

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, May 12, 2014, at about 7:30 P.M. in the Council Chambers of the Centerville Municipal Building. The Special Council Meeting was opened with an Invocation given by Mayor Mark Kingseed, who led the Pledge of Allegiance and also presided over the meeting. Council Members and City Staff were present 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
Police Chief Bruce Robertson
Finance Director Steven Hinshaw
City Planner Andrew Rodney
Public Works Director Robert James
City Engineer Douglas Spitler
Assistant City Engineer John Sliemers
Assistant to the City Manager Jennifer Wilder
Assistant to the City Manager Kristen Gopman
Economic Development Administrator Nathan Cahall
Community Resources Coordinator Maureen Russell Hodgson
Municipal Attorney Scott Liberman

Mayor Kingseed explained that the Consent Agenda contains routine procedural and administrative matters which the Council had discussed in Work Sessions. Council Members read the Consent Agenda items into the record, before Mr. Beals asked for an explanation of the two matters. Following the reports by Mr. Horn and Mr. Rodney, Mr. Compton sponsored the following agenda items and moved for their approval:

- A. Ordinance Number 04-14, An Ordinance Amending Ordinance No. 14-08, Chapter 1216 Of The Centerville Municipal Code, The Unified Development Ordinance For The City Of Centerville, Ohio, To Amend Sections 9.05 And 9.55 With Regards To Wireless Communications Facilities Of The Unified Development Ordinance, be set for Public Hearing on June 16, 2014.
- B. Resolution Number 17-14, A Resolution Authorizing And Directing The City Manager To Enter Into An Amendment To The Development Agreement With Cornerstone Developers, Ltd. For Property Located In The City Of Centerville Consisting Of Approximately 228.5 Acres Located North And South Of I-675.

Mr. Palcher seconded the motion for the Consent Agenda. The motion passed with seven ayes.

APPLICATION P-2014-0005: PRELIMINARY DEVELOPMENT PLAN FOR 32.92
ACRES AT 700 EAST ALEX-BELL ROAD

Since the application for the Preliminary Development Plan for the property located at 700 East Alex-Bell Road was tabled at the April 21, 2014 Council Meeting. Dr. Gresham made a motion to return the matter to the table for consideration. Mr. Compton seconded the motion. The motion passed with seven ayes.

Mayor Kingseed summarized the history of the City's review process for the Preliminary Development Plan for the area between Pleasant Hill subdivision and the Deer Run Condominium Community. The application was filed by Mr. Jon Bills, of CESO, Inc.; Zengel Construction is the property owner; Ryan Homes is the proposed builder. Mayor Kingseed noted that the Public Hearing had been closed after several hours of public comment and prior to tabling the issue at the last meeting, so additional public input would not take place at the current meeting. The purpose of this special meeting was for Council to discuss the Preliminary Development Plan at 700 East Alex Bell Road and to take a vote either to approve the development to allow it to go forward, with or without conditions, or to deny the ability of the development to go forward.

Mr. Rodney gave the staff report. For his presentation, he referred to the map submitted March 18, 2014 used by the Planning Commission in forming its conditions. On March 25, 2014, Planning Commission recommended to Council the adoption of the Preliminary Development Plan with the following twelve conditions:

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 analysis to calculate the trip generation to be expected by the proposed development and determine the proper location and length of the proposed turn lanes 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 provided in accordance with Article 9.47 of the UDO.
5. A public accessway of at least ten (10) feet in width shall be provided to access the proposed open space at the northwest corner of the subject site amongst Lots 44-48.
6. Use of vinyl or aluminum siding shall be prohibited. Vinyl or aluminum may be used for fascia, soffits, or other similar minor architectural or structural elements on a case-by-case basis upon review and approval by the City Planner.
7. Blank or featureless walls visible from the public right-of-way shall be avoided.
8. 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.

9. 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.
10. The applicant shall create a cul-de-sac at each stub end of Zengel Drive and a pedestrian walkway connecting the two.
11. The applicant shall add a 10' pedestrian walkway near the center of the block, running between the two new main streets.
12. The homes in this new plat shall have first floor brick wrap.

Mayor Kingseed made remarks concerning the importance of the decision-making process. He wholeheartedly thanked those who had participated in the public hearing, had met with him or had contacted Council. He stated that Council had taken this input very seriously, but it could not deny an application solely because the neighbors did not want the development. He pointed out a broader obligation to follow the law and to ensure that regulations are fairly, equally and consistently applied for everyone. He explained the obligation to balance different legal rights-the rights of residents who live in that neighborhood, the rights of the property owner to develop the land in a manner consistent with zoning laws, and the rights of the developer who has a contract to develop the land.

