

## RECORD OF PROCEEDINGS

Minutes of

REGULAR COUNCIL

Meeting

DAYTON LEGAL BLANK CO. 10134

Held September 21, 19 87

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, September 21, 1987 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Councilman 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 Brooks Compton  
 Councilmembers Charles Taylor  
                                   James Singer  
                                   Jeffrey Siler  
                                   Bernard Samples  
 Clerk of Council Marilyn McLaughlin  
 City Manager Darryl Kenning  
 City Planner Alan Schwab

Mayor Heintz advised that Councilman J. V. Stone would not be present for this Meeting. Mr. Siler moved that Councilman Stone be excused from this Meeting. Mr. Taylor seconded the motion. The motion passed unanimously.

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

Council Meeting - August 17, 1987.  
 Council Work Session Meetings - August 17, 1987.  
   August 24, 1987.  
   September 14, 1987.

Mr. Compton moved that the Minutes of the foregoing Meetings be approved, as distributed. Mr. Taylor seconded the motion. The motion passed by unanimous vote.

Mrs. McLaughlin announced the receipt of an Appeal submitted by Tradin' Post against a decision rendered by the Planning Commission during their Meeting on August 25, 1987 denying a Variance Application to allow the elimination of a sidewalk at 7975 South Suburban Road. This matter has been set for Public Hearing before Council on October 19, 1987.

Mrs. McLaughlin advised that an Appeal has also been received from CB Development Company against a Planning Commission decision rendered during their Meeting on August 25, 1987 denying a Variance Application to allow the elimination of a sidewalk at 72 Westpark Road. The Applicant has requested that this matter be set for Public Hearing on November 16, 1987.

Mayor Heintz introduced Volunteer Coordinator Teresa Sherow and presented recognition to the following Volunteers for the City of Centerville:

50 hours	Sharon Bostic
	Joan DeVol
	Marguerite Lolan
	Shirley Zwink
250 hours	Russell Crockett
	Alice Nace

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350 hours Karl Pauzar  
500 hours Martin Hohl  
Jeanette Ruzicka  
Pat Young  
Myrtle Morris  
750 hours Ila Pearsall

Mr. Forest Swift, Executive Director of the Miami Valley Regional Transit Authority, was present to review for Council their vision of public transit for the Miami Valley area to the year 2000. He outlined actions they are taking in order to reach this goal.

Mayor Heintz advised that the following Proclamations had been issued during the past month:  
Constitution Week - September 17 through September 23, 1987.  
Centerville Jazz-Marching Band Invitational Day - September 26, 1987.  
Support for 1994 Soccer World Cup in the United States.  
Financial Independence Week - October 18 - 24, 1987.

Mr. Compton read a Proclamation issued by Mayor Heintz designating the week of September 21, 1987 as Centerville Women's Civic Club Week in Centerville. This Proclamation was presented to the Club's President Arlene Zachritz.

Mr. Kenning reported the following during his City Manager's Report:

All addresses south of East and West Franklin Street, Miamisburg-Centerville Road and Centerville Station Road will be part of a new ZIP code (45458) beginning January 1, 1988. However, mail will be delivered under the old ZIP code to the affected area through the year 1988.

Beggars night in Centerville has been scheduled for Thursday, October 29, 1987 between the hours of 6:00 and 8:00 P.M.

Construction of a bike-walkway along State Route 48 in the vicinity of Fireside Drive has begun.

## LUTHERAN SOCIAL SERVICES OF THE MIAMI VALLEY BETHANY

The Public Hearing was held concerning the Major Use Special Approval Application submitted by Lutheran Social Services of the Miami Valley to construct 38 additional residential units at Bethany Lutheran Village. Mr. Schwab located the subject property on a map, being the southwestern portion of the total property. Proposed is the construction of 38 one story ranch style garden cottages conforming to the density proposed for the overall total development of Bethany Lutheran Village. The zoning of the property is R-PD. Included in this plan is a lake for retention purposes and a link completing the main roadway through the Village. Mr. Schwab reviewed Planning Commission's unanimous recommendation for approval of this plan to City Council, subject to the following conditions:

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1. Detailed storm water drainage calculations and plans incorporating retention and/or detention and erosion control during construction shall be approved by the City Engineering Department.

