

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, January 12, 2015, at 7:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Special Council Meeting was opened with an Invocation given by Mayor Kingseed and the Pledge of Allegiance. Mayor C. Mark Kingseed presided with Council Members and City Staff present as follows:

Deputy Mayor Brooks Compton  
Councilmembers John Beals  
Paul Gresham  
Belinda Kenley  
John Palcher  
JoAnne Rau

Clerk of Council Debra James  
City Manager Gregory Horn  
Finance Director Steven Hinshaw  
City Planner Andrew Rodney  
Public Works Director Douglas Spittler  
Assistant to the City Manager Jennifer Wilder  
Assistant to the City Manager Kristen Gopman  
Economic Development Administrator Nathan Cahall  
Municipal Attorney Scott Liberman

Report of the Planning Commission:

**PUBLIC HEARING: APPLICATION P-2014-0043, APPEAL OF VARIANCES FOR SHOPPES I OF CORNERSTONE, 5299 CORNERSTONE NORTH BOULEVARD  
APPLICANT: JOSEPH TRAUTH, JR., KEATING, MUETHING & KLEKAMP, PPL  
FOR CORNERSTONE DEVELOPERS**

Mr. Rodney gave the staff report for the appeal of decisions of the Planning Commission on December 9, 2014, concerning four variances requested for The Shoppes I of Cornerstone by Robert Hall. The building is a 10,000 square foot multi-tenant commercial building, having frontages on Wilmington Pike, Dille Drive and Cornerstone North Boulevard in an area zoned B-PD with a Community Center overlay. The property is just west of the Costco Wholesale site, and the variances are for the first building in the village center overlay district which has very specific site and building guidelines. This particular structure is focused toward Cornerstone North Boulevard. The goal is to have activity concentrated on that street with a pedestrian-oriented environment where all accessory uses, parking, dumpsters, etc. are to the rear. Because of the variances being denied, the Major Site Plan review for the site was tabled until the Planning Commission's meeting on January 27, 2015. Mr. Rodney noted that there were six voting members of the Planning Commission members for the meeting, before giving a summary of the Planning Commission's decisions as follows:

1. The variance to exceed the maximum building setback from Wilmington Pike and Dille Drive was denied by a vote of 3-3.
2. The variance to permit parking, service entrances and loading in the front yard on Wilmington Pike, the front yard on Dille Drive and the side yard on Cornerstone North Boulevard was denied by a vote of 2-4.

3. The variance to allow more than the maximum permitted number of parking spaces was denied by a vote of 2-4.
4. The variance to reduce the required perimeter landscape bufferyard was denied by a vote of 0-6.
5. The variance to eliminate the required bufferyard and landscaping along the north property line was approved by a vote of 6-0.

Mr. Rodney discussed the difficulties of the lot. Because the lot has three frontages, it has no rear yard. He stated that the layout of site plan generally adheres to the requirements of the approved Final Development Plan for Phase 1A.

Mr. Rodney explained each of the variances in greater detail. For Variance 1, the focus of the building is on Cornerstone North Boulevard where it meets the maximum 10 feet setback requirement. The building was not large enough or oriented to meet the building standards for smaller setbacks along either of the other frontages. Staff supported the location of the building, in order to minimize gaps between buildings on Cornerstone North Blvd. and encourage walkability. In Variance 2, parking and loading are obligated to rear, but there is no rear yard, however, the parking and loading areas are in what could be perceived as a rear yard. In Variance 3, the maximum number of parking spaces allowed is 40, but the applicant requested 117. To promote pedestrian movement, the overlay restricts on-site parking. The Community Center overlay requires on-street parking on Cornerstone North Boulevard and general parking lots. In Variance 4, the bufferyard requirement in the overlay district standards is 45 feet adjacent to public right-of-way or a public street. The applicant asked for reduction of the 45 feet of bufferyard along Dille Drive and Cornerstone North Blvd., while adhering to that requirement along Wilmington Pike.

