

CENTERVILLE PLANNING COMMISSION

Special Meeting

June 11, 1974 7:30 p. m.

A caucus was held at 7:30 for the purpose of electing officers and to review general meeting procedures.

Mr. Tate moved, seconded by Mr. Myers to elect Mr. Maxton to serve as Chairman, Planning Commission. Unanimously elected.

Mr. Myers moved, seconded by Mr. Maxton to elect Mr. Baker to serve as Vice Chairman, Planning Commission. Unanimously elected.

Mr. McCrabb moved, seconded by Mr. Gillingham to elect Mr. Tate to serve as Secretary, Planning Commission. Unanimously elected.

Mr. Winterhalter read the description of the Secretary's duties and suggested the description be brought up-to-date to reflect the present duties of this office. At the request of the Chairman this paragraph will be re-written by Mr. Winterhalter and presented for consideration by the members as soon as possible.

Also discussed was the addition of an item on future agendas. Communications received by the Chairman will be read at the meetings and time allotted for general comments by the members. With the exception of this addition the agenda will retain its present form, but will be more flexible. This flexibility will allow the Chairman to ascertain the purpose of the attendance of the citizens and to cover these items out of sequence in the event the hour is growing late.

The caucus was adjourned and the open meeting began at 8:05 p. m.

Those Present: Messrs. Gillingham, Myers, Tate, Baker, Maxton, McCrabb and Mrs. Lake. Also Present: R. Winterhalter, City Planner and Wm. M. Linklater II, Assistant City Engineer.

The Minutes of the May 28, 1974 regular meeting were unanimously approved. Moved by Mr. McCrabb, Seconded by Mr. Myers.

Communications

Mr. Maxton read a letter regarding subdivision regulations from J. Shelley, Executive Director, Homebuilders Assoc. of Metropolitan Dayton. (copy attached) Mr. Maxton requested Mr. Winterhalter contact Mr. Shelley and arrange a meeting before or after a P. C. meeting or a special meeting time if more time will be required to discuss subdivision regulations with Mr. Shelley.

Mr. Maxton read a letter from the City of Centerville regarding the newsletter 'The Town Crier'. Items are solicited from the Planning Commission for this publication. Mr. Winterhalter was asked to furnish information for an article and any members who have a contribution may also furnish information.

Members were polled for general comments.

Mr. Myers would like to draw the City's attention to violations of parking at the new Cambridge Inn Cafeteria on '48'. Also requested that necessary steps be taken to see that the grass in front of this new business is mowed, whether it be the responsibility of the City or the Inn.

Mr. McCrabb made reference to the letter from the Homebuilders Assoc. of Metropolitan Dayton and made the motion that letters be sent to this type of business informing them of Planning Commission's proposed actions in their areas, and meeting dates at which these items will be discussed.

Mr. Maxton does not feel it necessary to send letters such as this outside the City of Centerville. He noted that the public hearings are published and available for those concerned and interested. Our limited staff could not accomplish this.

Mr. Gillingham asked where such a mailing list would come from and mentioned concern about those who might be inadvertently omitted. Mr. McCrabb admitted that this would be a problem, but feels that it should be done. Mr. McCrabb believes these letters should be sent regarding subdivisions, group housing proposals, etc.

Mrs. Lake suggested that cooperation from the press when major interest items are to be on the agenda might be beneficial to help inform those concerned.

Mr. Myers said that we are not obligated to inform anyone by personal letter, if a person or group is interested or concerned they have a responsibility to look into the public notices. Mrs. Lake conceded that the motion had some merit, but that it would be impractical to pursue this method of informing groups.

Motion died due to a lack of a second.

Public Hearings - None

Unfinished Business

1. Public Hearing for 13 changes to zoning map was set for 7:30 p.m. June 25, 1974.
2. Mr. Winterhalter reviewed the STORM DRAINAGE RECOMMENDATIONS for Dr. Glanton. This property is one lot east of Hampton Rd. on W. Franklin - adjacent to but not a part of the A. P. District at this time. The parking proposal has been reduced in size which will add more grass, eliminate blacktop and to have a less aggravated storm-sewage drain-off problem.

