

RECORD OF PROCEEDINGS

52

Minutes of

COUNCIL REGULAR

Meeting

Held April 18,

19 88

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, April 18, 1988 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 Shirley Heintz presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor James Singer
Councilmembers J. V. Stone
Bernard Samples
Sally Beals
Jeffrey Siler
Brooks Compton
Clerk of Council Marilyn McLaughlin
City Manager Darryl Kenning
City Planner Alan Schwab
Municipal Attorney Robert Farquhar
Administrative Assistant Stephen King

The Minutes of the following Meetings had been distributed prior to this Meeting:

Council Meetings - March 14, 1988.
- March 28, 1988.

Council Work Session Meetings - March 14, 1988.
March 28, 1988.
April 4, 1988.
April 12, 1988.

Mr. Compton moved that the Minutes of the foregoing Meetings be approved, as distributed. Mr. Siler seconded the motion. The motion passed by unanimous vote; however, Mrs. Beals abstained from the Minutes of the Meeting held April 4.

Mayor Heintz introduced the following students from the Centerville High School participating in Youth in Government Day, April 26, 1988 in Centerville:

Mayor:	Lisa Kick
Deputy-Mayor:	Matt Stubbs
Councilmembers:	Jennifer Lancaster
	Kevin McDougall
	Kristen Triplett
	Krishan Chari
	Matt Van Ruiten
Clerk of Council:	Christi Buchanan
City Manager:	Teresa Keller
Director of Finance:	Tracy Berner
City Planner:	Jennifer Berry
City Engineer:	Paul Price
Chief of Police:	Dave Trout
Service Director:	Tim Bernardinis

FRANKLIN STREET BAPTIST CHURCH BANNER APPEAL

Mrs. McLaughlin read a letter received from the Franklin

Held April 18, 1988 continued

19

Street Baptist Church requesting that their Application for a banner to be erected across West Franklin Street in the City of Centerville be withdrawn. This request was received by the City on April 11, 1988, the Public Hearing set on the Appeal was cancelled.

Mayor Heintz reported the following during her report to Council and to the citizens of Centerville:

A Volunteer Solute was held on Sunday, April 17, 1988 recognizing all volunteers in the City of Centerville.

The City's Director of Development Karl Schab has retired from public service.

A Proclamation has been issued and presented at the Kick-off held at Courthouse Square on April 3, 1988 for Fair Housing Month, April 1988.

Mayor Heintz has been appointed to the Hazardous Material Response Team Advisory Board.

Centerville has been designated as Tree City U.S.A.

Centerville's Towncrier has been mailed and should be received by residents within the next few days.

Mayor Heintz cited problems with mail delivery and the new zip code in the City of Centerville. Mr. Kenning will attempt to simplify and clarify use of the new zip code which affects a portion of the residents in Centerville.

Mr. Kenning thanked all volunteers in Centerville for their services during this volunteer week.

Mr. Kenning reminded citizens to use recreational equipment and the shelter provided at the Leonard E. Stubbs Memorial Park on Spring Valley Road.

CHELTHENHAM RECORD PLAN

Mr. Kenning reviewed the Planning Commission Meeting held March 29, 1988. Mr. Schwab explained the Record Plan submitted for Cheltenham, a subdivision to be located north of Alexandersville-Bellbrook Road, west of Wilmington Pike, across from and just east of Pelbrook Farm Drive. The acreage involved is 24.28 acres, zoned R-1c, to be subdivided into 40 lots. Parkland dedication fee-in-lieu is required. Mr. Schwab reviewed the zoning of adjacent properties and outlined possible tie-ins when adjacent residential land is developed. The Record Plan excludes the present residence and the immediate surrounding area. The major entrance into the development will be off Alexandersville-Bellbrook Road, there will be improvements to A-B Road. Public streets will traverse throughout the development. Mr. Schwab reviewed the unanimous recommendation for approval by the Planning Commission with the following conditions:

1. The intersection of Montpelier Boulevard and Nottingham Boulevard shall be realigned to a right-angle intersection with a design approved by the City Engineer.
2. Alexandersville-Bellbrook Road shall be widened by the

Held April 18, 1988 continued

19

developer to include a left-turn into the development. The design of this improvement shall be subject to approval by the Engineering Department.

