

CENTERVILLE PLANNING COMMISSION
Special Meeting
August 27, 1974

Those Present: Messrs Maxton, Myers, Tate, Gillingham, Baker & McCrabb and Mrs. Lake. Also Present: Mr. Winterhalter, City Planner; Mr. Linklatter, Ass't. City Engineer and Mr. Schab, City Engineer.

The Minutes of the July 30, 1974 meeting were approved as prepared.

Communications

Mr. Gillingham read a report from the Coordinating Committee for Centerville Civic Center. (Copy attached)

Mr. M. Mr. Maxton said that he did not see a need for a workshop. He asked Mrs. Lake, as Council representative, what she thought. She said that Council was interested in the opinion of the C. C. C. C. and this report reflects that opinion. Mr. Gillingham said that he had been asked to go in person to present this report and he planned to do so. He added that he is well aware that the list is longer than feasible and that some compromise will have to be made. He feels an architect should be employed and that Council should tell the committee what monies were available.

Mr. Myers said he had talked with Mayor Hoy about the financing and he had said that the P. C. should submit the desired amount and Council would then tell them what they can have. Mr. Myers said this may have been Mayor Hoy's personal opinion, but he had told him that the ideal should be requested and then work for a compromise. Mr. Myers does not feel that much could be accomplished from a workshop. All the items on the list are worthwhile.

Mrs. Lake said she thinks the Council is looking to have the Commission establish some sort of order, but she is not sure in what fashion this is desired. If the Commission feels that professionals should be brought in before a decision is made, that is what the recommendation should be. She suggested that architects other than those already approached might be considered. Perhaps the architect to design an arts center may not be the one to design the other building. Mr. Maxton said this could be discussed with Council on September 16th. (He said he would also go to the Council meeting with Mr. Gillingham.) Mr. Maxton asked that a report be prepared for Council with copies to Commission members prior to the Sept. 16 date. Mr. Gillingham said he would do this and that he would be available to discuss this with the Commission members by phone if any so desired.

Mr. Maxton referred to a letter he had received regarding the City Newsletter and asked Mr. Winterhalter to prepare an article again. Mr. Winterhalter said that he would do so.

Mr. Robert Muzechek, 9535 Sheehan Rd. started reading his 'appeal' regarding the group home. He was told that this was not on the agenda for this meeting. He had thought that he was to present his case under 'communications'. Mr. Winterhalter and Mr. Maxton explained that communications in this instance was for correspondence, etc., received by the Commission. If such letters indicate that these items should be on the agenda, they will be added. Mr. Musecheck asked why an agenda was not available when they came to the meeting. Mr. Winterhalter gave them a copy and said that they do not pass out agendas to all who come to the meeting. If they desire one, they may come to the City offices during the day and request one. This item was added to the agenda as Item 7-G, under New Business

Mr. Maxton asked about the drainage problem recently experienced at the new high school. Mr. Winterhalter said he had talked with Mr. Schab who had discussed this with the architect. He was told that this was not a problem for the City but for the high school, County and property owners. Due to the recent flash flooding, Mr. Schab contacted the County personnel who told him that the cost sharing is being worked out. The State or County school is exempt from municipal planning board, he said, and in the past it has been a matter of courtesy. Mr. Maxton said they are not exempt from coming to the Planning Commission. However, any action taken by the P. C. would not be final. The high school would be required to come before the P. C. and then back to the school board, Mr. Maxton said and added that possibly some of these problem problems could have been avoided if this had been done.

City Planner's Report

Revised Sidewalk Regulations from Council - Sidewalks being required on both sides of the streets. . . . subdivision regulation in effect at this time does not allow for waiver.

Subdivision regulations up dated: It is staff recommendation that a group of three (Mgr., Planner & Engineer) to review these plat plans for tree removal rather than coming to Planning Commission. This being in part due to the fact that 7 working days are allotted for review. Mr. Maxton said that the Ohio revised code allows 30 days for subdivisions. Mr. Winterhalter said this is not a subdivision, but a division of land; lot splits are allowed only 7 working days

* Mr. Tate made the motion to delegate the aforementioned group of three to rule on lot splits and tree removal. Seconded by Mr. Myers. Motion carried 5-2. Those in favor: Myers, Gillingham, Tate, Baker & Lake. Those opposed: Maxton & McCrabb.

Mr. Winterhalter suggested that when an item is presented to the staff that is usually brought for public hearing, that staff go ahead and put them on

the agenda as long as they are submitted within the proper time limit. He added that sometimes there is a question as to whether or not the applicant should come to the (first) meeting. These are usually only reviewed and set for public hearing and the applicants presence is not required. Mr. Gillingham said that since it is the responsibility of the City Planner is responsible for making up the agenda, he could very easily go ahead and schedule it for public hearing.

Mr. Baker voiced concern that there be some method of informing the members, perhaps before they are actually put on the agenda. Mr. Winterhalter said that Mrs. McLaughlin could do this and it would be a week before in most cases. Or, it could be a part of the City Planners report. Mr. McCrabb agrees that in 90% of the cases this would be acceptable, but in 10% of the cases (the City Planner) may be authorizing something that the commission may want to decide whether there will be a public hearing or not. Mr. Winterhalter said he had tried to consider if this had happened in the past or if it might happen in the future and could not think of any reason for commission to make such a decision. Mr. Baker said the P. C. really does not have this prerogative. Mr. Winterhalter said that essentially this is a matter of simply setting the date. Mr. Myers said that if it comes before the P. C. improperly prepared, it would be turned down. Mr. Winterhalter said that the first meeting of the P. C. at the first of the month is more than 15 days before the meeting at the end of the month and he does not believe the notice of public hearing has ever come out before the first meeting of the month and therefore this would be time to remove it from the agenda for the last meeting of the month. Mr. Maxton asked what the rules of procedure were on this. Mr. Winterhalter answered the the Ohio revised code does not say that we have to have a Planning Commission meeting , no problem is foreseen.

* Mr. Gillingham moved that the City Planner's office be authorized to set the time of public hearings to come before the Planning Commission
Seconded by Mr. Tate. Approved unanimously.

Mr. Baker asked the City Planner for a copy of the laws the P. C. is currently operating under. Mr. Winterhalter said they will be in the next packet. This will also include the new subdivision regulations.

Public Hearings

Mr. Winterhalter reviewed the situation regarding George Jacoby's property at the SW corner of Virginia Avenue and W. Franklin Str Street. Mr. Jacoby resides at this residence and is running a manufacturers representative office within the ordinance except that he has one outside employee. This ordinance is in regard to the only workers being members of the family. He has asked that his secretary be permitted to work there. In all other cases he meets the ordinance.