Mr. Linklater presented two main alternates:

- a. Installation of a 6" drain tile run to Hampton to the 12" tile which is now on Hampton.

- b. To have the parking lot set up so that it drained equally off the lot so that it would not go to one particular spot to damage that area.

Three other alternatives:

- c. Run a complete storm sewer down Hampton - however, this drains towards '48' and midway on Hampton there is a low spot and rock that would create quite a problem.
- d. Have each of the developers on Franklin be responsible for financing their own storm problem but that would be a great cost to individuals and would curtail business on W. Franklin.
- e. The City could finance it, but it would be extremely costly and easements, etc., would present legal problems.

Mr. Maxton felt that some of these proposed alternates were beyond the control of the Planning Commission. He would like to eliminate some of the parking on the north and put a drain tile in to pick up overflow plus a catch basin. He does not feel we can recommend the drain tile all the way down Hampton. Mr. Maxton asked Mr. Linklater what alternative is preferred by Mr. Schab. Answer: 6" tile to the regular drainage system.

Mr. Myers asked what direction this would take. Answer: North, through property. He asked about the drainage problems of the people to the east. Mr. Linklater said that eventually we would have to install some sort of system. Mr. Myers asked at whose expense this would be installed. Answer: That is yet to be answered. Mr. McCrabb asked where the present sewer runs and also about the easement on Hampton that DP & L apparently recently obtained. A citizen in attendance, who lives in the area said that he believes this to be temporary.

Mr. Maxton asked Dr. Glanton what has been determined in his talks with his neighbors. Dr. Glanton said that Mr. Smith (property to the west) gave his permission for the easement along his property. Dr. Glanton also offered to run a catch basin at the rear of the property and down Mr. & Mrs. Graham's driveway to Ridgeway. He does not believe a legal easement is required and it is his impression that the Grahams would be interested in this solution.

Mr. Maxton pointed out that Dr. Glanton's neighbors would have to agree to this as private parties. Dr. Glanton said he would be willing to do anything that is reasonable that will solve the problem. Mr. Maxton asked Dr. Glanton if he agrees to the reduced parking spaces, the catch basin and the 6" drain tile. Answer: yes.

Mr. Gillingham commented that with the reduction of the parking and the elimination of extra blacktop and the creation of more grass at the rear and the fact that the tile less than 12" is not the responsibility of the City, the neighbors should probably agree and the P. C. should give the approval. Mr. Tate agrees.

Mr. Baker asked if the reduction in parking is a variance to the requirements. Mr. Winterhalter said that this was not a waiver, it meets the requirements with the reduction, for O-S. Mr. Baker asked if in the future, possibly due to an expansion of Dr. Glanton's business or a different owner, more parking could be added. Mr. Winterhalter said that the parking lot requirements as proposed now are minimum and more could be added later. Mr. Farquhar had advised Mr. Winterhalter that with the site plan being approved now, the addition of parking space later could not be halted. A new use for the property would require a review, but additional or different business of the same nature as Dr. Glanton's would not require a review. Mr. Baker feels that Dr. Glanton will do as requested, but is concerned about new owners - if additional parking is added, we would have this same drainage problem.

Mr. McCrabb asked if this could be approved with the recommendations regarding no additional parking. Mr. Winterhalter said that sometimes this can be done by covenant, not to exceed ten years.

Mr. Baker said his observation is that most of the business in this area seems to be using maximum parking and could probably use more. Mr. Winterhalter said that there are certain peak periods of total utilization of available parking.

Mr. Maxton asked if we could exercise some control if the use is changed. Mr. Winterhalter said we are probably going to be talking about storm sewers along W. Franklin. We are trying to look at the whole picture for the future, but we want to solve this one problem now.

Mr. Myers asked if the rise from the street up to the driveway is sufficient so that the water will not run into the driveway. Mr. Winterhalter said no, water will stay in the street. Unidentified neighbors on W. Franklin said that water does go up the driveway - and to the garage. Mr. Myers suggested that perhaps the driveway should be raised to keep the water in the street. Mr. Myers then asked if a 6" drain is put in from the catch basin, would it be possible for other properties to do this also - and would it work satisfactorily. Mr. Linklater said that if all those properties installed 6" tile to connect to the 12" tile it would not be able to handle it all.

