problems that they cannot handle in their own schools.

Mr. Darr stated that some people are concerned about a group home facility. He stated that St. Joseph's budgets money to pay the boys for helping in community projects. This helps the facility to become a welcome part of the community. He stated that a study has been given to Mr. Schwab that this type of facility does not have any effect on the property values which is a major concern of adjacent property owners. Another control factor is a number of the Board of Directors for the facility live in the City of Centerville. He stated that \$125,000 has been budgeted to operating costs for the first year. He stated that the reason that this site was chosen was because it is close to transportation, it is within walking distance to fast foods and groceries, medical facilities, etc.

Mrs. Simmons asked if this would be a permanent home for these boys.

Mr. Darr stated that they would stay until the boy were able to return home or up until the time he were to turn eighteen (18) years old. He stated that they would be permitted to stay beyond eighteen (18) if he were to be in his senior year of high school. After graduation, he would be required to leave.

MOTION: Mr. Samples moved to recommend approval of the conditional use for the St. Joseph's Welfare Society to be located at 238 South Main Street. Mrs. Simmons seconded the motion. The motion was approved unanimously.

Black Oak Estates-Five, Sec. 4 - Record Plan Revision

Mr. Schwab made a slide presentation of the record plan revision for Black Oak Estates-Five, Sec. 4 located east of Bigger Road and north of Centerville Station Road in the City of Centerville. He stated that the request is basically the relocation of a two (2) foot wide sidewalk to the Black Oak East Park. On the approved record plan, the sidewalk access is located between Lots 476 and 477. The request is to relocate the sidewalk between Lots 473 and 474.

Staff has received a letter from the Centerville-Washington Park District stating that they have no problem with the relocation of this sidewalk.

Staff recommends that Planning Commission approve the change.

Mrs. Simmons asked why the change in location is being requested.

Mr. Schwab stated that the only understanding he has is that the two (2) lots where the walkway is currently suppose to be is between one property owner who has some type of interest in the Park Board and the other property owner does not want the walkway there. The proposed relocation would place the walkway between two (2) vacant lots.

MOTION: Mr. Bergsten moved to recommend approval of the Black Oak Estates Five - Section 4 record plan revision to Council. Col. Morrow seconded the motion. The motion was approved unanimously.

Walnut Grove - Bond Release

Mr. Schab stated that the work for Walnut Grove has been finished and it is being proposed to release the bond subject to receipt of a one (1) year maintenance bond. The subdivision is located south of Sheehan Road in the vicinity of Hibberd Drive in Washington Township. He stated that the improvements have been inspected by both Centerville and the Washington Township Service Director. It is recommended to release the performance bond of \$168,500 subject to receipt of a one (1) year maintenance bond in the amount of \$8,425. Mr. Schab stated further that certain provisions concerning the discharge of storm water were carefully evaluated by both Washington Township and Centerville staff. The reason for this is because a property north of Walnut Grove has been affected by a storm sewer drainage.

Mrs. Lois Costello, 280 Kimbary Drive in Wren's Cross which is adjacent to Walnut Grove, stated that when she moved in last December she knew that their lot was somewhat lower than those is Walnut Grove and during a storm it was possible for water to come down from Walnut Grove and into their yard. On December 24, 1979, a storm moved through the area and a stream large enough to float a canoe in was flowing through their yard. She stated that after investigating the area, they found that a twelve inch (12") storm sewer coming directly from the street, goes into a ditch and then goes into her yard. She stated that at the beginning of the year they contacted Mr. Schab and Mr. Bill Johnson of Washington Townshp. Mr. Schab and Mr. Johnson told the Costellos that the water is being handled as on the approved record plan. She stated that Mr. Schab showed them a map indicating they were not receiving any increased water from the new development--it is simply concentrated.

Mrs. Costello displayed a bag of trash that she had collected from her yard. She stated that the stream of water which flows into her yard carries these items from the Walnut Grove area. She stated that when the Walnut Grove subdivision was originally approved, storm sewers carried the water to the end of the street. The people at the end of the street objected to all that water and the pipe that empties into her yard was put in to divert some of that water. She stated that she went down to the County Engineer's Office about five (5) weeks ago to obtain the topo maps. She maintained that a mistake was made on the topo maps that were approved by Centerville and the result is the extreme amount of water that comes onto her property.

