

Centerville City Council
Work Session Meeting
February 9, 1998

TIME: 7:30 P.M.
PLACE: Centerville Municipal Building, Law Library
PRESENT: Mayor Sally Beals
Deputy-Mayor James Singer
Councilmembers C. Mark Kingseed
Susan Lienesch
James Reppert
J. V. Stone
George Smith
Clerk of Council Marilyn McLaughlin
Assistant Clerk of Council Peggy Whisman
City Manager Gregory Horn
Assistant City Manager Judith Gilleland
Public Works Director Steve Weaver
City Planner Steve Feverston
Assistant to the City Manager Kelly Fackel

City Council interviewed Genevieve K. Harvey as an applicant for the City Beautiful Commission. Council concurred with said appointment.

Rion MacConnell was interviewed as an applicant for the Centerville Arts Commission. The majority of Council concurred that Mr. MacConnell's application be held until other applications have been received and applicants interviewed.

Robert E. Daley was interviewed for appointment as a member of the Centerville Historical Commission. Council concurred that said appointment be made.

Mr. Horn explained the fact that corrective action by City Council will be necessary in order that five 1998 Crown Victoria patrol cars can be purchased from Stengers Ford by way of the State Purchasing program; authority not in accordance with the Ohio Revised Code, but in accordance with authority vested by Home Rule upon instruction of City Council. These patrol cars are being purchased for the same price as the State Bid.

Mr. Horn advised that MedCath was charged \$24,274.23 for plan review and building inspections fees by the City of Centerville. The majority of this money was for inspection services which will not now be performed by the City due to their application withdrawal. Upon Mr. Horn's recommendation, Council concurred that \$20,012.50 be returned to MedCath.

Mr. Reppert distributed to Council proposed responsibility assignments to City Beautiful Commission members and City Staff.

Mr. Feverston reviewed the Record Plan for Woodbrooke Lakes, Section One, to be located north of Alexandersville-Bellbrook Road and east of Loop Road. Proposed is the division of 7.961 acres into 26 single family residential lots. The zoning on this parcel of land is R-PD, Residential-Planned Development. The Plan includes existing homes along Woodbrooke Trail formerly known as Chardonnay Drive, and a retention area. Streets in this Section will be built to meet Centerville construction standards and will become dedicated streets. The Planning Commission, by unanimous vote, recommended approval of this Record Plan to City Council subject to the following conditions:

1. Lots 23 through 26 shall be reconfigured subject to approval by the City Engineer to:
 - a. Eliminate the small looped drive as a public right-of-way,
 - b. Extend all lots to abut Woodbrooke Trail,
 - c. Permit lot 23 and 24 direct access to Woodbrooke Trail, and
 - d. Provide a shared driveway for the remaining lots.
2. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.
3. Adequate covenants approved by the City Attorney shall be recorded to provide for the future private maintenance of the proposed stormwater retention basins.
4. The description of Reserve "A" on the record plan shall include the 10 foot wide maintenance easement situated on the east side of the retention basin.
5. Reserve "A" shall also be described as a stormwater drainage easement to allow for emergency access by the City subject to approval by the City Attorney.
6. The walkway situated in the ten foot wide maintenance easement and approved with the Major Use Special Approval Plan shall be constructed as a part of this plat. This walkway shall be either asphalt or concrete and have a minimum width of 4 feet. Installation of the portion of the walk east of the retention basin may be deferred until such time when the walk shall have a logical terminus subject to approval by the City Engineer.
7. Reserve "A" shall extend as a 10 foot wide strip of land between lot 22 and lot 23 westward to abut Woodbrooke Trail to contain the walkway between those lots.
8. A sidewalk shall be constructed along the east side of Woodbrooke Trail instead of the west side as shown on the Major Use Special Approval Plan subject to approval by the City Engineer.
9. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Dept.
10. All street names shall be subject to approval by the Planning Department. The name Linden Terrace and Woodbrooke Trail are duplicate or conflicting names in Montgomery County.
11. In lieu of completion of the required improvements prior to the recording of the plat, a Performance Bond in an amount acceptable to the City Engineer shall be posted by the developer with the City of Centerville and a Subdivider's Agreement entered into with the City by the developer.

12. The Developer shall place monies in escrow to the City, in an amount necessary to construct a full width improvement to Alex-Bell Road including additional lane of pavement, sidewalks, curb, and storm sewers, less the cost of construction of any temporary improvements deemed necessary by the City Engineer. The escrow amount shall be subject to approval by the City Engineer.
13. Lots 13 through 17 shall have a 6 foot wide utility easement along Woodbrooke Trail.
14. The 10 foot wide utility easement located on the southern portion of lot 16 shall be widened to the south lot line.

Mr. Horn suggested that a condition be added by City Council that the City be permitted to replace the paver bricks with asphalt in the road right-of-way, at a time repair is deemed necessary. Perhaps the residents could pay the difference if they desire that the paver bricks remain.

