

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, September 21, 2015, at 7:30 P.M. in the Council Chambers of the Centerville Municipal Building. The meeting was opened with an Invocation given by the presider, Mayor C. Mark Kingseed, and with the Pledge of Allegiance. Council Members and City Staff present were as follows:

- Deputy Mayor Brooks Compton
- Council Members 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
- Economic Development Administrator Nathan Cahall
- Public Works Director Douglas Spitler
- City Engineer James Brinegar
- Assistant to the City Manager Jennifer Wilder
- Assistant to the City Manager Kristen Gopman
- Community Resources Coordinator Maureen Russell Hodgson
- Municipal Attorney Scott Liberman

The minutes of the following meetings had been distributed prior to this meeting:

- Council Meeting - August 17, 2015.
- Work Session Meetings – August 17, 2015.
- September 14, 2015.

Mr. Compton made a motion to approve the minutes, as distributed. Mrs. Kenley seconded the motion. The motion passed with seven ayes. Mr. Beals abstained from the vote on the minutes of September 14, 2015, and Dr. Gresham abstained from the vote on the minutes of the meetings held on August 17, 2015.

Mayor Kingseed welcomed Martha Boice, Patrick Hansford and Nathalie Wright whose successful efforts resulted in Erma Bombeck’s former home at 162 Cushwa Drive being listed as a landmark on the National Register of Historic Places. Mayor Kingseed read a Certificate of Recognition for their important accomplishment in bringing national acclaim to our City and for bringing this honor to the house in the Pleasant Hill neighborhood.

On behalf of the City Beautiful Commission, Mr. Tom Wheeler named this month’s summer award winners. Carr Insurance Agency, 255 North Main Street was the September Business Pride Award winner. Because Mr. Carr was unable to attend, Mr. Wheeler read a statement extending Mr. Carr’s sincere appreciation for the recognition. The September Residential Landscape Award winners were as follows:

**SEPTEMBER**

Joseph & Natalie Staeuble  
5067 Glenmina Drive

Herman Funk  
990 Deer Run Road

Diane Tieman  
6411 Shirecliff Court

Sue Ann Haberstro  
278 Joy Elizabeth Drive

Richard & Caren Van Vleck  
7790 Stanley Mill Drive

Dick & Jane Conrad  
1133 Club View Drive

Ed & Anita Blair  
135 Bristol Drive

Because of the number of issues on the agenda, Mayor Kingseed omitted his Mayor's Report in the interest of time, but asked Mrs. Rau to read a proclamation designating the month of October as Breast Cancer Awareness Month in the City of Centerville.

Mr. Horn shared the following in his City Manager's Report:

- He announced Gary Sellars, one of the first employees at Yankee Trace, was retiring. Mr. Horn thanked him for his 21 years of service.
- He thanked business owners and residents for their patience with the construction over the past few months. Projects included the installation of new gas lines on Franklin Street and throughout the APD, replacement of waterlines in the Pleasant Hill area, concrete work in Concept East and roadwork on Wilmington Pike at the I-675 underpass.
- The Sense of Taste fundraiser sponsored by the Historical Society on Thursday, September 10, was well attended and successful.
- He thanked the Arts Commission and staff members for enabling Alexis Gomez, a CHS graduate and an American Idol finalist, to present a concert at Stubbs Park.
- He reported Restoration Hardware would be opening in the former Stein Mart building. Staff continued to work with the owners of Krogers and Planet Ford. A Showcase Cinema redevelopment plan was expected by the end of the year.

Mr. Cahall outlined property maintenance code violations and resolutions for the month of August, as well as the community calendar for the months of September and October.

**PUBLIC HEARING: APPLICATION P-2015-0026: PRELIMINARY DEVELOPMENT PLAN  
APPLICANT: MARK LOCKE FOR NVR, INC., DBA RYAN HOMES  
LOCATION: 700 EAST ALEX-BELL ROAD**

Dr. Gresham made a motion to remove Application P-2015-0026 from the table for consideration. Mr. Compton seconded the motion. The motion passed with seven ayes.

