

CENTERVILLE PLANNING COMMISSION

Regular Meeting

December 10, 1974 - 7:30 p.m.

Those Present: Messrs. Gillingham, Myers, Baker, Maxton, McCrabb and Mrs. Lake. Also Present: K. Schab, City Engineer; R. Winterhalter, City Planner. Absent: Mr. Tate.

Mr. Maxton made the motion to table approval of the November 12, 1974 minutes until clarification of an item on page 11. Seconded by Mr. Myers. Approved unanimously to table. (The item in question is regarding what Mr. Koett said about "moving" Village So. Drive.)

Communications

1. Mr. Maxton read with regret the resignation of Planning Commission member, Mr. Jack Myers, effective December 31, 1974.

Each member had a copy of a letter from the Centerville Human Relations Committee.

City Planners Report

2. Mr. Winterhalter reported that the representatives for the Son property, which has previously been reviewed, have requested a workshop. Also requesting a workshop is Mr. Ferguson regarding the Ferguson-Woodley shopping center proposal reviewed a few months ago.

Mr. Winterhalter proposed the first meeting in January be a workshop meeting with a regular meeting the last meeting date in January.

The question of whether or not a workshop was required in December was discussed. Planning Commission is willing to meet in December if necessary according to the applicant(s). If it is not deemed urgent, there will be a workshop in January. Mr. Winterhalter will make this determination with those concerned.

Mr. Baker asked about the situation regarding Foto Fair. Mr. Winterhalter said this was conditional, contingent upon proper location of the drive; no building permit has been given pending review of the site plan and improvements of the (Goldman's) parking lot. If this is not completed properly, this is not approved. Mr. Baker asked if the Foto Fair structure is considered a permanent building. Answer: (Winterhalter) Yes. Mr. McCrabb asked if this would be considered a modular building permit. Mr. Schab said it would have to be submitted as a building. Mr. McCrabb said that as of July, a modular building should be issued permits by the state. Mr. Schab said this was not his understanding and he will check it out.

Mrs. Lake said she would not deny their right to do business, but the traffic problem still has to be resolved. They have been given the opportunity to do these things, rather than our having turned them down completely.

Mr. Baker said they probably don't have permanent foundation, at best they would have concrete to guide traffic and it could be removed in a day - that is (the same as) a tent.

Mrs. Lake said whether or not the building is attached - the traffic pattern, etc. is the question. Planning Commissions function, she said, is to see if this is in violation of the ordinance. I felt that this body tried to do what the ordinance and sub-division regulations required, she continued, and some felt we were too hard on this particular business. Mrs. Lake feels they have been given a chance to re-do their drawings and that they should have this right.

Mr. Gillingham asked if we have a regulation as to the minimum size of a building. He said he has seen one with a permanent foundation but this (plan) is less than half the size of a single car garage. Mr. Schab made reference to a service station that is allowed in Centerville saying it can be as small as 6' x 6', with walls to make it appear larger, this (plan) is about the same size. The only requirement would be the restrooms, etc., being a specified distance from other buildings and with the same business hours.

Mr. Winterhalter said we have a provision on our B-3 where we would not allow these additional buildings to come in years after (the original construction). An example would be the buildings added at Gold Circle on Alex-Bell Rd. Free-standing buildings at the minimum, he said, should be brought in with the original plan and may be turned down.

Mr. Winterhalter said we can make a minimum sq. ft. floor area requirement. He added that he would bring information on this to the next meeting.

Mr. Myers said he was in favor of access from Spring Valley to alleviate traffic problems on '48', and Council had wanted access from '48'. Mrs. Lake said that the police thought it would protect the person in it (Foto Fair) and the traffic around it, to access from '48'.

Public Hearings

Mr. Maxton explained the procedure of the public hearing and asked each citizen to give their full name and address. He added that action may or may not be taken at this meeting on the issue in question.

3. Revised Rezoning Request of R & R DEVELOPMENT COMPANY to modify R-3, R-4, O-S, B-1 and B-2 Zoning districts on their 82.134 acres at Wilmington & Clyo Roads.

Mr. Winterhalter explained that the parcel has several zonings: B-1, SE corner; B-2 NE corner; Industrial; Church; Balance R-4 Wash. Twp. zoning. Proposed changes were described.