Since the Planning Commission decisions, Mr. Hall brought an amended plan adjusted to meet more of the overlay requirements. Mr. Rodney showed the revised plan. The development still must meet the numerous requirements of the approved Final Development Plan for Phase 1A.

The Planning Commission members recognized that the triple frontage created some hardship, but in their opinion the developer should have anticipated the conditions required in advance, instead of requesting variances.

When Mayor Kingseed asked Mr. Rodney if staff supported granting the variances with the modification of the plan, Mr. Rodney answered in the affirmative.

Joe Trauth of Keating, Muething & Klekamp, PPL, the attorney representing Cornerstone Developers, Ltd. in the appeal, stated that his client is seeking relief from the strict application of the Unified Development Ordinance. He pointed out that this is the largest single project under a relatively new UDO, and a number of anomalies have occurred. He stated, since this is a public, private partnership between the developer and the City, his client asked for relief and compromise. Following the new submittal, the developer considers the variances to be fairly minor. Mr. Trauth stated agreement with staff's recommendation and asked Council to grant the appeals.

Robert Hall, Oberer Land Developers, stated that Mr. Rodney did an excellent job in presenting staff's recommendations. He said he was available to answer any questions.

MOTION: Dr. Gresham moved to grant approval of Variance 1 to exceed the maximum building setback with 182' from Wilmington Pike and 107' from Dille Drive. Mrs. Rau seconded the motion. The motion passed with seven ayes.

MOTION: Mr. Beals moved to grant approval of Variance 2, to permit parking, service entry and loading in the front yard facing Wilmington Pike. Mr. Palcher seconded the motion. The motion passed with seven ayes.

MOTION: Mr. Beals moved for approval of Variance 3, the request to exceed the maximum permitted number of parking spaces with 105. Mrs. Kenley seconded the motion. The motion passed with seven ayes.

MOTION: Mr. Compton moved for approval of Variance 4, the request to reduce the perimeter landscape bufferyard width to 21.5' along Dille Drive. Mr. Palcher seconded the motion. The motion passed with seven ayes.

PUBLIC HEARING: APPLICATION P-2014-0039  
FINAL DEVELOPMENT PLAN-CORNERSTONE PHASE II  
APPLICANT: ROBERT HALL FOR CORNERSTONE DEVELOPERS, LTD.

Mr. Rodney gave the staff report. He stated that Planning Commission approved this Final Development Plan with a vote of 6-0 with 16 conditions. He noted Condition #2 of the Planning Commission required that the Public Works Department receive an approved and signed final Traffic Impact Study for the entirety of the area covered by the Cornerstone North Preliminary Development Plan, prior to City Council holding its Public Hearing for this Final Development Plan for Phase II. The applicant has requested that the Public Hearing be postponed to February 16, 2015, in order to allow more time for the submittal of the Traffic Impact Study. Staff supports both the recommendation of the Planning Commission and the request of the applicant.

Dr. Gresham moved that the Public Hearing be tabled until the February 16, 2015 City Council Meeting. Mr. Compton seconded the motion. The motion passed unanimously, 7-0.

APPLICATION P-2014-0035: REPLAT – CORNERSTONE SECTION ONE, LOT ONE  
MILANO'S RESTAURANT, 5381 CORNERSTONE NORTH BOULEVARD  
APPLICANT: ROBERT HALL OF CORNERSTONE DEVELOPERS, LTD.

Mr. Rodney presented the staff report for the replat of Section One, Lot 1, the site for the Milano's Restaurant at 5381 Cornerstone North Blvd. A parcel of approximately 7.4 acres would be divided into two lots, with the restaurant to be located at the corner of Charles Drive and Cornerstone North Boulevard in a B-PD zoning district. The replat would include a small sliver of land deeded for right-of-way that the City requested in order to accommodate a curb radius at the corner of Dille Drive and Wilmington Pike and also a cross access easement between the

Milano's site and the residual lot to the west. At its meeting on December 9, 2014, Planning Commission unanimously recommended approval of this Record Plan.