- Mr. Jacoby said he purchased this property in February or March and at that time it was used as a beauty shop and before that it was used by Mr. Wainscott as a business so for approximately 20 years it has been used as a business.
- Mr. Maxton reviewed the public hearing procedures and requested that those in favor speak first, then those opposed and to state their name and address. He also added that the Planning Commission may or may not take action at this meeting. He explained the method of appealing if that action is chosen.
- Mr. Myers asked the applicant if at the time he bought the property he was aware that a permit would be required. Answer: No. Mr. Myers asked if he purchased through a realtor. Answer: No.
- Mrs. Lake asked Mr. Jacoby what made him come to the conclusion that he could hire someone outside his family to work there. Mr. Jacoby answered that it was just that he was a novice.
- Mr. Myers ask Mr. Jacoby what his option would be if the decision were made against his application. He said that they did not want to impose a hardship, but we must abide by the ordinance. Mr. Jacoby answered that in the interim he has rented an office and he would have to rent one if the decision were against him. He said he would abide by whatever must be done. Mr. Myers asked what remodeling had been done. Mr. Jacoby said that some remodeling had been done on the exterior and considerable remodeling on the inside. Mr. Jacoby was asked why he chose to locate there. He answered that it was for convenience - to the bank, post office, etc. He said that he has always rented property in downtown Centerville and considers this location downtown.
- Mr. Myers asked Mr. Jacoby why he chose such a busy corner for a business of his type. Mr. Jacoby said that if he had anticipated the noise he would not have chosen it.
- Mr. McCrabb asked if Mr. Jacoby had become aware of this situation during remodeling. Answer: Yes, I received a letter sometime after I started by the Building Inspector, he said. Mr. Jacoby was asked if, when he submitted his plans, did they show it as an office remodeling. Answer: No, if I understand your question.
- Ms. May Boling, 35 Virginia Ave. said that they have lived at this address for nine years and there was a beauty shop at that location for about nine months. She also said she does not believe Mr. Jacoby lives there, she believes he lives on Ridgeway. Mr. Winterhalter said that the application indicates that the applicant lives at this address.

Ms. Boling said she believes Mr. Jacoby travels a lot and is not there and asked if anyone is there during the week. Mr. Jacoby said that he did considerable traveling.

Carl Geiser, 118 Jeannette, said this property in question is currently R-5, having been R-3 and a request has been made to Council to revert it back to R-3. He would like to see action delayed until this zoning decision is made and put into effect. Mr. Winterhalter clarified the R-3 zoning saying that a home occupation is allowed. Selling cannot be done on the property. The point here is whether additional employees can be allowed. During conversations with other staff personnel, Mr. Winterhalter said, a suggestion was made that perhaps one additional outside employee could be allowed. It was also discussed that this was being considered for the AP District. No indication was made that either of these were going into effect. What is allowed in the R-3 now will be in the R-5. Mr. Geiser is with the Concept West Civic Assoc.

Mrs. Lake said that she feels that this should remain R-3. She also said that she feels there is a great deal of anticipation of changes that may or may not take place 3-4 months from now. What we should be considering, she said, is that this is in violation with the zoning as it exists at this time. I am not sure, she said, that he should have been advised of what might be. She said that if you pass the ordinance that one other person can be employed outside the family then every house in this city could be an office. She is of the opinion that a lot of things were brought into this that should not have been. This is a residence, he is legally entitled to 25% of that building as an office and that is it, she commented.

Mr. Winterhalter said that it had not been proposed to change the use, Mr. Jacoby has applied for a variance. He does not feel staff was misleading. Mrs. Lake agreed that he had been given perspective as to what might happen.

Mr. Gillingham asked Mr. Geiser what difference it makes to the Civic Assoc. whether this is R-3 or R-5. Mr. Geiser answered that under R-5 this (situation) will be allowed, and if it goes through the association will petition to have it changed back to R-3.

Mr. Maxton agreed that in the past action had been delayed on a 'possible' change and we must work solely with regulations as they are and not what might be if it goes through. As far as Mr. Maxton feels concerning this case, AP should be extended to the City limits and he feels this variance should be granted.

Mr. Gillingham said that he is in favor of extending the AP District to the city limits and if and when that is done all the properties along there will be eligible. In the meantime he is not willing to authorize this on an assumption.

Mr. Myers said that we really cannot justify making this 'spot' zoning based on what might be. He mentioned that this had been done on a recent case and the applicant did not get his zoning change from Council.

Mr. Tate does not think this is a question of change, but a question of variance. He does not see what difference if it is in AP or business zoning along that area and someone going in and out a couple of times a day should not matter.

* Mr. Gillingham moved that the request for variance be denied. Mr. Myers seconded. Variance denied 4-3. Those in favor of denial: Myers, Gillingham, Baker & Lake. Those opposed to denial: Maxton, Tate and McCrabb.

Unfinished Business

Review site plan for northwest corner of Spring Valley Road and S. R. 48.

Mr. Winterhalter explained that the applicant proposes offices, retail, a drive-in bank and a restaurant. He pointed out the irregular property line at the north. The main point is how to work out the vehicular access into, out of and within the site. The original plan showed two different curb cuts and it has been revised as shown with all the curb cuts in one place with two in and two out lanes in one location. He said another possibility would be to encourage access further north and working through the area (this would be further from the corner) and might also prevent problems with the drive-in bank traffic.

Mr. Linklatter said he had spoken with Mr. Schab (who was not at this meeting at this time) and they had felt that the best egress/ingress would be to extend the right turn lane up to the north end of the plat and have an ingress and egress for the drive-in bank. This would provide deceleration in the right turn lane to prevent slowing problems to get the traffic off '48'. If you have an exit on '48', perhaps the best flow would be through the south end of the project.

Mrs. Lake sees the bank as a problem in its proposed location. She asked if the bank could be a part of the larger building.

Mr. Maxton said that with a drive-in bank you have to have a circular traffic pattern.

- Mr. Myers asked if the drive in window could be put in the back (of the larger building). Mr. Maxton said if there were trees at the rear of the office buildings there would be a blockage.
- Mr. Winterhalter said that one possibility for the bank is to see if we want free-standing buildings, 'U' shaped buildings or 'L' shaped buildings. Mrs. Lake would like to see the buildings be the attraction. Mr. Myers suggested asking the applicant to put a 'pocket park' where the food building is proposed. Mr. Myers asked if P. C. could put an 'exit only' at some curb cuts. Mr. Winterhalter said this can be done with approval of the plan.
- Mr. McCrabb asked about the right-of-way line of 60' from center line being proposed when 86' is required. Mr. Winterhalter said we can require additional widening of '48'.
- Mr. McCrabb asked about the parking proposal and requirement. Mr. Winterhalter said 168 are proposed and 136 required. He said the extra 32 spaces could be deleted if keeping them presents other problems
- Mr. Baker asked what was being planned for the area between the bank and the restaurant. Mr. Winterhalter answered that no details have been worked out, examples would be some type of planter, something similar to the Cambridge Inn was discussed.
- Mr. Dick Wilson (one of the developers) said that the clients that they have talked with are requesting free standing drive in bank and restaurant facilities. These clients have requested them to get their financing. He said the banking industry is trying to get away from the end of a building and have all free standing buildings. Each 35' we would have a tree planted and a low planter, he said.
- Mr. Myers asked the developers how they feel about entrance only off '48'. Mr. Wilson said he believes that would be a great handicap. I would hope that you would not do that, he said. Our bank would be 120 back from the right of way, he added.
- Mr. Jack Hutton (developer) said that we are all concerned with the community. The bank is also very much concerned about good planning. They don't want to tie up traffic, either. He mentioned that Mr. Winterhalter had suggested the deceleration lane and thought it would be a good idea to have the two deceleration lanes coming off '48' at the irregular northern property line, getting the traffic off quickly. He added that the food business could not be left trapped in the corner. There has to be some ingress and egress near the restaurant. He said that on the

south there should be one inbound lane and one outbound lane shown at the curb cut approximately 200' back from '48'. He added that he believes approximately 30 trees will be planted and will help the appearance. He would like the Commission to offer some indication of what would be best. Perhaps, he said, four lanes are not required but some access for the food business is necessary.

