

CENTERVILLE PLANNING COMMISSION

Regular Meeting

Tuesday, February 25, 2014

Mr. Clark called the meeting to order about 7:30 p.m.

ATTENDANCE

Present: Mr. Paul Clark, Mr. Jim Durham, Ms. Amy Korenyi-Both, Mr. Jim Briggs, Mr. Bill Etson, and Mr. Kevin Von Handorf. Also present: City Planner Andrew Rodney, Assistant City Engineer John Sliemers, Economic Development Director Nathan Cahall, GIS Analyst Mark Yandrick, Municipal Attorney Scott Liberman, Council Member JoAnne Rau, City Manager Greg Horn and Assistant Clerk of Council Julie Weaver.

ABSENT

Mr. Muzechuk had notified the Planning Department that he would be absent.

MOTION: Mr. Briggs made a motion to excuse Mr. Muzechuk. Mr. Etson seconded the motion. The motion passed unanimously.

APPROVAL OF MINUTES

No additions or corrections were noted for the minutes of the Planning Commission Meeting of January 28, 2014.

MOTION: Ms. Korenyi-Both moved for approval of the minutes of the Planning Commission Meeting of January 28, 2014, as distributed. Mr. Briggs seconded the motion. The motion passed 6-0.

PUBLIC HEARINGS

**Application P-2014-0005: Preliminary Development Plan for 32.92 Acres at 700 E. Alex-Bell Road**

Mr. Rodney presented the staff report for the Preliminary Development Plan submitted by CESO, Inc. for the construction eighty-five single family residential homes on 32+ acres between the Pleasant Hill subdivision and the Deer Run Condominium Community in an area zoned R-PD which allows density up to 6 units per acre. The proposed density is about 2.58 units per acres. Mr. Rodney explained the process for the approval of new developments with public hearings at Planning Commission and Council for both the preliminary and the final development plans.

In his report, Mr. Rodney located the area on an aerial map and showed photos of major features. Using a schematic, he pointed out the access from Alex-Bell Rd., the layout of the streets, the storm water management plan, the topography, the width of lots for various sections of the plan and the required setbacks. Slopes were to be no greater than 3-1. Two phases of the plan were suggested with forty-two homes on the north along Alex Bell Road

to be built first. Phase Two would have forty-three sites with a three to five year build out expected.

Streets would include the access from Alex Bell Road and eventual connections to Treeview, Zengel and Hartcrest. Staff supported joining the new roadways to existing streets for neighborhood connectivity and access for safety services. The UDO does not permit permanent dead-end streets. Minutes of meetings from the 1980's showed that interconnectivity was expected when the Deer Run Community was approved. Since that time, several streets in Deer Run have been maintained by the City of Centerville as public streets in preparation for this linkage.

Mr. Rodney presented more details on open space requirements, stormwater management, and the types of homes to be expected, before summarizing the staff analysis. The area is zoned for much greater density than is being proposed. The open space is twice what is required. The interconnectivity is helpful for trash collection, access of fire and emergency services, walkability between neighborhoods, and vehicular traffic alternatives. New single family housing is welcome within the City.

The Planning Department recommended approval of the Preliminary Development Plan, Application P-2014-0005, subject to the following nine conditions:

1. Final designs of intersections are subject to approval by the City Engineer. All clear zones shall be determined by the developer's engineer.
2. The Applicant shall provide a traffic analysis to calculate the trip generation to be expected by the proposed development and determine the proper location and length of the proposed turn lanes on Alex-Bell Road.
3. The final design of stormwater management infrastructure and individual lot drainage systems shall be in accordance with Article 9.35 of the UDO.
4. Parkland shall be provided in accordance with Article 9.47 of the UDO.
5. A public accessway of at least ten (10) feet in width shall be provided to access the proposed open space at the northwest corner of the subject site amongst Lots 46-49.
6. Use of vinyl or aluminum siding shall be prohibited. Vinyl or aluminum may be used for fascia, soffits, or other similar minor architectural or structural elements on a case-by-case basis upon review and approval by the City Planner.
7. Blank or featureless walls visible from the public right-of-way shall be avoided.
8. Detailed comments from the Engineering Division will follow and shall be incorporated into the final development plan, record plan, and construction documents as appropriate, subject to approval by the City Engineer.

