

# RECORD OF PROCEEDINGS

Minutes of COUNCIL MEETING

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 101AR

Held April 27, 1998

19

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, April 27, 1998 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Deputy-Mayor James Singer, and the Pledge of Allegiance to the Flag, with Mayor Sally Beals presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor	James Singer
Councilmembers	George Smith
	J. V. Stone
	Susan Lienesch
	James Reppert
	C. Mark Kingseed

Clerk of Council Marilyn McLaughlin

Assistant Clerk of Council Peggy Whisman

City Manager Gregory Horn

Assistant City Manager Judith Gilleland

City Planner Steve Feverston

Public Works Director Steve Weaver

City Engineer Norbert Hoffman

Municipal Attorney Robert Farquhar

Economic Development Administrator William Stamper

Assistant to the City Manager Kelly Fackel

## ORDINANCE NUMBER 12-98 LANDMARK DESIGNATION HENRY OPDYKE-ELEAZER WILLIAMSON HOMESTEAD

The Public Hearing was held concerning Ordinance Number 12-98. Mr. Feverston reviewed an application submitted by K & S Enterprises for the demolition of the house and barns located at 7155 Wilmington Pike; structures having the potential for landmark designation. He located the subject property on a map and identified the zoning as B-PD, Business-Planned Development. Slides were shown of the house and all outbuildings existing on this homestead. The Consultant hired by the City finds the house itself to be structurally sound and the main barn to be in good shape and could be easily used as a barn or for a use which would be permitted according to zone classification. Mr. Feverston pointed out that the Ordinance before Council nominates all buildings on the property as landmarks. Landmark designation for this homestead has been considered by the Board of Architectural Review, the Planning Commission, and the Centerville Historical Commission.

Joseph Williamson, 1226 Ashburton Drive, was present at this meeting to summarize his connection with the Henry Opdyke-Eleazer Williamson Homestead. Eleazer Williamson was his great great grandfather. Mr. Williamson outlined some of the history of his family and read quotes from the "Sense of Place" published in 1977 by the Centerville Historical Society as it relates to the preservation of this particular homestead and other historic buildings in the Centerville community and the area.



## RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held April 27, 1998, continued

19

Martha Boice, 7712 Eagle Creek Drive, distributed to Council the criteria for evaluating early buildings and the criteria for listings in the National Register of Historic Places. She outlined issues that must be addressed prior to a place being listed on the National Register. Mrs. Boice made reference to a letter written by Loren Gannon to Landmark Architecture, in which he evaluated the property at 7155 Wilmington Pike as a significant historic farmstead and that it is clearly eligible for listing in the National Register of Historic Places. She asked City Council to designate this property as a landmark so that work can continue to obtain its listing on the National Register.

Hans Soltau, 6776 Loop Road, attorney representing the property owner partnership of K & S Enterprises, asked City Council to consider the following:

- The effect upon the property owner: when the property was purchased by the current owner it was zoned for a large commercial development.
- The Ohio Historic Inventory is merely a date base, any house 50 years old can be placed on the historic inventory by anyone.
- The property owner has spent in excess of \$100,000.00 to bring sewer onto the property.
- The City in 1986 rezoned the property to permit a large commercial development; an application made by the City of Centerville and not his client.
- The property owner has been offered \$3,000,000.00+ for the purchase of said property at the present time, if landmark status is granted, the property owner will be deprived of this revenue.
- According to their calculations, it will cost \$600,000.00 to bring all buildings on the property up to snuff.
- The financial quotes by the Consultant hired by the City for the renovation of the structures on this homestead does not include bringing in a street or utilities; if the property is designated a landmark who is going to pay these costs; penalty provisions require that the property owner make improvements according to standards; what happens to the rest of the property; if the City is not taking the property, the City is rezoning it.
- The article in the "Sense of Place" does not qualify the farmstead for restoration.
- The only significant portion of the house is a 15' x 15' area; add-ons constitute the majority of the house.
- Due to the condition and construction of the house and barns, they cannot be moved to another location.
- If landmark status is given to the house and barns, there is no way to develop the remaining property around the structures.

Mr. Soltau identified the real question being: is the City taking the property or is it rezoning the property at 7155 Wilmington Pike.

Patricia Peterson, 307 East Drive, Oakwood, identified herself as the great, great granddaughter of Eleazer Williamson. She asked City Council to consider the preservation of this artifact; it belongs to the history of her family; it is proof that life years ago was what it was.

Paul Stanley, 7503 James Bradford Drive, expressed concern with the proliferation of buildings in Centerville, the potential of 24 hour lighting if the subject property is developed with a large commercial establishment, and with delivery service by semis, trucks, etc. He believes the area is becoming a concrete jungle.

