

CENTERVILLE PLANNING COMMISSION
WORK SESSION - April 22, 1975
7:00 p. m.

Those Present: Messrs Gillingham, Tate, Baker, McCrabb, Maxton and new member, George J. Schottmiller and Mrs. Lake.

Also Present: Karl Schab, City Engineer; Mr. John Levermann, Administrative Ass't. and Mr. Garth Reynolds, City Planner.

- 1. Discussion of the proposed "permanent" group home ordinance as rewritten by the City Attorney in accordance with the wishes of the Planning Commission.

Mr. Maxton would like to be able to tell Council whether or not the P. C. wants an ordinance - the one that has been prepared may or may not be the one desired. A poll of the members indicated that an ordinance is desired. Mr. Maxton said we want to prepare the ordinance for the benefit of the residents as well as those who will utilize the group homes.

Mr. Maxton said it is his feeling that we want to appeal to those who have mental or physical handicaps who would benefit from living in a residential type atmosphere. Mr. McCrabb said he felt that it also included foster children and the aged. Mr. Maxton said when he spoke of physically handicapped he included the aged. Mr. Baker said that the ordinance says 60 is aged and this is not necessarily an age where people would be handicapped.

Mr. Maxton said we are only talking about those type of homes in residential districts. As far as business and multi families, these group homes are not prohibited.

There was a discussion regarding what districts were intended to be covered by the ordinance. Mr. Baker feels that Council wants the whole city protected rather than just R-1 and R-2 as some thought. Mr. McCrabb thinks Council wants to protect the residents of the group homes, not just the City. It was stated that Mr. Farquhar had (previously) said that groups or individuals (will) get the highest use for the property unless we specifically address ourselves to this. . . . Unless we address ourselves to this, there are no restrictions, it was said. . . . There is nothing in our proposed ordinance to keep a person living in a residence in a business district from starting a business in his home and calling it a group home. . . . There was reference to the group homes in Bellbrook business district. Mr. McCrabb does not feel they should be in business districts as this does not serve the purpose, a home in the business district should be a nursing home, he said, adding that he thought the purpose was to have a residential type atmosphere. Mr. Gillingham felt we should name the zones in the ordinance - he added that he had not considered this before because the City Attorney had said he had included what P. C. had asked for. He does not feel B1, B2, AP, etc. should be excluded. . . Mr. McCrabb feels that they should be excluded. Mr. Maxton feels that they would probably be precluded from the business classification as the proposed ordinance now reads. Mr. Baker agreed.

Mr. Maxton said he is going under the assumption that this proposed, rewritten ordinance is as close as we can get to what we asked for. He asked that each member say what they feel should be added or deleted so that this ordinance could be passed on to Council. . . what would keep you from approving this, he asked?

Mr. Gillingham's objection was on density. He would like to see something similar to that of the City of Dayton (3000 ft) min. between group homes with a 20% reduction possible through the BZA. He said he was open to a different distance but feels some distance should be in the ordinance. Mr. Tate said that if this were the only objection, he would approve it (the ordinance) as distance is of no consequence to him. Mr. Baker thinks the group homes should be allowed as close (to another group home) as we allow taverns to churches. He said he would not support a distance requirement. Mr. McGrabb said he would not recommend a distance requirement, but he would not oppose it. Mr. Schottmiller said he would support it. Mrs. Lake said she could see circumstances where it would be good to have, for instance, a home for the aged near the home for the retarded. On the other hand, she can see a need for some type of density control. This could be done in a number of ways - number of persons per number of houses, limited number of persons - she would rather see an area type control rather than a control based on feet. If this were the only thing keeping the ordinance from going to Council, she said she would probably qualify her vote and support it. Mr. Gillingham said his basic reason for this is because of what he has seen happen to Dayton neighborhoods - what was formerly a good neighborhood is now run-down. Mrs. Lake said she does not want to set up what we call defacto service districts, but we do not want an institutionalized area. Mr. Maxton said that if the area is just group homes, we will not have the residential atmosphere that is desired. Mr. Baker said he would probably go along with restrictions on the group homes, he thought he was confusing terminology with his previous comment. Mr. Maxton said we could limit by area - not keep anyone from going to certain parts of the city, but you can say you would not have any two within 1000 ft. of each other.

There was some discussion as to where in the ordinance this would appear.

Mrs. Lake said that a mechanism to control permitted uses and we also need to tie in the fact that we are aware of the license renewal procedure even if this is only for our own knowledge - we want to know that these are inspected and run for the welfare of those living there.