Mr. Gillingham asked the developers about their plan for the fast food place. He does not know of any fast food place that would go good on that corner and would prefer seeing something like was previously shown. Mr. Hutton said that they cannot tell people (clients) what to do but can only recommend. Mrs. Lake said that McDonald's is looking at that corner and asked what they plan. Mr. Hutton said that he did not know, but that they had seen some examples of architect which were not the arches. Mr. Winterhalter added that he had talked with McDonald's representatives and they are aware of our sign ordinance.

Mr. Myers asked for clarification that this 'fast food' as it has been referred to is not a grocery. Mr. Hutton said it was not, that it would be too small for a grocery. Mrs. Lake feels that the fast food business is in the center of the traffic. She felt the plan shows minimum trees and maximum parking.

~~Discussion ensued regarding a green island, maximum parking and~~
A discussion ensued regarding a green island or pocket park on the site.

Mrs. Lake objects to seeing so much parking. She asked if the office building could be moved forward and put the parking in the rear. Mr. Hutton said that they have in mind to have employees and delivery in the rear and to keep the parking in the front for the customers. He said that if the building were so moved, people would be looking in the alley, so to speak and it would be more difficult to maintain the idea they desire. Mrs. Lake said she does not like free standing buildings. Mr. Myers agrees that there are too many little chopped up buildings.

Mr. Hutton said that both the fast food and the bank want freedom. He said these points can be brought up when they get down to negotiating with them for a lease. Mr. Hutton said fast food may not be a good word - they are talking about 150 sit-down spaces. He said they are talking with numerous would-be tenants and that it will really be a restaurant. Mr. Baker and Mrs. Lake thought a nice restaurant would work in with the office/retail building. Mr. Hutton feels that they (restaurants) want to be free standing and he does not think that is unreasonable. Mr. Myers asked about plans to conceal restaurant garbage. Mr. Wilson said that they plan to do this with shrubs and added that they also plan shrubs to the north of the site.

- Mr. Gillingham asked how many parking spaces were around the fast food building. Answer (Mr. Hutton) 24. Mr. Gillingham wondered if this was adequate for 150 seats. Mr. Maxton asked for the square footage of the building. Answer: 1650. Mr. Winterhalter said they are in compliance with our (parking) ordinance as written.
- Mr. Tate said that he has no objection to the free standing buildings if they are done in good taste. He would like to see a better traffic flow, and would like to see the entrance at the north.
- Mr. Winterhalter said that we will review this again - the architectural review.
- Mr. Gillingham said that there was not a lot of business at the drive in bank at Siebenthalers. Mr. Hutton said there is quite a pressure to have a drive in bank in this area.
- Mr. Maxton feels the bank layout is terrible. The fast food parking meets the requirements but he feels that a nationally known chain (such as McDonald's) would not accept that type parking - they would want head-on only.
- Mr. Hutton said they have planned parking sharing to provide for that. He said there are 40 extra spaces and pointed out other locations where food patrons might park.
- Mr. Myers asked if there are any other plans than yellow lines in the parking lot, for example plantings... something to break the asphalt. Mr. Wilson said that in no place do they have more than eight cars in a row. Mr. Myers said he would like to see something better than two rows of cars parked head-on. He would like to see a strip of green and trees between. Mr. Hutton asked Mr. Winterhalter if he might have some plans along these lines. He said that he did.
- Mr. Maxton said that the applicant had indicated that if this were changed to O-S it would affect their plans, yet they said they do not have any concrete plans. He added that perhaps we are being premature regarding parking - we are not functioning to speculate.
- Mr. Wilson said they have negotiations with many for not only the two (bank and restaurant) but for the others. We do not, he said, have a firm commitment from McDonalds
- Mr. Hutton said that the potential tenants have asked what Planning Commission wants. This is our fifth presentation, he said, (second to Planning Commission, three having been with the City Planner). You have to tell us, he said, what you want so we can

comply. We cannot get that first lease signed on condition unless we get this approval. The code provides that we make a master plan. Mr. Winterhalter said the site plan review is required - curb cuts, ingress/egress, buildings, etc. Mr. Maxton said said that the applicant had been in previously pending a change in zoning and are now in under the existing zoning for approval. Mr. Winterhalter said we do not have any recommendation in for this zone to be changed.

Mr. Gillingham asked if the bank had seen this layout during their negotiations and if so do they go along with it. Answer: Yes, it is a give and take. They would like to see this (an area specified on the map) opened up. Mr. Gillingham thinks that if there were two curb cuts on '48' the bank would like it and perhaps the traffic tie-ups would be less, closer to the corner.

Mr. Baker feels that they have tried to put too much on the property and filled it with blacktop. Some in this area, he said, have such excess blacktop that it is never used. He feels they should cut down the parking and eliminate either the bank or the fast food. He feels this would be better for Centerville. Mr. Hutton said that it is not practical to eliminate a half million dollar building for landscaping, but I am willing, he said, to do the other things you have talked about.

Mr. Winterhalter asked if offices were planned for the second floor and if so, perhaps more two story and less one story would be an answer. Mr. Wilson said the offices were planned for the second floor, retail cannot be on the second floor.

Mr. Maxton said that the Planning Commission is giving the applicant input so they can come up with a good site plan. He said we are pretty much in favor of the uses as shown, we would like to see more green - there is much work to be done. We recommend, he said, that you work with the City Planner and present an acceptable site plan. He asked Mr. Hutton if he understood what Planning Commission wants. Answer: Yes, some stressed more than others, but I know basically what you want.

New Business

Review record plan, Normandy Farms Estates Two, Section Seven (Wash. Twp.)

Mr. Winterhalter explained that Twp. R-4 is the same as Centerville's R-1 zoning. He reviewed a map of the area and then showed a detailed drawing of the eight lots in questions as well as the grading plan.

Mr. Schab pointed out the Grants Trail extension proposal and said that it is staff's opinion that Grants Trail should go through, otherwise

about 80 residences will be cut off. There should be another access to Alex-Bell Road. The 10% grade will be continuing out, there will be a vertical curve at Alex-Bell and there will be a 5% grade at the end and although it is not a good situation, it is certainly acceptable. Mr. Schab also suggested that we have a sidewalk on the south side of Alex-Bell Road. Previously there were a lot of possible solutions discussed, he said, and nothing would be better than a concrete sidewalk. Mr. Schab recommends the sidewalk be back of the existing trees. If and when Alex-Bell is widened, the sidewalk could be moved. The County Engineer had discussed with the City and Twp. that this should be within the 3 mile jurisdiction yet this plan will not be a working document until the signature of the County Engineer is on the construction drawings as well.

Mr. Baker asked why the County Engineer is involved. Mr. Schab answered that the Co. Engineer is the engineer in the Twp. Mr. Farquhar researched it and elsewhere it is also like that. Also, any drainage will be coming on a County road and they should be aware of these things.

Mr. Myers asked about the grade being adequate for 2 cars. Mr. Schab said that if we want to change it we would have to make it 12% rather than 10% and the 12% would be less desirable. Mr. Schab believes that Durbin Rd., off Alex-Bell is more dangerous.

