

CENTERVILLE PLANNING COMMISSION

Regular Meeting

October 29, 1974

7:30 p.m.

Those Present: Messrs. Gillingham, Myers, Tate, Baker, Maxton,  
McCraab & Mrs. Lake. Also Present: K. Schab, City Engineer

The minutes of the September 30, 1974 meeting were approved as prepared.  
Motion for approval made by Mr. Myers. Seconded by Mr. Gillingham.  
Unanimously approved.

Mr. Maxton recognized members of the press - reporters from the Journal  
Harold, Dayton Daily News and The Times were present.

Mr. Maxton reviewed the agenda and pointed out the time limits and the  
adjournment time of 11:30 p.m. He then reviewed the procedure for  
public hearings.

Public Hearings

1. Ordinance revising Group Housing standards. - An ordinance  
amending ordinance 15-61, the zoning ordinance, by  
changing the definition of "family" and by adding definitions  
for "dwelling (single family)", "group (residence) home"  
and "housekeeping unit".

Mr. Schab explained that the ordinance is being brought before the  
board because it was felt that the definitions do not fit  
present conditions and circumstances and that the ordinance  
is not complete or adequate. This proposed ordinance  
(change) has been put together by the City attorney, he said,  
and each member has a copy. Mr. Schab read the proposed  
definitions.

Mr. Myers questioned the punctuation and the grammatical accuracy  
of the definition ... "one but not more than four person".....  
It was agreed that a comma should be after the word 'one'.

Citizens in favor of the ordinance

Ms. Erma Rogers, 300 W. Spring Valley Road

Mr. William Laing, 205 Southhill Court said that as a home owner, he  
is concerned that we plan wisely for our area. Most of us  
recognize, he said, that a residence is where people eat, sleep,  
live. Some families that are considered 'normal' families have  
a number of children, some have fewer. The teens, some are  
driving their cars, some are looking for other activities. Some  
families take pride in their homes, some not as much. Should  
these people (mentally retarded) who group together because they  
have a common need, be treated differently than any others? How  
about the aged, foster children, physically handicapped - are the  
needs of those who group together in such homes much different than  
those of 'normal' families?

Mr. Lainge expressed concern in the restriction of the numbers in the proposed definition and restricting against overnight guests. He suggested regulating the number who live there in relation to the size of the house, rather than restricting by just a number. He asked that these points be considered carefully before a finalized ordinance is passed.

Citizens opposed to the ordinance proposal

Mrs. Roberta Fisher, 208 Bradstreet Rd. questioned the constitutionality of the way this proposed ordinance is written. She said she is looking into that aspect, and would like to offer an alternative that is less restrictive. She feels that Centerville is setting a mood and if we have a too closed door (ordinance) we will look too pompous to the Dayton area. She suggested the ordinance should provide for not more than twelve & should be reviewed yearly. She said that if the ordinance is recommended she would like to know the reasons why. She said the reason that 'we are not yet ready' is not good enough. She asked the members if, as her representative, they visited any of the institutions in existence. She said that if this proposed ordinance is an answer to the situation, she needs to hear the justifications. She asked if her letter had been received by the P. C.

Mrs. Sandra Bonejko, 308 Cherry Street.

Mrs. Marie Grimm, 100 Zengel Dr. read a statement from the League of Women Voters about opposition to zoning which would limit this to the mentally retarded ;guidelines were suggested (copy of statement attached).

Mrs. William Reeves, 9732 Stage Coach Dr. expressed opposition from the standpoint of government agencies owning the home in a residential area.

Mr. Robert Muzecek, Sheehan Rd., asked what zoning district this would be in. Mr. Maxton answered that this would go under the single family dwelling, R-1 district. Mr. Muzecek said that it is difficult to say (anything about his opposition) without hearing what was determined from the P. C. workshop. He asked for the commissions input. He asked for commissions comments and asked if they are going to uphold this proposed ordinance. He asked if a group home is for foster homes only, as he interpreted from the reading of the proposed ordinance. Mr. Maxton re-read the definition of the group home, which does not limit it to foster homes. Mr. Muzecek said there is a difference between 'certified' and 'run by'. He asked if this will be foster children or will it be mentally retarded living there for a fee. The definition was re-read. Mr. Muzecek asked if this is saying that State run homes do fall within this definition. Mr. Maxton said that it does if it is State licensed or State run. Mr. Muzecek asked if the City would put restrictions on it (as was previously discussed). Mr. Maxton

said that there would be no license by the City of Centerville at this time. (It has been determined that the State would over-rule the City on licensing.) Mr. Muzechek asked if this meant that the City is going to let the State tell us if it is "OK". Mr. Maxton said "in effect, yes." Mr. Muzechek wants the ordinance and the City to be strict. Mr. Maxton said that some think this is too restrictive and some feel it is not restrictive enough. Mr. Muzechek commented about letting 'outsiders' telling us (Centerville) what we are going to do.

