

CENTERVILLE PLANNING COMMISSION

Regular Meeting

July 30, 1974

7:00 p.m.

Those Present: Messrs Gillingham, McCrabb, Maxton, Baker, Myers, Tate and Mrs. Lake. Also Present: R. Winterhalter, City Planner and Bill Linklater, Asst. City Engineer.

The Minutes of the July 9, 1974 meeting were approved as amended. Moved by Mr. Myers, Seconded by Mr. Gillingham.

Communications & Reports

Mr. Maxton read from petitions regarding extension of Grants Trail from Normandy Farm residents. Action deferred until later during this meeting, when the item comes up on the agenda. Mr. Robert Muzechak, 9535

~~-----Sheehan-----~~

Mr. Robert Muzechak, 9535 Sheehan, who is opposed to the group home on Sheehan asked that the people in attendance be recognized. He asked that the names of those in attendance be a part of the record and said that during his talks with the Mayor, City Manager, etc., there is a lot of discussion about what constitutes a family. He referred to 15 points that those opposed to this group home would like to have answers to. The names and the questions they proposed will be available as a part of this record.

Mr. Maxton explained that most of the questions the group in opposition to this group home on Sheehan Road have asked are beyond the control and responsibility of this Planning Commission. As far as this type of group home is concerned, there is nothing now in the ordinance that restricts this type of home. This was based on the legal opinion of the City Attorney, after his review of the ordinance. Mr. Muzechak asked for a copy of this legal opinion. Mrs. Lake said there was a copy on file with the acting city manager. Mr. Muzechak said they were unable to obtain this as of last Wednesday. (July 24)

Mr. Maxton said that no decision, no action was taken nor needed by this commission. The commission has no jurisdiction or control. No action was required. Mr. Muzechak said he feels it is the obligation of the Planning Commission to determine the definition of a family. He feels that the definition of a nursing home fits this group home to a "T".

Mr. Muzechak described a situation in a home where there are several part time personnel as psychologists, cook, etc., "this is not a 'family'" he said. He mentioned having visited a boys home where he was threatened and where the language and the actions were undesirable. He said that boys home was called a 'care facility' for the mentally retarded. He said he felt it was the obligation of the planning commission to look into all sides of the matter.

Mr. Muzechak reviewed each of the Rose Estates group points concerning this proposed group home on Sheehan Rd. and said he had talked with the city attorney. Mr. Muzechak feels that the attorney did not know all these things when he gave his opinion and he said the attorney had indicated to him that if any new light is shed on the case, he would consider changing his opinion. He said he feels that the planning commission has a responsibility to work for the people who are already here as well as those who (desire to) come in.

Mr. Maxton explained that at the time this came up there was nothing in our ordinance that would prohibit this type of home. We realize, he said, that in these group homes there are other types of homes that would not be beneficial to the area. This is being defined at this time. As far as a group home on Sheehan Rd. is concerned, he said this planning commission cannot and will not take any action. This comes under the existing zoning. The ordinance may be changed to limit the group homes to those most desirable.

Mr. Winterhalter said that this group has brought up several valid points concerning the group homes and the ordinance, but that this is not an item on the agenda this evening. Mr. Muzechak asked if this would be reviewed and Mr. Winterhalter assured him that the staff and Council would be doing this, but that planning commission cannot. Mr. Maxton said that there was no planning commission action required and the group home fits the existing ordinance. Mr. Muzechak asked if he could have the input that was received by the attorney and Mr. Maxton suggested that he go to the city attorney. Mr. Muzechak questioned if this opinion was verbal and Mr. Maxton said that any verbal opinion is put in writing for the record.

City Planner's Report

Mr. John Thomas of TCC explained the regional development plan, the transportation plan for the year 2000. He made the following comments: Land use is most important, we need your plans for the year 2000, from communities in the two-county area because you (each community) knows where you are, you control the future use of Centerville through your zoning, you in effect control the goals of Centerville land use. We want to get local input for the transportation process. Several ways this can be done: 1) planning staff, is it possible to set up a land use workshop, 2) let the TCC do the predicting. How do you wish us to proceed in obtaining Centerville's land use goals?

Mr. Winterhalter said that he had thought Mr. Doppes (who could not attend) was to discuss the tying of the up-date to the plan, shifting goals, etc.

Mr. Thomas said that the Miami Valley could be used for the regional framework for models. This will give you a beginning point (to see) if you agree or disagree. Miami Valley is there for us to use, he said. TCC is establishing a computerized land use program for the year 2000.

Mr. Winterhalter asked Mr. Thomas to explain, for the benefit of those who are new to the planning commission, what the TCC is. Mr. Thomas explained that the TCC is establishing a computerized land use program for the year 2000 in this area. This way we will "wave a little flag" to let us know if you are going in the decided way.

Mr. Maxton said that when we establish our goals we try to follow the master plan and keep up-dating it. He questioned how the TCC would fit into the picture. We have our master plan and our day-to-day changes - hopefully we will not have to deviate much from the master plan. He questioned how the TCC can help Centerville.

Mr. Thomas said their help could be in coordination with the federal government. But mostly, Centerville can help the TCC - by making their plans as responsive to use as possible. You control how the land goes, he said, but you can help us make the plan as accurate as possible for the future.

Mr. Myers asked how and Mr. Thomas said - take your current master plan and break it down. Sometimes, he said these master plans get so far out-of-date we have to see what is current. Mr. Baker said that much of what Mr. Thomas asks can be answered by the staff planner. Mr. Thomas suggested the possibility of review on a six month basis, possibly a work session. Mr. Myers asked if Mr. Thomas was looking for cooperation by the suburbs. Answer: basically, yes. To determine what is best for the entire area for the year 2000. Mr. Maxton asked if he could assist in getting I-675 through. Mr. Myers asked if Mr. Thomas and the TCC were at all involved in the planning of cost sharing. Mr. Thomas said this is very limited involvement, how much may be obtained from the state, federal, etc., by project.

Mrs. Lake said that TCC could be helpful if they could help the funding to get I-675 through, or off-street parking. She said we know a lot of what we want, it is a matter of getting the money and getting the people to do it.

Mr. Thomas said that although Centerville may know what they want, the information they seek will help in other areas that are not so current - it is broader than Centerville. We want to work with the entire area, he said.

Mr. Myers said, is part of your plan, since you are dealing with many programs in Montgomery County and assist as a supervisor, on what we and the other suburbs are doing? Mr. Thomas: What do you mean by supervisor? Mr. Myers: 'chief' rather than 'indian'. Mr. Thomas said that they are trying to help coordinate the area for the benefit of all. Mr. Baker asked Mr. Thomas to explain the TCC responsibilities. He said the TCC is responsible for the planning of transportation projects. . . . to help communities determine what their problems are, general long-range transportation problems. Mr. Myers asked what type of transportation planning. Mr. Thomas: All transportation: highway, bicycle, auto, ..total travel. Mr. Myers asked if the TCC allocates funds or mainly do they lobby.