9. Detailed comments from Montgomery County Water Services and utility companies will follow and shall be incorporated into the final development plan, record plan, and construction documents as appropriate, subject to approval by the City Engineer.

When Mr. Von Handorf asked for a description of the intersections on the roadways in the development, Assistant City Engineer John Sliemers described the configuration of the stop signs at T-intersections.

Before he opened the public hearing, Mr. Clark noted the receipt of correspondence from Mr. Thomas Agnew on Silvertree Court and Mr. Joe DiMisa of the Create Community Connections Task Force.

Mr. Jon Bills, 8535 Yankee Street, representing CESO, Inc., thanked staff for the input received and stated that the applicant did not have issues with the recommendations.

Mr. Jerry Strange, 650 E. Alex-Bell Road, requested consideration of a sewer easement so that his property to the west along Alex-Bell Road could be connected. Mr. Rodney stated that the applicant was aware of and open to the request.

Mr. Jerry Basford, 956 Buck Springs Drive, stated the Deer Run Homeowners Association had spent \$35,000 maintaining its retention pond. He was concerned that changes on the hill would increase buildup of silt and add to expenses. Mr. Sliemers said that the changes may reduce the problems because stormwater coming off the hill would be captured for slower release and also slowed by the cross streets in the subdivision.

Mr. Joe Pizza 7125 Hartcrest Lane, voiced concern for an increase in the water moving across his property. He also asked about the tree line and the honeysuckle growing there. Mr. Sliemers stated that the water should not increase and directed the question about the tree line to Mr. David Oakes of CESO, Inc. 8534 Yankee Street. Mr. Oakes stated that the vegetation in the treeline had not been inventoried and was still under study.

Mr. Dan Wilson, 7305 Hartcrest Drive, felt the increase in impervious areas, especially roofs, driveways and streets, would undoubtedly increase the runoff for Deer Run.

Mr. Tom Agnew, 345 Silvertree Court, shared some points from a letter he had written. He spoke of the overcrowding of the homes on the western boundary; he would have five homes contingent to his back yard; seventeen homes would adjoin seven homes in Pleasant Hill. He complained that the Public Hearing notice had been misleading, because Ryan Homes as builder was not mentioned; he did not feel the quality of the Ryan Homes was the same as Zengel Builders. He stated accidents would increase on Zengel Drive and children would get hurt. He suggested that the property should be made into a park. He warned that the Council members should expect repercussions from the voters, if they passed this plan.

Barry Liesch, 686 Doe Crossing, asked the Planning Commission not to approve the plan because water is already a serious problem in the Deer Run Subdivision and because connecting Zengel Drive would change the nature of the Deer Run Community and create safety hazards for its many walkers.

Mr. Ron Mason, 396 Blackstone Drive, stated that most people in the neighborhood were against the development. He asked if the City was more interested in making money or protecting its residents.

Jan Gregory, 7027 Falling Oaks, stated that it was already difficult to access Alex-Bell Road from Whispering Oaks. Additional drivers would make access even harder. She said she loved the wooded area and asked Planning Commission to deny the application.

Helen Jauch, 291 Zengel Drive, stated that she had bought her home because of the atmosphere of the neighborhood. She did not want it to change.

Greg Foley, 440 Cedarleaf Drive, emphatically stated that the 500' radius was not enough for notification in this case. He felt residents within half a mile should have been notified. Mr. Rodney and Mr. Cahall explained the standards for notification and said these are consistently done. Mr. Foley also stated concerns about traffic on Blackstone Drive.

Mr. Jeff Bohlman, 319 Zengel, stated grave concern that Zengel Drive is a straight shot west to SR 48, that speed is already a problem and that no new stop signs are planned. The park on Zengel near Silvertree is used for soccer with a large number of parked cars and with heavy foot traffic crossing the street. Connecting Zengel would make this situation dangerous.

Mr. Tim Bowser, 297 E. Elmwood Drive, noted that there are also speeders on Elmwood Drive and said he wanted more stop signs. He said he felt this development was a done deal. He recommended that the City purchase the Zengel property.