Mrs. Linda Muzechek, Sheehan Rd., said she feels that if there is a need, and she feels there is, for any type of home like this - if they can be in a home situation that is good, but she does not feel that they should be in the residential district. She feels this proposed ordinance is not just agreeing to the mentally retarded, but to other groups as well.

Mr. Eugene Cherry, 321 Princewood, representing the Mental Health Center, said that he and his staff have not been able to present (previously) some of the real community things that are available. He said they may want to develop for the City of Centerville and the southern area some type of family care facility which he prefers to the 'halfway house'. When we talk of whether to have or not to have group housing, he said, you want to say whether you will be able to provide any of the resources which they will need. He feels we need to involve the people in the community in which a home like this is going to be located. He thinks this group needs to take a leadership role and that community involvement is concerned. We at the mental health center, he said, do not want to have the door shut on anything that we may want to do in this area in the future.

Mr. Tate said that the question has been asked why the P. C. settled for this package - we did because it is a good middle-of-the-road approach. We cannot be for or against anything, he said and I feel this is a good step towards opening Centerville.

Mrs. Lake said that some of the remarks she has made before some of the people may not have heard, or maybe she did not make herself clear. To restate some: The thing that is in this ordinance (which is easily overlooked) is that no one has been shut out. The reason is that this City has provisions for a variance. This is open to anyone, not just some one who is involved in a group home, etc. for example: a citizen can ask for variance on plat restrictions ; developers get variances. The things that some might want are a (possible) variance. She feels the P. C. has deliberated very carefully. We are wishing to speak, through this ordinance, to a permitted use. In essence we are saying that in these three categories under these conditions these persons can move in just like you or I. This does

not say that other circumstances will not be considered by this body or council. While this may be a subtle point and perhaps hard to follow, a variance can always be granted if the need or hardship can be shown. The members of this board did, before we had a home in this area, visit facilities and we had open meetings, we had many conversations with many persons in this area prior to a home, prior to this ordinance (proposal). This is not to say that this will never be amended, but that this is a start. This is basically a four bedroom community - we tried to use the number (in the proposed ordinance) that had economic possibilities, it is open to circumstance, (we) put the burden of use on the owner. We have tried to be fair and equal to any group or development. Zoning is our main tool - it may be that we need to have new legislation - since we are being told that we are being pre-empted, we may have to get the local control. I do think, she added, that this is a first step - I feel it is a good step. I hope that persons on both sides of this will realize that we have given thought to this and have tried to be very fair in dealing with this subject.

Mr. Myers commented that relative to Mr. Muzechek's remark regarding input from individual members of the P.C. - the answer is that this ordinance is the input from all of us. We have tried to put ourselves in the situation of others. He added that no one in this community (or other communities) can pick their neighbors, especially in this transient area. We have discussed at some length the consideration that we have to give to the fact that 'when the chickens come home to roost' we have tried to realize that with this ordinance they could be next door to any one of us. We try to be all things to all people, obviously we cannot be but we try. Some feel that we are excluding halfway houses, home for alcoholics, etc. It is our feeling that the majority of the citizens would not be ready to accept this - it is necessary to learn to walk before we are ready to run. We can then change the ordinance or grant variances as they are requested.

Mr. Maxton said that we are not excluding alcoholics, we are limiting this to numbers. We have not excluded any group within the City of Centerville. We tried to keep in mind what Centerville is - a residential area and we feel that by the numbers we are trying to take what we feel is the feeling of the residents, we do not feel that it would be fair to neighbors already there to allow too large a group. I feel, he said, this is as fair an ordinance that we can get at the present time - also, we do have the variance which each citizen has a right to request. I feel that we have opened this to all groups and are one of the first communities to do so.

Mr. McCrabb said that during the workshop sessions, one of the problems he personally had was the group home and one thing I asked was that Centerville would have power over some of this. Does the City of Centerville, he asked, have the authority to issue licenses to group homes similar to Ohio (authority)? Mr. Schab answered that Centerville does not have this authority and it is his understanding from the City Attorney that there is no way to get such authority at this time. Mr. McCrabb suggested that the ordinance, then, is just a 'play on words'. Mrs. Lake said that it is not; new legislation could make it possible and the wording should be left in. Mr. Schab reiterated that as far as he is informed we do not have the licensing power - there are too many fine points.