Mayor Kingseed opened discussion among Council.

Mr. Beals explained his concerns related to the elevation differentials in the center of the property between the upper street and the lower street. His calculations showed grades up to 9½ percent near the middle of the property. He felt these slopes would be difficult to translate into usable yards that are able to be mowed. He shared his findings, how he arrived at his figures and ways to ameliorate some of the difficulties with the use of walkout basements and decks. He pointed out the lack of consistency of these lots with their steep slopes to the larger flatter lots in Pleasant Hill. He felt that the lack of a proper back yard might make this plat unable to meet the UDO requirements.

Mr. Rodney clarified that the consistency to which Mr. Beals referred was required in the UDO, Article 5.09 (G) (1) Criteria (c) of the Standards of Approval for a Development Plan. At issue were backyard slopes and usability for family-style homes and how they compared with nearby properties. In his staff report, Mr. Rodney had judged the Preliminary Development Plans to be consistent with the nearby existing neighborhoods.

Mr. Compton challenged Mr. Rodney on the consistency issue; Mr. Compton did not feel that the lots in the two areas were consistent. Mr. Rodney stated that his judgment was that, overall, the Preliminary Development Plan showed consistency with the surrounding neighborhoods. Mayor Kingseed pointed out that the adjoining subdivisions were also very different. The lots in the Deer Run community had very little usable yard area, and the houses

and the demographics were also very different. He noted that difficulty arises because the terms are not self-defining, and there is subjectivity in the decision-making process.

When Mrs. Rau asked if the Planning Commission had addressed the consistency issue, Mr. Rodney said he would need to check the minutes for specifics. He recalled the members had some concerns about the grades, but had not done the type of calculations that Mr. Beals had presented. Mr. Rodney said that specific engineering for the elevations would normally be submitted with the Final Development Plan.

Dr. Gresham asked Mr. Oakes, the applicant, to address the usability issue for the yards. Mr. David Oakes of CESO, 8534 Yankee Street, felt the lots were consistent with the adjacent properties because the plat was a transition between the homes to the east which have nearly no backyards and the larger lots of Pleasant Hill on the west. He stated confidence that the grading was manageable and that the plat would be a successful development. When Mayor Kingseed asked if children can play on a 3:1 slope, Mr. Oakes replied that the space would not be adaptable for every use. He said that individual needs vary, so retaining walls could come into play to make some spaces more user-friendly. He said walkout basements would be mandatory on the upper side of the development in some areas.

As discussion continued, Council raised questions about the possibility of artesian wells or underground streams in the area as in Chardonnay Valley and about safe ingress and egress of emergency vehicles as required by Article 5.09 (G) (1) Criteria (d) of the Standards of Approval. Mr. Palcher asked if all the streets needed to be open for safe ingress and egress. Mr. Rodney stated that too was a subjective analysis. Mr. Oakes stated he felt Zengel Drive needed to be open at the park.

Mr. Compton pressed Mr. Locke for an example of a hillside subdivision built by Ryan Homes with similar layout, lot size and elevation changes. Some plats with similarities were mentioned, but none were good examples in total. Mr. Compton asked questions about factors determining the number (size) of lots in the new plat. He asked if the uniqueness of the site dictated the size of the lots. Mr. Locke stated that economics were a consideration for any plan and noted that the developers were looking for relatively consistent lot sizes that would support a single family of housing products. He also stated increasing lot size alone did not generally bring a different buyer; buyers looked at where a plat was and the image it projected (how it was). Mr. Locke reminded Council that the application was for 85 lots with frontages from sixty feet to more than 80 feet. Mr. Compton clarified that the same housing products would be used on lots of a larger size. Financial considerations were the motivation for lot sizes.

In talking about a requirement for walkout basements, Mr. Locke said he was unaware of a mandate for walkout basements, but the property would lend itself to walkouts. Lots suitable for walkout basements were relatively rare in the market and were often seen as desirable by buyers. Mr. Beals encouraged the use of walkout basements, not only along the upper ridge, but also between the two new streets in the center of the property where the slopes were the greatest.