Mr. Bergsten asked Mrs. Costello what she thought would solve the problem.

Mrs. Costello stated that putting a pipe under the street might solve the problem. She stated that they had contacted a private contractor to do the job and the estimate was \$7,000.

Mr. Schab stated that staff can go out into the field and shoot new topo points that will show that the area in question does not receive the water that Mrs. Costello believes it does. He stated that the lot is not receiving any more water than was intended for it during the approval stage. He stated that the builder was suppose to place the house on the lot to agree with the drainage arrows on the plan. The water was originally suppose to go around the house and drain into the street. Because of the wooded area on the lot, the owners requested that the swale not be created in the area for which it was intended but to move it in order to save some additional trees. Mr. Schab stated that when the builder did this, if he were to have put the house two (2) feet higher, there would have been an adequate way to get a drainage pattern into effect. He stated that it a complex legal question as to what is right and what is wrong.

Mr. Costello stated that the house is there and it cannot be moved two (2) feet higher. He stated that he bought the house thinking that the Commission was looking out for his interests. He stated if he would have seen the pipe in his back yard, he would have never bought the house. Mr. Costello stated he has a situation through no fault of his own.

Mr. Tate asked if there is any recourse on this situation.

Mr. Schab stated that he has discussed the situation with Mr. Johnson and it is staff's conclusion that the developer of Walnut Grove has made all the proper improvements and nothing else is required of him. The question at this point is should the bond be released for Walnut Grove. The developer has met all his responsibilities.

Mr. Schab stated that he does not know if this is a case against the developer or the builder. He stated that if this subdivision were in the City, the house would have been inspected by the Building Inspection Department and they would have instructed the builder how to handle the problem.

Mr. Tate stated that he wants staff to investigate and see if the Planning Commission was supplied with a proper topo map at the time of approval.

Mr. Samples asked Mr. Schab about the discrepancy in the volumes in water.

Mr. Schab stated the drainage area is the same general magnitude as it was before it was developed.

Mr. Tate stated that the Planning Commission would not take action on the bond release for Walnut Grove until staff has determined if the approved plan showed an incorrect topo.

Normandy Farm Estates-Two, Section 8 - Bond Release

Mr. Schab stated that Normandy Farm Estates-Two, Sec. 8 is a development consisting of seven (7) lots west of and adjacent to Normandy Lane just south of Alex-Bell Road.

It is recommended to release the performance bond of \$12,000 for Normandy Farm Estates-Two, Sec. 8 subject to receipt of a maintenance bond in the amount of \$1,000 (to specifically include cleaning of storm sewer lines, should this be necessary) and subject to a new performance bond in the amount of \$5,300 to cover installation of unfinished sidewalks.

MOTION: Mr. Tate moved to release the performance bond of \$12,000 for Normandy Farm Estates-Two, Sec. 8, subject to receipt of a maintenance bond in the amount of \$1,000 (to specifically include cleaning of storm sewer lines, should this be necessary) and subject to a new performance bond in the amount of \$5,300 to cover installation of unfinished sidewalks. Mr. Bergsten seconded the motion. The motion was approved unanimously.

Normandy Farm Estates-Three, Sec. 2 - Bond Release

Mr. Schab stated that this development consists of twenty-five (25) lots located south of Alex-Bell Road and west of Normandy Lane. All improvements shown in the construction drawings are in place.

It is recommended to release the performance bond of \$65,700 subject to receipt of a one (1) year maintenance bond in the amount of \$3,300.

MOTION: Mr. Tate moved to release the \$65,700 performance bond for Normandy Farm Estates-Three, Sec. 2, subject to receipt of a one (1) year maintenance bond in the amount of \$3,300. Mr. Samples seconded the motion. The motion was approved unanimously.

There being no further business, the meeting was adjourned.

1-6-81
Elmer Tate