2. A revised detailed screening plan along the south and west property lines adjacent to the single family residences shall be submitted subject to the approval of the City Planning Department.

3. Prior to the issuance by the City of zoning or building permits allowing implementation of the proposed project, the developer shall pay the fee-in-lieu of parkland dedication. The amount of the fee shall be determined by an appraisal by a qualified independent appraiser approved by the Planning Commission in accordance with the provisions of City Ordinance 15-86, the City Parkland Dedication Ordinance.

Mr. Dennis Bruce, Executive Director, Lutheran Social Services of the Miami Valley, explained the fact that this plan completes the cottage development program in accordance with the Master Plan for Bethany Lutheran Village. The lake will be both aesthetic and functional in its use.

Mr. Samples moved that the Major Use Special Approval Application submitted by Lutheran Social Services of the Miami Valley for Bethany Lutheran Village be approved, as recommended by the Planning Commission including the three conditions as outlined heretofore. Mr. Singer seconded the motion. The motion passed by unanimous vote of City Council.

## J. S. DAVIS COMPANY

The Public Hearing was held concerning a Major Use Special Approval Application submitted by the J. S. Davis Company to establish automobile dealerships on the south side of Loop Road just east of Voss Automobile Dealership. Mr. Schwab located the subject property on a map and reviewed the original Application for three auto dealerships on 6.5 acres of land, the plan having three curb cuts onto Loop Road. During the review process by the Planning Commission the Application was reduced to two auto dealerships with two curb cuts onto Loop Road. Submitted along with this Major Use Special Approval request, was an Application for several Variances for the same property. Mr. Schwab reviewed Planning Commission's unanimous recommendation for approval to City Council of this Major Use Special Approval Application subject to the following conditions:

1. If the requested Variances should not be granted, a revised set of drawings shall be submitted, subject to approval by the Planning Department, incorporating the required building and parking lot setbacks and required landscaping.

2. The parcel shall be graded to create the required vertical intersection sight distance for the driveway to dealership "B", subject to approval by the Planning Department.

3. All trees between the sidewalk and the curb shall be eliminated.

4. Detailed architectural elevations of all buildings shall be subject to approval by the Planning Commission.

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5. The proposed wall located on the west property line shall be eliminated in the front yard to Loop Road.

6. All dumpster pads shall be concrete and of a dimension to allow the front wheels of the trash disposal truck to rest on the pad while emptying the dumpster.

7. The dumpster screening shall be subject to approval by the Planning Department.

8. A detailed lighting plan showing all exterior lighting shall be submitted, subject to approval by the Planning Department.

9. A 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 provisions of the City Stormwater Drainage Control Ordinance.

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

Mr. Schwab outlined for Council the Planning Commission's action relative to the requested Variances:

1. The setback of parking or paving maintain a 10 foot setback along Loop Road and the west property line; and, the setback along I-675 maintain a 5 foot setback - approved.

2. The parking stall configuration for the purpose of storage of vehicles - approved as requested.

3. The parking lot landscaping requirement for Parcel "A" be 2.5% of the parking area, and 5% of the parking area for Parcel "B", as indicated on the revised plans - approved.

4. The request for a building setback variance along I-675 - denied.

5. All variances pertaining to signs, including setback, number of signs, and sign area - denied.

Mr. David Wheeler, Architects Team Associates, Architect for the property in question, stated their concurrence with all conditions of approval.

Mr. Siler moved that the Major Use Special Approval Application for the J. S. Davis Company be approved as recommended by the Planning Commission including all their recommended conditions as outlined heretofore. Mr. Compton seconded the motion. The motion passed unanimously.