Mrs. Lake asked what had been considered by the County when this was first being considered as going through. Mr. Schab said they considered 12% and it was determined that 10% was the maximum grade they would prefer - they were aware of this all along.

Mr. McCrabb asked why the required county signature is not already on this, since they are acting as the agent. Mr. Schab said that we are required by Ohio law to do this within 30 days and we are trying to do this. Mr. McCrabb asked about whether or not the County engineer would be making changes after Planning Commission has seen this. Mr. Winterhalter said it is a legal question as to whether any changes can be made at that point. The County engineer's signature is required but no changes should be made. What the Planning Commission approves should be the way it is. Mr. Winterhalter does not believe the County Engineer can change anything except, possibly, something very minor. Mr. Maxton asked for a written opinion on this from Mr. Farquhar.

Mr. McCrabb asked about the drop-off at the stop sign. Mr. Schab said there would be around 300' more or less and then it really drops off - Durbin Rd. is much worse - that is where the real drop-off starts. He realizes that this is not ideal.

- Mr. McCrabb asked how this is going to affect the trees. Mr. Schab said the trees are beyond the position of the car. He said the bushes would have to be eliminated on the corner lot but not the trees. ~~A car stopped at the corner would be in front of the trees and the existing bushes would be down.~~
- Mr. McCrabb asked if Mr. Schab thought it is impractical to establish the grade at this time on the sidewalk. Mr. Schab answered that he does not think so except we don't know what the final grade will be. Mr. Myers asked if the sidewalk would be south of the trees. Answer: Yes. Mr. Myers asked about the sidewalk being north of the trees and Mr. McCrabb asked if there was an option. Mr. Archdeacon said there was - a variance could be granted.
- Mr. Winterhalter said the Right of-Way was 43' from center line. Mr. Archdeacon said this was originally developed 6 -7 years ago and 80' was the right-of-way and this was based on that right-of-way. If it were 86' with 43' from centerline, we could do this. He said we could not do this without destroying the tree roots. Mr. Schab said this would not be a sidewalk according to specs, but he believes right now the intent is to determine if we will have sidewalks or not.
- Mr. Archdeacon said the basic decision is - does Planning Commission feel a sidewalk is necessary at this time? This sidewalk would not go any place. Mr. Archdeacon pointed out the lots and the fact that this sidewalk would not serve any purpose. Mr. Winterhalter said the park board as well as the school board did recommend sidewalks. This is like the proverbial chicken or egg first. Is this the last of the sections we now have or the first to extend the sidewalk down to the school.
- Mr. Tate asked about assessment. Mr. Winterhalter said that would be done after the sidewalks were in. Mr. Tate asked how long the sidewalks would last. Answer: (Winterhalter) longer than streets, traditionally. Mr. Schab believes the basic decision is - is the sidewalk needed? We can go around the trees, he said, to do it.
- Mr. Tate asked why the entire sidewalk was not assessed at the same time. Mr. Archdeacon said they could include as a covenant on the lot plan that the property owners will not object to the assessment, and people would buy with that knowledge.
- Mrs. Lake said that if you don't put it in now you will be having the same problem (as elsewhere) someday - someday children may be required to walk that way to get to school.
- Mr. Archdeacon described a possible situation where the sidewalk would be in an irregular line and he doubts that children would zig-zag to walk on the sidewalk.

Mr. John Coverman, Attorney for Developer, said we are talking about a sidewalk that comes from nowhere and goes to nowhere. Sometimes your sidewalk, he said, would be quite beneficial but to put this burden on someone, to speculate on something that may or may not happen. . . . If the township should decide that sidewalks are required, he said, all the sidewalks could be put in at the same time. He pointed out that this would be an irregular line and children would probably not use it. We would like for you to keep in mind the things that have already been developed there. He said you are jeopardizing the trees to put sidewalks in. He feels that even taking out the bushes may do this. This is unfair to arbitrarily require this, if you insist that we put these in for these four lots but we ask that you use your good judgment, and I don't think that you will get the township to agree to sidewalks. He said if the majority of the twp. residents really wanted sidewalks they could petition for them.

Mr. Maxton said that if this were a subdivision going in, you have to do this in speculation. . . . will Alex-Bell be widened, will sidewalks be required all along? Should we put sidewalks in that perhaps should have been put in before in the area or do the same things that have been done.

Mr. McCrabb asked about the right-of-way - they are showing 40' from centerline and our proposed thoroughfare plan requires 43'. Should we require 43' now? Mr. Winterhalter said that he believes the sidewalk condition is what we have to consider. If the sidewalk is determined to be done, we should require the 43'. The other thing to consider if you are looking for sidewalk you might want to consider the two lots (the side lots on Grants Trail)

Mr. Tate commented that he likes to see sidewalks when they make sense. He does not feel that a sidewalk in that limited space would serve a purpose.

Mrs. Lake said she would like to see Mr. Archdeacon's comment on the covenant regarding future sidewalks and a 43' right-of-way. She feels it is important to keep the sidewalks behind the trees. She does not feel it is necessary to put them in now but only because of the surrounding area. She feels that based on past acts the township has not given support to the school boards when sidewalks have come up. They feel sidewalks should not be in the township. She feels that where we have this jurisdiction we should exercise it.

- Mr. Myers said he would like to see sidewalks put in. Sidewalks were eliminated, he said, for large estates or farm areas, he would like to see sidewalks but waive sidewalks on Grants Trail.
- Mr. Baker said he is not at this time in favor of putting in a sidewalk in such a small spot. He would like to see sidewalks for the school. He asked if we (Planning Commission) has done a good job in putting their idea of sidewalks through to the township. Mr. Winterhalter said he did not think we have had any communication. Mr. Baker asked if they (developers) are not aware of this until they come to Planning Commission. Mr. Winterhalter said they are aware and come with arguments for waivers.
- Mr. Maxton said he is ⁱⁿ favor of sidewalks ... we do not know what will happen in the now undeveloped area & since we have the ordinance that sidewalks are required (I was not in favor of the ordinance).
- Mr. McCrabb said he goes along with Mr. Maxton's comment on the intent of the ordinance, but he does not think we can do this with the grade in question. He would, however, want the 43' right-of-way.
- Mr. Gillingham thinks the 43' right-of-way requirement and no sidewalks on either street... he cannot see that they would be used and there would be no way to put them up. That is not the side of the street to put sidewalks on, he said.
- Mr. Archdeacon suggested that they provide a 5' walkway easement to put the sidewalk in at a future date. He does not feel that 43' is sufficient. That way you can meet the township requirements, he said.
- Mr. McCrabb said he did not want the 3' to be paid for later by the township or the city. Mr. Archdeacon said the sidewalk would be on private property, on an easement.
- Mr. Coverman said he cannot imagine why they would buy, if you are talking about what they are going to pay for it... what is the property owner going to pay? He feels it would be very unusual if this came about.
- Mr. Gillingham questioned the possibility of providing an easement for a sidewalk and then putting a street on it. It was established that you cannot use an easement for anything other than what it is for.
- Mr. Archdeacon pointed that 10 ft. across front this could be done: (across back and sides there are no utility easements) 40' right-of-way plus 10' for utility easement and on top they could put sidewalks. You cannot have a general easement, you have

to say what it is for.