Mr. Feverston reviewed three different applications submitted by the Charles Simms Development Corporation for property located at 7520 Clys Road, being situated along the east side of Clys Road, north of Centerville Station Road and south of Deer Run Road. He explained the first application being a Rezoning Request to rezone 9.51 acres, bordering Clys Road from R-1c, Single-Family Residential to R-PD, Residential Planned Development. The reason for this request is to construct a condominium development. Mr. Feverston located the subject property on a map and identified adjacent zoning classifications and land uses. The Planning Commission, by a vote of 6-1, recommended approval of this Rezoning Request to City Council.

Mr. Feverston reviewed the second application being for a Major Use Special Approval for this same 9.51 acres. Included on the plan is the construction of thirteen 4 unit condominium buildings and parkland dedication to be added to Forest Walk Park. The streets in this development will be constructed in accordance with the City's construction standards but will be private streets. The Planning Commission, by a vote of 4-3, recommended approval of this Major Use Special Approval Application to City Council, subject to the following conditions:

1. Prior to the approval of this Major Use Special Approval Plan by the City Council, the 9.33 acres proposed for this development must be rezoned to R-PD, Residential Planned Development by the City Council. This land is currently zoned R-1c, Single-Family Residential and does not permit the construction of multi-family residential dwelling units.
2. Building B-1 shall be shifted to the south to provide the required 20 foot setback to the zoning boundary/property line.
3. The location and configuration of the .4165 acres to be dedicated as parkland required by Ordinance 15-86, An Ordinance Which Establishes Parkland Dedication or Fee-in-Lieu Requirements for New Subdivisions or Developments shall be subject to approval by the City Planner.
4. The raised median on Clys Road may be modified to permit full vehicular movement at the intersection of Clys Road and Forest Walk Drive subject to approval by the City Engineer. The cost for this modification to Clys Road shall be paid for by the applicant.
5. All private streets shall be constructed to City Standards, including curbing and excepting width, subject to approval by the City Engineer.

6. The parking stall situated at the southeast corner of Fawn Run and Forest Creek Drive shall be relocated out of the intersection subject to approval by the City Engineer.
7. The sidewalk along Forest Creek shall be integrated with a raised curb subject to approval by the City Engineer.
8. Fawn Run and/or building B-10 shall be shifted so the northern driveway aligns with Fawn Run subject to approval by the City Planner.
9. All street names shall be subject to approval by the Planning Department.
10. The final grading plan shall be subject to approval by the City Engineering Department.
11. Prior to any construction, grading or adding fill material on this property, a silt fence shall be installed by the developer at the construction limits around all wooded areas and the stream traversing through the property. This fence shall be installed at the drip line of the tree canopy and maintained in a workmanlike condition at all times and shall remain in place until all construction is complete, the slopes are established, seeded and mulched.
12. A detailed stormwater drainage plan shall be approved by the City Engineer showing stormwater drainage calculations and incorporating detention and erosion control during construction in accordance with the City Stormwater Drainage Control Ordinance.
13. All required landscaping, mounding, and fencing for this development shall be in accordance with the requirements of the Zoning Ordinance, and subject to approval by the City Planner.
14. 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.
15. The treatment of the edge along the retention pond shall be subject to approval by the Planning Commission.
16. Adequate covenants approved by the City Attorney shall be recorded to provide for the future private maintenance of the proposed stormwater retention basins.
17. An easement subject to approval by the City Attorney shall be required to the retention basins to allow emergency access by the City.
18. No signs are being approved as part of this application.
19. Fire Hydrant locations shall be subject to approval by the Washington Township Fire Department.
20. A hard surface roadway capable of providing emergency vehicle access and support at all times for firefighting purposes shall be provided during construction.
21. Prior to construction of Phase 1, Forest Walk Drive shall be dedicated, bonded and constructed as a public street between Clio Road and Forest Creek Drive.

22. Parking areas shall not be located adjacent to the R-2 zoned land to the south.

23. Vinyl or metal siding shall not be used on any of the proposed buildings.

Mr. Feverston pointed out that the acreage quoted in condition number 1 should read 9.51, and the parkland dedication quoted in condition number 3 should read .3870.