Mr. Myers said that Dr. Glanton would be wise to have written agreements with the neighbors regarding the easements for the protection of future owners. Mrs. Lake referred to Mr. Schab's previous recommendation and asked which is most desirable. She also is concerned that someone might blacktop over the tile at the easement or on the corner lot. She feels a legal agreement is necessary to protect Dr. Glanton. She asked Mr. Linklater if tile to Hampton or Ridgeway is more desirable. Answer: equally effective. He also said 6" tile is not the responsibility of the City, is not public utility and getting the easement is a legal question. Mr. Winterhalter said the easement could be obtained at the time of plat approval or on agreement by the property owners.

Mr. McCrabb does not feel 6" tile is adequate stating that apparently the neighbors to the west have a drainage problem and 8" tile in the easement would alleviate

this problem. Also, some 6" tiles have a temporary nature and this could mean the installation of plastic pipe which would not be satisfactory.

Mr. Gillingham said that too many 8" tiles would overload a 12" tile. Mr. McCrabb said he was recommending 8" tile because of the maintenance it would overcome, not because of the extra drainage it could handle.

Mr. Winterhalter stated that eventually we may need an additional 12" tile along Hampton.

Mrs. Lake made the motion to remove this item from the table. Seconded by Mr. Myers. Approved unanimously.

Mrs. Lake wondered if Dr. Glanton would consider an 8" tile reasonable. Mr. Maxton said the P.C. should take the advise of the City Engineer and suggested the parties involved should review this with the City Engineer and together determine whether 6" or 8" tile is best and whether they should be put to the west or to the north.

Mrs. C. Graham (neighbors to the NE of Dr. Glanton) said that Dr. Glanton does not have the approval of all the neighbors. She said they have hired an attorney because they were not offered a legal agreement. They have been advised to obtain a legal easement. If it is the City Engineer's opinion that it does not matter which way the tile goes, they feel that it should go to the west as this will probably have to be rezoned later anyway. Their attorney has suggested they should have a legal easement for the protection of their heirs or future owners. She said they have also been told there is some tile on Ridgeway from the Smith property - they were told it is 8" tile.

Mr. Maxton said the City could not get into the legal agreement between the property owners. It is the P.C. members individual opinions that this should be obtained, but this is only opinion. Mr. Maxton feels this drainage problem should be tied into the rezoning.

Mr. Myers and Mrs. Lake expressed concern that the City may be considered at fault in the future if nothing is said at this time about the potential problems. We cannot try to do something about it after the fact.

Mrs. Lake moved to approve Z-74-5 - .54 acre rezoning request for one lot (110' east of Hampton, along the north side of W. Franklin St. from "R-1" to "O-S", including the following covenants: 1) restricting parking lot to no more than 14 spaces to run for the next 10 years;\* 2) the construction of drain tile and catch basin construction to Hampton St. through the cooperation and approval of the City Engineer to protect surrounding properties. 3) including live screening on the east, north and west property lines with a minimum height of 4'. 4) crowning driveway entrance to solve drainage problem. Seconded by Mr. Maxton.

\* and reoccurring at 10 year intervals thereafter.

Mr. Baker questioned the motion stating that we have a written recommendation from the City Engineer regarding size of the tile and that it is necessary and in the motion we are throwing his recommendation out and throwing it right back to him. Mr. Myers said that the motion is agreeing to the recommendation and asking that the City Engineer work with Dr. Glanton.

Motion approved unanimously.

3. Review of final landscape plan for CARRIAGE SQUARE, Section 2, and location of outdoor trailer storage. Mr. Winterhalter reviewed the plan and pointed out the proposed location of the storage area - the SE corner of the section.

Mr. Gillingham asked if the trees were going to be on top of the mound and if the mound would surround the storage area. Mr. Archdeacon answered yes, the trees would be on the top and sides of the mound and the mound would sufficiently screen the storage area.