- Mr. McCrabb asked about the zoning on the Henderson property (north portion of the parcel) Answer: B-2 except for industrial portion at the rear.
- Mr. McCrabb asked if the proposed street going north and south runs into the industrial zoning. Mr. Winterhalter said that it will. Mr. Maxton commented that Mr. Henderson is going to tie in with whatever is done.
- Mr. Paul Rodenback, 1359 Meadow Bridge Dr., representing R & R, said that six given areas all went together to make up the 82 acres. We feel this is a perfect plan, he said, adding that they have been working on it a long time. They have shown two accesses going into the land; the one going into the industrial they have made a collector street.
- Mr. Joe Rippey, Cincinnati, Ohio, with R & R said they hope they have made the changes according to what has been previously discussed. He said that he was not aware of the industrial zoning change (mentioned by one of the members with regard to the map) - they thought it was (still) R-1 as they have shown on their drawing.
- Mr. Rippey reviewed the plan, saying that it is about the same as they presented several months ago. We would like to deed a portion to the City, he said, to comply with the agreement made at a prior meeting.
- Mr. Maxton conceded that this subject is usually brought up later, but he is concerned with the question of north and south curb cuts, not with the multi-family. He prefers the curb cuts off Clyo Road and none off Wilmington.
- Mr. Rippey said he would be inclined to agree, they have just moved some banks (in Cincinnati) because of the traffic on main arteries. Curb cuts in the proper location are important to us, he said, as they are to the City. I agree 100% to have proper curb cuts and have them to the minimum.
- Mr. Gillingham pointed out a mistakenly-labeled street on the map and added that he is very pleased with the plan.
- Mr. McCrabb asked the developer what design they envision for the multi-families. Mr. Rippey said they want to have something in line with the Centerville architecture and plan Williamsburg-type construction, something quaint. We are not interested in square buildings, he added. I intend to keep the buildings, he said, and make them nice, similar to Indian Creek in Cincinnati. Mr. McCrabb asked if the garage would be under cover. Mr. Rippey said some

would be under cover, he prefers outstanding carport-type with screening (i. e. basket weave fencing). Mr. McCrabb asked if this would be a row of town houses and a row of carports in front. Mr. Rippey said the carports would be in the rear.

There was mention of concern with a street through a residential district into an industrial park - this would mean semi-trucks, etc., going into residential - whether or not it is a 'collector' street. Mr. Rippey suggested that perhaps the industrial street could be run to the north. Mr. Maxton asked if this street could be a cul-de-sac. Answer: yes.

Mr. McCrabb asked the developer if they would, at this time, commit themselves to curb cuts. Mr. Rippey said he is very open minded and open to having the ingress & egress. Mr. McCrabb asked if they were happy with what they now have. Mr. Rippey replied that they have spent a lot of time on it and feel that they have the best outline that they could get with it. He added that if the City wants the cul-de-saced street, that is what they would do, but he thinks it is a mistake.

Mr. McCrabb asked if this is voted for at this time, would the developers be willing to come up with numbers? Mr. Maxton said that he thinks they should know the feelings of P. C. but he does not think tonight is the time for this to be determined. Mr. McCrabb said it may be desirable to parcel off this and instead of ending up with two or three controlled accesses we could end up with one for each parcel that may be divided. If we could have a number, even if we don't have the location, it might be better. Mr. Maxton said when we (in the future) get into this, we can make this decision. Mr. McCrabb asked if this would be given a preliminary plat approval. He is showing this as one big lot and if he has to come back we can continue to control it if it is to be divided.

Mr. Baker commented that the plan looks worse to him every time he sees it. He then referred to the application itself and voiced disapproval of the answers given by Paul Rodenback and the form itself. We are to make decisions based on this document, he said, and it is not complete. He suggested the City Planner should make some changes and/or improvements. Mr. Winterhalter said he cannot make this decision, Planning Commission can make this decision. Mr. Maxton said he does not think Mr. Baker is asking for additional responsibilities added to the City Planners work. Mr. Winterhalter said the applicant should be advised that this document is taken seriously and that the request could be approved or disapproved depending on his answers. He said that if P. C. wants better answers - it had not been brought up until now. Mr. Maxton said it is not a question of whether or not

the document is good, but whether or not it is complete. This (particular document) would not be considered complete except for the unusual circumstances. Mr. Winterhalter said he thinks it is legally complete.

Mrs. Lake commented that there is an answer after each question - but the point is - is it the right answer. She pointed out a question which was actually two questions in one.

Mr. Baker said he thinks this document should be reviewed at another meeting. We had hoped, he said, that the applicant would present a case by this means but if it is not working out, we should review the application.

Mr. Baker said he believes the one street should be a cul-de-sac.

Mr. Myers asked what price range the homes and apartments would be in. Mr. Rippey said it is hard to tell - best possible estimated, based on today's conditions, would be \$45,000 - \$60,000 range but if the market would support \$70,000 that would be considered. He added that \$40,000 homes would not 'hurt' \$70,000, but \$20,000 would 'hurt' \$50,000. We expect construction costs to go up in 1975 by approximately 15% he said.

Mr. Myers said he would like to see the loop road on the NW corner cul-de-saced, also. As I said before, he continued, I would rather the multi-families were four units at the lower right corner and six units on Cloyo Rd.