Mr. Thomas said he was not sure what the TCC financial roll is, mostly lobby. Mr. Winterhalter said that the TCC is two-county wide, Montgomery and Greene. Miami Valley is five counties. They have different directors, involved with cities, communities and counties throughout the area. He explained that staff gets input from the communities, recommendations are made by staff, etc. any roads are set up for time tables and then this is passed on to federal bodies. Mr. Myers asked if they recommend uses. Mr. Winterhalter answered that they do set up priorities.

Mr. Myers asked who decides who gets the monies, i. e. 675. Who decides that the money goes to another city rather than Dayton. At this point, we don't even know if 675 will ever be built. Mr. Winterhalter said that when you have a delay on an outer belt such as Dayton has had, other cities get the money - they are not holding the money in abeyance until we are ready for it.

Mr. Myers said that some of our problems could be eliminated if we knew whether or not I-675 was going to exist. He said that some people do not want this road, or that road, and we wouldn't have to 'hack' Centerville up if we knew I-675 was going through. He asked if there is anything Centerville can do to find out. Mr. Winterhalter said there is not, he explained that there is a year in abeyance at this time on this project.

Mr. Maxton said that anything TCC could do to help Centerville with I-675 would be greatly appreciated.

General

Mr. Maxton referred to the group home discussion and the definition of group homes. Mr. Winterhalter said there was to have been a meeting with staff, council and city attorney, a workshop meeting. Mrs. Lake said she had a communication from Council regarding this - a joint workshop. She reported that Council felt that at this time planning commission should gather their general questions and input from citizens and come up with a tentative plan. There are a lot of questions we need answered, she said, to help us make an intelligent decision. Council wants P. C. to go ahead with this in any manner desired by P. C.

Mr. Winterhalter asked if he should still be following the motion regarding total definition of group homes, the workshop, set up something regarding mentally retarded, etc. Mr. Maxton said we can use Cincinnati ordinance as a model. He asked Mr. Winterhalter to have a tentative model ordinance by next meeting.

Mrs. Lake said we should be prepared to present a plan regarding the 35 acres at a workshop in August. Council should be looking for a planner whose expertise is in recreational and park planning and anything else we have in mind should be recommended to Council. Perhaps P. C. feels a planner

is not necessary - they want to know. Mr. Myers asked if there is a planner who specializes in parks. Mr. Winterhalter said he could recommend several. Mr. Winterhalter passed out pertinent information and the subject was deferred until later, under unfinished business.

Public Hearings:

Z-74-6 - Edward G. Wainscott, 155 E. Franklin Street. application for rezoning from R-2 to A.P. .605 acres at the northeast corner of E. Franklin Street and Cemetery Drive

Mr. Maxton explained the procedure for public hearings and the fact that action may or may not be taken at this meeting.

Mr. Winterhalter showed a slide of the area and explained that this lot is adjacent to the A.P. District. This application was taken by the applicant to the B.A.R. and they made a favorable review on this application.

Mr. Edward Wainscott, owner, explained the reason he has asked for this zoning is that, after 11 years residing at 155 E. Franklin, he has moved because the noise and traffic is so great. He would like this to be A.P. to preserve it as it is, architecturally.

Mr. Kenneth Poff, 146 E. Ridgeway, said that a year ago, when this property was asked to be rezoned, along with some others on E. Franklin it was not rezoned. He feels that if Mr. Wainscott is interested in leaving it as it is, it doesn't have to be A.P. to accomplish this. Mr. Poff also questioned what is actually Mr. Wainscott's property. He said there are two houses on the lot, are both lots in the rezoning request? He also questioned the request for A.P. extending up Cemetery Drive.

Mr. Maxton said that it is just the one lot, and does not go up Cemetery Drive. Mr. Winterhalter said this is parcel 72 & 73 - all of 72 and a portion of 73, 73 has a depth of 168.8 ft. applicant is asking for 184 ft so that the second building would also be included.

Mr. Poff asked if any members of P.C. have looked at the lot. He said this would take it up into another person's garage. Mr. Wainscott said no, this was 132'...16' from the drive. Mr. Poff asked if you could zone part of a man's lot. Mr. Winterhalter said that if 72 was a separate ownership, we would have a problem. The map shown here tonight is not done in detail, he said, like the one on file. There is one owner - two lots.

An unidentified citizen asked if Mr. Wainscott was going to sell the lot. Mr. Maxton said the lot the house is on would be used for Real Estate offices.

Mr. Wainscott said the 18' has been taken off the other property and added to the other because the garage was so close to the line. Mr. Maxton asked if we had a correct map available here. Mr. Winterhalter said the map

is correct, but should refer to lot 73 and part of 72, but apparently 72 is part of 73. Mr. Maxton commented that we cannot make a decision if we are going to say 'apparently'. Mr. Poff asked who owns the lot, he is under the impression that Mr. Wainscott does not own the property.

The aforementioned citizen said a Mr. Cohen (?) is the owner according to what was checked here in this building last Thursday.

Mr. Wainscott said that the lot is in one deed, it had been transferred to Stanley Cohen, Attorney, and back to Mr. Wainscott to get the 18' off the one property and onto the other.

Mr. Herb Siewert, 41 Woodfield, stated that he was here approx. one year ago when this same question came up and the property lot lines and ownership came up previously. His objection to this zoning is that the A. P. carries commercial zoning and can be applied to any commercial business. He suggested that it could be called 'Ye Olde Hamburger stand, 'Ye Olde' Stage Coach, 'Ye Olde' Shell, and be in the A. P. He does not look forward to having commercial property, whatever it might be, he did not buy here to increase his net worth but to enjoy his home and family.

Mr. James Gilding, N. Johanna, said that as a resident in that area he is very concerned about the commercial - he bought here to live here not to shop and is against any increase along E. Franklin.

Mrs. John Abbey, 136 E. Ridgeway is concerned that if this goes commercial there will be heavy traffic - she said Ridgeway now has heavy trucks going through and there will be more if this goes through to commercial. She is also concerned about the children in the area. She is basically opposed due to the traffic.

Mr. John W. Cole, 65 Woodfield Pl, said he bought a home and did not come here to shop. If one (property owner) can have it (rezoned) the next can. If this is rezoned it could go on further.

Mr. Victor Zidel, 27 Cameron, said that he bought here 1-1/2 years ago and selected real estate here as this was a fine residential area to raise children. He is concerned as a resident of 'creeping commercialism' under the disguise of A. P. If we continue to use AP, he said, it concerns me when we are talking about traffic patterns and we are going to complicate the traffic if we continue AP further. He sited the schools, etc.

Public Hearing closed.

Mr. Baker asked that the map outlining the AP district be put up and the area again reviewed. He had thought that this was being recommended to balance the two sides of the street and this is not the case, the north side of Franklin is actually further east than the south side. Mr.

Winterhalter clarified this and also stated that the A. P. allows through the B-1 business. B-1 being neighborhood businesses, not the industrial or heavy business. At the request of a citizen, Mr. Winterhalter also pointed out the location of the nearest schools.

Mr. Baker said that he had assisted in establishing the AP boundaries. This was bounded by natural barriers, such as Virginia Ave., Edenhurst, Zengel Rd., Cemetery Rd. He does not feel we should cross the natural boundary.