Mr. McCrabb said that there are many types of people (groups) other than mentally retarded. An individual, he said, can get a license and charge a fee and have a 'home' in the residential area. He said that he cannot support the proposed ordinance as he did after the workshop. Mr. McCrabb does not feel the statement in the ordinance regarding local control should remain in the ordinance, he feels that we should have this as it is today and if we get the power we can put in this (paragraph C). Mr. Myers sees nothing wrong in leaving it in. Mrs. Lake said that it is her understanding that the State of Ohio or the County acting as an agent of the State can pre-empt the City and they can put a home wherever they would like. She also said that as this is written a degree of financial backing would prohibit just anyone coming in to run a 'home'. She asked Mr. McCrabb what specifically he objects to. He answered that he is objecting to the fact that we could be creating a business zoning. Any citizen could get a State license and go into business as a group home, foster home, etc. Mrs. Lake said that it is her understanding that this is all that is needed now. Mr. McCrabb suggested that if he wanted to, and got a State license, he could go into business with six aged people.

Mrs. Lake said that this brings up a point on the definitions. She feels that other definitions should be included, i.e. what constitutes a 'houseparent' - these things should also be defined.

Mr. McCrabb said that some group homes have families running them, others have couples or students working on degrees going in and out. He feels we should look at this as a housekeeping unit and if someone wants a group home they come in and we review them on an individual basis. Mrs. Lake said that this is why this is written like it is - we are talking about conditions that are restricted by making these definitions so that these people can come in under what we call a 'normal family-like situation', and those other than that would need to come in for a variance. She feels that group homes, houseparents, etc., should be defined and then we can restrict this.

Mr. McCrabb said that the definition at the time the former ordinance was written was very clear to that body that made it but this is not what we need. Also, in fifteen years this proposed ordinance may not be interpreted the same. He said that is why he feels it should be housekeeping unit only.

Mr. Gillingham made reference to Mrs. Fisher asking if the letter she had written had been received. He said that it had been received and discussed at the workshop, which was open to the public. He said that he is quite familiar with the mentally retarded in Ohio and some other states as well and the homes in general are deplorable. He said that he does not know the answer, but in talking with those involved there is nothing wrong that money could not help. Putting them out in smaller homes is not going to solve the money problem. They don't have anything to do with the problem we have here. This (proposed) ordinance is, obviously, a compromise. Some feel it is too restrictive, some feel it is not restrictive enough. He said that he had agreed at the workshop on this ordinance proposal, but has since visited Bellbrooke, which happens to be an example of an outstanding solution to their problem on this type of situation, and they have handled this 'home' in the business section. In looking around Centerville, he said, he feels that we do have some houses that could take care of larger groups (larger than 8, which is an arbitrary number) and unless we are going to have a license by the City of Centerville and controlled by the City, he will go along with Mr. McCrabb that paragraph C won't hold together as far as he can see (and it is difficult to get a straight answer, he added). He said that 75% - 90% of the people will be in favor of group homes, if they were asked. But, 75% - 90% are not in favor of them next to them but some where else. Perhaps each one should be considered on an individual basis and it could be variations from our 'housekeeping unit'. He said that he would like to see paragraph C omitted.

\* Mr. Maxton made the motion that Ordinance 15-61 be amended by changing the definition of family and by adding the proposed definitions. Seconded by Mr. Tate.

Mrs. Lake suggested putting a period after 'parents' and eliminating the balance of that portion; and in our next workshop define houseparents to be in the framework we are speaking to. We can restrict this to mean that we are going to be continually working on this.

Mr. Gillingham asked why some members wanted to keep this (paragraph 2) in when the City Attorney says we do not and will not have authority to control. Mrs. Lake said that she realizes that we do not have this authority now, but she would like to see this in writing that we will not (have this authority in the future).

Mr. McCrabb said that somebody in the City should have some control over what is happening.

State Legislature was discussed and the fact that it is currently being changed to 'eight persons'. Mr. Baker said that it is his understanding that this paragraph (c) was put in to cover those types of homes that are not regulated by the State so that if something comes in that is not regulated by the State of Ohio Revised Code, the City of Centerville could regulate it. He asked Mr. McCrabb if he is saying that we cannot do this under these circumstances. Mr. McCrabb said that this is what his understanding is from what Mr. Winterhalter stated previously. Mr. McCrabb said he feels the City of Centerville needs more protection than is provided in paragraph C.

- \* Mr. Maxton's motion for approval of the proposed change in the ordinance was defeated 5-2. Those opposed: Lake, Myers, Gillingham, McCrabb & Baker. Those in favor: Tate & Maxton.

A workshop for further discussion of this subject will be on the agenda for the November 12, 1974 meeting.

2. Z-74-8 Son Rezoning from R-1 to R-3 along Lyons Drive containing .92 acre.

Mr. Schab explained the application for change of zoning from R-1 to R-3. He pointed out the location on the map, saying that this adjoins R-3 with existing condominiums.

