

Centerville City Council
Work Session Meeting
June 29, 1998

TIME: 7:30 P.M.
PLACE: Centerville Municipal Building, Law Library
PRESENT: Mayor Sally Beals
Deputy-Mayor James Singer
Councilmembers Susan Lienesch
James Reppert
George Smith
J. V. Stone
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
Assistant to the City Manager Kelly Fackel
City Planner Steve Feverston

City Council interviewed Thomas J. Miske for appointment as a member of the City Beautiful Commission. Council concurred with said appointment.

Council briefly reviewed a proposed Resolution expressing the City's support of Daybreak in its efforts to implement the Safe Place program in the City of Centerville.

Mr. Feverston briefly reviewed an Ordinance to regulate the construction of large establishments in Centerville. He pointed out the fact that some of the requirements contained in this Zoning Ordinance text amendment have already been required by the Planning Commission in new areas of development.

Mr. Horn advised that engineering proposals have been received for the first phase of the Alexandersville-Bellbrook Road widening project. A recommendation should be ready for consideration by Council on July 20, 1998.

Mr. Feverston reviewed for Council an Appeal filed by Michael Shields, John Tollefson and William Venanzi against a decision rendered by the Planning Commission approving a Special Approval Application submitted by Charles Simms for the construction of a single-family residential cluster development on the Weller Farm. He located the property on a map being situated north of Centerville Station Road, south of Deer Run Road and east of Clyo Road. Proposed is the division of 24.47 acres of property zoned R-1c, Single-Family Residential into 47 lots at a density of approximately 2 dwelling units per acre. Mr. Feverston advised that the Planning Commission met with Mr. Simms prior to submission to work out the layout. The layout submitted is similar to that previously submitted for Forest Walk except that the entire tract will be developed into single family lots, streets will be public, the walkway system is

identical, and the lots are slightly smaller in size. The Planning Commission, recognizing that Mr. Simms met all requirements of the Zoning Ordinance, approved the Special Approval Application with conditions. Residents in the area were made aware of the application before the Planning Commission and some were present to express their concerns. Mr. Feverston reviewed the following five "basis for appeal" outlined by the appellants:

1. The density for the proposed development was calculated including development streets and right-of-ways, resulting in an increased number of lots than would otherwise be permitted.

Mr. Feverston advised that this method has been used in all residential cluster developments in the City of Centerville since 1986. The language in the Zoning Ordinance can be interpreted either way. Upon question of Mrs. Lienesch, Mr. Feverston explained the difference between a single family record plat and a single family residential cluster development plan. The residential cluster development plan provides for flexibility in lot sizes and provides for the inclusion of open space within the development, adding character to the development. Council concurred that a legal opinion be requested of Municipal Attorney Robert Farquhar relative to this matter.

2. The character of the development with lot sizes as small as 8000 square feet is not in keeping with the surrounding neighborhoods.

Mr. Feverston explained how this residential cluster development will fit in very nicely with the character of the neighborhood. Discussion followed relative to the acreage to remain with the house and the possibility of placing a covenant on the plan to prevent the subdivision of this lot into two lots at some future date. Mr. Feverston pointed out that according to density permitted under R-1c zoning, 48 lots would be permitted on the overall property regardless whether the property is developed as a record plat or a cluster development. Council concurred that such a covenant be considered to restrict no future subdivision of lot number 47. Mr. Singer suggested that the City initiate Landmark Status for the Weller house prior to approval of this development plan. Discussion among Council revealed that these are two separate issues. The majority of Council concurred that the City move forward with Landmark Status for the Weller house; however, this should not preclude consideration of the subject development plan. Concern was expressed with the possible demolition of the barn which was the old Town Hall currently located on lot number 39. Mr. Feverston advised that this barn will be demolished when construction on the development takes place. Following lengthy discussion relative to the demolition of the old Town Hall or the moving of this barn to another location, Council concurred that if this plan is approved, a thirty day moratorium be placed on the demolition of the barn located on lot 39 to afford any interested party the opportunity to cause it to be removed.

3. Street size in the development is inadequate.

Mr. Feverston advised that the width of the streets proposed in this development (24 feet back to back of curb) are the same width as streets in other developments in the City of Centerville. The Planning Commission approved this 24 foot wide profile.

4. Sidewalks in the development are inadequate.

Mr. Feverston located the proposed four foot sidewalks on the development plan and explained the sidewalk circulation pattern to traverse through the development with a connector through green space and a connector to the park area. Discussion followed relative to whether sidewalks should be required on both sides of the streets and the desired width of the sidewalks.

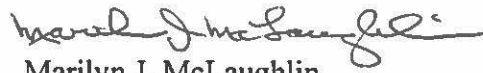
5. Setback requirements in the development are inadequate.

Mr. Feverston advised that the only setbacks which have been reduced are the rear setbacks for lots along the north side of Forest Walk Drive. These setbacks are in keeping with rear setbacks in other subdivisions in Centerville.


Mr. Feverston reviewed for Council a City initiated rezoning for a portion of the property located at the southwest corner of Alexandersville-Bellbrook Road and Wilmington Pike. The change proposed is a change from B-PD (Business-Planned Development) to O-PD (Office-Planned Development). The Planning Commission recommended this zoning change to City Council for the approximate fourteen acres of the southern haft of the property, that being south of the stream. The property proposed to be rezoned is the same configuration that Council reviewed in September or October, 1997.

Mr. Horn explained the fact that due to some conflicting comments relative to the demolition of the outbuildings on this property, Municipal Attorney Robert Farquhar and Chief of Police Steve Walker have second thoughts concerning the prosecution of this case. No admission has been made by the person who caused the buildings to be removed. Due to the fact that Council took action to declare certain buildings as landmarks and others not, the prosecutor believes that the Court will recognize confusion on the part of the property owner, ie the property owner has just been through a lengthy Public Hearing with the understanding that he could not demolish the house. The Court will look at the fact that the final action taken by Council was to designate the house as a landmark led to the property owner's belief that the outbuildings could be demolished. Mr. Horn identified options for Council's consideration: to move forward with Court action or wait for a report which will argue for reconsideration and then make a decision. Mayor Beals, Mr. Smith, Mr. Stone, and Mr. Reppert agreed to move forward with Court action; Mr. Singer remained undecided, and Mrs. Lienesch chose to wait for the report recognizing confusion with the 30 day waiting period prior to demolition.

Mr. Feverston reviewed for Council a City initiated rezoning for 29.574 acres of land located east of Washington Church Road and west of Yankee Trace, Section 3. Proposed is a change from Washington Township Agricultural to Centerville R-1c, Single-Family Residential. The subject property is owned by the Yankee Development Group.


Marilyn J. McLaughlin
Clerk of Council

Approved:



Mayor