Mr. Rodney presented the staff report for the application by Mr. Mark Locke of Ryan Homes for approval of a Preliminary Development Plan for 98 single family homes on the 32-acre site at Pleasant Hill, addressed as 700 E. Alex-Bell Road. Mr. Rodney reviewed the

previous applications, the planning process for development plans and the current application requesting a density of 3.05 units per acre in the R-PD district. He presented items such as topography, street connectivity, lot sizes, setbacks, home descriptions and stormwater per the staff report. He shared photos of Ryan Homes in the Stone Lake Subdivision in South Lebanon where large areas of exposed concrete showed on the side and rear elevations of homes built on slopes. Mr. Rodney said siding materials would be required to cover these areas in the Centerville plat, so that homeowners would not be looking out windows at expanses of concrete.

Mr. Rodney affirmed that significant issues remained with the plan that would need to be addressed in the long term.. These items included useable area for individual lots, drainage for individual lots, and management of stormwater. Roadway concerns included accommodating stormwater coming off rooftops, driveways, and streets into the intersections. He said it did not appear that all of the requirements of the UDO could be met, but that was not necessarily atypical at this stage of the submittal requirements. He went over the Standards of Approval, before noting that Planning Commission, at its meeting on Tuesday, June 30, 2015, voted 4-2 to recommend approval to City Council of Application P-2015-0026, the Preliminary Development Plan for ninety-eight single family homes. The recommendation was subject to the following eight conditions, requested by staff:

1. Final designs of intersections are subject to approval by the City Engineer. All clear zones shall be determined by the developer's engineer.
2. The Applicant shall provide a Traffic Impact Study at the Final Development Plan stage to calculate trip generation expected by the proposed development and determine the proper location and length of the proposed turn lane(s) on Alex-Bell Road.
3. The final design of stormwater management infrastructure and individual lot drainage systems shall be in accordance with Article 9.35 of the UDO.
4. Parkland shall be dedicated and/or a fee-in-lieu paid in accordance with Article 9.47 of the UDO.
5. A set of building design standards shall accompany a Final Development Plan submittal which – at minimum – prohibit the use of vinyl or aluminum as the predominant siding material, and minimize the appearance of blank or featureless walls.
6. Per the Washington Township Fire Department:
  - a. Fire hydrants are required at a maximum of 300 feet separation on a minimum 8-inch looped water main;
  - b. The hydrants system shall be capable of meeting the fire flow requirements of Unified Standard B; and
  - c. Any proposed street name must be submitted to the fire department for review.
7. Detailed comments from the Engineering Division will follow and shall be incorporated into the final development plan, record plan, and construction documents as appropriate subject to approval by the City Engineer.

8. Detailed comments from Montgomery County Water Services and utility companies will follow and shall be incorporated into the final development plan, record plan, and construction documents as appropriate subject to approval by the City Engineer.

Mayor Kingseed opened the Public Hearing:

Mr. Mark Locke, NVR Inc., stated that he believed he had met the requirements for this stage of the approval process. Agreeing that there were long-term concerns, he noted a work session that had been held with Council and reported that his staff had made changes to the Preliminary Development Plan in response to the meeting. He asked for the opportunity to explain the updated plan and said he was open to Council tabling his application to allow time for study of the revision.

Mayor Kingseed gave Mr. Locke the flexibility to present what he wished to Council, so Mr. Locke passed out copies of the revisions. He pointed out the following changes:

1. To make a safer intersection and better meet the UDO standard for no more than a 2% slope for seventy feet on both sides of the intersection, the engineers moved the westernmost street farther to the east so it tied into the main entry road, instead of teeing into Treeview.
2. The changes resulted in space for a small passive park with perhaps a bench, a small gazebo, or possibly a tot lot.
3. Removing seven lots from the middle section and one from the eastern boundary widened a significant number of lots to create more space between houses. The engineers adjusting some of the curves allowed for wider lots; the net loss was 4 lots.

Mr. Locke said he wanted to share this plan with Council to show the possibilities for meeting the UDO requirements with the Final Development Plan. His team felt this plan was able to be approved at both Stage I and Stage II.

Mr. Ed Smith, 7051 Forest Brook Blvd., who recently became a resident of Centerville, stated he had submitted a letter to Mr. Horn and Council regarding some of the problems with the Preliminary Development Plan, a plan that changed constantly. He said Council had a duty to protect the public. In that regard, the neighborhood disagreed with the staff analysis that the development protects other properties and that it was similar to adjacent developments. His letter listed concerns about density, heavy traffic on Alex-Bell with safety complicated by the speed of vehicles moving downhill, stormwater management, and maintaining Centerville's reputation for quality development.