Mrs. Lake agrees the one street should be a cul-de-sac.

Mr. McCrabb asked how these check out regarding square footage. Answer (Winterhalter) Lot size is too small for R-1. Mr. Winterhalter then showed the area and pointed out the access and roads in the area. He said that if we are talking cul-de-sac, we are limiting access to the industrial area. I would recommend, he said, that we get a preliminary plan to complete an access for the industrial area. There followed a discussion regarding this subject.

Mr. Maxton opened the hearing to the public.

Those in favor - none.....Those opposed - none.

Mrs. Lake asked what would happen if the access road were run up the side and asked if the small access road is to business only.

Mr. Baker said the business in these plans do not necessarily tie in to the business on the Henderson property. Mr. Rodenback said theirs is further to the west. Single family is to the south of the business section. This area was more clearly defined to the P.C. members by Mr. Winterhalter.

Mr. Rippey said that the industrial zoning was not brought up at the last meeting. Mr. Maxton said that it was felt that because not all the property owners were notified, the P.C. went on record as being opposed to non-notification of City initiated change.

- * Mr. McCrabb made the motion to accept the 82.134 acres of Case #74-9 for rezoning as submitted with the condition, on the apartment zoning, that apartments must include enclosed parking. Seconded by Mr. Gillingham.

Motion approved 5-1. Those in favor: Gillingham, McCrabb, Maxton, Myers & Baker. Opposed: Lake.

- * Mr. McCrabb made the motion to disapprove preliminary plan as submitted by R & R for 82.134 acres at Wilmington & Clio Roads because it does not meet subdivision plans primarily due to the size of the lots. They should be at least 16,000 sq. ft. This motion includes the recommendation that the street at the Northwest corner of this section be cul-de-saced. Seconded by Mr. Gillingham.

Motion passed unanimously to disapprove plan.

Mr. Maxton explained the next procedural step to Mr. Rippey & Mr. Rodenback.

Mr. Rippey questioned if the lot size is a consideration due to the park being dedicated. Mr. Winterhalter said you can only reduce down. Mr. McCrabb commented that no lot size is 16,000 sq. ft., no matter what else is done. Mr. Rodenback asked if there is consideration relative to density. Mr. Winterhalter explained that you can only reduce 20%, no provision for going below 20,000 sq. ft. Mr. Rippey said he (will be) losing about 5 lots. I thought if we had the public parks (this would compensate), he added.

Mr. Baker remarked about the map being incorrect regarding the industrial zoning which was changed one year ago. Mr. Winterhalter said the concern is in what we are going to, not what we are coming from (with regard to rezoning) so the maps being incorrect is of little consequence.

Public Hearings - cont'd.

4. GROUP HOME and adjunct definitions including residence home, house parents, live-in employees and nursing home. (Copy available).

Mr. Winterhalter pointed out that "H" should be State or county operated, not merely State operated. The reading of each section of the proposed ordinance was followed by a discussion:

A. Dwelling.

Mr. Baker questioned why this was 'single family'. Mr. Winterhalter explained that we have three dwelling classifications: single, 2-family and multi-family. Single family only is referred to in this instance.

In answer to another query, Mr. Winterhalter explained that residence homes are defined but group homes are not; if they were included they would automatically be included in this ordinance and we would have no control.

B. Family. - No questions.

C. Group Home.

Mr. Baker asked who wrote this proposed ordinance. Mr. Winterhalter said that he and Mr. Farquhar wrote it together, Mr. Farquhar having put it in final form.

Other questions answered: If we call a group home a dwelling, it would not be a conditional use. This does not limit a group home, but says it would be a conditional use.

Mr. Gillingham questioned the way the first part of the first sentence is written. He said the way it is would indicate that the structure is licensed and this is not the intent. The portion in question was changed to read "...a [non-state licensed and operated] structure established for purposes.....". *

Mr. Winterhalter further clarified that not all the group homes will be licensed (and) it is to cover any group home. We could not list all possible types of group homes - this is why definitions are necessary.

Additional comments: Lake: As I read this, any use might come in under any condition. Wasn't the original purpose that it would be licensed, not what the licensing was? What about Centerville's ability to license if this is not State licensed. Mr. McCrabb

commented that ... 'we have said there are three State licensed uses we would accept. If there are actually more it would not fit under "C" or "H". Mrs. Lake questioned why we have 'non-State' in there at all. Mr. Winterhalter said we are trying to say that "C" is everything that doesn't fall under "H".
* Mr. McCrabb suggested leaving out 'non-State', and this was agreed to.

D. Houseparents.

Mr. Myers said that one of the group homes (previously) visited was run by three Catholic brothers who did live in the house but were not related by marriage. Mr. Winterhalter said that if they are not houseparents, they would fall under the definition of supervisor or live-in employees. We did not include (a definition) of supervisor as we felt it was self-explanatory, he added.