Mrs. Frazier, Franklin St., said this was not bounded by Edenhurst. Mr. Maxton said he was sorry, but the public hearing was closed. Mrs. Frazier said this should be stopped at a street. ~~She~~ You have discriminated against the south side now, she said, and it is time we changed it.

Mr. Baker said that he is more in favor of moving the boundaries in the interior than stretching them on Main or Franklin streets. He does not feel the applicant has a strong point for rezoning.

Mr. Myers said he basically goes along with Mr. Baker. He would like to see the zoning stopped at Cemetery Rd. and cannot see justification for this change.

Mrs. Lake directed her comment to the lady (Mrs. Abbey) on Ridgeway. She said she thought there was a sign regarding heavy traffic. If there is no sign she said she would appreciate it if (Mrs. Abbey) would contact the City Manager and the police. She said she appreciated the comment - if someone doesn't tell us we have no way of knowing that these situations exist. She said she could not support this change at this time. 1) we are reviewing the AP boundary at this time and she feels she would be more inclined to pull it to the west than to the east.

Mr. Maxton said he likes to keep an open mind on extension of the AP. There are parts of Centerville where he feels this should be extended. However, at this time he sees no reason to extend the AP to the east.

Mr. McCrabb asked Mr. Winterhalter why his recommendation had changed from in the past. Mr. Winterhalter said because of the type of use and type of structure, he felt this was a more logical stop to include this house and stop at the church, rather than ask for spot zoning for the O-S use. He said he stands behind what he said regarding office use, not business, all the way from tax, less pollution, etc. He feels we have to be careful, and especially on E. Franklin with the new homes and nice residential area.

Mr. Gillingham said he only went by the map and did not see the AP lines stop at any particular streets. He said he took a look at the property with the idea that it would be suitable to office use and if this was going to be used as office I don't think it would detract from the area at all and if the B. A. R. approved, we could go along with it.

Mrs. Lake said she has just recently read the 1974 zoning ordinance and in that there is recommended the possibility of, in the future, AP may have "overlay" zoning. The perimeters of the AP district could be residential and you could have an office, banks, etc. in the center. She has difficulty seeing the church as a boundary. Also, we have decided not to widen the 'neck' of E. Franklin to prevent it from becoming a thoroughfare. We are looking to protect residential area and at this time to have an office you might end up with a real 'spot' right in the middle of the block.

- * Mr. Myers moved that the application Z-74-6 for rezoning of 155 E. Franklin Street from R-2 to AP be rejected. Seconded by Mrs. Lake. Application denied 6-1. Mr. Gillingham being the opposing vote.

Mr. Maxton explained to Mr. Wainscott his right to appeal to Council and the procedure and time he had to do so.

V-74-6 George and Alice Stubblefield - application for 27" variance from front yard setback requirement to expand family room. 325 Clareridge Lane.

Mr. Winterhalter explained that this extension would line up with the overhang of the house and recommended approval.

Mr. Stufflefield explained that the reason for this application^{is} that this would be the least expensive way to achieve the expansion and that it would not require any major change to the outside. They got this idea from a house of the same style in the plat which had done this. This will eliminate approximately 27" of driveway - no grass will be eliminated.

Mr. McCrabb asked if the garage would still exist. Answer: Yes, just moved 27" forward. The expansion will not go beyond the downspout.

- * Mr. McCrabb moved to accept the application for a 27" variance from front yard setback at 325 Clareridge Lane., as presented by Mr. Stubblefield. Mr. Maxton Seconded. Approved unanimously.

PO-74-1 An ordinance repealing Ordinance 86-71, liquor controlled by conditional use permits.

Mr. Winterhalter said that it has been recommended to us by Council to eliminate this portion of the ordinance.

- * Mr. Tate moved to approve PO-74-1 to repeal Ordinance 86-71. Mr. Myers Seconded. Approved unanimously.

V-74-7 - Variance application to allow above-ground swimming pool 57.4' from front property line to the side and rear of house at the northeast corner of East Spring Valley Road and Clareridge Lane. House is setback 41.4'.

Mr. Winterhalter explained that this variance is requested because of the corner lot location. The setback requirement is primarily for other than corner lots. There is a hardship in that it could not be placed 75' from both streets.

Mr. Winterhalter added that there is a proposal to eliminate this requirement.

Mr. Kellogg Humphries, the applicant, was present and said that Mr. Winterhalter had stated it very well.

- * Mr. Gillingham moved to approve the V-74-7 variance as requested by Mr. Humphries. Seconded by Mr. McCrabb. Approved 6-1. Mr. Baker being the only 'no' vote.

Unfinished Business

Z-74-7 Recommendation to Council on suggested changes to zoning map.

A copy of these suggested changes is on file. Discussion and action follows:

- Item 1 - Change from Business to R-3. So. of proposed Whipp. Mr. Winterhalter recommended tabling until a permanent alignment is established. Until that is resolved, he said, it is redundant to decide at this time.
- * Mr. McCrabb moved to table. Seconded by Mr. Tate. Approved unanimously. Mr. Winterhalter asked if a period of time would be stated for the table. Mr. Maxton said it will be resolved as expeditiously as possible.
- Items 2 & 3 - Mr. Winterhalter recommended deletion. Mr. Winterhalter said it had been indicated by the residence that a change at this time is not desired. on Item 2.
- Item 3 - Mr. Winterhalter said E. C. is to be eliminated and recommended deletion.
- * Mr. Maxton moved to delete Items 2 and 3 from the suggested changes. Seconded by Mr. Gillingham. Approved unanimously.

Items 4 thru 8 were reviewed by Mr. Winterhalter.

- 4 - from B-2 to R-3
- 5 - from B-1 to R-3
- 6 - from WT B-2 to Centl. R-3
- 7 - from EC to OS
- 8 - from B-2 to R-3

Mr. Winterhalter said an attorney was to have been present to propose that the south side of Clyo be O-S at least in part to accommodate a savings & loan. (#4)

Mr. Lou Gilligan, Attorney from Cincinnati, representing Mr. Rippey, President of a Cincinnati Bank spoke. We have had occasion to zone in Hamilton Co., he said and as I understand O-S is the banking zoning for Centerville. In Hamilton Co. the banking or the "O" zoning is less restrictive and is only as a buffer between commercial and in keeping with your plan to make the zoning more restrictive if you go from B-2 on north of Clyo it would be in keeping to zone the south side as O-S and this would be in keeping with your plan as it would be a drop-off for your other type of zoning. The reason this land has not been developed before is apparently that they have had some sewer problems. The reason why we would like to ask that you not rezone to R-3 is that according

to Mr. Winterhalter that would only allow the old duplex-type home and doubles and they are not developing this type of home now. #4, he said, should be R-1, #5 rezoned to R-4, this would give us a low density apartment or condominium possibility. And then you would have a step-off away from B-2 to O-S then on to R-4. With R-3 we would not have any opportunity to do anything with it.

Mr. Gilligan was asked if he was only requesting that the parcel on the corner north of the church be included or the entire area. Mr. Gilligan said the entire area. It could be used, perhaps, for doctors offices, savings and loans, etc. In most communities they have a combination savings and loan and branch bank and perhaps a doctor's office and this is a good step-off to the residential and the thing we have come across, he said, is that with a commercial, it is difficult to have a doctors office, etc., because the cost of the land is prohibitive.