Dr. Gresham turned the attention of the group to the trees in the center of the property. Mr. Oakes stated it was the intention of the developers to keep as many trees and as much natural vegetation as possible, on a case-by-case basis. Dr. Gresham felt some of the lots would not have to be mowed. This emphasis on the center of the property between the two streets introduced the topic of the 10' walkway recommended by Planning Commission for mid-block between the two new streets. Mr. Oakes said that he did not support this walkway, because, in his experience, the surrounding homeowners did not like walkers so close to their homes—having people so near felt intrusive. Because of the steep grade in the area, steps might be required, lessening the usability of the walking path. In addition, required grading around the walkway would give it a strangely tunneled appearance. For the cost, it would have few benefits.

John Palcher asked for clarification that the concept plan on the screen had 81 lots, but the developer and the builder were asking for 85 lots. Mr. Rodney stated that the plan on the screen showing 81 lots reflected the conditions recommended by the Planning Commission.

Mr. Compton asked why Condition #7 concerning blank or featureless walls referred only to the view from the rights-of-way. Mr. Rodney replied that this was a general condition to provide direction to the developer and to the builder. The view from public streets impacts the vista of the neighborhood and the impression to the general public. Staff would have no objection if Council wanted to change the wording to require design features on all four sides.

Mr. Compton brought up the brick wrap for first floor recommended by the Planning Commission. Mr. Locke said he agreed with staff that the requirement created a monotonous street face and was inappropriate for some housing styles. He pointed out that there was not a brick wrap requirement in Yankee Trace or Deer Run and that design review would give staff the ability to approve a variety of materials. When Mayor Kingseed asked about the need for a statement about the use of natural materials Mr. Rodney read the staff recommendation dated April 21, 2014, amending Condition #6. Mr. Rodney explained how the criteria, similar to the verbiage in the *Yankee Trace Design Guidelines*, could be used on a case-by-case basis.

Mrs. Rau asked for lots of about 100' in width adjoining the lots in Pleasant Hill. She felt the proposed layout showed a dramatic change from the number of lots on the boundary to the west. A more gradual transition from Pleasant Hill was appropriate, because the homeowners would have more in common with the neighbors in Pleasant Hill than the homeowners in Deer Run. The new plat would be single family detached homes and the demographics would be more like the young families coming into Pleasant Hill. Therefore, she felt the bordering lots should be more in keeping with the size of the lots in Pleasant Hill. She asked for the elimination of four lots on the western edge of the new plat.

Mr. Compton agreed lots should be at least 100 to 110 feet wide. Mr. Locke stated that the current practice is to construct houses perpendicular to the street. In the past when Pleasant Hill was built, the lots were wider with less depth. Putting current housing products on wider lots would create a massing imbalance and not look right. He pointed out the configuration of Deer Run with more narrow houses on 50' lots and 5' side yard setbacks. He said it was not easy to add increased costs for lots onto the selling price of the homes, because of price targets for marketability.

Mr. Compton pointed out the straightness of the proposed streets. Mr. Locke responded that the builder intended to stagger the setbacks of the homes to make the line less stark.

Discussion followed about adding lots on the Deer Run border to compensate for removing some on the west. When asked for the City's perspective, Mr. Horn replied that he was not sure how small the lots could be without losing the single family perspective. Mr. Rodney added the City was hoping to keep the lots wide enough to facilitate enough side entry garages, as options, to add variety. Reducing the width of the lots by 10%-20% would stifle that possibility.

Mayor Kingseed asked each of the Council members to clarify his or her position.

Mrs. Rau said it was important to her to have 100' lots along the western boundary at Pleasant Hill. She did not want width taken away from lots on the border with Deer Run to create additional lots there.

Mrs. Kenley stated that the land would be developed at some time, so Council needed to form the best possible decision for the community. She stated she had looked at a number of Ryan Home plats and had nothing against Ryan Homes, yet not one person spoke on behalf of the project. She questioned whether this project was the right fit for the parcel.

Mr. Compton stated that he was not opposed to the developer or the development, but could not agree that this proposal was consistent with the neighborhood. He could not support the specific plan unless it was consistent with the existing neighborhoods.

Dr. Gresham voiced concern, if this plan was denied, that a future plan would propose apartments or rentals. Realizing the parcel was difficult to develop with single family homes, he felt this plan was better than using the land for apartment buildings. A future plan could be worse for the neighborhood.

Mr. Beals said he was heartened by what he heard from Mr. Oakes concerning the use of walkout basements and retaining walls, on a case by case basis. He suggested removing two rather than four lots along the western property line to make lots about 90' in width. With that adjustment, he could support the plan.