- * Mr. Tate made the motion to accept the record plan for Normandy the Farms Estates Two, Section Seven (Wash. Twp.) as shown with the exception of a 40' right-of-way in addition for a 5' sidewalk easement and covenants to show that there will be no objection by the property owner ^{in the future} to sidewalk assessment. The bond, without sidewalks of \$6,000 and inspection fee of \$92.00. Seconded by Mr. Maxton. Motion carried 6-1. Those in favor: Maxton, Gillingham, Tate, Baker, McCrabb, & Lake. Opposed: Myers.

The assessment to property owners was discussed. Mr. Coverman said "they are not going to widen Alex-Bell Rd. and assess the property owner, I don't think anyone would go for that." Mr. Winterhalter said "I think what you will find is that you have a certain cost sharing."

Review Record Plan, Madrid Estates (Washington Township).

Mr. Winterhalter reviewed the plan and showed the preliminary plan that has been approved. This is south and east of Spring Valley Rd. This is a plan development approved by the township to meet the zoning required by the township. Four-family apartments with sidewalks within the plat as opposed to along them. Area to the west is zoned commercial. Mr. Archdeacon said that the plan does not show it, but sidewalk has been added at the east side of Mandel. Mr. Archdeacon also pointed out that there would be a sidewalk around the outside of Foxgrove.

Mr. McCrabb said he thinks we have to consider more than just the sidewalk, he thinks sidewalk should be where sidewalks should be and not winding through the plan. He is also opposed to the right angle on Foxgrove as being potentially dangerous.

Mr. Schab pointed out that there is a ditch problem at the southeast corner of Mandel - these ditches are not going to be there forever. However, to assure a certain amount of cleaning, \$4,000 ditch maintenance is suggested to maintain a clean ditch at all times.

Mr. Archdeacon pointed out that the ditch crosses Spring Valley Road and runs at an angle and comes out on Atchison Road. He said that at the east of Mandel they are deepening their swale down to the intersection.

Mr. Schab said bond should be \$170,000, sidewalks on one side bond should be \$121,000. Plus \$4,000 for ditch maintenance and \$570 inspection fee.

Mr. Baker asked if Mr. Schab would stay with the drainage as proposed. Mr. Schab said he had been studying this and he would go with it with the \$4,000 ditch maintenance. (This would be for approximately four years.)

Mr. McCrabb asked if 54" tile is enough. Mr. Schab said 48". This ditch, Mr. Schab said, is now receiving all the water from Clareridge Land and Apartments and Goldman's. Most of the water is shed at the Linksweller property.

Mr. Myers asked about lots 10 - 14. Mr. Archdeacon said presently they are zoned business (twp.) and there are no plans at the present time. He said he might see an expansion if this zoning could be changed.

* Mr. Myers moved to approve the Record Plan, Madrid Estates (Wash. Twp.) as shown with a \$21,000 bond plus \$4,000 specifically designated for bond for ditch maintenance for four years and an inspection fee of \$570.

Mr. Winterhalter said that we might want to consider the improvement of Spring Valley Road. Mr. Schab said there is 90' right-of-way. There is an assurance that once the area is developed it will be done.

* Motion seconded by Mr. Gillingham. Motion carried 6-1. Those in favor: Maxton, Myers, Gillingham, Tate, Baker & Lake. Those opposed: McCrabb.

Review Preliminary Plan, Spring Valley Farms (Washington Township)

Mr. Winterhalter showed a drawing of the area and a detail of the proposal.

Mr. Mike Taylor, Park Board, said they have worked out a satisfactory agreement on the ultimate use of the land.

Mr. Winterhalter read from two letters - one from Mrs. List and one from Mr. Yeck. (copies available)

Mr. Archdeacon said 10 acres is offered and Mr. Taylor said 10 acres is too small for a quality park. Mr. Winterhalter asked if the best place for a park is at the edge or elsewhere.

Mr. Taylor said he had talked with Mr. Yeck and had gone over this with the developer and if this use of the land prevails this plan would be alright, if not and this is rezoned, it would be a different location. Neighborhood park would be next to Denison. Neighborhood park should be in the center of a development. The park board agrees on this. Also, the 35 acres (being planned by the City) is fairly close.

Mr. Archdeacon was asked to explain this situation and plan. Mr. Archdeacon said the total area shown here (Turner property - 34.5 acres is proposed for 297 single family lots and a 58 acre reserve, 34 acres of which would be single family cluster zoning. If zoning is not allowed, he said, the 10 acre park would be next to Dunsinane Swim Club. He pointed out the Turner residence and the other Turner house (both to be retained) and the Swim Club, which, he explained, is on a lease arrangement with Turner.

Mr. Maxton said that if you get the zoning on that planned development the the people to the east of the development will be screened from the park.

Mr. Archdeacon said that \$100,000 - \$120,000 homes are scheduled for the wooded area. He pointed out the walkways ^{said they are} between the two parks and feeding into the parks in all directions

Mrs. Lake voiced concern with the long cul-de-sac. Mr. Archdeacon said that is done purposely to affect an atmosphere for the more expensive homes. These will be clustered around the Turner estate and will be 20,000 sq. ft. lots.

Mr. Myers said he is also concerned about the cul-de-sac but the last time we complained about that it was voted down. Mr. Archdeacon said that was a unique situation. He said there is a difference as there is really only one short area that will be one access.

Mr. Archdeacon was asked about the builders. He said there will probably be 3 - 4 builders. one - Brainard ~~Woods~~ two - Cameo Homes;

Mr. Baker asked if Planning Commission was being asked for reduced lot sizes. Mr. Archdeacon said Twp. has already given approval on that. Mr. Winterhalter read from Mrs. List's letter regarding 10' having been taken off the width of some lots. Mr. Archdeacon said they have a deed in escrow for the 22 acres. There are some lots that are 24,000 sq. ft.

Mr. Winterhalter said the right-of-way does go along with the thoroughfare plan.

Mr. Schab pointed out that half of the property is available for sanitary sewer drains. The other part does not have this at this time. It will depend on that for development. Also, on the one cul-de-sac from Rose Estates there should be a ditch to eliminate problems. Mr. Schab also said that the sanitary easement shown is not dedicated and sufficient easement should be dedicated at the proper time.

Mr. Winterhalter mentioned that he had talked with Dr. Brooks facilities planner for the school board. They are going to be needing property for a school. Do we want a neighborhood park and an elementary school or a community park and a middle school. It was discussed that it is not pertinent to talk about the middle school, as 10 acres is not sufficient land.

Mr. Maxton said that he feels this plan shows a total lack of imagination. It appears that someone just decided which corner to put the park in. He cannot see homes of that dollar value being developed with that density. He does not like the walkways or the little park and finds the plan totally unacceptable.

Mr. McCrabb said that if we are looking at this as a master plan, we cannot look at it without the entire master plan.

* Mr. Maxton moved to deny the Preliminary Plan, Spring Valley Farms. Seconded by Mr. Myers.

Mr. Maxton cited the reason to deny being the street layout is inadequate, the park location needs revision as does the high density area.

Mr. Archdeacon said perhaps they could come in with the half that will have sewers, saying that they have here planned beyond what can be done within the next five years because of the sewers.

Mr. Myers suggested that they have clusters, rather than rows and rows of rows and rows.