Mr. Feverston reviewed the third application being for a Planning Commission Special Approval to provide for the construction of a residential cluster development consisting of 26 lots on 14.331 acres of land located to the east and north of the acreage requested for rezoning. The plan includes parkland dedication, the construction of two public streets, and the existing house. The minimum lot size is 10,000 square feet. The Planning Commission, by a vote of 7-0, approved this application. However, this decision of the Planning Commission has been appealed and City Council has requested a review of this application. Mr. Feverston reviewed the following conditions of approval:

1. The record plat to be filed that establishes the lots for this development shall also include all of the private open space that is included in the R-1c zoning district.
2. All private open space including private walks and stormwater retention and/or detention basins shall be maintained by a homeowners association.
3. A pedestrian access easement shall be established on the record plat for the private walk to allow access by the condominium homeowners to Forest Walk Park.
4. .817 acres of Parkland shall be dedicated as required by Ordinance 15-86, An Ordinance Which Establishes Parkland Dedication or Fee-in-Lieu Requirements for New Subdivisions or Developments. The final configuration of the .817 acre park, of which .4006 acres is to be dedicated as parkland as a part of this development and .4165 acres is required to be dedicated as a part of the condominium development shall be subject to approval by the City Planner.
5. All sidewalks located within public right-of-way shall be situated at the right-of-way line subject to approval by the City Engineer.
6. All street names shall be approved by the City Planning Department.
7. Prior to any construction, grading or adding fill material on this property, a silt fence shall be installed by the developer at the construction limits around all wooded areas and the stream traversing through the property. This fence shall be installed at the drip line of the tree canopy and maintained in a workmanlike condition at all times and shall remain in place until all construction is complete, the slopes are established, seeded and mulched.
8. A detailed stormwater drainage plan shall be approved by the City Engineer showing stormwater drainage calculations and incorporating detention and erosion control during construction in accordance with the City Stormwater Drainage Control Ordinance.
9. All required landscaping, mounding, fencing for this development shall be in accordance to the requirements of the Zoning Ordinance.
10. 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 treatment of the edge along the retention pond shall be subject to approval by the Planning Commission.
12. Adequate covenants approved by the City Attorney shall be recorded to provide for the future private maintenance of the proposed stormwater retention basin.
13. An easement subject to approval by the City Attorney shall be required to the retention basin to allow emergency access by the City.
14. No signs are being approved as part of this application.
15. Fire Hydrant locations shall be subject to approval by the Washington Township Fire Department.
16. A hard surface roadway capable of providing emergency vehicle access and support at all times for firefighting purposes shall be provided during construction.
17. The developer shall work with the City Engineer to provide erosion controls and stabilization of the stream in the southeastern portion of the site and to provide additional stormwater detention in this area with minimal disturbance of the existing stand of trees subject to approval by the City Engineer.
18. The stream floodway shall be delineated on the plan as defined by the Federal Emergency Management Agency (FEMA). The plan shall be submitted to FEMA for map revision.
19. No single-family lot shall be less than 10,000 square feet in size.
20. Lots 14 and 17 shall have a back yard of 25 feet.

Bill Venanzi, 1180 Deer Run Road, was present at this meeting to state his opposition to the density proposed in this application.

Council concurred that Michael Battaglia be reappointed as a member of the City Beautiful Commission.

Mr. Feverston reviewed a Record Plan for H.R. Office Park, Section 3, to provide for the development of 6.143 acres into three lots, located west of Dayton-Lebanon Pike and south of Sheehan Road. The zoning of the subject land is B-1, Neighborhood Business. He identified adjacent zone classifications and land uses. The plan includes one access onto State Route 48 and one traversing north and south in the rear of the proposed lots as well as behind the lot included on a Record Plan previously approved, in order to provide access onto Sheehan Road.

The Planning Commission, by a vote of 7-0, recommended approval of this Record Plan to City Council, subject to the following conditions:

1. A covenant shall be placed on this plat, subject to approval by the City Attorney, that limits vehicular access to State Route 48 to the single location labeled "Proposed Access Easement" on the Record Plan unless specifically modified by the City of Centerville.
2. A covenant shall be placed on the Record Plan requiring that all access easements, including the easement connecting to Lot 2 of H. R. Office Park, Section 2 must be improved by the property owner. This improvement shall, provide at a minimum, a two-way, hard surface drive and left-turn lane. The installation of the improvements shall be required when the first lot is developed. The final design and engineering shall be subject to approval by the City Engineer.

3. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.
4. In lieu of completion of the required improvements to State Route 48 prior to recording of this plat, the applicant shall pay a lump sum fee in the amount of \$35,000 to the City of Centerville for the future widening of State Route 48.
5. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Dept.

Mr. Horn outlined a request from one of the owners of Heritage Realty that the \$35,000 for the future widening of State Route 48 not be required until the Contract is ready for signatures for the completion of the improvements.

Mr. Reppert, making reference to a memo prepared by City Engineer Norbert Hoffman to Mr. Horn that the speed limit on Yankee Street be changed to 45 mph within the incorporated boundary of the City, stated his opposition to this recommendation. Mr. Hoffman and Mr. Horn explained the possibility of Montgomery County following in the footsteps of the City in this respect. Mr. Reppert suggested that this change be pursued first through Montgomery County. The majority of Council concurred that the speed limit be changed to 45 mph and that the City's intent be expressed to the Montgomery County Engineer.


Marilyn J. McLaughlin
Clerk of Council

Approved: 
Mayor