Mr. Myers asked why the P. C. looks at the landscape plan. Mr. Maxton said this is because it is Entrance Corridor. We are concerned about the over-all, but especially the screening.

Mr. McCrabb asked if all types of trailers, campers, mobile homes, etc. would be stored there - including truck campers. Mr. Archdeacon said that it was for recreational vehicles so they will not be parked adjacent to the car parking.

Mr. McCrabb asked who owns the adjacent properties. Mr. Archdeacon said this is Entrance Corridor and is owned by the same developers on the east and the Interstate on the south.

Mr. McCrabb asked for Mr. Winterhalter's recommendation. Mr. Winterhalter said that under Entrance Corridor we review several things including landscaping. He will be recommending all landscaping.

Mr. Myers asked who sees that the landscaping is done as approved. Answer: Mr. Linklater.

Mr. Gillingham moved to approve landscape plan for Carriage Square Section 2, including parking and storage space for recreational vehicles. Seconded by Mr. Tate. Approved unanimously.

4. Mrs. Barbara Conniff, Montgomery Co. Board for the Mentally Retarded was in attendance. Mr. Maxton advised her that the City does not have any ordinance to restrict group housing; as far as the P. C. is concerned her attendance is for information only, not approval or disapproval. Mrs. Conniff said she understood that, and was here to answer any questions and to advise that they are proposing a group home for 6 girls under the age of 17 plus 2 house parents. The home

they are proposing is located on Sheehan road, across from Ida Weller elementary school.

Mr. Myers asked if they have contacted the neighbors. Mrs. Conniff said they have talked with and received no objections from the two neighbors whose properties touch theirs. The third house, the builder owns and the builder had no objections and was very enthusiastic about it. The house on the east is a model home and the house on the west has just been sold in the last two weeks and the new owners have not been contacted as yet. There are no houses across the street.

Mr. Myers asked if there will be any construction or other changes to the house. Mrs. Conniff said no major construction changes - minor changes i. e. hotter water for the dishwasher, smoke detectors and fire extinguishers to meet state requirements, etc.

Mr. Myers asked if Sheehan road has considerable traffic. Mrs. Conniff said that it would not be a problem and that they would have a play area in the big back yard which they will be putting a living fence around to informally enclose the back yard.

Mr. Myers asked about the live-in couple who will be the house parents and if they are currently employed by the County. Mrs. Conniff said the husband is part-time at this time and when they move to the home they both will be full time. They are in their late 30's and have had several years experience as foster parents and also experience with delinquent children as well as retarded - they are highly qualified and they feel fortunate to get them as house parents.

Mrs. Conniff said that they are well aware of their responsibility to the community as well as the neighbors and that they know they will be in the public eye and they will do all they can to set a good example.

Mr. Myers asked if the County would be asking for local help at the home. Mrs. Conniff said that they would - people who know the program now and who may or may not be active with it now, their friends and from their references.

Mrs. Lake asked when Mrs. Conniff would be getting an occupancy permit. Mrs. Conniff said this is not a requirement. They will, however, be required to get permits from the county - health, food service license, etc. Mrs. Conniff further stated that they now have preliminary approval for BB53.

Mrs. Lake expressed her respect for Mrs. Conniff in coming here and for her continuing cooperation and willingness to be helpful.

Mrs. Conniff introduced Ms. Gommina who is a member of 169 Board for Mentally Retarded

Mr. Baker asked about the housing problems in the City of Dayton. Mrs. Conniff said Dayton is making progress and are currently making some proposals. She feels they are still too restricted regarding the mentally retarded, but they will probably have items drawn up for an ordinance within 30 days. Mr. Baker commented that the homes he visited were certainly satisfactory, but the neighborhoods were less than desirable. Mrs. Gomminia, who is also a member of the 648 Board, stated that one of the homes visited was operated by a private group funded by this 648 board. She further stated that Dayton was the only City they attempted to locate in ten years ago. Some of the clients can take busses, etc., and at that time Dayton View was the only place that had homes large enough. Although the neighborhood may not be desirable, the clients are protected in their homes.