Mr. McCrabb said he is not sure we shouldn't discuss the people who may be related to the houseparents (dependents of the houseparents), what if the houseparents have six children? Mr. Maxton said this then would exceed the number for residence home and would fall under a conditional use category.

E. Housekeeping Unit.

** Mr. Gillingham said this would read better with the phrase (who are not a family) being in parentheses after "... not more than four persons". It was decided to add, instead, a comma after "One" and after "dwelling".

F. Live-in employees.

Mr. Baker felt 'or supervisors' should be included after 'employees'. Mr. Myers asked if the Catholic brothers received a salary. Answer: (Mrs. Barbara Conners, Co. Pd. Mentally Retarded). "They receive a salary".

G. Nursing Home or Rest Home.

Mrs. Lake feels that this definition could also refer to her own home. Mr. Gillingham commented that this differentiates a nursing home from a hospital.

It was proposed to use the word "persons" rather than "children, (etc.)"
Mr. Baker suggested adding "collecting fees". Mr. Winterhalter said that (private homes) should be in brackets rather than parentheses. Mr. Myers does not feel an injury should be excluded. Mr. Maxton

* suggested adding "not including those whose primary purpose is treatment of sickness, (etc.)" This should read commercial facility.

H. Residence Home.

Mrs. Lake said that she does not find any more appropriateness of a residence home operated by a private group or a public group as to the criterion under which they operate. Mr. Maxton said that if the State or County does not control somethings, we can keep control. Mrs. Lake said that when we talk about public or private operation, all we are really talking about is funding. She feels it should read "State or County licensed" period. Mr. Winterhalter said that (this way) those that are not licensed by the State or County, Centerville would have control. Mr. Baker and Mr. McCrabb indicated agreement. Mrs. Lake said that if this is right, the State isn't going to license them if they do not meet the criterion. Mr. McCrabb said we have no control over the State as far as operation - if we pass zoning that we do not allow residence homes, the State could come in and pre-empt this. Mr. Winterhalter confirmed that this is Mr. Farquhar's opinion. Mr. McCrabb said that this was going to be further investigated by Mr. Farquhar, who was also to look into whether other persons would be excluded.

Mr. Myers asked about the redundancy with the words "foster children and mentally retarded. Mr. Winterhalter said this is written with the exact words that Planning Commission gave at the last meeting on this.

Mr. Baker asked about the situation of the Catholic brothers operating the home and how they would fit in. Mrs. Lake said this would be conditional use. Mr. Maxton added that the Residence Home is a specific set of circumstances or situations and any thing other than this would be reviewed as a conditional use. This would also be the case if, for example, the houseparents have six children; this would then be a group home, not a residence home.

Mr. Gillingham said that with the phrase "...not more than 8 persons ...", this would not include all naturally-born children of the houseparents. Mr. Baker said that the more naturally-born children, the less retarded children would be permitted in the residence home classification (not more than 8 persons total).

Mr. Maxton agreed with Mr. Gillingham that it should be written over. Mr. Gillingham said (you) could claim that it did not include naturally-born children of the houseparents. He proposed this should read ".....eight persons." Mr. Maxton said this would eliminate any question as to the number permitted in a residence home. Mr. Gillingham proposed to add:

"Residence homes should not be located within 3,000 feet of each other". Mrs. Lake said 1/2 mile would be adequate. Mr. Baker said that we permit bars within 500' of each other, gas stations across from each other, shacks in a row - I see no reason not to allow residence homes closer than 3000', he said. Mr. Gillingham feels it would be a mistake to let residence homes come in in clusters. Mr. Myers feels not too many houses would qualify as residence homes and it may be that the most appropriate houses would be closer together. Mr. Maxton does not feel any type of restrictions should be put in regarding distance between. Mr. McCrabb feels 3,000' might be excessive but he feels it is good to restrict it. Mr. Baker restated that it is not necessary to restrict these homes, listing numerous businesses, etc. (doctors, piano teachers in residential areas, homes in R-1, beauty shops) which are not restricted and he does not feel residence homes any less desirable and would not carry additional traffic. Mr. Myers does not feel any restrictions should be put on the proximity of these homes. Mrs. Lake said she would like to hear comments from the public before she makes her comments, as she can see both sides.. She feels 3,000 feet is a long way.

Comments from Citizens in attendance:

Ms. Louise Marsteller, 65 Gracewood spoke representing the Centerville Human Relations Group. She said the group supports this proposed ordinance. She said the theory today is to get people out of institutions, which are de-humanizing and create problems. She said if she had a mentally retarded or aged she would much prefer them to be in a group home as to an institution. She added that she works in a state institution and would not want her family there.

