

The Council of the City of Centerville, County of Montgomery, State of Ohio, met for a special meeting on Monday, May 14, 2012, at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Mr. James Singer and the Pledge of Allegiance to the Flag with Deputy Mayor Brooks Compton presiding. Council Members and City Staff present were as follows:

Council Members John Beals
 Doug Cline
 Paul Gresham
 Belinda Kenley
 James Singer

Clerk of Council Debra James
Assistant Clerk of Council Julie Weaver
City Manager Gregory Horn
Public Works Director Robert James
City Engineer Douglas Spitler
Assistant to the City Manager Jennifer Wilder
Assistant to the City Manager Kristen Gopman
Economic Development Administrator Nathan Cahall
Municipal Attorney Scott Liberman

Mr. Beals moved to excuse Mayor Kingseed from the meeting. Dr. Gresham seconded the motion. The motion passed with six ayes.

Deputy Mayor Compton explained that the purpose of the meeting this evening was to consider setting three rezoning ordinances for Public Hearing on June 18, 2012 at the regularly scheduled City Council meeting.

**SET PUBLIC HEARING FOR AN EMERGENCY ORDINANCE REZONING
96.5 ACRES NEWLY ANNEXED FROM WASHINGTON TOWNSHIP**

Deputy Mayor Compton read the Emergency Ordinance before Mr. Horn gave the staff report on the city-initiated application for rezoning for newly annexed property and noted that Council had been briefed at the work session earlier that evening. A full staff report will be given on June 18, 2012.

Dr. Gresham moved to set Emergency Ordinance Number 08-12 An Emergency Ordinance Amending Ordinance Number 14-08, Chapter 1216, The Unified Development Ordinance As Amended, To Rezone 96.5 Acres Of Land, More Or Less, Located East Of Sheehan Road, North Of Social Row Road And Being Multiple Tracts Of Land, From Washington Township Agriculture And Washington Township Special Use, To City Of Centerville A, Agricultural District, Zone Classification for Public Hearing on June 18, 2012. Mr. Beals seconded the motion. The motion passed unanimously with six ayes.

SET PUBLIC HEARING FOR AN ORDINANCE REZONING 96.5 ACRES NEWLY ANNEXED FROM WASHINGTON TOWNSHIP TO CENTERVILLE A, AGRICULTURE

Deputy Mayor Compton read the proposed Ordinance. Mr. Horn advised that the regular ordinance is similar to the emergency ordinance already discussed. He clarified that the newly annexed property is east of Sheehan Road and bounded by Social Row Road. He requested that the matter be set for public hearing at the regularly scheduled Council Meeting in June. This would be the permanent ordinance rezoning the land now that it is in the City of Centerville.

Mr. Singer made a motion to set for public hearing Ordinance Number 09-12, An Ordinance Amending Ordinance Number 14-08, Chapter 1216, The Unified Development Ordinance As Amended, To Rezone 96.5 Acres Of Land, More Or Less, Located East Of Sheehan Road, North Of Social Row Road And Being Multiple Tracts Of Land, From Washington Township Agriculture And Washington Township Special Use, To City Of Centerville A, Agricultural District, Zone Classification at the Centerville City Council meeting on June 18, 2012. Mr. Beals seconded the motion. The motion passed with 6 ayes.

SET PUBLIC HEARING FOR AN ORDINANCE REZONING PROPERTY BOUNDED BY PARAGON ROAD, SOCIAL ROW ROAD, AND SHEEHAN ROAD

Deputy Mayor Compton read the proposed Ordinance for rezoning 63.9 acres bounded by Paragon Road, Social Row Road, and Sheehan Road. Mr. Horn stated that the request tonight is only to set the ordinance for public hearing on June 18, 2012. He encouraged neighbors to view materials related to the rezoning and discuss concerns with staff. The formal presentation will be at the meeting on June 18, 2012. The zoning classifications in the ordinance are the districts recommended by the Planning Commission on May 8, 2012.

Mr. Singer made a motion to set for public hearing Ordinance 10-12, An Ordinance Amending Ordinance Number 14-08, Chapter 1216, The Unified Development Ordinance As Amended, To Rezone 63.939 Acres Of Land, More Or Less, Located North Of Social Row Road, West Of Sheehan Road And East Of Paragon Road From R-1C, Single-Family Residential With A NR, Neighborhood Residential Overlay Zone Classification, To O-PD, Office Planned Development With A NC, Neighborhood Center Overlay Zone Classification In The Southern 25.426 Acres; And To R-PD, Residential Planned Development With A NR, Neighborhood Residential Overlay Zone Classification In The Northern 38.514 Acres on June 18, 2012. Dr. Gresham seconded the motion. The motion passed unanimously with six ayes.

CITIZENS' COMMENTS AND PETITIONS

When Skip Schafer, 1008 Whispering Pines, Washington Township, asked what created an emergency for the rezoning of the 96 acre property, Mr. Liberman explained an emergency ordinance becomes effective immediately upon passage without a thirty

day delay. Because a 30-day notice is needed before a public hearing, the effective date can be delayed a significant amount of time. Rezoning of newly annexed land is required. Mr. Compton noted that part of the property is Special Use, without specific standards.