Mr. Myers said he thought Mr. Gilligan was proposing that the strip be included and the part that projects down not be included. Mr. Winterhalter said this area (the projection) is 'give and take'. Mr. Gillingham suggested that this could land lock the area.

Mrs. Lake said she thinks that the western boundary should be the same as the B-2 on the other side of the street, & zoning on the south should match that on the north. She asked what the zoning is in between. Answer: (Winterhalter) WT Res.-4 She asked Mr. Gilligan if he would be responsive to that.

Mr. Gilligan said they would ask that the whole area stay B-2. Second choice would be that there be O-S. This would give us, he said, a little more to work with on the O-S zoning. Perhaps the idea of a doctors building or office in that other area could be used. You could develop it all together. Mr. Gilligan showed how one could have a centralized location for Dr., Bank, etc., and the other would remain residential and you would have the step-off as you go south.

Mr. McCrabb asked if Mr. Gilligan's client would like this area not to be rezoned. Answer: Yes.

Mr. Paul Rodenbeck, architect, explained the north line of the property and the church property location and the location of the residential property (Clark's).

Mrs. Lake asked for R-4/R-3 to be explained. Mr. Winterhalter pointed out that in R-3 doubles are allowed. He explained what the zoning is and what the proposal is as well as what was proposed and denied two years ago. He said the area in question is north of the house and the church. Planned by R & R Developemtn Co. He said the land to the north is not land locked and is owned by the same developer.

Mr. Maxton asked what the depth of the south section of #4 is. Answer: (Mr.

Winterhalter) approximately 150' deep... could be self standing along Clyo.

Mr. Myers said he would find it acceptable to leave ~~with the area north of Clyo B-2~~ and change the rest ~~to R-3~~ to extend to #5#5.

Mr. ~~Mr. Baker~~ Baker said that based on the City Planner's having given the commission the minutes of a meeting at Council, he thinks that Mr. Winterhalter's comment on the uses in Greene Co. indicate that this was tabled. Mr. Winterhalter said that this was eventually denied. Mr. Baker then read parts of minutes. He ~~then~~ said a recommendation was based on a detailed plan with park layout, the access to the church at the back of the property, industrial zoning to the north (which these people were willing to provide). He said the minutes indicated that Mr. Rippey said they were willing to supply any boundary. Mr. Winterhalter suggested that the files from the clerks office could be reviewed. Mr. Rodenbeck said this was tabled due to the non-availability of utilities. Mr. Winterhalter said that it was shown as denied in the clerks office but if it was tabled it is a different situation. Mr. Winterhalter said he will be willing to get the rest of the minutes, but he had thought this would be all that was pertinent tonight.

Mr. Baker asked to see a drawing of the street layout. Mr. Winterhalter showed the layout and discussed the lot size, parks, etc. He said all these points will come up when the park is reviewed. He said he thought they had all been denied but would look it up.

Mr. Myers said this does not have to be the same conditions as it was three years ago. Mr. Maxton said we should address ourselves to the present proposed change.

* Mr. Myers made the motion that (Z-74-7, Item#4) the area north of future Clyo Road beginning on Wilmington remain B-2 and that the area south of and which will intersect at the northwest corner of the Clark property formed by a parallel line with Clyo Rd. be changed to O-S, and that the area south of the O-S zoning be zoned R-3. Mr. Gillingham seconded. Motion failed 4-3. Those in favor: Gillingham, Lake and Myers. Those opposed: Maxton, Baker, Tate and McCrabb.

Mr. McCrabb asked how we could set up zoning north and south of a road we don't know where it is. We may zone a strip of property that is unbuildable. Mr. Winterhalter said we can get together a legal description - it is a little difficult to do, but it can be done. Mrs. Lake asked if it couldn't be zoned until the road is there. Mr. Winterhalter said it was agreed upon by the City that this would be the plan. Mr. McCrabb asked if this would be 150' involved. Mr. Winterhalter: Yes. This was planned to bisect this area. Mr. McCrabb said we are now discussing an '11th hour change'. We are talking about something that has not been previously discussed, even though discussions began 3 months ago. Mrs. Lake said she had asked two weeks ago for the information regarding the church. Mr. Maxton said he thinks we have enough information to make a decision. He does not

feel this 150' depth would be enough for a savings and loan. Mr. Winterhalter said we are talking about a two acre strip and some savings and loans take less than an acre. The width is the key factor he said, not the depth.

Mr. Myers said this is a proposal we can either accept or reject, we don't have to wait another four months to make a decision. Mr. Baker said if the 1971 study had been able to be studied, you would understand that people who want to develop single families in Centerville are rare. I believe, he said, if we make a change and release them from R-2 zoning I would expect to see condominiums. I don't think we have any reason to change the 1971 zoning. Along Clys Rd. we have allowed condominiums and apartments with the exception of this property.

Mrs. Lake feels that just because something was done previously, that it would not necessarily be repeated. She thinks those areas were over-developed and that this is the last of the single family dwellings. With the single family we have there now we will have no control over this - any developer would come in and say 'why do we need more?'

* Mr. Tate made the motion to table Items ~~##4 & ##5~~ for a period of three months. Seconded by Mr. Maxton. Approved unanimously.

Mr. Baker asked Mr. Gilligan if this would present a hardship. Answer: I think this would be better (this would have land locked it) we would go along with coming up with a complete plan. Mr. Maxton told Mr. Gilligan his contact would be Mr. Winterhalter and that he should advise him when he was ready with his plan.

* Mr. Maxton followed the recommendation of Mr. Winterhalter and moved to table Item #6 for a period of 90 days to come up with a proposal for a step-down to residential. Seconded by Mr. Tate. Approved unanimously.

* Mr. Maxton again followed the planners recommendation and moved to delete Item #7 from the proposed changes. Seconded by Mr. Myers. Approved unanimously.

* Mr. Winterhalter said that Item #8, 3.6 acres, was rezoned with covenants for ten years to be B-1. Mr. Tate moved to recommend rezoning as proposed. Seconded by Mr. McCrabb. Approved unanimously.

* Mr. Winterhalter recommended rezoning from EC to O-S as proposed on Item #9. Mr. Maxton moved to ~~delete~~ as recommended. Seconded by Mr. Baker. Approved unanimously.

Mr. Winterhalter explained the area in question regarding Item #10 and recommended rezoning from B-2 to R-2. Mr. Baker asked if he was certain that this can be developed as R-2 - have you looked into the topography, he asked.

Mr. Linklater said he did not see the entire area but there was an extreme slope to develop. When he reviewed the area the main attention was with the drainage consideration.

Mr. Winterhalter said that the fact that the area was so low that it would not be appropriate to be business, it was felt that R-2 would be the best.

Mr. Gillingham said you would have to cantilever a house to get it on this hill. There is a tremendous depth there, he said. Bulldozers would have to knock trees down to develop and this would cause a lot of complaints.

Mr. Winterhalter said he agreed. What the best development of the area for the city is the consideration. Any development will not be easy.

Mr. Myers suggested that perhaps the top portion could be B-2 and the city might buy the other land for a park - this being approximately 3-1/2 acres. Mr. Winterhalter said it is not unusual for a developer to give more than the minimum just because an area is unbuildable. Mr. Myers said this whole area could not be completed together as the lower part is straight down.