Mr. Myers asked where the girls that will be moved here are living at the present. Mrs. Conniff stated that one whose family lives in Montgomery Co. will move from Cincinnati, some are at home in difficult family situations, one whose family is in Montgomery Co. will be returned from Connecticut, etc. Mr. Myers said he was mainly concerned that the home would be offering immediate relief to the girls and their situations and Mrs. Conniff assured him that this would be the case.

Mr. Maxton thanked Mrs. Conniff for being so helpful and said that the P. C. is not concerned with the Mentally Retarded insofar as housing is concerned as they have their own restrictions and guidelines, this goes a long way toward a good rehabilitation program.

#### New Business

5. Preliminary Plat & Record Plan review - ROBERT B. FERGUSON - 500 N. Main Street. Mr. Winterhalter showed the property involved on the west side of Main Street, zoned A. P.

Mr. James Gilvary, Attorney representing Mr. Ferguson, read a letter\*sent to Mr. Ferguson on 15 February 1974 regarding the Ferguson property wherein he stated that building is not permitted unless this has been platted. He noted that the same letter had been sent to Main Auto and Marathon Service Station (both of which have already been built). Mr. Gilvary said they do not need a building permit at this time but they do need this plat plan approval as requested in the letter aforementioned (written by Mr. Farquhar, City Attorney).

Mr. Maxton read an opinion of Mr. Farquhar dated 31 January 1974 regarding the fact that no plat would be approved until Wythe Parish is completed to '48'.



Mr. Winterhalter reviewed the past history of this property. The original property was owned by Mr. Clark, a portion of this original property is now the condominiums (Terrace Villa - Wythe Parish) Mr. Ferguson purchased a portion and subsequently sold sections to Irene Cultice, Main Auto, Marathon and Mr. Edwin H. Swaim. Mr. Swaim was aware that Wythe Parish road was to be extended. Rather than reviewing the entire Ferguson property, this plan plats only ~~one portion~~ that being the balance after the aforementioned portions were sold.

Mr. Maxton said that Mr. Farquhar advised that P. C. does have the legal authority to deny the building permits until the entire plat is platted.

Mr. Gillingham feels that we have to include the entire area including Marathon, Main Auto and the Cultice property and this map shows only the one lot and nothing is shown on that lot - we could not be approving a plat as this plan does not cover the entire area of a plat. It seems Mr. Ferguson was in violation when he sold the other portions without a plat plan.

Mr. Tate feels this is a legal matter and we should follow Mr. Farquhar's advise.

It was suggested that Mr. Swaim and Mr. Ferguson should have the areas presented in a plat plan at the same time and it might be difficult to have the parties in at the same time.

Mr. Maxton said that this could perhaps be approved so that Wythe Parish road could be extended and Mr. Ferguson could handle the entire cost of the road. ~~Perhaps Mr. Ferguson could~~

It was suggested that perhaps Mr. Ferguson and Mr. Swaim could share the expense of extending Wythe Parish road to '48'.

Mr. Gilvary stated that his client would not finance extension of Wythe Parish Road to '48', this is not on our plat.

Mr. Baker asked about the Swaim property. Mr. R. Winterhalter said that he had wanted a wholesale beer drivein, which would have been a conditional use of the B-2 zone - there hasn't been any action on the balance to his knowledge. Mr. Winterhalter does not know how to get the owners to come in at the same time to apply. The developer has illegally subdivided his property away. Mr. Winterhalter further stated that scheduled on the agenda at the next City Council meeting is an issue to vacate Wythe Parish Road .

Mr. McCrabb asked how these parcels got recorded with the County already. Mr. Winterhalter said that most municipalities do not deal with

parcels that small but at times it is easy to have it slip through. Mr. Winterhalter has just sent a letter that no further recordings for lots less than 5 acres be made.

Mrs. Lake would like to see the other property owner appear at the same time as Mr. Ferguson.

Mr. McCrabb made reference to Mr. Farquhar's legal opinion and said that there has been a violation and we can deny the permits.

Mr. Maxton said that this could perhaps be approved if the owner extended at his own cost, Wythe Parish Road to '48'. The owner and his representative said they would not do this.