3. A left-turn lane shall be constructed on Nottingham Boulevard at the intersection of Alexandersville-Bellbrook Road. The design of the boulevard shall be limited to a total width of 58 feet from back of curb to back of curb.

4. A temporary sidewalk shall be constructed on the north side of Alexandersville-Bellbrook Road across the frontage of the development.

5. The plans for water lines and fire hydrants shall be subject to the approval of the Washington Township Fire Department.

6. Street names shall be subject to approval by the Planning Department.

7. Detailed stormwater drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineer.

8. An easement shall be required to the retention basin to allow emergency access by the City.

9. In lieu of completion of the required improvements prior to 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.

10. Prior to the signing of the Record Plat by the City, the developer shall pay a fee-in-lieu of parkland dedication in accordance with the provisions of City Ordinance 15-86, the City Parkland Dedication Ordinance.

Mr. Kenning reviewed a recommendation made by the City Engineer that approval be further conditioned upon the receipt of a Subdividers Agreement, a Performance Bond in the amount of \$49,970.00 and an Inspection Fee of \$1,305.00.

Mr. Robert Archdeacon, Woolpert Consultants and representing the Applicant Ryan Homes, stated their agreement will all conditions recommended by the Planning Commission, many of the changes have already been made to the Plan. The entrance area and retention area will be the responsibility of the Homeowners Association and will be of no cost to the City of Centerville. This is the first of four or five phases as development takes place to the north and east.

Mr. Compton moved that the Record Plan for Cheltenham be approved in accordance with Planning Commission's recommendation, including all conditions outlined by them and in accordance with the recommendation of the City Engineer dated April 18, 1988. Mr. Samples seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 1-88 ZONING ORDINANCE AMENDMENT
J. MILTON ZIMMERMAN REZONING

The Public Hearing was held concerning a Rezoning Request filed by J. Milton Zimmerman for property located along the west side of South Main Street, between Bristol Drive and the Revere Village Apartment complex. Requested change is 7.718 acres of land from R-PD to B-2 zone classification. The purpose of this

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. 10144

Held April 18, 1988 continued

19

Request is to allow construction of a commercial development. Mr. Schwab located the subject property on a map and reviewed zoning of adjacent land. The property is surrounded by single family residential to the north, multi-family to the south and agricultural to the west. Mr. Schwab reviewed Centerville's Comprehensive Plan which discourages strip type shopping areas, large areas of land were designated for commercial development in close proximity to major transportation roads. The area in question was designated as a multi-family residential development. The Comprehensive Plan cautioned against strip commercial development along Main Street in the City of Centerville. The Planning Commission, by unanimous vote, recommended denial of this Rezoning Request to City Council based upon the following analysis:

1. The City Master Plan designates multi-family residential land use for this land.
2. The City Master Plan specifically recommends against extending "strip" commercial zoning into this area.
3. The City Policy Plan discourages rezoning from non-business to business use and promotes the clustering of business/commercial development.
4. The City Policy Plan residential land use goal is to maintain the character of the community as predominately low density single-family residential.
5. Large tracts of undeveloped business zoned land exist within the City.
6. The granting of the requested rezoning would constitute an invalid "spot zoning" that is:
 - a. A small parcel of land is being singled out for special and privileged treatment (business zoning):
 - b. The singling out of this parcel is not in the public interest but only for the benefit of the land owner;
 - c. The rezoning of this parcel is not in accordance with the City Master Plan.