Mr. Bob Sealy, Attorney representing the owners of the property, referred to plan drawings which the members have seen. As has been said, he began, this lies immediately to the south of Wythe Parish. He feels this would be good use for the land and act as a buffer, if nothing else, between the business and residential. Mr. Sealy made reference to an article put out by the environmental protection agency stating that in effect a cluster-type project such as being presented here is recommended for the environment. Actually the article spoke of much higher density and claims that this is a good use with respect to energy, water, lesser polluting of air, water, etc., saying that a cluster-type community is more efficient type use of property. Single homes are the lowest use of the environment. What the applicant is trying to do, he said, is keep a reasonably sensible growth pattern by clustering a group of what will be 6 units with green space, 12 parking spaces. We feel it is sensible and logical, he said, and without going into what you may have heard about better tax base, etc., we request that it be granted. The property is such, he said, that it is conducive to what is being presented. Mrs. Lake asked if these 6 units include the existing house or are in addition to. Answer: (Mr. Sealy) five plus the existing house.

The members took time to review a drawing that was inadvertently omitted from their packets. Mr. Gillingham asked Mr. Sealy if they are planning any curb cuts. Answer: No. The density and the property immediately to the south were discussed. Mr. Sealy said residential was to the south. Mr. McCrabb asked about the intended architecture. Mr. Sealy said that he had hoped that the architect would be present tonight, but he does know that they will be in the \$50,000 plus price range and would be designed to fit into the community. Mr. Myers questioned a one car garage for a \$50,000 condominium. Mr. Sealy said there would be additional outside parking. The density of Whyte Parish was discussed. It was said that there are 20 units over 3 acres and that they came in under the old R-3.

Mr. Myers said that the Planning Commission has not been permitting high density for approximately a year. Assuming that this were not permitted, what might be acceptable to your client, Mr. Myers asked. Mr. Sealy said that he did not know but his client would not be opposed to talking with this commission. We feel this is a good development, he said, and in compliance with the environmental protection agency, who has determined this appropriate.

Citizens in favor -- none.

Citizens miscellaneous comments

Ms. Pam Boyles, 156 Lyons Dr. asked to see the plans. Mr. Sealy obliged.

Mr. Pat Crippen, 71 Park Villa Ct., across from Whyte Parish, said that the notice he received has prompted him to ask some questions. He asked - when something gets zoned from R-1 to R-3, what does this R-3 include. Mr. Crippen said he is a new resident in Centerville and unfamiliar with local zoning. Answer: multiple dwellings. Mr. Crippen asked if this would sway commission's opinion on what (else) might be changed in that area. Most of us, he said, bought in that area because Whyte Parish (drive) was not opened. By putting this in will you be more open to a continuous transition from R-1 to R-3, which we do not want. If this will make you want to do more things to this area then I would be opposed. Will this (R-3) go all the way down the street? We do not want this marching into our area. If putting in a few R-3's opens you up to putting more commercial in our area I am opposed, he said.

Ms. Mary Zimmerman, 191 Lyons Drive said that she is of the same opinion as Mr. Crippen - if one gets in then others might be changed. I also thought, she said, that it was felt that Centerville already has enough apartments, condominiums, etc. The home that is there at the present time fits in the neighborhood the way it is and I see no reason to change it, she said.



Mr. Robert Archdeacon, 150 Davis Rd., said he lives near but not in the area. He thinks the completion of this is a neat transition on '48'. He would like to be refreshed as to what might be permitted in R-3. He believes office use could be in R-3. Mr. Schab said that he is not certain, but he thinks office is in O-S and this would be a conditional use to R-3. He said he would feel much safer if the applicant would come forth with a resolution to eliminate office. Also, he added, the developer of Wythe Parish was supposed to continue Whythe Parish Drive and I feel that this is a necessity to the area. Mrs. Lake asked if he could explain the rationale of putting R-3 back at Whythe Parish. Mr. Archdeacon said it was felt that this would be a neat transition of the area and it was felt that at this time you could not market single families in that area and there would be pressure for office or business there if something were not put in like this.

Mr. Maxton said that the question of Wythe Parish is out of the Planning Commission's hands - there is a law suit involved and Council will have to answer questions about that.

Mr. Gillingham asked if there is a restriction that prohibits a single property from being given two zones. Mr. Schab said that in principal one property can be given two zones, (This in part depends on size of lot and lot splits.)

Mr. McCrabb said that he does not have any basic objection to the concept. He expressed concern that what we think this is going to be, it may not be (we do not have the plans). Mr. McCrabb questioned the P.C. authority to grant a variance without changing the zoning. We could end up with a strip townhouse, he said.

Mr. Maxton said that he feels Wythe Parish is a good transition for this area. However, we do not have a drawing and he considers this an incomplete application and therefore would not be in favor of granting this. He told Mr. Sealy he would like to see a more solid case. Mr. Sealy said they 'are open'.