In answer to Mr. McCrabb's questions, Ms. Marsteller said that the group is just a group of interested residents, not elected or appointed; the group has a president and a vice president; no constitution or by-laws. They operate primarily by contacting each other via an excellent telephone committee. They act on various things that come up in which they are interested and feel they should get involved. Their membership numbers several hundred Centerville residents. Mr. Baker asked if they had been involved in open housing. Answer: yes.

Ms. Jean Filer, 880 Fernshire Drive spoke representing the League of Women Voters. She said they recognize the need for an ordinance, and asked that this be tabled until the municipal attorney can answer some questions that had been asked originally. She personally feels that the authors and the Planning Commission are not aware of some of the potential problems. She said

there were so many changes she did not have room to make them. She said she does not feel the results will be what they think they will be (when they are re-written with the changes proposed tonight).

Mr. Maxton said he did not agree that there was a great quantity of changes made. He asked her to clarify her areas of concern. She mentioned: what is the evaluation procedure for conditional use? What are the qualifications of houseparents (this is more important than sex or quantity). The item on nursing home - having worked with this type of thing, she said 'care' and 'treatment' cannot be used interchangeably. She said this would prohibit treatment but allow care. She said she agrees with Mrs. Lake that this would eliminate private group operation. She said many (future) homes will be privately funded because State funding will not be available. She does not feel 'certified' in "H" is defined. If this is 'certified' by the City - what body or board would do this? She asked, also, if the notice of this meeting was made public and if so how and where. Mr. Maxton said this was done in five public places (Centerville Pharmacy, Post Office, Siebenthalers to name three).

Ms. Roberta Fisher, 208 Bradstreet said she is in favor of this ordinance, and feels it is more accepting and approachable than the previously proposed ordinance.

Mr. Eugene Perry, 221 Princeton, said he feels much better about this current proposed ordinance and appreciates the way they were gone over. His primary concern involves 'live-in' as it is written, will this be based on a 40-hour week? We cannot afford to pay them within a 40-hour week, he said. Also, to require houseparents to be married is an unnecessary restraint. He likes ^{the} positive portion of the ordinance. He mentioned other agencies showing that they have a good program. Part of the benefit of the facility, he said, is to be a part of the community.

Ms. Irene Regrim, 100 Zengel asked if the family definition automatically leaves out live-in. Mr. Myers said this defines what a family is. Mrs. Regrim expressed concern about students and a 9-member family (such as hers), and unrelated people living together. She is also concerned about the number of persons. Mr. Myers said this is to avoid the 'hippy-type' commune. She feels the square feet should be the criterion, not to be limited to numbers. She said "E" is bad and "H" is a terrible detriment. She feels (this would be) hamstringing people.

Mr. Robert Muzechuk, 9535, Sheehan Road spoke in opposition to the proposed ordinance. He said he does not want to be

redundant, but he is still concerned that when we talk about residence homes we are trying to make something fit that doesn't belong, if we look at a residence home as a group home. A residence home for the mentally retarded does fall under a nursing home, he said, and cannot understand why this is ignored. They charge a fee and fall in the nursing home category. With all this working at it, it is difficult to make this fit, he continued. He said that if conditional uses are to be made, they should be written with the intention of being upheld, not with the intention of finding a loophole. He said rules and regulations of the State are 'rubber stamped' - all one has to do is get a waiver. He said in reference to Mr. Farquhar's comments regarding the State pre-empting the City, that the licensing says that Centerville does have authority to turn (something) down, it says so in the ordinance. He said any group of 8 people could call themselves a residence home. He made reference to business regulations in residential areas - one cannot hire outside help, cannot use more than 25% of their facility for business. Houseparents, he said, are going to get two weekends off per month and we have not covered hiring additional people to run your business. We are having difficulty getting answers, he said, my questions have not been answered that I asked in July. He said that in an institution there is no care, they just live there - their training is done at the school. This is expensive, also, in ten years these definitions will be out-dated and we will be having a hassle all over again. (Centerville's) first consideration should be its present residents, not outsiders, he said. These homes would be expensive, he said.

Mr. Myers said law is dynamic, not static - in ten years (or even perhaps one) this may be out-dated, but this is only a beginning. That is why we have Councils, etc. Mr. Muzechuk feels we are opening this and hoping we can go back.

Mr. Frank Materson, 9512 Atwood Court said he endorsed Mr. Muzechuk's comments. He said they have spent the last six days obtaining 20 out of 21 people in Rose Estates who have contributed funds to fight this and we have not begun to fight. Mr. Baker asked if they are opposed to the mentally retarded in the single family. Answer: we are against residence homes in R-1 zoning. In answer to Mr. Baker's further question, they said they do not have objections to foster homes - they do not receive a salary. Mrs. Lake asked about objections to a program for foster grandparents. Mr. Muzechuk said he thinks this is misusing the term to try to call grandparents "foster". They will be paying, he added. Mrs. Lake said a person could rent a home and still have foster children - Mr. Muzechuk said this is just another loophole. We could argue 'terms' all night, he said, he just doesn't want this to continue in Centerville.