Laura Graham, speaking on behalf of the Landmarks Foundation of Centerville



## RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held April 27, 1998, continued

19

Upon questions by Mayor Beals, Mrs. Boice advised that there has been no previous attempt to place the Henry Opdyke-Eliezer House on the National Register. Since 1986, a property owner can take a \$7,000.00 tax credit per year on their Federal Income Tax if their preservation plan is OK'd by the State Preservation Office by an approved application form. The first tax record indicates that the house was on this property in 1825. Perhaps the house was constructed in 1814. Mrs. Boice reviewed the difficulty in determining the age of the old historic structures in Centerville.

In answer to a question of Mr. Smith, Mr. Williamson advised that he has never owned or had a shared interest in the property being addressed.

Upon request by Mr. Kingseed, Mr. Feverston reviewed the following cost figures to renovate structures on the Henry Opdyke-Eliezer Williamson Homestead received from the consultant hired by the City:

House:	\$ 70,000 - 85,000.
Main Barn for commercial use:	325,000 - 400,000.
Main Barn - stabilize and repair:	80,000 - 125,000.

Mr. Reppert sponsored Ordinance Number 12-98, An Ordinance To Designate Historic Buildings Located At 7155 Wilmington Pike And Known By Local Historians As The Henry Opdyke-Eliezer Williamson Homestead, As Landmarks Within The City Of Centerville, Ohio, And Amending Ordinance Number 8-91, An Ordinance Establishing Procedures And Criteria To Designate Certain Houses, Buildings, Structures, Areas, Or Places As Landmarks Within The City Of Centerville, Ohio, And To Establish Procedures And Requirements To Regulate The Renovation, Rehabilitation, Remodeling, Addition, Alterations, Development, Construction, Or Demolition Of A Designated Landmark, and moved that it be passed. Mr. Stone seconded the motion. A roll call vote resulted in six nays against the motion with Mr. Stone voting yes. Mr. Reppert moved to reconsider the previous motion. Mr. Kingseed seconded the motion. The motion passed unanimously. Mr. Kingseed moved that the inclusion of the outbuildings be eliminated from Ordinance Number 12-98 and that the Ordinance be passed as amended designating only the house as a landmark. Mr. Reppert seconded the motion. A roll call vote resulted in five ayes in favor of the motion with Mrs. Lienesch and Mr. Smith voting no.

#### RETS TECHNICAL CENTER MAJOR USE SPECIAL APPROVAL

The Public Hearing was held concerning the Major Use Special Approval Application submitted by Wenco, Inc. on behalf of RETS Technical Center, to construct a technical school, related parking and site development on approximately 13.34 acres of land located at the northeast corner of Alexandersville-Bellbrook Road and Loop Road; property owned by Michael LeMaster. Mr. Feverston reviewed this application to construct a 43,150 square foot building on property zoned B-PD, Business-Planned Development. He identified the zoning and land uses of adjacent land. The Planning Commission recommended approval of this Major Use Special Approval Application to City Council. Mr. Feverston explained the architectural design and reviewed elevations of the proposed building. The Planning Commission requested a modification to the design of the building to require the developer to work with City Staff for the placement of windows and a variation in the wall of the south facade. The plan includes two accesses to the property, one off Alexandersville-Bellbrook Road and one off Loop Road. Parking will be provided along the east side of the building, behind the building and in front of the existing historic house located on the property. A one hundred foot buffer strip will be provided for



## RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held April 27, 1998, continued19

landscaping and screening between the subject property and Woodbrooke Lakes. The main entrance to the building will be from the northeast and a patio will be provided on the southwest portion of the school. A detention basin (dry basin) is proposed to be located in a portion of the buffer zone. The Planning Commission recommended approval of this Major Use Special Approval Application to City Council with the following conditions:

1. In lieu of requiring the developer to make an improvement of Alex-Bell Road across the entire frontage of their property which would include an additional lane of pavement, a sidewalk, curb, and stormwater drainage, the developer shall be required to place an amount of money in escrow with the City approved by the City Engineer to be used for the future improvement of Alex-Bell Road. The City Engineer may require the developer to make temporary improvements to Alex-Bell Road which at this time is expected to include a temporary left-turn lane at the entrance driveway into the development. The estimated cost of any temporary improvements required to Alex-Bell Road shall be subtracted from the required Alex-Bell Road escrow amount. The design of any required temporary improvements shall be subject to approval by the City Engineering Department.
2. The final design and alignment of the driveway to Alex-Bell Road shall be subject to approval by the City Engineer. The driveway is proposed to be restricted to a left-turn in and right-turn in movement only because of sight distance limitations. At such time after improvements are made to Alex-Bell Road and if the applicant can demonstrate to the satisfaction of the City Engineer that the sight distance limitations have been improved or eliminated, the City Engineer may permit additional turning movements for this driveway.
3. A raised curb shall be constructed around the perimeter of the parking area, around all landscape islands within the parking lot, and around the proposed building.
4. A sidewalk, 5 feet in width, shall be constructed along the entire frontage of Loop Road subject to approval by the City Engineer.
5. The walkway along the east side of the proposed building shall have a minimum width of 6.5 feet.
6. The final grading plan shall be subject to approval by the City Engineering Department.
7. A detailed stormwater drainage plan shall be approved by the City Engineer showing stormwater drainage calculations and incorporating retention and/or detention and erosion control during construction in accordance with the City Stormwater Drainage Control Ordinance.
8. An easement, approved by the City Attorney, shall be recorded to specifically permit emergency maintenance and access by the City. The property owner shall be responsible for the maintenance of the retention/detention basin if required.
9. A detailed lighting plan shall be subject to the approval by the City Planner.
10. Landscape, Screening and Bufferyard:
  - A. All required landscaping, mounding, fencing for this development, including the 100 foot bufferyard, shall be in accordance to the requirements of the Zoning Ordinance.
  - B. The required 100 foot bufferyard shall be maintained in its natural state and left undisturbed except to allow the stormwater detention basin to be partially located only in those areas where the bufferyard is void of trees



## RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1048

Held April 27, 1998, continued

19

subject to approval by the City Planner. The bufferyard shall be more intensively screened with trees and provide additional mounding on the west side of the detention basin to mitigate this impact subject to approval by the City Planner.

- C. The grading limit for the detention basin shall be at the drip line of all existing trees in the bufferyard.
  - D. A performance bond or other construction guarantee shall be posted by the developer for all landscape, screening, or bufferyard improvements required by the Zoning Ordinance subject to approval by the City Engineer. This bond or guarantee shall be in accordance to the Guarantee of Construction and Installation of Improvements; Inspections Section of Part Twelve, Title Four of the Code of Ordinances.
11. The dumpster screening shall be brick that matches the face brick of the building.
  12. The Planning Commission shall approve the architectural design of the proposed building to assure the materials, shape, massing and architectural features create a unified design on the premises and shall be visually compatible with the surrounding buildings. Specifically, the Planning Commission must approve the standing seam metal roof, and the use of Exterior Insulation Finish System (E.I.F.S.) as an exterior siding materials.
  13. The applicant shall work with staff for the placement of windows and variation in the wall of the south facade.

Steve Hepp, Wenco, Inc., was present to answer any questions and to discuss the revised plan when appropriate.

Edward Pennock, 451 Cedar Leaf Court, speaking for himself and on behalf of his neighbors, expressed concern with increased traffic and the lack of adequate visibility at the intersection of Cedar Leaf Drive and Alex-Bell Road and at the proposed access into the proposed RETS Center. He suggested that alternatives be considered, perhaps an access onto Versailles Drive to the north in place of the access onto Alex-Bell Road, realigning Loop Road to intersect Cedar Leaf Drive thus situating the light at that intersection, and prohibiting a left turn from the development onto Alex-Bell Road to the west. Mr. Feverston pointed out that turn movement at the access for the RETS Technical Center off Alexandersville-Bellbrook Road will be limited to right-in, right-out and left-in; there will be no left turn out permitted.

Tom Blome, 511 Willowhurst Street, offered his concurrence with the project; however he expressed concern with the traffic flow. He advised that it is impossible to exit from Willowhurst Street onto Alex- Bell Road; he fears rear end collisions caused by stacked vehicles accessing the school. He offered alternatives off Loop Road to eliminate congestion on A-B Road. Mr. Blome expressed concern with the adverse effect increased traffic will have on property values. He questioned whether the current stormwater drainage system will be adequate to carry the water from the parking lot and the building. Mr. Horn advised that the drainage system will be improved by this development. A grading plan and lighting plan will be approved by City Staff. Separate permits will be required for the placement of signs. Mr. Blome asked City Council to table this Major Use Special Approval Application until the traffic control pattern is adequate.

Robert Looper, 50 Zengel Drive, former member of the Planning Commission and former member of the Zoning Task Force when the subject property was discussed years ago, asked Council what happened to the concept that access would never be permitted to the property from Alexandersville-Bellbrook Road. Mr. Feverston explained the fact that the plan at that time was



## RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held April 27, 1998, continued19

entirely different from the current plan. The previous plan had a public cul-de-sac off Loop Road which served several outlots to avoid numerous accesses onto Alex-Bell Road. In this case there is a single user for the majority of the property. Mr. Looper expressed difficulty exiting his neighborhood from Zengel Drive onto State Route 48 and from Willowhurst Street and Cedar Leaf Drive onto A-B Road.

Walter Gregory, 231 Laurel Oak Drive, explained the difficulty exiting Zengel Drive onto State Route 48 with no traffic light and the construction of a day care facility to the south.