Mr. Myers said that he does not like the idea of 6 units per acre. He would like to see better facilities for those who would buy these \$50,000 units. He would like to see the architects plans.

Mrs. Lake suggested that it would be to the applicants advantage to discuss these things (garage, parking, density, etc.,) at a work shop. Mr. Tate agreed.

\* Mr. McCrabb moved to table this application to give the applicant an opportunity to participate in a work shop with P. C. to provide the required information. Seconded by Mrs. Lake

There followed a discussion as to whether this motion should be to table or to reject this application.

\* Motion and Second withdrawn.

\* Mr. Myers made the motion to reject the application for Son rezoning. Seconded by Mr. Maxton. Motion to reject approved unanimously.

Mr. Maxton explained that the applicant can file an intent to appeal within five days and follow the required procedures.

Mr. Crippen asked if there is an ordinance concerning how far a service station can be from business or residence. Answer: no. He was also told that there is a law suit pending on the Marathon Station being in that location - but not because of its proximity to other buildings.

### Unfinished Business

3. Sidewalk variations on South Point's various sections. Sidewalks would be excluded within the interior streets of Section 7 and would be placed along the east side of Yankee Street and also on East side of Yankee Street in earlier approved sections.

Mr. Schab explained the situation & said that we are looking at the last section of a development that has been under construction for some time. Now, our ordinance requires sidewalks and it is suggested that this variance be granted.

Mr. Bob Sealy, representing the applicant, said that he would not go into whether sidewalks are applicable. I think, he said, what makes sense in this project is not to have sidewalks go along the street and dead end into someones property but rather to put it along Yankee and make this exchange. He read his proposal that this be allowed, with sidewalks along the east side of Yankee all the way down to the school property. The obtaining of any right-of-ways, he added, would have to be the responsibility of (some) government agency. He said that Mr. Winterhalter had said that this could be done in the existing right-of-way. He added that he has been told there is a bump on Yankee (which should be straightened out) and the responsibility for this is yet to be established. He said his client would at this time put in a blacktop sidewalk or wait until the grade is corrected and put in a concrete sidewalk. He asked that the variance be granted to eliminate the internal sidewalks and put them along Yankee Street.

Mr. Schab was asked about the grade - is the present situation such as to prohibit construction of sidewalks? He indicated that it would be unwise - the County has not yet determined what should be done and who has the responsibility to do it. The problems are numerous, he would be inclined to wait for sidewalks until these problems have been resolved.

The question of blacktop at this time and escrow account to put the concrete sidewalks in at a later date was discussed. There was concern that with this escrow monies the City could end up with additional charges, due to rising costs, etc., and also the responsibility of putting in the sidewalk themselves. Any additional cost to the City should be avoided, it was agreed.

Mr. Myers asked if the applicant would consider sidewalks on Yankee and one side within the section. Mr. Sealy feels this would be ludicrous to put sidewalks into people's lots.

It was determined that the area east of section 7 is fully developed at this time. Mrs. Lake brought up the question of the (eventual) widening of Yankee Street and suggested that this should be done after the widening of the street, with the money in escrow at that time.

The availability of right-of-way was discussed. It was said (by Mr. Val Lapsins) that the only property in question is in section 6 - this being a 150' frontage owned by one person. Mr. Lapsins explained that his client could not get this right-of-way without some help from the City.

Mr. McCrabb asked if the proposal is to include the 150' in the sidewalks if the City agencies can acquire the right-of-way to do so.  
Answer: yes. (The house on this property is 75' from centerline.)

Mr. Maxton said that the question is - should we exercise our right to have sidewalks throughout Section 7 or accept the alternative.

Mr. Schab said that it could be a year or more before the question of the straightening of Yankee Street is resolved. Mr. Myers asked how we can be assured that the money in bond at this time will cover the costs. Mr. Schab said that if the exchange is approved, it can be worked out so that an adequate value would be received. He said that normal terms for expiration of a bond is two years. There is now bond for the widening of Yankee Street. Mr. Schab said, when questioned, that he thinks this came about because Mr. Winterhalter thought we might want a trade-off on the sidewalks.

Mrs. Lake said that they would like to have the sidewalks today - postponement would only be until the removal of the humps on Yankee Street. Mr. Schab said that he was out in the field and asked them to hold off until December, it has not been determined as yet if the humps will be straightened at all, in the near future or in the far future. Mr. Schab suggested forgetting the humps, they are not really the question now, he said. We want to know if we are willing to make the trade.

Mr. Lapsins said that if construction cannot be accomplished due to the humps on Yankee, re-negotiation can take place at such time as the bonds come up.