Mr. Winterhalter said if we wanted to leave this business, we can. We have to look at what is the best use for the location regardless of the developmentability.

* Mr. Maxton moved to have the north R-2 and the south portion to remain B-2. on Item #10.

Mr. Gillingham asked about the 100' tree ruling. Mr. Winterhalter said this should not have any bearing on that legal action. Mr. Gillingham mentioned the three-way agreement between Village So., City of Centerville and J. Davis Co. regarding trees and then asked about what happens to the buffer strip. Mr. Winterhalter said if we agreed to have it, it would remain until it was

~~Mr. Winterhalter said if we agreed to change it, we agree~~

Mr. McCrabb asked about the agreement regarding the buffer strip. Mr. Winterhalter answered that this covenant did not go with the zoning so that was not a legal document. We assumed that this would stay until there was an agreement to revoke it.

Mr. Gillingham described the trees and terrain near Voss Chevrolet and Loop Rd. area. Mr. Myers asked if we have any idea about the plans for the wooded area to the south. Mr. Winterhalter said there are no plans at this time.

Betty Delaney, 361 So. Village Dr. spoke, stating that she is opposed because extension would go into the buffer. We feel, she said, that if you cut down the trees to put a house up, we will all see Voss & Loop Rd and this would devalue our property.

Mrs. Lake said she did not understand the company to say they would not extend So. Village Drive. Ms. Delaney said the company representative did say he would honor the buffer zone and she assumed this means not to cut a street through it. Mr. Gillingham said the company did not say they would, but that they could put a road down. Mrs. Lake recalled that the company

had said if worse came to worse, he would consider the other. Mr. Winterhalter said that he thought the only trees that might come down would be with the 28' of pavement. Ms. Delaney asked how a street would be put in and not a house.

* Mr. Maxton's motion died for lack of a second.

Mrs. Lake said that So. Village Drive will not be extended^{now}/and she was unaware at this time as to whether something exists that says it will never be .

Ms. Judy Hahn, 311 So. Village Dr. said that the previous owner of the present Delaney home (now moved out of the area) had received a letter from Mayor Hoy that City Council would never permit Village South to be put through. This letter was received approximately 5-9 years ago. Mr. Maxton asked if this was a letter from Mayor Hoy personally or from the City Council. Ms. Hahn said this was a letter from Mayor Hoy to the aforementioned previous owner. Mr. Winterhalter said that with all due respect to Mayor Hoy, this was not a council action that he has been able to determine from going over the minutes.

A citizen in attendance said that an attorney representing Davis Co. said that the road would never be opened. Mr. Tate said the reason is to allow So. Village Drive to serve business on Loop. Mr. Winterhalter said no, the intent is having business here that would influence the schools, residences, etc. The question is, if a land use is to occur, what is the best for the area?

Mr. Tate said he would like to keep traffic off So. Village Dr. Mr. Gillingham said if it is to be extended, the least we could do would be to make it single family rather than business. It should be restricted from any business, he said.

Mr. Gillingham asked if So. Village Dr. could be extended, commenting that in order to keep the trees you cannot extend So. Village Dr. Before Loop Rd. was put in, he said, So. Village was to have come to A-B Road. A discussion followed regarding entrances, etc. in the entire area.

Mr. Myers said the question is - would this land be better as a business or residential?

* Mrs. Lake made the motion to table Item #10 for a period of 3 months. Seconded by Mr. Gillingham.

Mrs. Lake said she agrees with the concept of the land, but would like to know firmly - what sort of commitments the city has made in writing and what could be used in court (if it were taken to court) on what the city has promised and what would stand up in court.

* Motion carried 4-3. Those in favor: Gillingham, Baker, Lake & Tate. Those opposed: Maxton, Myers & McCrabb.

- Mr. Winterhalter recommended deletion of Item #11 from the proposed changes.
* Mr. Maxton so moved, Mr. Myers Seconded. Approved unanimously.
- Mr. Winterhalter recommended deletion of Item #12 from the proposed changes. He cited that this would be a step-down from commercial on the corner to multiple, doubles and single family. There is marginal access from the street, taxes would be lower, and there would be a green buffer.
- Mr. Myers asked if the area to the west is developed. Mr. Winterhalter said it is not. Mrs. Lake said she would like to go ahead with R-2 as originally recommended. If a developer wants something else, she said, that is his prerogative.
- * Mrs. Lake moved to delete Item #12 and let the recommendation stand from EC to R-2. Mr. Gillingham seconded. Approved unanimously.
- Mr. Maxton and Mr. Winterhalter explained to those in attendance that these votes were for recommendation to Council.
- Mr. Winterhalter explained Item #13 proposal to rezone from B-2 to O-S and recommended deferring until this comes up under New Business - a site plan review for this area. Item #13 duly deferred.
- Mr. Winterhalter explained Item #14 and the fact that this is/owned primarily by Centerville Properties, Inc. (Elder-Beerman). Mr. Winterhalter said that we don't have any detailed plans for the property but he showed what might develop, showing a double end mall proposal.
- Mr. Robert French, President Beerman Realty and his partners in the Centerville Properties, Inc. Mr. Robert Tormey and Charles Sherman were present, as was Mr. Robert Archdeacon, developer
- Mr. Archdeacon showed the original site plan that was proposed in 1965. It shows a mall with a service station to the north. The proposed changes have been superimposed - this was updated in 1974 showing the rezoning as proposed by the city which, he pointed out, would eliminate the access and part of a building. To have a valid mall, he said, you must have parking all around. Otherwise, it would only encourage strip commercial. He said a letter is in the file from Mayor Hoy expressing willingness to cooperate with the Centerville Properties, Inc.
- Mr. Myers asked if this was a personal willingness or representing the Council. Mr. Archdeacon indicated this represented Council's feelings.
- Mr. French said that at the present time there is no mortgage money available, but a few months ago they had felt this would be developed in three years. He said they are currently working on other priorities. Mr. French explained his objection to the proposed rezoning and said he was aghast when he learned of this proposed change. He said when he had asked the reason for this proposed change he was told that "we just feel there is now

too much business zoning in the city." He said they have been working on this project and will have a mall if they do not have 1/3 of their land taken away from them with this rezoning.

Mr. Robert Tormey said they desired to avoid strip shopping and the city had agreed. He said the Elder-Beerman building was more than the minimum at this time. He said they would have developed more if the Dayton Mall had not developed when it did, but only so much can be in an area, he said. He said they have purchased other property and a mall is being planned with a three year option. He feels if they are reduced to a strip commercial this would lower the acceptability. He said Centerville Lanes, a Centerville Properties, Inc., property is a profitable operation and they are planning to expand, adding 12 lanes. This will require \$300,000 mortgage money which they don't consider very much, but which has taken 90 days thus far to obtain. He said their credit is good and they are believed in, but the delay has occurred and he feels this and the Dayton Mall impact must be taken into consideration.