Mrs. Marion Lainge, 205 South Hill Court, made several comments: Foster parents do not have legal holdings over their foster children. Sixty sq. ft. was granted (on Feehan Rd. home) because the State was re-writing their rules at that time. She feels the residence homes are very important. When something happens to her and she cannot care for her mentally retarded daughter, she would like her to continue living where she is used to living. It has been proven, she said, that these are not as expensive as the institutions. It is the feeling that these people should remain in the community. She said she would like to see "and operated" dropped from "H" in the proposed ordinance. She added that any group home must meet the same requirements.

Mrs. Lake asked if anyone would care to respond to the question regarding proximity of the homes. Ms. Barbara Conner, with the Montgomery Co. Bd. for the Mentally Retarded, offices located at 10 Cambridge, said she agrees that 3,000 ft. is a lot, but she understands the 'clustering' mentioned. She said that the 3,000 feet came about in Dayton by picking it from another city. This type thing is up to the community. The M. R. Bd. suggested 1500 and were told it was okay; 500' would also be okay, they had been told. She asked that Centerville not have 3,000' as that is too much. She also asked that action be postponed on this proposed ordinance tonight. She feels there is still a lot of confusion on the part of the people as well as the City Planner and the Planning Commission. She added that it is regrettable that they were not asked to attend Centerville's workshops. They had sent a letter to the Planning Commission as did others (i. e. Mr. Stein) offering consultation. She said that when they were not asked to attend, they felt that Centerville must be asking other, higher level personnel from the State or district.

Mr. Gillingham said he feels we need an ordinance and he is not satisfied with parts of this. He feels the simplest way would be to move "H" under "C" and include a fixed distance. He said there is nothing sacred about 3000' but he did mark that off on the map of Centerville and there could be a lot of group homes in Centerville. He said he could vote for this with these changes.

Mr. McCrabb and Mr. Maxton had no further comments.

Mr. Baker said he is not concerned with the distance requirement; agrees with the ^{removing} "and operated" and feels the rest is pretty straight forward.

Mr. Myers said that he is sure this seems confusing to some, but P. C. has been living with this for quite a while and do know fairly well what they are talking about. He would also like to see "and operated" taken out. Under these circumstances he finds the ordinance definitions acceptable.

Mrs. Lake expressed concern that covered page 2 (requirements). She would like to delete "G"; delete "and operated" from "H". She would like to go through and ask questions on the requirement section. She would agree to a distance requirement, but feels 3,000' is excessive. She can see some merit it seeing this re-written and realizes legal language does make a difference (even though we pretty much know it by heart). She feels we should have a meeting when the City Attorney can be present so he can answer questions. We have to complete the reading of this, she said, before I would be willing to vote one way or the other.

Mr. Maxton made a motion to deny the proposed ordinance and definitions. Motion died due to a lack of a second.

There was a discussion regarding the necessity and advisability of another public hearing. Mr. Winterhalter said everytime we modify something we do not necessarily need another public hearing. Mr. Maxton feels it would behoove us to have another public hearing.

* Mr. Myers made the motion to accept the definitions and conditional use requirements as amended. Seconded by Mr. Baker.

The changes that were decided on earlier were reviewed;

G - A commercial facility licensed by the State of Ohio for the care of children or the aged or infirm, etc.

H - A State or County licensed dwelling (delete 'and operated').

Mrs. Lake said these things re-written like this don't always come out saying what we meant. Mr. Myers asked if it would be possible to vote on it with the understanding that the definition of licensing can be added. Mrs. Lake said they have not made any provision for on-going inspection. Part of the problem with any facility is whether or not they have been inspected. The inspections are the key, she said, to protecting all persons living. She does know that the State does inspect. Mr. Baker asked what can we do, as a Planning Commission. Mrs. Lake

said, if the community is aware that these things are not being done, then in that watchdog capacity they are going to see what can be done. Mr. Baker said they will then complain to the State - what can Planning Commission do?

Mr. Myers commented: aren't these requirements set up for the initial application? They cannot give us a promise that if we allow this now, then next year they will have it. Mrs. Lake said that (you) can look good at the outset, but this doesn't mean (you) will stay that way.

* Mr. Myers' motion to accept was voted on with the following results:
4 affirmative (Gillingham, Maxton, Myers & Baker).
2 negative (McCrabb & Lake)

Mr. Winterhalter said this 4-2 vote means it will go on to Council - without recommendation.

Mrs. Lake would prefer this to go as a recommendation from this group. She felt that if we did not get 5 affirmative votes we should look at it (further). I operated under the circumstance, she said, that this would not go to Council unless we got 5 for approval. Mr. Baker said that Centerville is wide open at the present time.