- \* Mr. Gillingham made the motion that the South Point Section 7 be approved with sidewalks on the east side of Yankee Street, waiving the sidewalks internally. Sidewalks to be constructed to the satisfaction of the Engineering Department. Sidewalks to be from the north plat boundary of Section 7 to the school property to the south. Seconded by Mr. McCrabb

Mr. Baker asked if this will go in smoothly at the time we want it in? Mr Schab said he did not know the time but there will be a sidewalk in. He added that this sidewalk will not be in a straight line with the right-of-way.

- \* Mr. McCrabb withdrew his second.

Mr. Baker asked about the 'jog'. Mr. Schab showed that there was 150' frontage on private property that there is some right-of-way but not enough to permit the proposed sidewalk to be in a straight line.

Mr. Sealy explained, when questioned, that the idea of offering the blacktop sidewalk now, is because it was felt that there may be a need now. They are open to waiting.

- \* Mr. Maxton moved that the sidewalk be excluded from the internal/section of 7 and concrete sidewalks be placed along the east side of Yankee Street from the northern line of Section 7 to the northern line of the school property, with a bond being required for the construction of the sidewalks. Seconded by Mr. Tate. Approved unanimously.

4. Spring Valley Farms, approve preliminary plans as modified.

Mr. Archdeacon showed a map of the area with modifications.

- \* Mr. Gillingham made the motion that the preliminary plan of Spring Valley Farms be approved as submitted. Seconded by Mr. Maxton.

Mr. Schab said that adequate easement should be provided and there should be an alignment of the drainage pattern coming from Rose Estates into this development.

- \* Motion carried 6-1. The negative vote being cast by Mrs. Lake.

5. Review resubmitted site plan for R & R Development Company

Mr. Paul Rodenbeck, Engineer for R & R said that he believes they have a compromise that will be acceptable. He gave a copy of the area plans to the members. He said that they have worked out a system of doubles along Clys (this is their fourth plan). He said they are leaving an opening on the north for future office. He believes they have met all the requirements of P. C.

- Mr. Joe Rippey, Partner, R & R said that they discussed previously the B-1 which P. C. thought they would like to change because of its being on the south side of the church. They changed the office area to a lesser office area, he said. We have 6 units to the acre, B-2 is the same, bank is the same, residence is the same. We had in mind, he said, to follow your plan of Centerville and are conforming to the strict architectural design similar to the old town development in Cincinnati. A lot of the things we are putting up we are building for ourselves, to keep. I first appeared here in 1968, he said. There is nothing holding this project up on our end - we have the money. The sewer is a problem. We could start our financial facility on the corner if the sewer situation were resolved. We are hoping to be in there next summer. When the sewer is ready, he said, we are going to show you people what we have in mind and I think it will be an asset. I think you have a real good city and (I) like what you have been doing here.
- Mr. Gillingham questioned what he thought might be a traffic hazard. He was assured that the road would remain the same - the right-of-way will be different. Mrs. Lake asked why the right-of-way would be different. Mr. Rodenbeck said the right-of-way requirement is 90' rather than 100'. Mr. Archdeacon said that the thoroughfare was modified a year or so ago. Mr. Rippey said that he agrees that if it were 100' it would be a difficult traffic condition.
- Mr. Maxton said he would rather see half as many units on the section south of the church property. Mr. Rippey said that he thought that the depth they had in B-1 would be better for multi use rather than business. There was some discussion regarding the prop. S of church.
- Mr. Rippey said that they have been on this since 1969. We are at the point, he said, where we are going to either develop it or sell it. I am a banker in Cincinnati, he said, and we are losing developers right and left. We have put a lot of time in this and I think we have been more than fair in trying to do the best we can (i. e. sewer problem). Our cost has probably gone up 50%-60% of what it might have been. I think this will be an asset to Centerville. I am interested in hearing your comments and working with you. We feel that this is about all we can do to make it work. The developer has a tough time today. Approximately 75% of them are in trouble with financing. I am afraid that we are going to kill home ownership due to cost. Developers cannot conform to OSHA and still keep cost down.
- Mr. Baker asked about the area to the south of St. Francis Church. We are faced, he said, with the fact in Centerville that we have too much multi-family and too much business. Mr. Rippey mentioned some recent foreclosures. He added that he thinks the rental market in Centerville will get a lot stronger. You have a clean new community and

it is desirable. I do not feel it is fair, he continued, to say that because some land planner comes out and says we have too much of this or that and I think there is a question of legality on a statement like that. I think we have this layed out for the best.

Mrs. Lake asked him if he does not think land use planning is a valid tool. Mr. Rippey does not agree to someone saying that this cannot be used for apartments. He did not question planning in general.

Mr. Myers said that we have to consider how much land has been zoned for apartments. We have to be extra cautious to ensure the density.