Mr. Peter Petrusch, 449 Blackstone Drive, stated that the issue of changes in property values had not been addressed adequately. He agreed that traffic and stormwater would be problematic.

Mr. Virgil McDaniel, 7176 Hartcrest Lane, recently moved to Deer Run. He voiced concern about the 50' wide pedestrian walkway between the two neighborhoods. Mr. Rodney agreed that this plan left the open space, built the pedestrian connector and retained flexibility for more connectivity at some future point in time. Mr. McDaniel urged Council to vote no.

Mr. Rob Bieler, 373 Blackstone Drive, pointed out the declining enrollment in the schools and said he understood the need for development within the City for growth of the community. However, he was concerned about the density of the proposed homes, the steep grades within the development and the ability of school buses to traverse the slopes safely.

Ms. Amy Cloud, 7113 Hartcrest Lane, expressed frustration that Council had allowed Mr. Locke and Ryan Homes to request a plan with additional homes after approving one with only eighty-three. She was worried about the rear and side architectural treatments on the homes and the safety of the proposed pedestrian connection to Deer Run. She questioned whether the additional housing was needed. She said she was sad to lose the open space behind Deer Run.

Mr. Ken McCall, 1430 Taitwood Road, Co-Chair of Bike Centerville, said the mission of the group was to make Centerville friendlier to bicyclists and pedestrians. Bike Centerville objected to the design of the plat, because of losing the potential for the extension of the north/south Iron Horse Trail across the property. He asked Council to send the plan back to the drawing board to make it fit the neighborhood better and accommodate the bike trail plan adopted by the City.

Mr. Stein Pederson, 310 Silvertree Lane, Co-Chair of Bike Centerville, was originally the Chair of the Multi-Use Plan Task Force that was established under the Create the Vision in 2005. He asked Council to consider the fact a bike trail through the Zengel property was proposed years ago. It was not something new. He requested that Council reject the Preliminary Development Plan.

Mr. Eric Sauer, 6030 Coachshire Court, a member of Bike Centerville and a registered landscape architect, said he had done land planning for many years and was currently the Park Planning Manager for Five Rivers Metro Parks in charge of regional trails. He asked for creativity in planning the development that would allow the bike trail to come through the area and add green space and regional connectivity. He voiced concerns with the downstream impact of stormwater for homes on the eastern boundary and farther downstream once the natural tree areas and grasslands on the hill were disturbed and soil compaction was changed. He said sidewalks should not be necessary on both sides of the street.

Ms. Angela Manuszak, 8805 Windbluff Point, indicated that she lived along the Sugar Creek downstream of the proposed development. She read from an EPA document concerning the benefits of headwater streams. She also talked about the bike trail saying it would be a key pathway for use by her family and noting the positive economic impact of the regional trail network. She asked Council to consider the value of the City's Bike Plan.

Mr. David Jauch, 291 Zengel Drive, noted this proposal was an 18% increase in the number of lots from the proposal that was approved last year. He questioned the process by which Mr. Locke was allowed to reapply with the revised plan after the earlier decision. He



asked whether the Final Plan could be turned down if the Preliminary Plan was approved. He also shared concerns regarding maintaining the tree cover, masking exposed basements, and keeping variety in the architecture for the homes. He asked who would address errors/problems after the fact, what would be the expected sale price of the homes and when the traffic study would be done. He felt Pleasant Hill should be the comparison neighborhood for consistency with adjacent neighborhoods, not Deer Run.

Mark Engert, 182 Pleasant Hill Drive, asked that the new subdivision not be called part of Pleasant Hill unless it was built like Pleasant Hill. He challenged the City to ask for a 3-D map of the development plan so everyone could see the homes on a ten percent slope and Council could make an informed decision.

Mr. Tim Bowser, 257 East Elmwood Drive, discussed the lack of similarity between the neighborhoods when he compared the plan with Cedarleaf Drive and Blackstone Drive area. He stated concern for the pond near the swim club and asked why Council had not had a neighborhood meeting with Pleasant Hill residents.