Mr. George Oberer, Jr., representing the developer, identified the proposal as being a quality commercial development on a portion of a 48 acre tract of land that has remained vacant for many years due to high development costs. He outlined how Peachcreek Drive and Virginia Avenue could potentially intersect on the subject property, thus making it conducive for commercial development and undesirable for residential development. Commercial development would provide the revenue needed to offset high development costs projected by the developer.

Mr. Dale Schaeffer, 50 Bristol Drive, outlined five reasons for his opposition to this Rezoning Request: 1. spot zoning, the property is surrounded by residential zoned land, 2. local zoning boundaries have already been established, 3. Centerville has planned commercial development at certain nodes, 4. the zoning which is proposed goes against Centerville's goals, it would not be compatible with adjacent single family development, and 5. the developer has requested B2 rather than Business Planned Development, for this reason he fears crowding. Mr. Schaeffer emphasized the fact that the change in zoning requested would not be in the best interest of the City nor the adjacent

RECORD OF PROCEEDINGS

Minutes of

Meeting

Held April 18, 1988 continued

19

property owners.

Mary Egelston, Bristol Drive, believes that commercial development would be unfair to surrounding residential neighborhood.

Mr. Samples complimented Mr. Schaeffer for his presentation. Mrs. Beals moved that the Rezoning Request submitted by J. Milton Zimmerman for a change of 7.718 acres more or less, from Centerville R-PD classification to Centerville B2 classification, be denied. Mr. Samples seconded the motion. The motion passed by unanimous vote of City Council.

ORDINANCE NUMBER 2-88 WILMINGTON PIKE

The Public Hearing was held concerning Ordinance Number 2-88. Mr. Kenning reviewed this proposed Ordinance to provide an overlay name for Wilmington Pike in the City of Centerville from the City's northern boundary to where it is intersected by the ramps of Interstate Route 675. The Dayton Area Progress Council and the Dayton Area Chamber of Commerce has requested that Wilmington Pike, Woodman Drive, Harshman Road, Needmore Road and Shoup Mill Road also be named Wright Brothers Parkway to be more identifiable to out of town guests and to further stimulate the County's pride with flight. Signs will be installed as soon as legislation has been passed by involved Municipalities. Mr. Samples sponsored Ordinance Number 2-88, An Ordinance Adding The Additional Name of Wright Brothers Parkway To Wilmington Pike From The Point Where It Crosses The Northern Border Of The City Southwardly To Where Said Wilmington Pike Is Intersected By The Ramps Of Interstate Route 675, and moved that it be passed. Mr. Compton seconded the motion. The motion passed unanimously.

ORDINANCE NUMBER 3-88 INDEMNIFICATION FOR PERSONNEL

The Public Hearing was held concerning Ordinance Number 3-88. Mr. Kenning reviewed this proposed Ordinance to clarify indemnification rights to City employees and officials while serving in organizations which results from the person's status as an employee or official of Centerville. Mr. Siler sponsored Ordinance Number 3-88, An Ordinance To Extend Indemnification Rights To City Employees And Officials, and moved that it be passed. Mr. Stone seconded the motion. The motion passed by unanimous vote.

Mr. Thomas Kukla, 265 Waterford Drive, was present to express concern with motorists using Waterford Drive as a drag strip at various times of day and night. Mr. Kenning will review this situation with the Chief of Police and the City Engineer to determine what can be done to eliminate this situation. Upon request of Mr. Compton, Mr. Kenning will report back to Council concerning this matter.

PLANNING COMMISSION

Mayor Heintz advised that the term of Robert Chappell as a

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. 10144

Held April 18, 1988 continued 19

Member of the Planning Commission will soon expire. Mr. Chappell is interested in serving another term in this capacity. Mr. Siler moved that Robert Chappell be reappointed as a Member of the Planning Commission for another four year term. Mr. Singer seconded the motion. The motion passed unanimously.

There being no further business, the Meeting was adjourned

Approved: Shirley F. Weintz
Mayor

ATTEST:

Maile J. McLaughlin
Clerk of Council