Mr. Maxton said that attitudes have changed over the past few years. The courts have reversed to look at this not only to the highest and best use for the land owner but for the city. Mr. Rippey said that he agrees but mentioned that this is their fourth layout.

Mrs. Lake said that her initial impression is favorable in comparison to what has been shown before. I would like to keep this and look at this along with other plans in the area. Mr. Rippey agreed to that and added that we have (already) met four times and have changed what was objected to. He said that he has developed 50 subdivisions and have never submitted more than three plans. He commented on the interest and dedication of the P. C. members and their willingness to stay late to accommodate applicants.

Mr. Baker said that he was not trying to shoot down multi-family or business south but is thinking of the 675 interchange. He would prefer to have business category B-1, which would not allow gas stations. I agree that it is valuable land and agree that it should not be single family. He reminded Mr. Rippey that he was not only dealing with the people who started with him in 1968 but with several new people.

Mr. Maxton said that he could not agree with the plans 500' south of the church.

Mr. McCrabb said that it was business before and he does not think we have justification to change it from what we have said. I think, he said, we have forced the gentleman to make this presentation by the City Planner and I don't like it. Mr. Maxton said that it is the job of the planner to look into this.

Mrs. Lake said that she is concerned about the strip commercial thing and thinks we have strong business all over - not only from looks but to protect the residents and to have business that can survive. We have to be realistic about the large shopping areas and this will have a monetary effect.

Mr. Myers said that he is not opposed to the multi-family but to the density - he would like to see lower density and four units rather than 6.

Mr. Rippey said that it costs approximately \$110/ft. to put a street in and discussed the maintenance costs, the sewers, and the fact that they want the business to survive, also. He said the cheapest you could make money on was an 11 family development - i. e. caretaker 4 for 4, 1-1/2 for 8, etc., (not 2 for 8). He pointed out the walkway in the back, the park where P. C. wanted it, etc.

Mrs. Lake said she would like to be sure we can see these other properties that were to have been in before we put this on the agenda. In planning today it takes a year to get a shovel in the ground, Mr. Rippey said. Mr. Archdeacon said this was optimistic. Mr. Rippey said they own the land but there are other things that have to be worked out - the roads have to be laid out, etc.

\* There was a suggestion to approve the plan and upgrade the zoning and a discussion about putting this on a future agenda. Mr. Tate moved to vacate the 19 day requirement in this case. Motion died for lack of a second.

This case is tentatively scheduled for the November 26, 1974 agenda, depending on the other cases in the area being available.

Mr. Myers left the meeting, the time being 11:30 p. m.

#### New Business

#### 6. Washington Creek, Section 4

This is a three lot subdivision on Rooks Road. Mr. Archdeacon explained the proposal. This has been worked out, he said, so that you do not have the half-pavement as you were concerned with before.

Mr. Schab recommended that the plan be approved.

\* Mr. Maxton moved to approve Washington Creek Section 4 as submitted here with the bond at \$17,000 and inspection fee at \$125.00. Seconded by Mr. McCrabb. Approved Unanimously. (6-0, Mr. Myers having left.)

#### 7. Record Plan approval Yankee Street Estates, Section 3 located along west side of Yankee Street across from South Point.

Mr. Schab outlined the area involved. Mr. McCrabb questioned the right-of-way. Mr. Schab said it was 45' and only 35' would be required.

Mr. Lapsins, Judge Engineering, representing the applicant, said that they would ask for waiver for the sidewalks within the section as well as those on Yankee. This is the last section in this development, he said.

Mr. Darrel Buckingham, Developer of Yankee Estates, read a letter from Mrs. Robert G. Kirkbride (copy attached) stating she is in opposition to sidewalks on the backs of the lots between Tarryton Rd. & Penbrook. He added that when the other sections were put in the sidewalk ordinance was not in effect.

Mr. Baker said he feels the developer should put in sidewalks where they are required. Council wants sidewalks, he said, on both sides of all streets; I agree with the policy.

Mr. Maxton said that he has not been in complete agreement with Council's action (on sidewalks) but he feels that we cannot continually grant waivers.

Mr. Gillingham said that we have already agreed to waiver sidewalks on Garrison and have one on Yankee. Mr. Maxton said this is a different situation. Mr. McCrabb said that he thought the sidewalk was going to go all the way to Garrison Road.

\* Mr. Gillingham moved to waiver requirement for sidewalks on Garrison and in exchange to put sidewalks on Yankee on lots 16-22-23 & 24. Seconded by Mr. McCrabb. Approved 5-1. Those in favor: Tate, Lake, Maxton, Gillingham & McCrabb. Opposed: Baker

8. Record Plan approval, Rose Estates Section 9.

Mr. Schab reviewed the plans and suggested lifting up the storm sewer which is too low to make grade compatible with surrounding areas. Recommended that this be approved pending decision on the sidewalks.