Skip Schafer described the waste transfer station Washington Township is building on some of its property in the area, in order to clarify what is being planned. Deputy Mayor Compton noted that the City of Centerville had made a public records request concerning the plans, but had not received information pertaining to the waste transfer station as of yet. Mr. Horn stated concern if chain link fence with barbed wire strung across the top is to be placed along Social Row Road at the entryway to the City.

Louis Duchesneau 921 El Kenna Court, Washington Township, Mr. Duchesneau asked the Council not to approve the rezoning of the property from 2 units per acre, describing the surrounding area in detail. He disagreed with Mr. Feverston's appraisal of gradual change along Social Row Road. He voiced concern regarding the effect the density and the view would have on his property value. He made a presentation with handouts of maps and photos of The Greene in Beavercreek. He cited *Create the Vision* and the traffic study for the area. In his opinion the parcel to be rezoned is not big enough to allow reasonable setbacks from the single family homes that are currently in place.

James Frey, 9918 Redbarn Trail, Centerville, disagreed with the evaluation of the city planner that the neighborhood is in a transition. He stated that things have not changed along Social Row Road, except for housing developments, Epiphany Church and a nicer fence at the bus barn. He said the apartment, commercial, retail and office plan was not appropriate for his neighborhood. He stated his biggest concern was that commercial uses would spread all the way to SR 48.

Ron Camp, 690 Mackenzie Court, said he was concerned for the value of his property. Behind his home, a fifty foot easement for a gas pipeline will make it difficult for him and his neighbors to screen the view of a 5-story apartment complex. He also noted that traffic on Paragon is already heavy; it will be fierce if the development is built. He asked Mr. Feverston to describe where retail uses could be located. The apartment complex was his major concern.

Steve Rura, 9755 Sheehan Road, stated in his neighborhood there are no distinctions between city and township residents in his area; it is one community. He asked a density of 2 units per acre to remain. He asked for Social Row to be a parkway with limited access from Yankee Street eastward to SR 48. He stated that traffic has doubled on Sheehan Road since Kroger opened and buses move at a high rate of speed leaving the bus barns for their routes. He described the development as a *red herring*. He asked why the city was even considering the rezoning request.

Skip Schafer, 1008 Whispering Pines, Washington Township, reported that he was part of the *Create the Vision* task force along with several of the council members. He recalled that the group had carefully considered Study Area I and made the recommendation for zoning with a density of 2 units per acre. This zoning model had been submitted to Montgomery County for its roadway planning. He was troubled about

the potential for a snowball effect, opening the way for business zoning all the way to Austin Landing. Mr. Schafer passed a handout highlighting vacant office and retail space for lease in mailing zipcodes 45458 and 45459 to show that additional construction is not needed in the community.

Jack Oberleitner, 701 Mackenzie Court, stated that he came to Centerville because it was quiet, clean, pretty and safe. In his opinion the majority of the people who were at the meeting were well-educated, knowledgeable and caring people, who love Centerville. Mr. Oberleitner is legally blind and noted that crossing Paragon Road is already a challenge for many. He objected to the apartments. He pointed out that after a time "luxury" apartments become eyesores and problems for the police. He said sufficient services, such as bank branches, are within a five-minute drive. He asked that Council keep this development out of Centerville.

Lynn Rogers, 10239 Paragon Road, stated that *Create the Vision* should apply to this property. The City might be concerned about chain link fence at Sheehan and Social Row Road and high traffic businesses at the corner of Social Row and Yankee Street, but will allow high traffic across from his house. He asked for consistency.

Diane Wysong, 664 Legendary Way, pointed out that the construction at the Austin Landing should not obligate the City of Centerville to destroy the peace and quiet of her neighborhood. She voiced concerns about safety for golfers and walkers crossing Paragon Road even though there is a four-way stop. Widening Paragon will only make crossing safely more difficult.

Jack Wysong, 664 Legendary Way, asked about an environmental impact study of noise and light pollution from the proposed plan. He complained about the lighting behind the new Kroger at Sheehan and SR 48.

Mr. Scott Colwell, 876 El Kenna Court, stated that this plan proposes a major change. He requested revisiting *Create the Vision* to see what the impacts might be of this rezoning.

Mike Hild, 550 Legendary Way, pointed out that a five-story building would change the complexion of the whole area. He noted that the City seems sold on the idea, but there should not be an adversarial relationship among Centerville people who are concerned for their community. In these economic times, developers declare bankruptcy and leave partially constructed buildings for local governments to handle or have as eyesores. He asked why the Council is considering this request when it doesn't make sense and risks the beauty of the area. He reminded Council that they are representatives of the residents.

Dick Rieser, 9740 Rose Arbor Drive since 1986, named several bad ideas that had been approved by the local government in the 26 years he has lived here. He complained about the loss of the rural atmosphere and the increase in traffic near his home. He stated there was not a need for more retail or office space. He asked Council not to approve the rezoning.

Lynn Rogers 10239 Mackenzie, made comments about the proposed density and reiterated that he did not want to look at offices and a high rise apartment building.

Deputy Mayor Compton thanked everyone for the input. He noted that the Planning Department has received the applications for the rezoning and the preliminary development plan. It is the duty of the Centerville City Council to give these applications fair consideration.

Deputy Mayor Compton noted that the next regularly scheduled meeting of the City Council is May 21, 2012 at 8:00 p.m. in the Council Chambers. There being no further business, he adjourned the meeting.

Approved: _____
Deputy Mayor

ATTEST: Debra A. James
Clerk of Council