Mr. Winterhalter said this goes to Council and the action by them is optional. Any action (by P. C.) that gets a tie or affirmative vote is handled in this manner. Mr. Maxton said he would like to have this direction in writing by the next P. C. meeting.

Unfinished Business

5. Approval of Record Plan, Seeley Plat, Section #2

There was some discussion regarding a letter received from the engineer regarding additional drainage problems which were brought to his attention after the original recommendation for approval of this plan. This drainage problem cannot be solved at this time. It was recommended that this be postponed.

* Mr. Maxton moved to table this subject until the next P. C. meeting. Seconded by Mr. Myers. Approved unanimously.

6. Review Site Plan for McDonald's Restaurant, North of Hunter Savings & Loan, including curb cuts, screening, lighting, etc.

Mr. Winterhalter reviewed the plan.

Mr. Doug Gowdy, with Harrison Realty, representing McDonalds said they agree that the number of curb cuts should be held to a minimum. We took your suggestion, he said, of using the service road and talked with the other property owners: Robert Siebenthaler of Siebenthalers and Marian Glass, property owner of the land at Shakeys. Both individuals expressed cool to negative responses. One thought they already have traffic patterns which are working well and there was mention of the effect on their business with the construction. Mr. Gowdy said they propose to go back to the two-drive maximum for the entire McDonald-Hunter's-and future business(es) on the property. Hunter's drive would be relocated to be adjacent to the P-K drive to service the unknown future occupant and the rear of the property as well as Hunter's. We realize, he continued, this does not conform to the one service drive but it is a minimum of curb cuts. The service drive doesn't seem to be possible because of the disinterest by the adjacent property owners. We request your approval of the curb cuts and the lot split, he said.

Mr. Joe Rausch, Cincinnati Attorney for Hunter's and other owners in aggregate, confirmed that this is the agreement his clients have discussed. They are aware that the rest of the development of these parcels are contingent on one ingress and egress as described by Mr. Gowdy. In answer to Mr. McCrabb's question, Mr. Rausch said this is one parcel, they had thought they would change it at the time this was sold, but it is now one parcel. He added that he feels that moving the curb cut north at this time might not be the most economical. He would prefer waiting until the rest of the construction takes place. When asked when this might be, Mr. Rausch said they could not say at this time.

Mr. Baker voiced concern that the moving of the Hunter's drive is to take place someday, and we do not now know when. Mr. Rausch said that his client intends to develop that property as soon as possible. We have not yet reached the stage of what it will be developed into, he said. Mr. Baker said this is a traffic hazard and they (Hunter's) do not want to do anything about it. Mr. Rausch said that within a year (we) will do something about (developing the property & moving the drive).

Mr. Gowdy was asked about the size of each curb cut and answered that each was 50' and that the smaller curb cut shown on the map is shown out-of-scale.

Mr. Myers said that he could never vote affirmative for a curb cut to McDonalds off '48'.

Mrs. Lake said she feels the applicant should be treated as any other developer. She feels the developer should be willing to speak

to a thoroughfare plan as to what is going to happen to the property. She feels this could result in a big problem. I cannot speak to one corner of your property, she said, when we do not speak to one corner of other properties. Mr. Rausch said that if they did have a complete plan (at this time) they would still have only the two mentioned curb cuts. We still face the problem, he said, of "would you allow a curb cut if we had a (complete) plan?" Mrs. Lake said it would depend on the plan. Without seeing a thoroughfare plan to evaluate, she continued, I would not know what you were going to do. Mr. Rausch said it is possible that Hunter's would develop that themselves. He said he could not see the pertinence to your wanting the entire plan. Mrs. Lake said she could not justify approval at this time.

Mr. Myers again mentioned the traffic problem. Mr. Rausch asked if he would vote for ANY curb cut for McDonald's. Mr. Myers said he travels in that traffic everyday. He said McDonald's is a very successful business and it would be a horrendous problem (in that location). Mr. Rausch asked "would you grant an additional curb cut to '48'?" Mr. Myers said he would not, in that area of the city. Mr. Rausch said that zoning in that area does not require an access road. Mr. Winterhalter said that under Entrance Corridor an access road is required. However, in subdivision we can require the access road. Mr. Rausch said that if (we) did have an entrance corridor, we would have a dead end going up and down the property. These two curb cuts would be for 407 ft. of property frontage.

Mr. Maxton said that he has always felt that by right a business is entitled to curb cuts. We have done this (in the past) and not paid that much attention to the safety of the residents, as evidenced by the traffic situation on '48'. Business has a right to exist. A curb cut with an access road meets safety of residents as well as the right of business to exist.