Mr. Schab also suggested that the numbering of the lots be changed to make them consecutive. Mr. Lapsins suggested that the street could be extended in front of lot 179 or removed from section 9 and put in section 7. Mr. McCrabb said he feels the same way about lot 171, you have part of it on an undedicated street, he said. He was answered that Section 3 is dedicated.

Mr. Gillingham asked if this would dead end at lot 178. Answer: Yes, at this time. Mr. Lapsins continued that the reason for this change is that the sanitary sewers were in and they wanted to take advantage of that. The preference is to remove Lot #179. (re: no sidewalk requirement). Also, in Feb. 1971 at that time sidewalk plan for entire development was made and (then)...the developer was advised that sidewalks were required on all streets except cul-de-sacs and a waiver can be requested. (Mr. Lapsins read from applicable minutes.)

Mr. Baker said: "What you are saying is that no section has been approved that required sidewalks on both sides of all streets, some sections have sidewalks on one side?" Mrs. Lake said she would like to see the other sections with the sidewalks as they were approved.



The sidewalks on the approved sections was discussed at length.

- \* Mrs. Lake made the motion to table this to discuss and study existing sidewalks recently approved and all existing sidewalks in the area.           Seconded by Mr. Maxton. Approved unanimously.

This will be considered on the agenda for the November 12, 1974 meeting.

- 9. Possible curb cut review for McDonald Restaurant, proposed location north of Hunter Savings and Loan and south of Siebenthalers.

Note on the agenda reads: May not be reviewed in that minor sub-division for this 5 acre holding has not been appropriately submitted to the City of Centerville at this time.

Ms. Bev Davis, Realtor, Columbus, Ohio, represented the applicant. Ms. Davis said that her understanding was that Mr. Winterhalter had talked with several people and that they could get their curb cut and that the owner could not get curb cut for the balance of the property.

Mrs. Lake expressed concern that they want a curb cut on 48. Mr. Schab said that two curb cuts on 48 are proposed.

There was a discussion about this not being properly on the agenda and a request was made for copies of the plan for review and a suggestion to put this on the November 12 agenda.

The access to this property from the adjacent property was discussed.

Ms. Davis said they are ready to purchase the land and have worked out all their contingencies.

Mrs. Lake expressed concern with two 24' curb cuts. Ms. Davis said that they are allowed one 50' curb cut per the ordinance. It is our experience, Ms. Davis continued, that two curb cuts give us better flow of traffic within and without. We are willing to sacrifice the parking lots, although it will cost considerable money, to do this as you would like.

Whether or not this was to be subdivided was questioned. Ms. Davis was asked if the owner is selling part of the parcel. Answer: yes. The first one would not be a subdivision, but the next would be.

Mrs. Lake said that this is a very dangerous area. We have enough problems there now without anyone there. There is no reason, she said, with Siebenthalers and Hunters, why an additional curb cut is necessary. She added that she is aware of McDonald's doing such things as she visited one like that in Columbus. A service road could be utilized, in front of the business (like the one at Ponderosa, etc.).

Mr. Maxton said that he does not feel we can enforce that unless the City or Twp. wants to exercise the right of eminent domain and help finance this. Mrs. Lake said that in the terms of safety and public welfare, this is part of our job.

The members reviewed the drawing.

Ms. Davis said that there is a curb cut that exists on the property at this time - can you deny us that curb cut, she asked?

Mr. Baker said that he would like to have Mr. Winterhalter's opinion on this.

Mrs. Lake said she does not feel this is doing things for the good of the City. She expressed great concern that this is a major hazard.

- \* Mr. Maxton made the motion to table this until November 12, 1974 pending further review by the City Planner, to determine if this is a legal subdivision. Seconded by Mr. Baker. Approved unanimously.

If Mr. Winterhalter is not available to get the answer, Mr. Schab will do so.

10. Stonington Woods, vacation of portion thereof, in order to provide for Washington Township's recent purchase of park sites.

Mr. Archdeacon explained that this is for approval of revised record plan - the only change being the deletion.

- \* Mr. McCrabb moved to accept the record plan as shown. Bond to be \$188,000.00 and Inspection fee \$840.00. Seconded by Mr. Tate. Approved unanimously.

11. Woodbourne Section 32 resubmittal as formerly approved plat was not submitted in time for County approval.

Mr. Archdeacon explained the changes.

- \* Mrs. Lake made the motion to accept Woodbourne Section 32 resubmitted plans subject to same conditions as approved formerly. Seconded by Mr. Baker. Approved unanimously.

Meeting was adjourned at 12:45 p. m.

Next Meeting to be held November 12, 1974.