Mr. Palcher stated that he did not see consistency between the three communities. He was not comfortable with the plan of March 18, 2014.

Mayor Kingseed voiced his support for the development. He agreed with Dr. Gresham that a future proposal could include apartments. He also reminded everyone that there had to be a legal reason to deny the application. He felt the connection to Deer Run via the eastern segment of Zengel Drive was not needed, but both Treeview Drive and Zengel Drive to the west should be connected to help distribute traffic. Not opening the roadway into Deer Run and out to Clio Road would significantly reduce the traffic impact on the eastern segment of Zengel Drive. He did not see the need for the walkway through the center of the block that was recommended by Planning Commission or the need to define brick wrap for the first floor of all the homes. Verbiage related to natural materials and architectural interest would be enough. To him, the

reduction of the number of lots by one or two on the western property line to increase lot width was acceptable. His preference would be to make the lots on the eastern property line more narrow, in exchange.

Discussion of connectivity into Deer Run followed. Mr. Palcher stated that he could support the plan if the connection was not made into Deer Run and with the number of lots on the west reduced. Mr. Beals suggested requiring a sidewalk connection and maintaining the right-of-way, if the roadway for vehicular traffic should remain closed. Dr. Gresham interjected that the connectivity into Deer Run should be completed as planned for the shortest emergency response times when minutes really count. He did not believe that planners intended for the condo community to remain so isolated for such a long time. Mayor Kingseed said that not connecting the road into Deer Run and Clio Road would significantly reduce new traffic on Zengel Drive. Mr. Compton stated the benefit for emergency responders would be outweighed by the problems created by the additional traffic.

Mr. Compton made a motion to deny the recommendation from the Planning Commission and deny the application for a Preliminary Development Plan for 700 East Alex-Bell Road. Mrs. Kenley seconded the motion. Following discussion about procedures, the motion to deny approval of the application was voted down by a vote of 2 to 5, with Mrs. Kenley and Mr. Compton voting yes.

Mr. Beals asked about dividing the motion into parts, before there was additional discussion concerning procedure. He made a motion to approve the application with the Planning Commission's twelve conditions, and adding conditions that Zengel Drive would not connect into Deer Run except by a walkway and that the number of lots along the west border would be reduced by two. Discussion followed about other possible conditions. The motion failed for lack of a second.

Mayor Kingseed announced a five minute recess for Council to consult on a motion.

When the Mayor reconvened the meeting, Mr. Beals made a motion to approve the Preliminary Development Plan for 700 Alex Bell Road, subject to Conditions #1 through Condition #9, as recommended by the Planning Commission and with the following five additional conditions:

10. The streets of the new plat shall connect to Treeview Drive and Zengel Drive to the west, but the subdivision will access the eastern stub of Zengel Drive only via a 5' sidewalk, with the 50' right of way being maintained.
11. Planning Commission Condition #6 shall be amended to read, "Homes shall be constructed using natural exterior materials, such as brick, stone, wood or other similar natural material and include architectural elements and varied facades on all sides of each structure. Four sided architecture shall be subject to review and approval by staff. Use of vinyl or aluminum siding shall be prohibited. Vinyl or aluminum may be used for fascia, soffits, or other similar minor architectural or structural elements, on a case-by-case basis, upon review and approval by the City Planner. Roofing materials shall be limited to dimensional asphalt shingles, standing seam metal and copper."

- 12. Two lots shall be removed along the western border with Pleasant Hill and with the additional width to be spread among the remaining 14 lots.
- 13. Staff shall study and recommend traffic calming devices for Zengel Drive to the west and report back to Council within the next three months.
- 14. The homes on Lots 70 through 85 as depicted on the map as submitted date stamped March 18, 2014 shall have walk-out basements.

Mr. Palcher seconded the motion. Following further discussion, the motion passed 5-2, with Mr. Compton and Dr. Gresham voting no.

Under Citizens Comments and Concerns, Mr. Jack Garner, 85 Zengel Drive, expressed his concern for speeding on Zengel Drive. He felt an officer should be hired to do speed control in the neighborhoods on a rotating basis. He said he lacked confidence in the engineering department to remedy traffic problems.

There being no further business, the meeting was adjourned. Council's next meeting will be May 19, 2014.

Approved: C. Mark Kysed
Mayor

ATTEST: Debra A. James
Clerk of Council