Mr. Baker said that this is the first time he has seen this particular plan (made by the City) and it is unfortunate that it comes out at this third meeting on this rezoning request but he rather agrees with the developers on why this has not developed and the Dayton Mall and at the same time he has a personal opinion: Elder-Beerman is the only store of its quality in the city and he believes this is what Centerville wants. He questions making such a major change in this plan. He feels

Mr. Winterhalter said that he does not know how detailed these plans are or the fixed lines of the buildings. In reviewing this the parking standards have changed since the early '60's. Most existing shopping centers have excess parking in the rear. He said if these lines are so fixed we would certainly want to modify the action. He suggested that perhaps this should be tabled and a decision made later.

Mr. Tormey said he was extremely sorry they did not come to planning commission sooner. He said he was impressed at the time and detail expended tonight. He said he understands commissions situation. Mr. Beerman owned property and leased it to the stores, he said, and Centerville Lanes are leased from Centerville Properties, Inc. (The manager is currently buying some of the operation.) He explained the original development and said that some of the delay in development was due to the lack of sewers. He explained the current building plan at the lanes and the fact that it will eventually be a 40 lane center. Parking will have to come south, he said to accommodate that. The lanes will take over half of the additional parking.

Mrs. Lake asked what plans they had for the strip of land between the City Building and the Car Wash. The City had asked about purchasing some of that land some years ago, she said, and had asked for egress to Spring Valley Road.

Mr. Tormey said this is valuable property to the proposed mall. Shopping is often dictated by the whims of people and they want easy flow of traffic.

Mrs. Lake asked what were their plans for this area. Answer: (Mr. Tormey) I don't know - he said he thinks that the discipline of this body (P. C.) must be considered. He doesn't remember that the city failed any commitments to them and they have tried not to fail the city. He does not feel that a buffer would be an extreme obstacle.

Mrs. Lake asked if he can foresee any structural development on the land to the north. Without avoiding your question, he said, I would rather give it very serious consideration. He said he does not know at this time and would be pleased to come back.

Mr. Winterhalter asked - if this is developed, might we then expect some landscaping? Mr. Tormey said he does not like to make financial commitments off the top of his head and if he says they will do it, then they will do it. He said he would be happy to come back and to set a date now to come back. He did say that for the overall development of this mall, it would be to their (Centerville Properties, Inc.) advantage as this would not detract from a mall. He does not believe that the planning was determined other than that it would be a buffer. Mr. Maxton said this would be an advantage if he would come back with this information.

Mr. Tate stated that he had been a member of the commission for five years and had never heard of the city plan for a mall. Mr. Winterhalter said Mr. Schab was asked to prepare this, and that there was some communication with Elder-Beerman. This plan is part of the Centerville Improvement Corp.(CIC) Mr. Tate said with all the discussion on this in the past by commission, this proposed mall by the CIC should have come up. Mr. Archdeacon said this was an up-date of the 1965 plan. He said he had found this at the city building and had not been aware of it previously.

Mr. Tormey said they have about \$4 million invested in the City of Centerville and should have been here before, if only to introduce themselves.

Mrs. Lake said she does not think 1965 plans apply. She is concerned about blacktop all the way to Sheehan, and thinks the concept should be redone.

Mr. Tate thinks the concept should be redone and does not like the blacktop either.

Mr. Myers said that if we do not allow this we will have strip commercial which is viewed as undesirable. He is not sure strip commercial is so bad. Mr. Tormey said strip commercial historically does suffer a deterioration. Mr. French said the amount of available frontage that is available in a strip line is limited, a small merchant needs a niche such as available in a mall. It is not economical to get someone to take a secondary location. Malls can fit more stores in a smaller amount of space. He also said a circular traffic flow is necessary to avoid traffic problems. Mr. Tormey said the most recently developed major strip center he is aware of is about 12 years ago. When small stores don't make it, rent is lower and this is the beginning of deterioration.

- * Mr. Maxton moved to table Item #14 for a period of 90 days. Seconded by Mrs. Lake.

Mr. Maxton said the ten year plan should be updated and something more concrete layed out for this area, otherwise the recommendation of the City Planner might hold some credence.

- * Motion to table approved 5-2. Those in favor: Tate, Maxton, Baker, Lake and Myers. Those opposed: McCrabb and Gillingham.

Yankee Street Estates Record Plan, Section 3 (Washington Twp.)

The motion was made, seconded and unanimously approved to remove from the table the above record plan.

Mr. Winterhalter recommended action be taken to deny this due to the exclusion of sidewalks ~~on cul-de-sac~~ on Garrison Court. He said he had not been able to get in touch with the developer.

- * Mr. Myers made the motion that Yankee Street Estates Record Plan Section 3 be denied based on the fact that it does not meet our construction standards including sidewalks and widening of the street. Seconded by Mr. Maxton. Unanimously approved.

New Business

Mr. Maxton said that Council is requesting that commission meet their target date regarding the land use for the 35 acres. Mr. Gillingham said the information that had been accumulated had not been reviewed by the committee. He will have a report at the next meeting.

Record Plan Sealy Plat, Section 2 (Washington Twp) along east side of Dayton-Lebanon Pike, approx. 1/3 mile south of Spring Valley Road.

Mr. Winterhalter reviewed the plan and Mr. Linklater gave the recommendation of Mr. Schab, which is to deny this plan as presented. The reasons given were that basically there are drainage problems to be resolved before it can be recommended. 1) proposed drainage point is .33, minimum req'd. is .5; 2) a concrete bottom is desired; 3) further east is Madrid Estates and an agreement is desired to dig out and put a better grade in.

The applicant was not in attendance. Mr. Maxton said the recommendation of the City Engineer as relayed by Mr. Linklater ~~seems~~ to be adequate. He said that when we cannot get in touch with a company we should send a registered letter - we should have written proof (as indicated in a case tonight) that we sent notification.

- * Mr. McCrabb moved to deny Record Plan Sealy Plat, Section 2 for the reasons outlined by the Engineer. Seconded by Mr. Gillingham. Approved unanimously.

Record Plan Normandy Farm Estates Two, Section 7 (Washington Township).

Mr. Winterhalter reviewed the preliminary and area plan. Grants Trail plan was originally to have extended from Normandy Lane to A-B Rd. which would make a loop road with one other through street and several cul-de-sacs in this area. This current plan shows a termination of Grants Trail with nine lots along A-B Road rather than the originally proposed 8 lots & thru street.

Mr. Winterhalter read from several recommendations he had received. 1) Fire department recommended extension; 2) zoning inspector recommended extension; 3) park board recommended extension; 4) Twp. was neutral. No recommendations received were in favor. He said the staff recommends extension so that when we review our record plan we can review this to make it as safe an intersection as possible. If

Mr. McCrabb asked why the Township was neutral. Mr. Winterhalter said that originally the twp. supported termination of Grants Trail then residents on Cramford and others asked that this be extended and the twp. became neutral.

Mr. Archdeacon said that they were aware of the initial petition filed by the trustees. Based on what they felt was the desire of the trustees and the people the developer had filed this plan and since that time the additional petitions have been given and the twp. rescinded their decision and the developer filed another record plan with the street through based on staff recommendation. They are seeking approval tonight of one of these plans.