Mr. Baker commented that we have an idea now of what the categories of resident homes will be and we are not yet sure what the group home categories will be. He continued that it would look odd, for example, to disallow six older ladies from living near six other older ladies. Mrs. Lake said that this is why she

thinks that it is like, for example, foster homes. She does not think that 1/2 mile is not okay, but she thinks we can have something in the ordinance regarding group homes, not all (homes). She added that it could be easy to have them (those who establish homes) look to a certain area to locate if there is little or no restrictions. (This comment was prompted by previous comments regarding run-down areas of Dayton.)

Mr. Maxton said that Ms. Connors, with the Dayton Bd. of Mental Health, does not anticipate any problems regarding density. These are licensed homes and as such have to be reviewed and this situation is defined in the proposed ordinance. He said he has not heard of a State licensed home for foster children - foster children should not be considered here at all. This is an entirely different situation, he said. He said that he thinks Mr. Baker's point regarding taverns and churches proximity to one another has merit, but he is concerned with some limitation - he does not feel this would impose a hardship on the group homes or the resident homes. Mr. Baker feels this would be good for the group homes, not resident homes.

Mr. Tate asked for confirmation that the home on Sheehan Rd. is a resident home and it was stated that it is. He then asked the question, if I take in three children (there are three in my family) what classification is it? It is not a housekeeping unit or a State licensed home - is it a group home? Mr. Maxton said this was previously discussed and he thinks we should probably add Section I to include foster homes.

There was further discussion regarding foster children - Mrs. Marian Lainge, a citizen in attendance, said that legal guardianship is retained by the placing agency of foster children. There is concern that foster children might be **excluded** as the proposed ordinance now reads. If they would be excluded and Section "I" would include them, the members generally agree to add it. It is felt that the P. C. members need guidance in this area and need to know the legal definition of a foster child. The question also came up of guests - i. e. AFS students - when are such guests considered permanent?

Mr. McCrabb suggested that foster children could be included in a family up to two and then perhaps revert to the group home classification. Mr. Tate said he believes foster children should be defined and then determine where they fit in the ordinance.

Mrs Lake thinks it is important to have someone from the agencies come to the P. C. Meetings - someone who can tell us how these things are defined. She suggested a list of areas on which P. C. needs expert opinion.

Mr. Reynolds suggested P. C. direct Staff to explore the various terms that have been presented at this meeting to see how they are defined with the State, or the County, to see that they are in conformance.

Mr. McCrabb said that Staff has already given input. Mrs. Lake does not think we have had the type of study that we should have had. She feels what we now have reflects a lot of personal opinion rather than valid definitions and points. There are many things that are not covered. She feels there are big gaps that have not been covered, even though it has a lot of merit in various areas. Now that this has come back to P. C., the members have a lot of latitude.

Mr. Maxton said that we are trying to put the non-State licensed and operated (homes) into a conditional use and exclude the others.

Further comments: a family of more than four would classify as a group home. A family of four with a maid would require a conditional use permit.

Mr. Maxton advocates plugging the loop holes or telling Council we cannot, and the indication from all at the outset of this meeting was that we wanted an ordinance. He continued: as I understand it, our intent was to eliminate certain undesirable groups and we want to do this legally, that is why we have come ^{up} with the definitions. One group would fall under State and County licenses. We might have the same type home operated by a private agency. we would come under all sorts of criticism if we controlled any (homes) by any other way other than by number. Nothing would be ruled out, but they would be limited to not more than four. Mrs. Lake read several excerpts from national publications and Dayton ordinances.

There is some difference of opinion regarding the meaning of "non-State operated and licensed". There is also a difference of opinion regarding the need for professional assistance. Some feel more direction should be given to Staff and some feel that the source that has been used in the past may not necessarily be the best. One comment was that the ordinance is desired to allow people in, but we already let them come in the way the present ordinance (or lack of ordinance) is, therefore we are trying to establish this ordinance to keep (certain) groups out. There is difference of opinion as to what groups fit into what categories and who is and is not licensed.

Mrs. Lake said that she had previously asked from Staff about the fire requirements regarding group homes for more than six persons - that is where our 8 fits in because they automatically have more fire protection, she said. You may not discriminate by type, you may define, and the courts have (in the past) seemed to look more to the fact that you are consistent and that you don't try to generalize, to exclude by number is legal, she said. It is difficult, and most seem to feel that there are a lot of loop holes in our proposed ordinance.

Mr. Reynolds said you can limit the number that come into the area based on the density of the particular area. Mrs. Lake said that everything she has read indicates that we must know what homes we have and where they are, you can define a neighborhood by terms of portions of miles. She feels there is a lot of research that has not been done in the past.