Mr. Compton moved for approval of the Record Plan for Cornerstone Section One, Lot One. Mrs. Rau seconded the motion. The motion passed unanimously. No conditions were attached to the approval.

APPLICATION P-2014-0038: RECORD PLAN – CORNERSTONE SECTION FOUR  
FOR THE SHOPPES I AT 5299 CORNERSTONE NORTH BOULEVARD  
APPLICANT: ROBERT HALL OF CORNERSTONE DEVELOPERS, LTD.

Mr. Rodney stated the Planning Commission recommended approval of this particular plat, however, subject to a condition requiring the dedication of additional public right-of-way along the west property line, if needed, prior to the review of the plat by City Council. There is some discrepancy/disagreement between staff and the developer about how much right-of-way is required along the western boundary line of the Shoppes I lot to accommodate the proposed full build out of Wilmington Pike and ensure the correct alignment of left turns at Dille Drive. Mr. Rodney pointed out that the Engineering Department was still looking at the design of the roadway to make sure the final design can be accommodated within the current right-of-way.

Dr. Gresham made the motion to table the Record Plan for Cornerstone Section Four, the parcel at 5299 Cornerstone North Boulevard, until the February 16, 2015 Council Meeting. Mr. Beals seconded the motion. The motion passed unanimously.

APPLICATION P-2014-0040: RECORD PLAN- CORNERSTONE SECTION THREE  
PHASE II, SOUTHEAST QUADRANT OF CORNERSTONE NORTH  
APPLICANT: ROBERT HALL OF CORNERSTONE DEVELOPERS, LTD.

Mr. Rodney gave the staff report for a proposed lot split of about 25 acres in the southeast quadrant of the Cornerstone North development. The location is east of the Costco site and north and west of I-675. The plat includes two parcels inside the ring road and one outlot north of Feedwire Road. The Kroger lot is adjacent to Costco to the east, the Cabela's site is east of Kroger and the outlot is designated as the site for a Kroger fuel center. The plat would create the three (3) lots and dedicate right-of-way for the extension of Cornerstone North Boulevard and Clinger Lane which intersects with Feedwire Road. A cross-access easement is proposed for the private portion of Cornerstone North Boulevard extending from Clinger Lane to Lot #3. The Planning Commission recommended approval of the proposed plat by a vote of 6-0, subject to the following three (3) conditions:

1. Utility easements accommodating wet and dry utilities shall be provided in cooperation with the requisite utility and the City Engineer.
2. Final construction documents for all public improvements shall be furnished to and approved by the City Engineer prior to recording of this plat.
3. A guarantee of construction and installation of improvements shall be provided in accordance with UDO Article 9.17.

Mr. Beals moved for approval of the Record Plan for Cornerstone Section 3. Mr. Compton seconded the motion. The motion passed unanimously.

In the City Manager's Report, Mr. Horn noted the following:

Donna Peacock retired from the Police Department after 32 years of dedicated service. She was the state-wide Crime Prevention Officer of the Year, an innovator in establishing Mystery Night Out as a tremendous community relations program, a DARE Officer and a School Resource Officer.

Stephan Shaw, Director of Food Service at Yankee Trace, also retired. He had been with Yankee Trace from its beginning. He announced that Jason Pajari who had been the Assistant Food and Beverage Director was promoted to the Director of Food Service for Yankee Trace.

He noted that January 12 was the anniversary of the deaths of Firefighter O'Toole and Officer Kalaman, who were killed on I-675 in the line of duty in 1998.

Mayor Kingseed made the motion that Council reconvene into Executive Session for Litigation in the Law Library immediately following this meeting. Mrs. Kenley seconded the motion. A roll call vote resulted in seven ayes.

Mayor Kingseed adjourned the Special Council Meeting. The next regular meeting of City Council is scheduled for January 26, 2015.

Approved: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council