Mr. Thomas Ovington, who is on the Deer Run Board, said the developer needed to address stormwater in Deer Run, because problems already exist with water from the parcel coming through Deer Run. He called the plan an unimaginative racetrack and asked for cul-de-sacs without a potential connection to Deer Run for vehicular traffic.

Mrs. Jennifer Sargent, 340 Blackstone Drive, covered a variety of points. She said approving this development plan would ignore *Create the Vision* and the UDO with its Standards of Approval. She felt the developer should not be able to count the existing Pleasant Hill Park as available green space. Each subdivision should have to stand on its own. She shared statistics on home values based on the average square footage and the average estimated sale price of the homes from the application. The developer has stated that the average cost per square foot at \$123. Her research showed no other homes in the area selling at that price per square foot; the actual sale prices were approximately \$100 per square foot. She asked Council to protect the home values in Pleasant Hill.

Mr. James Gallagher, 294 Cherry Drive, noted the variety of the existing homes in the Pleasant Hill neighborhood. He said the 32 acres in question could be the "crown jewel" of Pleasant Hill with appropriate development, not high density, cookie cutter homes on straight streets. He urged Council to deny the proposal.

Mr. Chuck Hamlin, 337 Silvertree Court, wanted to ensure quality for this challenging, "troubled" property. He reported that negative information about Ryan Homes was readily available on Facebook, You Tube and elsewhere on the web. Mr. Hamlin asked for responsible development with curved streets, aesthetics, and a bike path. He encouraged Council to vote against the current plan.

Mr. Jack Wyson, 664 Legendary Way, voiced concern that the public had not seen what Mr. Locke gave Council at this meeting.

Mr. Tom Agnew, 345 Silvertree Court, stated that he was encouraged by the comments

of City Council and staff at the Work Session on August 3, 2015. His concerns were the 9.8% slope on Tree View Drive, safety, and density. He said the UDO “was adopted to protect and promote the public safety and general welfare of the community.” He had contacted his attorney, and, if Council passed the Preliminary Development Plan, Mr. John Koverman, Esq was prepared to appeal the decision in court on the grounds that it did not meet the UDO standards. He submitted his remarks and asked that they be made part of the record.

Several Councilmembers made comments and directed questions to Mr. Locke with regard to the three different plans that he has submitted on behalf of Ryan Homes.

Mayor Kingseed closed the public hearing.

Mr. Beals suggested that this issue be tabled to allow time for the planner and the engineer to evaluate the modified plan and to continue to work with the developer.

Mayor Kingseed stated that his view was to vote on the proposal for 98 homes that was in front of Council, because it had gone through Planning Commission and staff review. He noted the application had been under consideration for a long time, and he felt it should be voted up or down.

Mr. Beals made a motion to deny Application P-2015-0026, the Preliminary Development Plan for 98 single family homes at 700 E. Alex-Bell Road. Mr. Palcher seconded the motion. Each of the Councilmembers gave a brief statement to clarify the reasons for his or her vote, before the motion to deny passed unanimously.

REPLAT OF GRACEWORKS ASSISTED LIVING PLAT: APPLICATION P-2015-0040  
THE COMMONS AT YANKEE TRACE AT  
YANKEE STREET, NORTH OF YANKEE TRACE DRIVE  
APPLICANT: GREG SMITH, OBERER RESIDENTIAL CONSTRUCTION

Mr. Rodney gave the staff report for the request by Oberer Land Developers to replat the condominium parcel into three sections. Lot 1 would be an acre in the northwest corner of the parcel at Yankee Street as a site for a proposed assisted living facility. Lot 2 would be about 14 acres of undeveloped property to the south. The remaining portion would be remanded to The Commons at Yankee Trace condo association for care and maintenance.

Mr. Rodney presented an overview of the history of the area. The Preliminary Site Plan was approved by City Council in 1998 with the general layout of Bethany Commons for full build out of the 44 acres with 170 single family dwelling units and 50 assisted living units. He showed the plan as it had been developed to date. Staff was concerned about the long-term end use of the vacant 14 acre parcel, since neither a development plan nor specific roadway connectivity were suggested.