Mr. Gillingham asked if (anyone) would like to sit in on a park board meeting. Mr. Maxton said he was just expressing his opinion. This plan is unacceptable to me, he said.

Mr. Baker asked about the lines being north-south. Mr. Archdeacon said this is necessary - you cannot run streets across, he said, it is expensive when you do this. Mr. Baker asked if it is also expensive to go across the stream. Mr. Archdeacon said they are trying to leave the stream in a natural state.

* Preliminary Plan denied 6-1. Those in favor of denial: Maxton, Myers, Tate, Baker, McCrabb & Lake. Those opposed to denial: Gillingham.

Mr. Archdeacon asked for suggestions. Mr. Maxton said he could work with the City Planner or perhaps a worksession is in order. He asked Mr. Archdeacon if he was clear or not on what the Planning Commission would like. Mr. Archdeacon said he was totally in the dark. Mr. Maxton suggested establishing a work session. Mr. Archdeacon said that if any of the P. C. members would like to visit the site, he would be happy to go with them.

Mr. Maxton's proposal to start the Sept. 10 meeting at 7:00 with a work session to discuss this matter, accepted by the members. The open session will commence at 8:00.

Review revised curb cut for Spanish Village Shopping Center and Sign Request (Variance)

Mr. Winterhalter showed the plan.

Mr. Maxton said he agrees that the sign is not appropriate for this development. Mr. Gillingham believes this should look like the Spanish architecture of the development.

Mr. Cloverman said this is a nationwide company, they have offices in nearly every state in the union. He also said that signs such as this are all up and down '48'. He said the size and lighting, etc., are all within the code.

Mr. Winterhalter referred to the minutes of the last meeting and said that the sign should be of Spanish design. Mr. Cloverman asked how it could be made Spanish. Mrs. Lake said that if it cannot be Spanish design, they should not have chosen a Spanish shopping center. We can see, she said, by what you built in the past and these are the things that leave me slightly jaded to have a developer come in here telling about intent and integrity. I appreciate the problem and if it is on the inside of their business, that is their business. But when I am told these things I feel that I am getting a 'con' job every time.

Mr. Maxton said he agrees and unless there is any objection we will schedule a public hearing. I cannot believe, he said, that they could be so inflexible that they cannot conform to what we were told would be the Spanish.

Mr. Cloverman asked why this is objectionable. We want to be treated the same, he said. Mr. Tate reminded him that when they came in they told them what they were going to do. Mr. Cloverman said he did not know what Planning Commission wants. Mr. Maxton said if you come up with a Spanish type sign we will consider it, if you want to come back and schedule a public hearing. We have given you our opinion, we do not intend to overrule the City Planner. Mr. Cloverman asked if this sign comes under the

general sign provisions or entrance corridor. Answer: entrance corridor.

Mr. Cloverman asked if the Planning Commission or the City Planner passes on signs. Mr. Cloverman expressed some confusion regarding appeal and the public hearing proposal. Mr. Maxton said that if they want a final appeal they have to come back for a public hearing. Mr. Winterhalter said the sign provisions have been changed - they have been put together and all except the AP zoning are under the same provisions. Under the AP the inspector can issue permits. Your procedure, he said, would be if you meet all the requirements of this ordinance you would be given a permit and if you did not the first step Planning Commission will take is to set a public hearing. Mr. Maxton said tonight the members have given their opinion.

The public hearing was set for September 24, 1974.

Mr. Winterhalter reviewed the curb cut situation and the controlled access off Fireside Drive. He explained that the road would be to the rear. He proposed moving the access closer to Far Hills. He proposed one way across the front and no left turn from the curb cut into the center.

Mr. Schab recommended that the access be moved to the west and it should be only an ingress, not an egress

Mr. McCrabb asked if the traffic flow would go around to the rear once a car entered the shopping center. He was told that the island would be removed.

Mr. Gillingham voiced concern that there would be room for a car to go around. He is also concerned that this would be directly across from the entrance to the restaurants and is very close to '48' and he feels a lot of accidents are going to happen, especially with a line of traffic going directly in front of the cars coming off '48'.

Mr. Maxton asked Mr. Gillingham what alternate suggestions he has. Mr. Gillingham said that, having looked at the drawings and having gone over the site, he feels it would be very much where the present road is. Mr. Gillingham asked if a traffic light would be necessary for this cross-over traffic situation. Mr. Cloverman said he is not sure where the pavement is, but there is a tremendous right-of-way. Mr. Winterhalter said it was 160' from centerline, and Mr. Schab concurred.

Mr. Cloverman said that for the shopping center and fire protection, they have to have one and if the grade is such a problem (according to Mr. Schab) it should not be further down, there is no where else we can put it.

Mr. Maxton asked Mr. Schab if this is the best location, in view of the 10% maximum grade. Answer: Yes, we must be concerned about the traffic pattern. I believe, he said, this should be accepted as it is shown in the present application.

* Mr. Gillingham moved to accept the drawing as modified 8/27/74 for the revised curb cut for Spanish Village Shopping Center.
Seconded by Mr. Maxton

Mr. McCrabb asked Mr. Schab if he feels that all this traffic would be more of a hazard. Mr. Schab said his suggestion is to have this one way only. There would be hardly any stopping, he said. Mr. McCrabb voiced concern about the high speed on entering and Mr. Schab feels there will be no high speed coming in at that angle. Mrs. Lake proposed a single entrance, since this is entrance corridor, and is a circular traffic pattern.

Mr. Schab said that originally we said - do not put it at the back, make the access at the front. I cannot see, he said, that a patron should be made to go all the way around to the rear to get to the front after seeing the shopping center from '48'.

Mrs. Lake asked if the driveway of the original entrance were cut down so the curb would be higher than the driveway, would this be a solution? Answer: This would be too steep. Mrs. Lake said that traffic is stopping on '48' now going to Cambridge Inn and she feels we are just compounding the problem. Mr. Gillingham commented that this would make it less of a problem.

Mr. McCrabb feels that we will have a problem internally - someone may go out where he comes in and some provision should be made for this.

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

Review Foto Fair application for outlet in Goldman's parking lot.

Mr. Jacob Myers, representing the applicant, said that basically this is the same as the previous application, but having noticed in the previous minutes, they have gotten an architect to redesign the building. He said this would be the only one in the country of a different design.

Mr. Maxton said that this is an add-on to an existing shopping center. If we had reviewed this type of structure initially, he might have had a different opinion than he does now. He opposes the addition of this structure.

Mr. Jacob Myers asked why he opposes this. Mr. Maxton said the traffic, for one thing. Mr. Myers said they have consulted traffic engineers and there really is no additional traffic created because of the Foto Fair. The main reason being that when people go to a grocery, etc., they try to conduct other business as close as possible and just drive by and drop off film, etc. He said they did not survey Centerville in particular, but other areas. Unfortunately, he said, this is not the type of business that people are lined up for - it is not a traffic generator, it is more that when people are there, they stop by.

Mr. Myers (P. C. member) suggested that this might be more acceptable if it were facing Spring Valley rather than '48'. Mr. Jacob Myers said that from a business standpoint, that creates a problem. It must be seen.

Mr. Myers (P. C.) said that this is not the case with the photo place behind Frische's on '48'. Another representative for Foto Fair said that is from a secondary street and traffic goes past the photo place to get into the shopping center. Spring Valley Road, he said, is not that heavily traveled.