Mr. McCrabb said he disagrees with everybody. He thinks an access road is a farce, the angle would be too sharp, there would be people backing up in the radius. He does not feel that 2 curb cuts is excessive for 407'. He does think that there should be a time limit on when Hunter changes their curb cut location and he feels that some deceleration into a curb cut would be very appropriate. With these exceptions, he said, I would vote to support this.

Mr. Rausch said he could get something concrete in writing regarding the curb cut that is to be moved. Mr. Gowdy made reference to Mrs. Lake's comments regarding complete plans. Un-

fortunately, he said, to put the burden to know every consumer for every portion of this property is almost impossible; to require of these people not to take a parcel until the entire use of the property is determined. Mrs. Lake said she is just asking of R & R: what are you going to do with the balance of the property? Another case very similar to this will be set at a workshop in the near future. . . . We still have to be concerned with the future possibility of what to do with the traffic and access in the rear. Without your coming in and in some manner presenting a plan, we do not know what will happen with the property. You are not talking about increasing an average business traffic condition due to the success of the McDonald's. I have to know what is going to happen with this high density use and then (when) you put 4-5 more uses in there. I cannot support this, she said.

Ms. Bev Davis, representing McDonald's made several comments regarding the balance of the property. Whatever is to be there, Dr., lawyer, real estate - what-have-you, will all funnel out through this one 50' driveway, she said. I don't think you can ask for much more than that. She asked that the curb cut issue be set aside for a moment and commented on the present nationwide layoffs. She said they would be hiring 70 local people - students, etc. She said McDonald's fulltime employees can have their college paid by McDonald's. They are willing to pay a high price for the land. They work with various worthwhile groups, i.e. All American Band, they work in the community, try to put money back into the community. McDonald's is hiring people and constructing buildings. What we have proposed here, she said, is two curb cuts for 407' frontage. She commented on a service road in Columbus (where a McDonald's is located) where one can drive approximately 5 miles off the main highway and do shopping, etc., however this (proposed) service road would go nowhere and comes from nowhere. Ms. Davis went into further detail about the potential income from McDonalds, with regard to taxes and salaries. She said their potential gross would be \$300,000 to 70 employees, with a manager earning \$16,000/yr.

Mr. Gillingham commented regarding the service road and said it would be possible to extend it except that Hunter's sign would interfere with that. He feels another curb cut less than 100' from the existing one is dangerous. He feels a time should be given by Hunter's as to when the present curb cut will be moved north. Mr. Rausch said the curb cut will be moved by the end of 1975.

Mr. Gowdy said that he may have mis-spoken. He did not say that physically it would be impossible to have the service road, but that it was practically improbable because the abutting property owners are not receptive to this proposal. There is land there, he said, but it is improbable. There is also a stream on the land.

Mr. Gillingham said the stream does not matter, there is one right there in the area that has been bridged. He added that he had been told there would not be enough land for the road, but there is. Mr. Gowdy said he did not know who represented that, but he hopes it was not them, as this is not the case. Having the right to gain the use of this land is another matter.

Mr. Gillingham said that he had previously mentioned the standard 'golden arches' of the McDonald's buildings and had said that there is no place for them in Centerville. McDonald's was to have discussed this with Mr. Winterhalter, he said.

Ms. Davis said they have others with different architecture, some on the east coast with colonial motif; at a ski lodge in Michigan; in California and Hawaii. If Centerville wishes a colonial motif, we have done this elsewhere and we have the plans and specifications and we will fit in as you would wish us to do, she said.

Mr. Baker said that as he understands it, the whole area is at this time owned by one group of property owners. It is not unusual for a property owner of a parcel of land this size to present an overall plan. We have had much bigger areas than this to come in with a plan for the whole area. Mr. Rausch said that before any other building is done on the so-called parcels 3-4 & 5, we will present a plan on what we are going to do, Hunter's and McDonald's would be existing and we will present a plan for the balance.

Mr. Baker said that McDonald's has to have its own curb cut. It may be, he added, that due to the numerous food service places in that area, it could be that this land could be better used with something other than McDonald's. His primary objection is the potential added traffic problem. We have other business areas that are very dangerous and that is perhaps the most dangerous spot. Mr. Rausch said that the objection seems to be an objection to McDonald's. Mr. Baker said the objection is that McDonald's is a high traffic business. There are food stores already in that general area that are going out of business.

Mr. Winterhalter asked if they would take the accel/decel lane approach. Ms. Davis said that they would.

* Mr. Myers made the motion to reject the plan as submitted. Mr. Maxton Seconded the motion. The plan was rejected 4-2. Those in favor of rejection: Maxton, Myers, Baker & Lake. opposed to rejection: Gillingham & McCrabb.

The right to appeal as well as the procedure to do so was explained to those involved by Mr. Maxton.

A copy of these minutes was requested by the McDonald representatives.