Mr. Maxton asked if sidewalks were on A-B Road. Answer (Archdeacon) No, for one reason there is a row of trees (he showed a slide of the area) and said also your sidewalk requirement says that sidewalks are required if all lots have 110' or less - these are all greater than 110'.

Mr. Winterhalter said that if this plan is denied it would be difficult to make a decision tonight, premature to take action since we do not have all the information. We can decide, however, whether or not it will be extended. He said we want to seriously look at the grade and the intersection - to make sure we have a safe intersection. He does not see the need to approve the plan tonight and does not feel the developer had the plan here in time.

Mr. Archdeacon said this is a modification of the original plan - they want a decision tonight so that they can build houses.

Mr. Maxton feels Grants Trail should be extended to A-B Road. He said he had inspected the area and the grade coming up A-B does have to be worked on but access from either direction is fairly clear.

Mr. Baker said in general he is in favor of opening it but reserves the right to change his mind based on any information received.

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Mr. Myers said he is in favor of the extension. He said he tries to put himself in the place of others and he does not like that long cul-de-sac and is also concerned about trees coming out for sidewalks. Mr. Maxton said sidewalks are not required.

Mrs. Lake and Mr. Tate are in favor of the extension.

Mr. McCrabb is also in favor of extension and cited several reasons. 1) record plan originally showed it. 2) Cramford in his opinion will not be a short cut. 3) He feels Normandy will be cut off entirely (by I-675), eventually.

Mr. Myers said he thought I-675 would go over.

Mr. Gillingham said the original plan was designed to go through and it should be extended on through. You cannot deadend in a back yard.

Mr. Sorrell Logothetis, 730 Grants Trail, was the spokesman for a group in the area. He said some of the comments already have touched on this matter but have not focused clearly. We feel, he said, you should consider additional explanation. Grants Trail people are not the ones who want it to go through. He feels the benefits to Cramford do not outweigh the disadvantages to Grants Trail. He cited numerous reasons for not wanting Grants Trail extended: safety of children playing on Grants Trail, steep hill at the end of Grants Trail - there is a curve which is a natural inducement to speed, closer police patrol was earlier suggested - they cannot be on Grants Trail 24 hours a day, the Co. Engr., who is familiar with this, cannot accurately say how much traffic would be there, they are guesstimating that this will be a traffic pattern, once the street is through, there is no turning back. Also, the intersection should be looked into - grading in winter will be a problem. He said Cramford has only 10 residents and may argue that Cramford is not a short cut to the school, but this doesn't mean that Grants Trail will not be. The sum total of the possible effect of Cramford is that you are going to redirect the traffic out. He said it IS going to open the entire street to traffic that is going to cut through. He said the liabilities outweigh the advantages, the northwest end of Grants Trail is virtually fully developed - beyond that you have no problems in anticipation of increased traffic flow. It is now what it will be. He said this would be opening up a situation that nobody can predict the outcome of. You are taking a suitable situation and putting it into a questionable situation. He said the people drive up and down Cramford every day and know where the children are - the people who will be cutting through (Grants Trail) will not and this must be looked into. There have been statements that claim accessibility, police services and fire protection will be improved, he said, and supposedly the fire chief. There is not going to be any discernible savings, he said, between cutting down Cramford or coming the other way. The people on Grants Trail do not want it, they should be heard. Regarding police protection - (as Grants Trail is now) if they have a burglary, the burglar cannot get out. (He believes) the extension will bring increased

accessibility to crime. He said petitions give rise to situations and do not solve them. We are sure, he said, that if a survey were conducted the majority would want Grants Trail closed. On the petition in favor of opening the street there are substantial signatures of residents on A-B Rd. and Normandy Lane. What interest, he asked, do they have in opening Grants Trail. What logical reason do they have? It is apparent they are going to come down Normandy Ridge and if they have the choice between the Normandy and A-B Intersection they are going to take Grants Trail, they are not facing the facts and taking this into consideration. There is a small group of people, he said, and we feel that whatever benefits it may have will be far outweighed by the problems it will bring, unlimited potential problems. Anyone can tell what these might be. As for it's having been mentioned in the original plan, he said 'tonight I have heard that just because something was planned ten years ago that doesn't mean it has to be that way now.' This has to be taken into consideration.

Mr. Don Panning, 500 Grants Trail (at the beginning of the cul-de-sac), ~~said~~ ^{He said} he had approached the developer in 1963 about the development that was going in, was told the plan, and moved in in 1965. He said he hopes this goes all the way to A-B. The children are used to playing in the street and (could) no longer. He does not think this will be a short cut through on Grants Trail. I wouldn't use it, he said, but that is my personal opinion. Mr. Panning said he also represents Mr. Tom Hook (his neighbor) who essentially has the same opinion as he does. Hopefully trees at the intersection would hide it (so it would not be commonly used). He said opinions are not all the same up and down the cul-de-sac. As far as accidents, a child in his driveway had been knocked down (presumably by current traffic). As far as crime, he said, we have a considerable amount of crime already and he does not know that this would deter it. He hopes that Grants Trail goes through.

Mr. Bob Caplan, Grants Trail, is in favor of keeping Grants Trail closed. He feels it is essential to keep the traffic on an arterial road rather than on a street with a great deal of curb cuts and children. He feels Normandy Rd. & A-B Rd. are adequate to serve this traffic. However, if a decision is made (to put it through) he feels certain items should be added, i. e. sidewalk or pathway to serve pedestrians. Children from the school create high traffic and signs for 'local traffic' should be put up. He feels this is like "opening a can of worms" on a relatively stable situation. He also feels this will have an additional side problem for an intersection.

it appears that

Mr. John Paine, 6842 Cramford feels that/a few want Grants Trail ~~completed~~ and a great many don't. He purchased 6-8 years ago and (they) have not complained about trucks for construction going through. They have 150 signatures to complete the street and 120 to end it. This is not just a few people on Cramford, he said. He said Grants Trail has a blind end - if you complete the street you won't be able to see around the curve. These things are done, he said, for the health, welfare of the community as a whole. Some people have waited eight years for this to be completed. The only people you break a promise to is to the ones you promise. He

said if (some) people want a cul-de-sac, there are still some lots available on a cul-de-sac. They are not asking for anything, he said except that it be completed (as promised). He said at the Twp. meeting he asked 'if this plan were presented (with the dead end on Grants Trail) would you approve it'. One said he would think about it and two said no.

Ms. Mary Nichols , 7320 Normandy feels the corner at A-B is dangerous and the waiting she has experienced has been lengthy. She is in favor of the extension and does not see the point of any of this argument.

Mr. Henry Scott, 614 Grants Trail said he is opposed to the extension. He said he would like to invite the planning commission members to visit the street on a Sunday afternoon between 4-9 pm and see the comradship evident by the people strolling, etc. He also sited a case of July 4, 1 a.m. where boys were setting off fireworks and when the sherriff was called, he was able to 'corral' them on the dead end street. He feels they have adequate protection(against crime). He mentioned the hill on A-B and the hill on Grants Trail (which provides residents with a place to toboggan). He would like to save this hill (for toboggans, etc.,) as children's lives are important.

Ms. Susan Cunningham, ~~(Oak Creek)~~ cited as an example Rahn Rd. - since this has been put through, she said, there is no way children could be safe there.