Mr. Baker said he thinks that is one of the most dangerous accesses in the City and that is the last place he would like to see something like this. Mr. Jacob Myers said this is where the owners of the property said they could put it. They would be happy to relocate on the property, as long as they could be seen. They could live with a location at the end of any of the parking patterns. That way, he said, traffic could get out the other way. He said that what they have done on the redesign is cut down on the size and loud colors that are not compatible with the other building on the site. (He showed the P. C. members a drawing.) Mr. Gillingham asked what the size is. Answer: one parking space.

Mr. Maxton took a poll of the members to determine if the feeling is to approve pending relocation, disapprove in total or approve.

Mr. Gillingham said he would not like to see this anywhere.

Mr. McCrabb said that his complaint was not with the Foto Fair but with Goldman's. Mr. Jacob Myers said he did not feel that to be fair. Mr. McCrabb said he realizes this, but still could not approve the Foto Fair.

Mr. Maxton said he objects in total.

Mr. Baker said it would have to be moved, and he does not like it, but does not see it much different than the gas station that was

stuck in at Gold Circle after it was built. Mr. Baker said he would approve if it were moved.

Mr. Myers said if it were moved, he would not object.

Mrs. Lake said she did not like it.

- * Mr. Maxton moved to deny the application for Foto Fair location at Goldman's parking lot. Seconded by Mr. Gillingham. Application denied unanimously.
- filing of the
- Mr. Maxton reviewed the/five day intent to appeal application procedure. (This was misunderstood by the applicant at the previous meeting and therefore had to be heard again by the Planning Commission.)

Record Plan Review - Stonington

- Mr. Winterhalter reviewed the location, west of Normandy Farms Estates, north of Watts Middle School. He also reviewed the zoning surrounding the area. He mentioned the cul-de-sac, or loop streets and said the dead end was reviewed previously regarding the turn-around radius. He said at Deerfield Glen the school bus officials were concerned and the Fire Department wanted wider turn-around pavement radius at Amesbury. Mr. Winterhalter read the Fire Department letter stating their position (copy available). Basically the Fire Department wants 47-1/2' pavement radius. Staff supports this recommendation. Mr. Winterhalter said that 39' radius is what is usual, fire department is asking that within that 50' right-of-way they want 90' of pavement. He said the fire department wants the turn-around radius increased. at some locations we have enlarged to 95'. He said that the radius the fire department is concerned with is at the entrance of the 'bulb'.
- Mr. Winterhalter said that staff recommends sidewalks be on the east side of McEwen. He thinks it is more difficult when you start with anything to get sidewalks but when we have some already in the area - if we get sidewalks all along McEwen we have a better case to take to the township.
- Mr. Archdeacon said the Fire Department would have the driveways at the cul-de-sacs. Mr. Winterhalter said these are pretty big engines. Mr. Archdeacon asked if they could put a flower bed in the center. Mr. Winterhalter said that he believes it is the outside radius that the fire department is concerned about.
- Mr. Maxton asked Mrs. Lake to report on Council's feelings on the sidewalks. Mrs. Lake said that this should be considered as a

new development.

- Mr. Maxton said that as far as he is concerned it should have sidewalks throughout. Mr. Archdeacon asked why. Mr. Maxton feels that we should enforce an ordinance and not ~~always grant~~ variances. Mr. Archdeacon said that is what variances are there for. Mr. Maxton said that he did not feel that is what Council intended.
- Mr. Cloverman said that he lives out that way. You want sidewalks, he said, fine - what purpose would sidewalks serve? Where are they going? He said that there is no objection to having them along McEwen. He said that most people who live there have 30,000 sq. ft. lots and don't want sidewalks. If we try to be reasonable, he said, cannot you see that we are not trying to ignore this? We have (planned) sidewalks along McEwen.
- Mr. Maxton said that he has not supported sidewalks in all areas. He said he would not have supported them six months ago. To me, he said, Council has made it clear that they want sidewalks. He said he was not going to continually defy Council. They passed emergency ordinances to include sidewalks. Mr. Cloverman said that Planning Commission is a decision-making body. Mr. Archdeacon said 'not in the township'. Mr. Maxton said 'I stand corrected, but if the feeling is that they expect Centerville to have sidewalks throughout - I think we would be remiss at not putting sidewalks throughout!'
- Mr. Cloverman said that they do so many things...the Government requires things and in regard to inflation - we are creating things nobody really wants. He questioned doing something just for the sake of doing it.
- Mr. Myers said that he feels parents would rather they had their children on sidewalks than on the streets. Mrs. Lake feels that there is aesthetic value - people know one another better and she feels that if we are going to continue to encourage people to walk, we should give them a place to walk. It is much safer for children than the streets.
- Mr. Cloverman said that if the people really wanted sidewalks, they could petition for them. Mrs. Lake said that there had been difficulty in getting sewers, even though they were needed. Mr. Archdeacon said that 15 years ago a number of people wanted sewers even though they had septic tanks. Mr. Cloverman said they could not sell these lots with septic tanks, but they could without sidewalks. Mrs. Lake said they had had to get the Sanitary Engineer to discuss the problem to get the sewers. She said this is really a different matter, but perhaps 15 years from now people will come back

and say they are glad you had the foresight to put in sidewalks.

Mr. Cloverman said you are turning this into a 'citized' atmosphere. Mrs. Lake said that to consider this (30,000 sq. ft. lots) area as otherwise is nostalgia. Mr. Myers said they do not have sidewalks (in this area) because they were not required.

Mr. Maxton said he intends to live up to the directive of Council. I have stated my opinion in the past, he said, and have been over-ruled by a higher body. Mr. Gillingham asked if P. C. could grant a variance. Mr. Winterhalter said they can vary anything - P. C. is the last review authority in the township.

Mr. Winterhalter said the record plan was inadvertently left out of the packet and should have been on the printed agenda.

Mr. Schab said the grade of the street should be 3/8" not 3/4" so we do not get into the same problem we have elsewhere. All along McEwen, he said, it will be curb, gutter, blacktop. Bond would be \$193,000 with sidewalks on one side. Everything as shown and sidewalks on east side of McEwen north of the undeveloped section, the bond would be \$200,000 - \$210,000.

motion

* Mr. Maxton made the ~~move~~ motion to approve the Record Plan for Stonington subject to 92' cul-de-sac diameter pavement on Amesbury & Deerfield on Glen; construction of sidewalks on both sides of all streets & widening of McEwen, including curbs and gutters. Bond to be determined according to the unit prices, inspection fee of \$860. Seconded by Mr. Gillingham. Motion approved 6 - 1. The opposing vote being made by Mr. Tate.

Group Housing

Mr. Robert Muzechek, 9535 Sheehan Road, represented residents of Rose Estates who are in opposition to the group home on Sheehan. Mr. Muzechek explained that he would be happy to discuss any aspect of this. He said he was under the impression that a workshop might be in order. Mr. Maxton asked what the residents wanted. Mr. Winterhalter said that they were going to send an application to appeal.