## SEXTON COMPANIES

The Public Hearing was held concerning the Rezoning Request and the Major Use Special Approval Application submitted by the Sexton Companies for property located along the north side of Alexandersville-Bellbrook Road and the west side of Clyo Road. Mr. Schwab located the subject property on a map and explained the two requests. The zoning change includes 8.051 acres of the 22.97 parcel of land, requested change from Office Planned Development classification to Residential Planned Development classification. The major use application is for the construction of 136 adult apartment units with office and maintenance facilities, a swimming pool and a tennis court.

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Several variances are included in the major use request:

Minimum floor area for one-bedroom apartment - 500-535 square feet instead of the required 600 square feet.

1.7 parking spaces per dwelling instead of 2.

Fence height in front yard - 6 feet instead of 4.

Sign setback of 15 feet from the right-of-way instead of 25 feet.

2 ground signs instead of 1.

Sign area 120 square feet total area instead of the permitted 64 square feet.

Mr. Schwab located the main entrance into the development off Clys Road and defined 1 lake and 2 ponds to be constructed according to the plan. Mr. Schwab reviewed a minor amendment to the plan deleting the office building from building number 1 and the maintenance and bath house from building number 3; these facilities being combined into one building and located northwest of building number 1. In order to provide space for this new building, the proposed lake is reconfigured.

Mr. Schwab reviewed for Council, Planning Commission's unanimous recommendation for approval of the Rezoning Request and the Major Use Special Approval Application subject to the following conditions:

1. The minimum floor area of the one bedroom ("junior") apartments not be less than 500 square feet.

2. The number of parking spaces required shall not be less than 240 spaces which is a ratio of 1.75 spaces per dwelling unit.

3. The fence height shall not exceed six feet.

4. The sign shall maintain a setback of 15 feet from the right-of-way.

5. The placement of identification signs shall be limited to one sign on each side of the main entrance drive for a total of two signs. Those signs shall not exceed the sign area permitted in the Sign Ordinance.

6. The use of brick shall be permitted in the construction of the fence for fence posts only.

7. The 8.051 acre portion of this site along Clys Road portion shall be rezoned to R-PD.

8. A detailed lighting plan showing all exterior lighting shall be submitted, subject to approval by the Planning Department.

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

10. Prior to the issuance of any building permit by the City, the developer shall pay the fee-in-lieu of parkland dedication in accordance with the provisions of City Ordinance 15-86, the City Parkland Dedication Ordinance.

11. A 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 provisions of the City Stormwater Drainage Control Ordinance.

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

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Department.

Mr. Glenn Christian, representing the Sexton Companies, explained the fact that the project has only one and two bedroom units. The junior units are strictly for single occupancy. He indicated their desire for seven foot high fence posts instead of the six foot high fence overall as approved by the Planning Commission. The six foot high wrought iron fence with masonry posts of seven feet has been requested for aesthetic purposes in consideration of the length of the fence.

Discussion followed relative to the zoning of the 8.051 acres to O-PD at the time the entire Zoning Map was revised. Mr. Schwab pointed out the fact that this was a request of the property owner at that time. Mr. Singer indicated his concern with the rezoning of additional land to multi-family and the size of the one bedroom units as proposed. Mr. Singer further expressed concern with the ultimate end of the remaining O-PD zoned land adjacent to the property included in this Rezoning Request if this rezoning is granted.

ORDINANCE NUMBER 15-87 ZONING ORDINANCE AMENDMENT  
SEXTON REZONING

Mr. Compton sponsored Ordinance Number 15-87, An Ordinance Amending Ordinance Number 11-86 Dated September 16, 1986, The Zoning Ordinance, By Rezoning 8.051 Acres More Or Less, From Centerville Office Plan Development Classification To Centerville Residential Plan Development Classification, and moved that it be passed. Mr. Taylor seconded the motion. A roll call vote resulted in four ayes in favor of the motion; Mr. Singer and Mayor Heintz voted no.