Mr. Hoffman advised that Alexandersville-Bellbrook Road will be widened with this development to provide for a left turn lane. Generated by the school will be a potential of 800 trips per day. The left turn lane will provide 300 feet for storage of 10 to 12 cars. Mr. Hoffman does not foresee a visibility problem at the location of the proposed access into this Major Use development.

Upon question of Mr. Singer, Mr. Hoffman explained how site distances are measured and methods which can be used to enforce turning movements at restricted intersections.

In answer to a question of Mr. Weaver, Ken Miller, Director of Education at RETS Technical Center, advised that a very small number of students currently use public transportation due to the fact that it is not convenient at their present location on Westpark Road. He is discussing the feasibility with RTA for transportation to be provided along Loop Road at Alexandersville-Bellbrook Road. The majority of students arrive at school at 8:00 A.M. and depart at different times during the day. Another session begins at 6:00 P.M. with the school closing at 10:30 P.M. Mr. Weaver pointed out that a traffic problem has not existed with the full turning movement at Westpark Drive and East Franklin Street when the school has been in session.

Mayor Beals advised that RTA will look more seriously upon the relocation of public transportation traversing south on Loop Road in lieu of their current route from Loop Road to A-B Road on State Route 48, when the Center is built.

Mrs. Lienesch, making reference to materials that need to be submitted with a Major Use Special Approval Application, brought attention to the following issues:

Access and traffic flow: She asked Council to consider the concerns of the residents to the south, access to and from their neighborhood will be severely restricted. They have expressed common sense alternatives.

Common facilities on the site: Have there been statements that explain the common facility - what it is, who uses it, and who maintains it? Are there deed restrictions or trusts for this type facility?

A stormwater drainage plan has not been submitted.

Is a variance being granted to permit a portion of the detention basin to be located in the buffer zone?

No plans have been submitted for signage, two have been designated on the site plan.

Mrs. Lienesch does not believe that Council has addressed the concerns of neighborhood residents, their complaints have not been incorporated in any consideration. She expressed concern with the plan submitted, with signage, lighting, the sanitation flow, and traffic ingress and egress to and from the properties to the south and east. Mr. Horn pointed out that this development does not impact the flow of sanitation; this location is in a different drainage basin than that of Village South. The detention basin is proposed to be located in the buffer zone in order that existing trees may be preserved; it's location is to the benefit of the residents to the east of this development. Mr. Horn explained that the Technical Center being constructed at this location will assist in obtaining RTA bus service along Loop Road. Mrs. Lienesch expressed



## RECORD OF PROCEEDINGS

Minutes of

Meeting

Held April 27, 1998, continued

19

concern for the safety of students after they have exited the bus to the school. Mr. Weaver detailed how the City will make sure that standards are in place for egress and ingress to the subject property to assure the safety of all concerned.

In answer to questions of Mr. Singer, Mr. Feverston advised that sidewalks will be included on the final construction drawings. The left turn lane will be provided by the developer at the time construction takes place. Parking is more than adequate for the use under consideration.

Upon question of Mr. Kingseed, Mr. Weaver views the access off Alexandersville-Bellbrook Road into the RETS Technical Center as a secondary access. Mr. Miller identified the importance of a second access into the property for fire safety or some emergency on the site. He explained how the engineers and developer have worked closely to assure there is not a problem at the A-B entrance. Mr. Kingseed advised that if a problem exists, it can be addressed. The City needs to be flexible and pro-active to do what is required if there is a problem. He asked City Staff to monitor the situation so that if a problem exists, it can be rectified. He believes that all citizens' concerns have been met in this particular case.

Mr. Reppert stated his concurrence with Mr. Kingseed's observations and requests.

Mrs. Lienesch stated that concerns of citizens have not been addressed. They have common sense approaches, appropriate reflections have not been received from citizens of Centerville in other neighboring areas. She does not believe that the neighborhoods to the east and south have been properly made aware of this application. Mrs. Lienesch moved to delay this application for adequate cause because the application does not demonstrate the required standards in the area regarding pedestrian traffic, the ingress and egress off A-B Road and the safety thereof, the head to head traffic heading east trying to turn into the residential community on A-B, the stormwater drainage plan was not submitted, and the potential adverse effect upon the value of the nearby residential community. Mr. Reppert seconded the motion. A roll call vote resulted in six nays against the motion with Mrs. Lienesch voting yes.

Mr. Kingseed moved that the Major Use Special Approval Application submitted by Wenco, Inc. to construct a one story technical school, related parking and site development at the northeast corner of Alexandersville-Bellbrook Road be approved including all conditions recommended by the Planning Commission. Mr. Stone seconded the motion. The motion passed by six ayes in favor of the motion with Mrs. Lienesch voting no.

There being no further business, the meeting was adjourned.

Approved: Sally D. Beals

Mayor

ATTEST: Marilyn J. Saugel

Clerk of Council