Mr. Myers made the motion to reject the preliminary and record plan for the Ferguson plat due to a lack of improvements to the plat to meet subdivision regulations (i. e. no extension of Wythe Parish Road) and failure to include all of the property of Robert Ferguson, Edwin H. Swaim and Irene Cultice in the plan.) Seconded by Mr. Gillingham.

Motion to reject the plan passed unanimously.

6. Public Hearing for WAINSCOTT'S REZONING set for July 30, 1974 at 7:30 p. m.
7. Review of procedure for PLANNING OF 35 ACRES.

Mr. Winterhalter reviewed some of the proposals and procedures as set by Council regarding P. C. role in the planning of this property. (i. e. Section 8 - Planning Commission may develop, but it is not required, Boards and sub-committees). Perhaps one P. C. member can be appointed to head various committees or delegate more work to staff, or a combination. Mr. Winterhalter reviewed a chart he had prepared regarding City Boards and their various recommendations for the land. He said that we must look forward to more than this year, but at least five years hence. Planning Commission is to be an advisory and planning body for Council and we should try to get a timetable from the various boards regarding their desires for the land. These boards (i. e. Youth, City Beautiful, Arts Commission, Parks & Recreation) will forward their recommendations to P. C. and will then be in on the implementation after the decisions are finalized.

Mr. Maxton would like to follow the schedule proposed by Mr. Winterhalter in his report, as nearly as possible. Mr. Maxton suggested that one P. C. member act as liaison with these groups and the City Planner. Mrs. Lake prefers the three-member committee idea to provide sufficient back-up.

Mr. Gillingham agreed to be the Chairman to coordinate this planning. Alternates will be Mr. Baker & Mr. McCrabb.

There was a brief discussion regarding the fact that there is apparently a general confusion regarding who is to plan the 35 acres. Apparently various groups as well as the press have a mistaken idea about who has been appointed by Council to plan this land. Also, individual groups must be stopped from saying what they are going to do with the 35 acres but should state only what they would like. Mrs. Lake pointed out that the groups should be seeking Mr. Gillingham, he should not have to seek them.

Mr. Gillingham said that apparently some of these city groups have been meeting in homes. Mrs. Lake pointed out that this should not be done unless the meetings are open and announced to the public

Mr. Maxton was asked about a budget for this planning to be done and whether or not P.C. will need outside help. He replied that we will consult with the City Planner and the City Engineer and see what help is needed.

The name of this planning body will be Land Use Planning Committee. Mr. Maxton asked for a report from Mr. Gillingham at the next meeting.

#### 8. Discussion regarding G ROUP HOUSING.

Mr. Winterhalter asked the P.C. members to advise him as to what they want in an ordinance for Group Housing. Specifically, what type of homes to allow and where they will be allowed.

Mrs. Lake would like to see one set of regulations governing all group housing, this would eliminate problems from private groups with little or no guidelines or restrictions on themselves. She suggested defining types of homes for different zoning areas.

Mr. Maxton suggested using requirements of the mentally retarded as a guideline for our ordinance.

Mr. Gillingham would like a definition of "family" written by Mr. Farquhar. This should be written to eliminate undesirable 'commune' type groups but to include respectable non-related groups such as 2 or 3 widows owning and living in a home as a 'family unit'. We could use Supreme Court judgement regarding "family" and use Cincinnati ordinance as a model regarding fire prevention requirements, etc.

Mrs. Lake suggested allowing a total of 8 persons only, including 'house parents'. Mr. Myers suggested a total of 10 persons.



Mrs. Lake would like Mr. Winterhalter to check out requirements, etc., governing such group housing as nursing homes. Mr. Winterhalter said these would be defined as 'commercial' homes.

There was little discussion regarding where these homes should be allowed, it was generally felt the definition of "family" is the first consideration.

Mr. Maxton asked Mr. Winterhalter to obtain Mr. Farquhar's definition of "family" and prepare a draft for our ordinance using a combination of the mentally retarded group home requirements and the Cincinnati ordinance as a model. This will give a starting point for preparation of the Group Housing Ordinance for the City.

Meeting adjourned at 11:40 p. m.

Next Meeting to be held June 25, 1974.

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