Mr. Muzechek said that the first time they came here they were told that they were not on the agenda and they could bring it up during communications - that is why he had spoken earlier this evening. We were told, he said, to appeal under 23-C. He said he assumes the City of Centerville will uphold this ("hold" on the project) while this (appeal) is in effect. Mr. Maxton asked what there is to appeal. Mr. Muzechek said he was told he could appeal Mr. Thompson's decision. He said he was instructed to appeal. Now that we have

an administrative decision, I was told we could appeal to the Planning Commission, acting as a Board of Zoning Appeals. Mr. Maxton said he was not sure Mr. Thompson had made a decision in his letter.

Mrs. Lake said that according to his letter and all the background material she has read the State ordinance requires a waiver. If these variances have not been granted, she said, they are in violation, or if they have to be inspected on that count. It is my understanding, she said, that they must come to us if they want to pursue this in the court because they have to exhaust everything else before they can be listened to.

Mr. Muzecek commented on the problem of the definition of 'family' and said Mr. Thompson could not answer his questions. He said just calling something a family, does not make it a family. He said 'let's look at what this is and what it really fits in the ordinance, not what someone has called it.' He asked if the members of the Planning Commission visited other 'homes'.

Mr. Maxton said that members of the Planning Commission visited several homes - he said he had visited a facility in Springfield - others visited some in Dayton. He said they had addressed themselves to that type of group home and did not feel they should be excluded from Centerville.

Mr. Muzecek asked if they had gone unannounced and had they gone to the Forest Ave. home. He said he had gone unannounced and described his experience as he had in the previous (July) meeting of Planning Commission. Mr. Maxton said he had not gone unannounced.

Mr. Muzecek said that homes as defined in the book for Mentally Retarded is defined as a Care Facility. They are not considered as a single family such as those in Centerville. He said this home had to be inspected by the State. He said the legal parents or guardians do not give up their right to these children. He said an intention could not be approved. Mr. Muzecek said that the P. C. can walk away from this if it is let in, whereas they (the Rose Estate residents) have it shoved down their throats and cannot walk away from it. He mentioned the age of the children, asking what happens when these children reach the maximum age - they are not put out, they stay in the home. He said the people in the Forest Ave. home are as old as 29 now. He said there is not enough room in the house on Sheehan - the State requirements are for visitors area, and there is none - and an office and there is no office. He said the clients are paying whatever they are able - are these people non-profit, or not? Whether it is called non-profit or not, he said, it is being run solely as a business (with respect to house

parents). He said that Mrs. Lake has (previously) commented that she did not know the County was going to own the home. He suggested that this could (someday) be used for other purposes.

Mrs. Lake said that this could be gone into later - but this house was not the basis on which the decision was made. She said that what we have been asked to do is to comment on Mr. Curran's letter, although the comments Mr. Muzecek is making are very pertinent to our up-coming ordinance. She said we are talking about the number of persons. She asked if the items raised, i. e. office, etc., fall under BB#53.

Mr. Schab said they fall under BB-57, BB-53 is 5 people in the family.

Mrs. Lake said our function as a city is to inspect it as the ordinances are at this time. Mr. Schab said the question is really - is it BB53 or BB57. If it is BB53 we will inspect it. Perhaps a workshop is in order, he said. Mrs. Lake said that if we won't answer their (the residents) questions we should be able to tell them that and tell them why. This house is coming in under existing zoning ordinances. If the home is in existence, can we still have the inspections (i. e. house parents)? I would think that if we find ourselves in a circumstance and we really aren't talking about a couple living there in place of parents we can say - "look, you need to rectify this." We have to have these controls. Under what procedure can we listen to an appeal, Mrs. Lake asked.

Mr. Baker said that if he is appealing an administrative decision we have to know what that decision was.

Mr. Muzecek talked about the fact that the measurements had been re-taken to meet the measurements required, and they were re-measured from center of stud to center of stud. He said he feels we are leaning to go away from the wishes of the City of Centerville residents - He said he represents 28 out of 30 families in the Rose Estate area, why do you want to rule against these residents, he ask. He said he could go through the 83 page book he has with him tonight and prove that this is a care facility. He said that in Kettering this same (State) group wanted to do something and did not refer to themselves as a family. We are being stuck with definitions, he said. We have to consider what we are going to be stuck with rather than the do-gooders coming in saying what they are going to do. Forest Ave., he said, is a good example. He also said a Supreme Court decision backed up the strict enforcement of a family (i. e. commune) being no more than two people.

Mrs. Lake said she is not sure this can be appealed, although it is pertinent.

Mr. Maxton asked what the present status is of this home. The last word he had was that it was not in compliance with the State.

A citizen said that it was recently learned that the house parents have a 3 year old daughter.

Mr. Maxton asked Mr. Muzechek where these people (mentally retarded) belong. Mr. Muzechek said that he thinks Centerville and other communities should review each case as it comes and you have to decide, "we do have a place for you" - and go back to them with restrictions after you find out what they want to do. Then you have a controlled situation, he said.

Mrs. Lake said "if we would have done this - would you have bought your house if you would have known this?" Mr. Muzechek said he cannot afford to raise his children there, I will move, he said, if we are not supported.

Mr. Gillingham asked Mr. Muzechek when he bought his house. Answer: last of April. Mr. Gillingham asked if he had asked about this. Mr. Muzechek said Ms. Conneff (with the Mentally Retarded Bd.) said she had talked with some one, but she did not talk to me. This is not a family, she said, this is a care facility.

Mr. Maxton asked if Mr. Muzechek felt that the decision made by the administration affects his health, safety and welfare. Mr. Muzechek indicated that this is the way he felt.

Mrs. Lake said the appeal has to relate directly to any decision that was made.

Mrs. Muzechek said there are definite places where they (mentally retarded homes) belong according to the ordinance.

Mr. Maxton set this for public hearing September 24, 1974.

Mr. Muzechek said, "by making this appeal this house is on hold?" Mr. Maxton said he was asking the City Planner to get with the City Attorney on this. Mrs. Lake said that Mr. Muzechek is appealing Mr. Thompson's opinion. Mr. Muzechek said that they are acting on Mr. Thompson's letter that said they could appeal this way. He said he had asked Mr. Farquhar - "if we bring facts in will you review it and confirm or change your opinion?" Mr. Farquhar, according to Mr. Muzechek, indicated that he would and also that he had based his decision on a verbal phone conversation with Mr. Winterhalter.

Mr. McCrabb said that the decision was made to permit the use. You

P. C. Mtg.
8/27/74

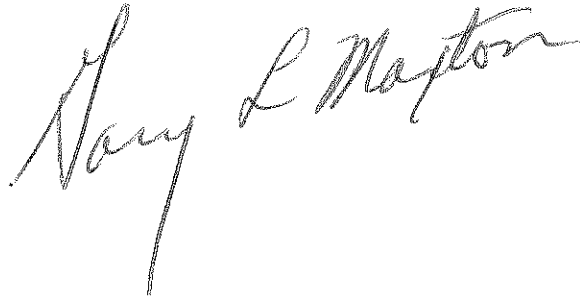
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(Mr. Muzecek) have not been able to get the City Manager to alter that decision. You can theoretically appeal to alter that decision to the permitted use.

Mr. Gillingham said that Mr. Muzecek seems to have the impression that Planning Commission has had a hand in this and we (P. C.) have never taken any action. We were told by the City Attorney that we could not take any action.

Meeting adjourned at 2:30 a. m.

Next Meeting to be held September 10, 1974.

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

/gb