Ms. Frances Paine, 6842 Cramford said she doesn't feel that children are exclusive to the other end of Grants Trail. She also said that in the event of a fire, for example, if there was a party there would be no way (for the fire equipment) to get through.

Mr. Maxton said he feels it should be extended.

MrMBaker agrees, from a circulation viewpoint of the whole area. It is unfortunate, he said, that the Twp. has not taken a progressive approach to the sidewalks. He feels Centerville school children will suffer.

Mr. Myers said his opinion is unchanged, adding that every car that goes in (Grants Trail) must also come out. He is also in favor of sidewalks.

Mrs. Lake said that from a traffic standpoint she thinks the thing that bothers her in the Twp., City (Community) is perhaps the development of these long "nowhere going" streets without any covenants that people buying these lots don't know they are going through. Sometimes it is said that these may not, should not, etc. It is her understanding that a thoroughfare plan must go through. If this were to come through tonight (with the plan to dead end Grants Trail) she would vote against it.

Mr. Tate and Mr. McCrabb concur.

Mr. Gillingham commented on the previous statement that someone did not know why the fire department would be concerned. He believes that it would be

remarkably easy to block that street so that a fire truck could not get in at all.

Mr. Maxton stated that we cannot do anything on the sidewalk in this matter.

Mr. Archdeacon was asked when this might be completed. He said he did not know, they cannot sell those lots until this is decided but it will be developed soon.

Mr. Dale Smith, developer, said that however planning commission wants it done, it will be done and they will start within a week or so. We have both plans here, he said, and would like planning commission to tell them which they want.

Mr. Winterhalter explained that this second plan cannot be acted upon tonight (it was not presented in time, there are the engineering problems, etc.)

Mr. Smith inquired about what engineering problems he meant. Mr. Linklater said the grade (10% slope at intersection) 5% minimum requirement.

* Mr. Maxton moved to deny Record Plan, Normandy Farm Estates Two, Sec. 7, because it is the desire of planning commission that Grants Trail engineering problems be resolved.

Mr. Smith said that this could be worked out with the City Engineer and they would do whatever the city wants done. We just want to get on with it, he said.

Mr. Maxton said that initially he wanted to resolve the whole matter tonight.

Mrs. Lake agrees that (the developer) has tried to work with the Twp. and the area, but just in general she doesn't feel that she could justify this. The people we have asked for comments, she said, have only seen one thing that they have addressed their comments to. She said she has come to this viewpoint because so far when she has extended herself to flexibility she does not have good results and although she does not anticipate any problems with (this developer) she would rather not have motions with conditions applied to them.

Mr. McCrabb asked the question - from an engineering viewpoint only, do you feel that it is not feasible to open Grants Trail. Mr. Winterhalter said it is a question of how we do this, not if it is possible. Engineering problems have not been resolved. This could be put on the agenda for Aug. 13, he suggested. (Mr. Archdeacon said Mr. Winterhalter is not paying the mortgage money.)

Mr. Maxton said he would have to rely on the opinion of the City Planner regarding the City Engineering Department. We should be able to do this at the next meeting, he said.

* Mr. Myers Seconded the motion to deny. Motion passed 6-1. Those in favor: McCrabb, Tate, Maxton, Gillingham, Baker & Lake. Opposed: Myers.

Item #13 (Z-74-7 proposed zoning changes) AND
Site Plan review for northwest corner of Spring Valley Road and S. R. 48 owned
by Richard Wilson and Jack Hutton.

Mr. Jack Hutton, 1332 Tommerlane Road, said that their proposal included a restaurant (which is not O-S), retail, medical, grocery & drug possibilities. He said this is probably the most important financial problem he has had. He has many clients in Centerville. He does not want this to be included in the rezoning. He feels the B-2 should be in that particular location. This would be a basic unfairness after they have purchased this, he said. They are proud of their plan. He stated that the past owner was besieged by prospective buyers and he turned them down until this plan was presented to him. We felt that this was one of the finest location, we feel this will be the center of the city before too long. Major retailers have come to them to rent here. One of the big banks in Dayton wanted to buy it and we are now negotiating with two banks to locate here, he said. This corner is even more important because of what the city has done here to beautify this area. From his experience, he feels this is really going to 'go'. He said he had had short notice about this. He had a petition which he read (on file). He said, in the fall of 1973 when they looked around for property that they felt had potential, they looked here, recorded the deed in 1974. He did not blame Mr. Winterhalter for the short notice, stating that this was a problem with part time city employees. He said he had talked with Mr. Karl Schab, who said we would have to put in sidewalks and he explained about the new park that was all that was said. He said they paid top dollar for it and this rezoning would be a financial disaster. Unless there is some public safety or moral reason for a change, he does not want it changed. He said they wanted to maintain the flavor of the early american and have gone through four different plans that meets the city requirements. This would be 26,000 sq. ft. - with 6,000 sq. ft. of offices on the second floor. He showed a drawing of the proposed center, stating that he has conferred with several architects on the center and he presented several letters, etc., to support this, (copies on file). He asked that this not be tabled - please accept this and recommend that it not be rezoned.

Mr. Gillingham asked if there is anything in our ordinances to prevent the building itself from being the sign, stating that he would not like to see that beautiful building covered by signs. Mr. Winterhalter said this could be controlled.

Mr. Hutton said that the drawing that was shown was not binding as far as architecture is concerned.

Mr. Myers asked Mr. Hutton if he planned to use this office space himself. (Mr. Hutton is a lawyer). Answer: No.

A discussion followed regarding the property at the NW corner (Shell station) and Mr. Hutton said they had tried to purchase this. The Shell Oil Co. apparently has a 35 year lease on the property.

Mrs. Lake said the question is, do we feel that B-2 use is the appropriate use at this point. She also said she is not certain she wants the center of the city down here and she does not want a repeat of the corner of Whipp and '48'. She feels that if we are not very careful, we could have a big problem. She does not want that problem here.

Mr. Hutton said, for example, the restaurant they propose would not be permitted in O-2. Mr. Winterhalter said a restaurant would be allowed, but inside, not facing '48'. He read the B-2 and O-S permitted uses.

- * Mr. McCrabb made the motion to withdraw this proposed change and leave it the existing zoning on Item #13. Seconded by Mr. Maxton.

Mr. Baker feels there are too many things in a small area on the proposed plan.

Mr. Hutton said they would like to here from the P. C. on these plans.

Mr. Wilson said that when you purchase a piece of land at the high cost you have to ~~pay~~ for the sq. ft. of rentable space or it is just not profitable.

Mr. Myers said we have to base our comments on what is good for the city and not the individual.

Mr. Winterhalter said the building space on the lot can be modified. Mr. Hutton said they want to work with the planning commission on this.

Mr. Wilson said the building their business is in at the present time used to be an 'eye sore' and they have fixed it up attractively.

- * Mr. McCrabb's motion carried 6-1. Those in favor: McCrabb, Tate, Maxton, Gillingham, Baker & Myers. Those opposed: Lake.

Public hearing for Jacoby V-74-8 variance set for August 27.

Meeting adjourned at 1:30 a.m.

Next meeting August 13, 1974 - 7:30 p.m.

/gb

