

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, September 23, 2013, at 8:00 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 and the Pledge of Allegiance to the Flag with Mayor Mark Kingseed presiding. Councilmembers and City Staff present were as follows:

Councilmembers John Beals
 Doug Cline
 Paul Gresham
 Belinda Kenley
 James Singer

Clerk of Council Debra James
Acting City Manager Steven Hinshaw
City Planner Steven Feverston
Planner Andrew Rodney
Public Works Director Robert James
City Engineer Douglas Spitler
Economic Development Administrator Nathan Cahall
Municipal Attorney Scott Liberman

Mr. Singer made a motion to excuse Mr. Compton. Mr. Beals seconded the motion. The motion passed 6-0.

Mayor Kingseed explained that the Consent Agenda contains procedural and administrative matters that have been discussed during Work Sessions. Mr. Beals read the title into the record.

- A. Resolution Number 49-13, A Resolution Ratifying The Actions Of the Acting City Manager And Finance Director In Executing A Bond Purchase Agreement.

Dr. Hinshaw explained that the City completed the sale of its bonds through a Bond Purchase Agreement on Wednesday, the 18th of September. This refunding changed the average interest rate on our entire Bond Portfolio from 5.21% to 3.09% for a savings of about \$3.3 million over the life of the issues. It so happened that when the Bond Purchase Agreement needed to be executed Mr. Horn was not available, so Dr. Hinshaw signed the Bond Purchase Agreement as both Acting City Manager and Finance Director. Resolution 49-13 would ratify that action. Included in the agreement were rates for bonds on the remaining indebtedness of the Yankee Trace Golf Course construction that will expire in 2018 and the Special Assessment Financing for the seven separate issues for the construction of the roads and infrastructure for Yankee Trace housing developments. The lower rate of interest will allow the City to pass savings along to the homeowners who will be notified of the change. Mayor Kingseed added that the changes reduced the life of the Yankee Trace debt by seven years, significantly increasing the savings.

Dr. Gresham sponsored Resolution 49-13 and moved for its approval. Mrs. Kenley seconded the motion. The motion passed with six ayes.

PUBLIC HEARING: FINAL DEVELOPMENT PLAN PHASE 1A FOR
CORNERSTONE NORTH – APPLICANT, GEORGE OBERER, JR.

The public hearing was held regarding the Final Development Plan for Phase 1A at Cornerstone North, 5300 Wilmington Pike, with Mr. Feverston giving the staff report. The property is located at the northeast corner of Wilmington Pike and Feedwire Road. Phase 1A of the Final Development Plan covers only the southwest corner of the property in an area zoned Business Planned Development. The Preliminary Development Plan was approved by Council in May of 2013 which showed how the property, in concept, was to be developed.

Mr. Feverston used a PowerPoint presentation with an aerial map, photos of the property, and the site plan to explain changes since the approval by Council of the Preliminary Development Plan for the area. He mentioned the house has a demolition permit that was issued and will expire next month. He pointed out the scope of the current project, the phasing, the ingress and the egress included in this application. He stated that the scope of the application was limited to public improvements and infrastructure—mass grading, roadways, utilities, storm water management, tree clearing, tree preservation and site lighting. This Final Development Plan for Phase 1A of Cornerstone North could not receive full final approval because the size of the footprint of a large format regional anchor necessitated modification of the overlays on the approved Preliminary Development Plan, changing the boundaries of the village center overlay. Cornerstone Developers submitted a revised Preliminary Development Plan so a formal public hearing will be held by the Planning Commission on Tuesday, September 24, 2013 to consider the amended plan. A recommendation on the revised Preliminary Development Plan will be forwarded to Council for final action. The intent of the current application is to keep the project moving forward.

Mr. Feverston described the scope of the work to be covered at this time, as he made several points about the plan. Access and egress points for the southwest corner on Wilmington Pike and Feedwire Road would be established, and the interior roadway would run, more or less, between the access points rather than the total distance through the property. He pointed out that a retaining wall of a modular concrete product, emulating flagstone, would increase in height up to thirty feet as it angled southeastward across the property north of the building pads for the anchors and south of the creek. The wall was expected to be from 800 to 1200 feet long. Mr. Feverston noted that, because Feedwire Road and Wilmington Pike need to be widened, rights-of-way and setbacks must be established. As a side effect of the widening and disease, many of the trees that line the perimeter of property will have to be cut down and much of the remaining tree canopy will be lost.

The Planning Commission recommended approval of Phase 1A of the Final Development Plan subject to the following eighteen conditions:

1. This Final Development Plan shall be limited in scope to include only mass grading, public roadway improvements, tree clearing and preservation, utility infrastructure, street lighting design, and stormwater management; excluding signage.

