

Centerville City Council
Work Session Meeting
December 11, 2000

TIME: 7:30 P.M.
PLACE: Centerville Municipal Building, Law Library
PRESENT: Mayor Sally Beals
Deputy-Mayor James Singer
Councilmembers: Susan Lienesch
Paul Gresham
Douglas Cline
C. Mark Kingseed
Roger Krass
Clerk of Council Marilyn McLaughlin
Assistant to the Clerk of Council Debra James
Assistant City Manager Judith Gilleland
City Planner Steve Feverston
Assistant to the City Manager Jesse Lightle
Municipal Attorney Robert Farquhar
Attorney Dick Brahm

Mr. Feverston reviewed Transitional Zoning instituted by Washington Township and opposed by City Council by Declaratory Judgment in 1993. When the Township decided to move forward with Transitional Zoning, the Montgomery County Planning Commission recommended against this type of zoning. The Township went against the recommendation of the County and approved the concept of Transitional Zoning. Mr. Feverston outlined two cases before the Washington Township Zoning Commission and identified the location of the properties involved. One case involves 40.87 acres located east of Sheehan Road and north of Social Road and is contiguous to the City of Centerville Corporation Line; this was an application submitted by the Oberer Development Company. The second case involves property located south of Social Row Road across from The Golf Club at Yankee Trace and is property owned by Washington Township. Mr. Brahm outlined problems that should be considered if the City of Centerville decides to proceed with litigation against Transitional Zoning. He advised that the best case scenario would be to get a reasonable sound property owner, with acreage, and a large home to be plaintiff in a Declaratory Judgment suit. Council concurred that City Staff proceed to find a reasonable plaintiff, whose property is adjacent to the property in question. Mr. Brahm asked for accurate information concerning the Oberer case, minutes of meetings, the application, and the Washington Township Zoning Resolution.

Mr. Feverston reviewed the events which took place relative to the construction of a Ritter's Frozen Custard establishment on the west side of the Dayton-Lebanon Pike and south of Sheehan Road, property zoned B-1, Neighborhood Business. He was approached by Gayle Burtsfield, dba Ritter's Frozen Custard, relative to this use being permitted at the subject location. Mr. Feverston, following review of the information received, interpreted this function as a fast food, not a sit down restaurant and therefore determined that it would not be permitted

in a B-1 zone classification. This decision was appealed by Ms. Burtsfield to the Planning Commission. After hearing arguments from the City Planner as well as Ms. Burtsfield the Planning Commission during their meeting on November 14, 2000 overturned the administrative decision of the City Planner and thus ruled in favor of the appeal. The decision of the Planning Commission was then appealed by City Manager Gregory Horn, he too believing it to be a fast food use. Mr. Feverston explained that B-1 zoning permits an ice cream store with indoor dining.

Chairman of the Planning Commission, James Durham advised that he was not present for this Planning Commission meeting, and that he agreed with the City Planner's decision that what is proposed is a fast food establishment.

Mr. Kingseed expressed concern with the ambiguity in the wording of the B-1 Neighborhood Business section of the Zoning Ordinance.

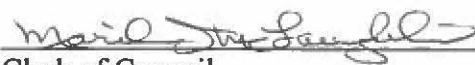
Discussion followed relative to the true meaning of an ice cream store and a bakery, whether they are fast food or can be construed to be a restaurant. Upon suggestion of Mr. Durham, City Staff will review the B-1, B-2 and O-S, Office Service sections of the Zoning Ordinance to more clearly identify uses permitted in these districts. Mr. Feverston advised that, if the Planning Commission's decision is upheld, there are restrictions concerning the architecture of the building with which they must comply. The Architect has been advised that the building cannot be round and that it must be of brick construction; that it must meet City standards.

Upon question of Mayor Beals, Council concurred that a retreat be held in either January or February, 2001, and that it be held at the Worthington Inn. Mrs. McLaughlin will coordinate arrangements for Mary Ellen Mazey to be the facilitator and with possible arrangements at the Worthington Inn.

Mr. Cline advised that no one member of the Sister City Committee wanted to serve as Chairman for the year 2001. Mary Pizza and Nancy Bowlus have offered to serve as Co-Chairs. Council concurred that Mary Pizza and Nancy Bowlus be appointed as Co-Chairs for the Sister City Committee for the year 2001.

Council concurred that Dan Carfagno be reappointed as Chairman of the Centerville Property Review Commission and James Treffinger as Chairman of the Board of Architectural Review.

Dr. Gresham move that Council convene into Executive Session to review some personnel issues. Mr. Krass seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.


Clerk of Council

Approved: 
Mayor