Mr. Rodney described a number of items that needed to be resolved in order to finish the original development and prepare for possible future use. The initial concern was completing the stub streets—McCullough Street, Stansel Circle and Bethany Commons Trail. In the short-term, the developer needed to initiate measures to prevent erosion, control sedimentation and deter

unauthorized activity. For the long-term, staff recommended creating appropriate access easements and platting the streets with a hammerhead, a cul-de-sac or some infrastructure element that would allow vehicles to turn around. Also recommended was the establishment of easements for the possible future loop of dead-end water lines, for the maintenance of landscape areas by the homeowners association, for definition of the existing public storm drainage, and for roadway connectivity.

Staff recommended easements be established for secondary access at Bethany Commons Trail, McCullough Street and Stansel Circle. Mr. Rodney pointed out that, although the 14 acres had frontage on Yankee Street, under the UDO, a curb cut would not be permitted. A new leg on the roundabout on Yankee Trace Drive could provide public roadway access into the parcel. Because at least two avenues of egress and ingress would be desirable, a second access (or emergency access) could be needed via the private streets in Bethany Commons. The plat showed an access easement from McCullough Street to Bethany Commons Trail out to Yankee Street to provide that connectivity. Easements at the ends of Stansel Circle and Bethany Commons Trail also connected to the undeveloped area.

The Planning Commission had voted down a motion to recommend approval with conditions by a 2-5 vote, therefore the recommendation was denial of the plat in its entirety. Staff recommended the following conditions for Council's consideration if the Councilmembers should choose to move forward:

1. Easements shall be provided at the termini of Stansel Circle, Bethany Commons Trail and McCullough Street to allow for the future construction of cul-de-sacs at these locations. Such easements shall be large enough to accommodate a cul-de-sac and curb of sufficient size to allow a passenger vehicle to make a complete circular movement as determined by the City Engineer.
2. Access Easements shall be provided along Bethany Commons Trail and McCullough Street to allow the potential for future roadway connection(s) and access(s) to public street(s).
3. A Waterline Easement, not currently defined, shall be provided to allow the future connection of the two private waterline stubs that end at the termini of Bethany Commons Trail and Stansel Circle should it be needed.
4. Public Drainage Easements shall be provided for the public storm water system which empties into the property, as determined by the City Engineer.
5. The temporary "Construction Entrance" sign across from Silverlake Drive shall be removed. The grass area and horse park fence within the right-of-way shall be restored. The construction haul road on private property may remain.
6. The immediate area around the stub streets shall be graded and seeded to minimize erosion and siltation of the street and storm sewer network as determined by the City Engineer.



7. Reflective markers shall be added to the terminus of each stub street, as determined by the City Engineer.
8. A Maintenance Easement for the landscaping mounds along Yankee Trace Drive shall be dedicated to allow access by either the Yankee Trace Homeowners Association or the Commons Homeowners Association.

Mr. Robert Curry, attorney for the applicant, 10050 Innovation Court, Miamisburg, gave a summary of the development of the 44 acres over time. When the housing market slowed, it had become apparent the parcel could not be developed further as a single condominium complex in a timely manner. In anticipation of this change, in 2011 the developer made revisions to the documents with the intention of providing for future development while protecting the condo unit owners. The developer retained two access easements through Bethany Commons—one for the assisted living area through the parking lot of the community building and out to Bethany Commons Trail and the other for the 14 acres via McCullough Street. Once a new area developed, the additional users would pay a fair share of the maintenance costs for the private streets in Bethany Commons.

Mr. Curry made a number of additional points. He said the Master Association created those rights from day one because it foresaw the possibility that there could be separate development. He noted the developer could not turn over common property—the streets, the waterlines and the community building—to the Master Association without having the property platted. Mr. Curry said the developer's main objections to the staff conditions related to the waterline and the stubbed roads. For the waterline easement, he stated, if noone connected to it within the next 15 years, it should expire. On behalf of his client, he suggested a hammerhead at the end of Stansel Court; he suggested removal of the pavement and seeding of the area at the end of Bethany Commons Trail; he offered a curb with appropriate finishing of the stub of McCullough Street. He asked for approval of the plat, so the developer could turn over the common property to the HOA and have a marketable parcel.