2. Prior to removal of any tree in the area identified as Sub-area "C" on the FDP between the driveways labeled Entry no. 2 and Entry no. 3, the applicant shall clear sufficient undergrowth to allow inspection by the City Planner of all trees and to identify all trees to be preserved in this area subject to approval by the City Planner.
3. All curb-cuts shown on the internal public street identified as "commercial drive" shall be eliminated from this FDP. An access control plan shall be submitted with any subsequent FDP.
4. Street intersections on Commercial Drive at Entry Drives 1, 2, and 3 shall be designed as 3-way intersections subject to approval by the City Engineer.
5. The developer's engineer shall certify sight distance on the development subject to approval by the City Engineer.
6. The public rights-of-way shown for Wilmington Pike and Feedwire Road shall be modified to the full build design dimensions subject to approval by the City Engineer.
7. Temporary turn-around areas shall be established on the FDP at the ends of the public street labeled as "Commercial Drive" for emergency purposes with the design subject to approval by the City Engineer.
8. The thirty-five (35) foot building setback shown along Feedwire Road shall be increased to fifty (50) feet in accordance with Article 9.05 B, Table 9.0 of the Unified Development Ordinance (UDO).
9. Earthen berming, shall be established within the reserve areas along Feedwire Road, Wilmington Pike and along all internal public streets in accordance with Article 9.25 C, Table 9.6 of the UDO and the Preliminary Development Plan subject to approval by the City Planner.
10. A final grading and stormwater drainage plan shall be subject to approval by the City Engineering Department showing drainage calculations, water quality and incorporating erosion control during construction in accordance with Article 9.35 of the Unified Development Ordinance (UDO). Emergency access easements to the retention ponds shall be a minimum of 10 feet in width in locations on the site that provide adequate access. The access easements shall be described in a legal description and recorded subject to approval by the Municipal Attorney and City Engineer.
11. A geotechnical investigation to identify material properties for design and constructability shall be conducted in accordance with the Ohio Building Code and standard engineering practices by a registered design professional. Construction plans and documents shall include specifications to ensure that proper materials and procedures are used during site grading work in accordance with the provisions of the

approved geotechnical report.

12. All retention ponds shall be benched in accordance with Article 9.35 F 7 g of the UDO.
13. The developer's engineer shall be required to inspect all drainage facilities under construction and certify their compliance with approved plans subject to approval by the City Engineer.
14. Grades established by this FDP shall be a maximum of 3:1 with a final grading plan subject to approval by the City Engineer.
15. The final design of the proposed retaining wall shall be subject to approval by the City Planner showing design compatibility with the material selections shown on the PDP and as a part of this FDP.
16. Detailed plan review comments from the City Engineer shall be incorporated into the construction plans.
17. The developer shall demonstrate the ability to provide all necessary utility services per Article 5.13 G 2 of the UDO.
18. No sign shall be approved as a part of this application.

Mr. George Oberer, Cornerstone Development LTD. stated that he did not have a formal presentation, because Mr. Feverston had made a thorough report. He said that he was in concurrence with all of the conditions.

When Mr. Beals suggested that the 30' retaining wall might be stepped into two fifteen foot sections with a 10' bench, Robert Hall, engineer for the Cornerstone project, responded that the Oberer group was working with the civil engineers for the major anchor to reduce the height of the wall to 10' or under. He stated that they were looking at options to lower that wall significantly, and they were self-imposing a requirement if that wall was 10' high or greater, they would tier it in two sections.

When Mr. Beals asked about the sanitary sewer coming in under I-675 from the east, Mr. Oberer stated that a sleeve was already in place for the sanitary sewer extension. Approval of this final development plan would allow Cornerstone Developers to connect to the sewer line, begin to place utilities, form the detention ponds, and do mass grading. Work could progress while other details would be ironed out.

Noting the City's preference for buildings constructed close to the right-of-way, Mr. Beals asked Mr. Feverston about the 50' setbacks on the perimeters of the property. Mr. Feverston responded that the code does specifically say for outparcels in a B-PD zoned area there is to be a minimum building setback of 50'. Businesses would need to seek variances for anything less. Mr. Feverston noted that the Preliminary Development Plan passed in May did limit parking to the side and rear yards for the commercial outlots.

Mr. Beals questioned the ability to maintain the 3:1 slopes mentioned for use around the detention ponds. Mr. Feverston stated a 3:1 slope is a mowable slope and that these slopes would be privately maintained. Mr. Spittler referred to condition No. 12 that states that all retention ponds shall be benched in accordance with Article 9.35 of the UDO.

Mr. Beals noted that the City was working to save as many trees as possible on the site, but he advised the public that it is a modest number of trees that will be saved. The major swath is about 100 feet long and 40 feet wide.

Mr. Cline asked for a description of the berming along Wilmington Pike. Mr. Feverston stated that, beyond the preservation area, there will be mounding about three feet high along Wilmington Pike and Feedwire Road. It will be sculpted and landscaping as required by the Unified Development Ordinance. How to reintroduce trees, especially in the areas where significant trees were being removed, was discussed at length with the Preliminary Development Plan. Trees will be required between buildings, along the hiker-biker trails, in public areas and along sidewalks.

Mr. Cline encouraged the developer to take care of the details of signage and landscaping in order to create an outstanding development with a quality image.

Mr. Beals moved for approval of the Final Development Plan, subject to the conditions recommended by the Planning Commission. Mr. Cline seconded the motion. The motion passed with six ayes.

There being no further business, the meeting was adjourned.

Approved: _____

Mayor

ATTEST: _____

Clerk of Council