* Mrs. Lake made the motion to table this subject and fall back and regroup because she feels we are at a stalemate. We need definitions as they apply to State and County group homes which we must fall within. She would like to hear from people who are authoritative on the various subject discussed. She would like Staff to research other ordinances outside the State of Ohio, perhaps, and direct Staff to do this and anything else that would bring any enlightenment to P. C. Motion seconded by Mr. Tate.
Approved 4-3. Those in favor: Gillingham, Tate, Schottmiller & Lake.
Those opposed: Baker, McCrabb & Maxton.

Mr. Maxton said that some are looking for something in depth, he would like the definitions simple.

Mr. Maxton will report to Council that this proposed ordinance is under further discussion and review by Staff and P. C. will not be able to meet the May 1 deadline.

2. Discussion of the proposed changes in the Zoning Ordinance regarding signs. (sign area, sign height, etc., as brought up at the last P. C. Work Session)

Mrs. Lake said she cannot support free-standing signs - she feels it was the intent a long time ago to eliminate them.

Mr. Maxton said this change is only affecting the shapes and height of the signs. It was stated that the way the ordinance reads in reference to free-standing it implies that they are supported (approved) by P. C. The ordinance does allow free standing signs, but some would like to disallow them. If this rewritten portion of the ordinance is approved, you are, in effect, fortifying the freestanding signs. This was rewritten by Mr. Farquhar.

Mr. McCrabb does not feel it is inclusive enough - i. e. setbacks and how they are determined, etc. (Mr. Tate said this is in another part of the ordinance.) Mr. McCrabb said with that in mind, he could support this. Mr. Gillingham said he did not object to it. He would like to see a minimum height for safety reasons. Mr. Maxton said that it says that it should not be a traffic hazard and therefore a minimum height would be considered.

3. Discussion of the application for change in zoning by severel West Franklin Street residents.

Mr. Maxton feels this should be A. P., the reason being that there is only a two block area between the present AP District and the City limits. If AP is not what the people want, it should be Business, he said, it should not remain residential. Mr. Gillingham and Mr. Tate agreed.

Mr. Baker said he sees AP at the present as strip business zoning and although in the long run that may be reasons to be all business, many cities have residences on major streets and it may be better to do it on an individual basis.

Mr. Levermann was asked what was being requested. Answer: B-1.

Mr. McCrabb agrees that this should be business in some fashion. The problem he sees is of a physical nature - how do we control the parking, etc., is AP going to take into consideration something that will happen outside their authority? What type of consideration can AP give to the traffic situation? He questions some of the mechanical things, although he approves of the AP District and what they are doing.

There was some discussion and the question remains as to whether or not the AP District is concerned with things other than architecture, i. e. drainage, curb cuts, etc.

Mr. McCrabb said he could support this if drainage, etc., went with it.

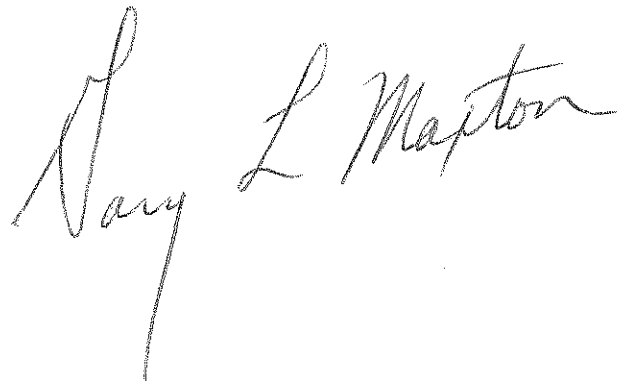
Mr. Schab was asked if he thinks the AP board wants this in the district.
Answer no.

Mrs. Lake said she would not vote to rezone anything there at this time. She said she certainly would not vote for B-1 but if it were going to change she would rather see it AP - She would not approve any additional lots for AP until that ordinance is revised.

Mr. Maxton said that the change seems to have support to go to Council. He asked Mr. Schab to work on a drain plan for the area.

Mr. Reynolds said that Staff had been looking at this situation today and it seems that B-1 will go in if something is not done about it. If PC goes AP there will be more control rather than if it is just B-1. It seems that the best suggestion would be to put it through in trying to preserve the area. This would have to include all the lots (Mr. Maxton advocates both sides of the street), even though the one lot on the west side is not a part of the application.

Meeting properly adjourned at 10:30 p. m.

A handwritten signature in cursive script that reads "Gary L. Maxton". The signature is written in dark ink and is positioned in the lower right quadrant of the page.

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