SEXTON MAJOR USE SPECIAL APPROVAL APPLICATION

Mr. Compton moved that the Major Use Special Approval Application submitted by the Sexton Companies be approved as recommended by the Planning Commission including all recommended conditions as outlined previously during this meeting, that the fence be of wrought iron material, and that the minor amendment condensing two buildings into one and the reconfiguration of the lake be approved. Mr. Siler seconded the motion. Following discussion relative to the fence posts, Mr. Compton amended his motion to permit the height of the masonry fence posts to be seven feet. Mr. Siler seconded the amendment. A roll call vote resulted in four ayes in favor of the motion; Mr. Singer and Mayor Heintz voted no.

Councilman Bernard Samples left the Meeting at this time.

ANTHONY F. STAUB OFFICE BUILDING

Mr. Singer moved that Council formally request a review of the Planning Commission decision relative to the Special Approval Application submitted by Anthony F. Staub to construct an office building at 121 and 133 North Main Street in accordance with appropriate procedures. Mr. Taylor seconded the motion. A roll call vote resulted in three ayes in favor of the motion; Mr. Compton and Mr. Siler voted no. Mr. Siler and Mr. Compton stated their belief that nothing could be presented during a Public

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Hearing to change their opinion on this construction, they see no need for further delay for the Applicant.

## RESOLUTION NUMBER 28-87 LOCAL GOVERNMENT FUNDS

Mayor Heintz reviewed a proposed Resolution supporting the alternative method for the distribution of Local Government Funds by Montgomery County rather than the formula recently put forth. Mr. Siler sponsored Resolution Number 28-87, A Resolution Accepting The Montgomery County Budget Commission's Alternative Method Of Distributing 1988 Local Government Funds, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

## RESOLUTION NUMBER 29-87 CLYO ROAD

Mr. Kenning reviewed a proposed Resolution to return \$29,052.29 to various property owners who prepaid their share in the Clyo Road extension project, that section between Alexandersville-Bellbrook Road and Bigger Road. The actual cost of construction was less than the engineer's cost estimate. Mr. Taylor sponsored Resolution Number 29-87, A Resolution Authorizing Repayment To Various Property Owners A Portion Of The Funds Previously Deposited By Them With The City Of Centerville For Payment For The Construction Of An Extension Of Clyo Road To The Extent That Said Deposits Exceeded The Actual Cost Of Construction And Recognizing A Moral Obligation For Said Payment, and moved that it be passed. Mr. Compton seconded the motion. The motion passed by unanimous vote.

## COUNCIL POLICY 987-1 DRAINAGE DITCHES

Mr. Kenning reviewed a proposed Council Policy statement dealing with public participation in the cleaning of drainage ditches on private property. This represents the formula previously used in the Village South drainage ditch project. With strong support, Mr. Singer moved that Council Policy Number 987-1 be adopted. Mr. Compton seconded the motion. The motion passed unanimously.

## ZONING TASK FORCE REPORT

Mr. Kenning reviewed a recent report of the Zoning Task Force relative to two issues:

1. Existing and proposed single family detached residential development in Residential Planned Development (R-PD) zoning districts at a gross density of six dwelling units per acre.
2. Existing requirements with respect to the installation of sidewalks when major improvements are proposed on a multi-family residential, commercial, or industrial property.

The Zoning Task Force recommends that no changes be made in the existing Zoning Ordinance with respect to these two issues. Mr. Compton moved that the Report of the Zoning Task Force be accepted. Mr. Singer seconded the motion. The motion passed by



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unanimous vote of City Council.

There being no further business, the Meeting was adjourned.

Approved: Staley F. Heintz  
Mayor

ATTEST:

Marie J. McLaughlin  
Clerk of Council