Mr. Hans Soltau, 6776 Loop Road, attorney representing the condo owners of Lakewood Commons (The Commons), made a number of comments. He provided further history of the development, including that the waterlines were installed and metered for rental units, because the development was originally meant to be a rental complex. The private water system was a less expensive construction option for Graceworks. He next stated the owners of the 98 units in Lakewood Commons were also the members of the Bethany Commons Master Association subject to a Master Declaration which was changed in 2011, because the developer wanted to pull out. Mr. Soltau disagreed that the Master Declaration documents were altered to benefit his clients. The developer removed the 1 acre parcel and the 14 acres from the Master Declaration and created easements. Right around the same time, Graceworks acquired 2.5 acres just north of the 1 acre parcel. Eventually, the two could be combined to create 3.5 acres for an assisted living facility that would have use of the easement for the driveway through the parking lot of the clubhouse. Mr. Soltau felt the City should address this issue. He also questioned the legitimacy of the 2011 Amendments to Declarations of the Master Association.

Mr. Soltau said the condo units owners wanted the area platted, because they desired to acquire control of their Master Association. However it was his opinion the assisted living site

should not be part of the current plat. Mr. Soltau pointed out the plat would enable the developer to transfer title of the recreational facility, but not the streets to the unit owners as a group. Title to the streets was already in the name of the undivided interests of the Condominium Association.

Mr. Compton asked Mr. Curry to address Mr. Soltau's concern with regard to the platting of the 2.5 acres north of the 1 acre on the northwest corner. Mr. Curry responded the 1.0 acre was never part of the common area of the condominium Master Association. It had always been a parcel for future development, a valuable piece of property with frontage on Yankee Street. Mr. Curry felt it had to be part of the requested replat.

Ms. Sandra Caselnova, 1441 Little Yankee Run, stated significant concern for the potential access through the parking lot of the community center. At some future point, the parking lot could be the major link for an assisted living complex to Bethany Commons Trail and Yankee Street.

Mr. Horn stated it was his opinion that legitimate concerns warranted that Council table the vote on the application for the record plan for the Graceworks Assisted Living Plat to give the Law Director more time to review the issues.

Dr. Gresham made a motion to table Application P-2015-0040, the record plan for the Graceworks Assisted Living Plat, until the October 19, 2015 Council Meeting. Mr. Palcher seconded the motion. The motion passed unanimously, 7-0.

Mayor Kingseed explained that the Consent Agenda contained routine procedural and administrative matters that had been discussed during Work Sessions and had unanimous support. Council Members read the Consent Agenda items into the record.

- A. Resolution Number 44-15, A Resolution Accepting The Amounts And Rates As Determined By The Budget Commission And Authorizing The Necessary Tax Levies And Certifying Them To The County Auditor.
- B. Resolution Number 45-15, A Resolution Authorizing The City Manager To Enter Into A Lease Agreement Between The City Of Centerville And Centerville-Washington History.
- C. Boards and Commissions:  
Joyce Ray Brown of the Property Review Commission—reappointment for an additional three-year term.  
Jan Prettyman of the City Beautiful Commission was given a leave of absence from the City Beautiful Commission.

When Mr. Beals asked for explanation of Items "A" and "B", Dr. Hinshaw stated the City tax rates of Item "A" were straight forward and pointed out the inside millage had been 2.35 mils of property tax since 1935. Centerville residents pay more property tax to each of the other local entities (the library, the park district and Sinclair College) than they do for City services. The resolution accepted the 2.35 inside mils which would generate \$1.4 million in 2016. Mr. Horn

explained that Item "B" was a 5-year renewal of the lease for the Asahel Wright complex on North Main Street in an agreement with the Washington-Centerville Historical Society which had recently changed its name to Centerville Washington History. The lease spelled out the maintenance and utility obligations for the \$1.00 per year contract allowing members of the history group to staff the building and take care of a significant amount of the maintenance.

Dr. Gresham sponsored the Consent Agenda items as shown above and moved for their approval. Mr. Beals seconded the motion. The motion passed with seven ayes.

PUBLIC HEARING: REZONING 14.771 ACRES-CORNERSTONE OF  
CENTERVILLE NORTH, PHASE III FROM B-PD, BUSINESS PLANNED DEVELOPMENT  
WITH CC, COMMUNITY CENTER OVERLAY ZONE CLASSIFICATION TO B-PD,  
BUSINESS PLANNED DEVELOPMENT CLASSIFICATION Ord. 14-15

Mr. Rodney gave the staff report and reviewed Phase III of the Cornerstone Development, the village area north of COSTCO and east of Cornerstone North Boulevard. Robert Hall of Cornerstone Developers, Ltd., requested rezoning the area to delete the CC, Community Center Overlay, in order to avoid the need for multiple variances as the property developed. Mr. Rodney presented an overview of the area, explaining that the adopted Preliminary Development Plan oriented the buildings in conflict with the overlay standards. During a joint work session, the Planning Commission and the Council concurred that the preferred direction was to maintain the building layout as originally approved, incorporate the pertinent overlay standards into the Final Development Plan documents, and eliminate the overlay zoning. Earlier this summer, Council approved the Final Development Plan with the additional standards. The ordinance on the agenda would remove the overlay and create a standard B-PD, Business-Planned Development, District. Mr. Rodney noted the Standards of Approval for rezoning outlined in 5.7(C) in the UDO could be met, and shared the Planning Commission recommended approval by a 5-1 vote with one condition about the timing of the approval of the Final Development Plan and the rezoning, a condition that was no longer needed.

Mayor Kingseed opened the public hearing and seeing no one come forward, he closed the public hearing.

Mr. Compton sponsored Ordinance No. 14-15, An Ordinance Amending Ordinance Number 14-08, Chapter 1216, The Unified Development Ordinance, As Amended, To Rezone 14.771 Acres of Land, More Or Less, Located At Cornerstone Of Centerville North, Phase III, From B-PD, Business Planned Development With CC, Community Center Overlay Zone Classification, To B-PD, Business Planned Development Classification, and moved that it be passed. Mr. Beals seconded the motion. The motion passed 7-0.

PUBLIC HEARING: ESTABLISHING NEW CHAPTER 1490 "PRE-SALE  
INSPECTION" OF THE CODIFIED ORDINANCES Ord. 9-15

Mayor Kingseed stated that the City had been in discussions about this tabled ordinance with many of the realty groups in the area, and they are continuing to provide input. It was the consensus of Council to take more time prior to voting on this issue. Council would like to create a plan with a broader consensus of support in the community.

Dr. Gresham moved that we remove Ordinance No 09-15 from the table. Mr. Beals seconded the motion. The motion passed unanimously, 7-0.

Dr. Gresham moved to table Ordinance No. 09-15, An Ordinance Establishing New Chapter 1490 "Pre-Sale Inspection" Of The Codified Ordinances Of The City Of Centerville, Ohio, for the new Council's consideration in January 2016. Mr. Palcher seconded the motion. The motion passed with a 7-0 vote.

**PUBLIC HEARING: ORDINANCE NO. 16-15: TRANSFER OF PUBLIC RIGHTS-OF-WAY TO THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY FOR YANKEE STREET IMPROVEMENTS-PROJECT MOT-CR175-0.79**

Although Council had passed an Emergency Ordinance on this topic at the last meeting in August, Mr. Horn stated the need for the regular ordinance related to the rights-of-way, because the City's emergency ordinances were temporary in nature. Montgomery County needed the rights-of-way for a project along Yankee Street directly north of Social Row Road on property that the City had owned for a number of years. Some of the right-of-way was on the east along the golf course side and some <sup>were</sup> on the west side along the property donated to the City by DP&L. The County was the administrative agency for this project; joint funding was in place.

Mayor Kingseed opened the Public Hearing and seeing no one come forward, he closed the public hearing.

Dr. Gresham sponsored Ordinance No. 16-15, An Ordinance Declaring That Certain Real Property Owned By The City As Right-Of-Way Is No Longer Needed For Municipal Purpose And Is Necessary For A Montgomery County Road Project And Authorizing The City Manager, On Behalf Of The City Of Centerville, To Take All Steps Necessary To Transfer The Real Property Right-Of-Way Adjacent To Yankee Street To The Board Of County Commissioners Of Montgomery County, Ohio For MOT-CR175-0.79 (Yankee Street Improvement Project) and moved for its approval. The motion passed with seven ayes.

There being no further business, the meeting was adjourned. The next meeting of the Centerville City Council was scheduled for October 19, 2015.

Approved: C. Mark Kingseed  
Mayor

ATTEST:

Debra A. James  
Clerk of Council