When Mr. Clark asked about looking at stop signs as part of the traffic study, Mr. Sliemers stated that stop signs cannot be used for speed control. Staff has already looked at stop signs, in general, in the area, but he said staff would look again at the intersection of Elmwood and Bradstreet.

Mr. Mark Engert, 182 Pleasant Hill Drive, stated that cut-through traffic would happen. He also was dissatisfied with the notification. He suggested the use of Twitter and the emergency phone system. He pointed out the new development would change the identity of Deer Run and hurt property values. Residents did not want to merge the identities of the separate communities.

Mr. Jim Slohm, 805 Zengel Drive, asked for another explanation of the approval process, especially the final development plan. Mr. Rodney explained the development steps. Mr. Durham added that the Planning Commission recommendations of approval or denial go to Council for the final decision.

Dr. Greg Buerschen, 452 Cedarleaf Drive, talked about safety for children walking to Tower Heights Middle School and Stingley Elementary. He questioned whether the children from this area would be bussed.

Mr. Mike Ryan, 354 Silvertree Lane, suggested that the zoning code was outdated and should keep up with the changing times. He felt the policy on dead-end streets should be

re-evaluated. He asked for reconsideration of Zengel Drive becoming a through street. Mr. Briggs pointed out that the code was passed in 2008 and has had numerous updates since then. He said it was not an old document.

Mr. Thomas Agnew came to the podium a second time to ask what could be done to influence Council. He suggested a petition be passed through the neighborhoods.

Ms. Pamela Bigham, 674 Doe Crossing, spoke for preservation of the wildlife habitat, protection of the many species of birds and the green space. She pointed out that geese become a problem when there are retention ponds.

Mr. Jeff Bohlman, 319 Zengel Drive, reminded the Planning Commission that Virginia Avenue had not been connected, as a precedent.

Mr. Kevin Wagoner, 7069 Fallen Oak Trace, asked where the ponds in the new subdivision would flow and asked for an explanation of how close the new homes would be to the western edge of the Whispering Oaks Subdivision. Mr. Rodney stated that the retention pond to the north would drain to the existing system under Alex Bell and that the required thirty foot setback would probably be significantly more in that area. When Mr. Clark asked about the tree line, Mr. Rodney showed a triangle of the Deer Run Subdivision where there would be no construction and stated that the tree line may or may not be kept. Mr. Oakes of CESO, Inc. added that the area would be studied as plans were finalized.

Mr. Greg Foley, 440 Cedarleaf Drive, asked how much money would come to the City through property tax and income tax, if the development were built. Mr. Clark responded that the Planning Commission does not know and does not consider that.

Mr. David Yauch, 291 Zengel Drive, noted that stop signs along streets adjoining the schools seem to work. Because of the irreversible effects on the neighborhoods, he requested a comprehensive traffic study of the arteries of the whole area. He stated that extending Zengel was the most controversial part of the plan.

Mr. Stein Pederson, resident at 310 Silvertree Lane and Chair of the Create Community Connections Task Force which is the bike trail committee working with Miami Valley Regional Planning Commission, asked for inclusion of bike trails in the development plan. The property was included in a future use study to run a bike trail from Iron Horse Park under Interstate 675, through Chardonay Valley and across this parcel. He said trails are shown to increase property values. Mr. Rodney stated that the plan had been shared with the applicant, but it was not binding on the City or the applicant. Mr. Pederson asked the applicant to look carefully at the trail plan.

Ms. Carolyn Meininger, 181 Pleasant Hill Drive, said she understood the need to balance what the UDO says, the applicant's rights and the neighborhood concerns. In her view, connectivity could cause a dangerous situation around the park. She asked for more creative solutions to be considered.

Ms. Jennifer Sargent, 340 Blackstone Drive, had two main issues. She asked about buffer or landscaping between her home and the lots which would adjoin her property. Mr. Bills

stated that currently there was no buffer plan. Mr. Rodney stated that details generally come with the Final Development Plan. Her second issue was the congestion of cars and people near the Pleasant Hill pool. She asked about a cul-de-sac for Zengel Drive.

When Mr. David Johnston, 338 Silvertree Court, asked about the effect on the school system, Mr. Cahall stated that Stingley Elementary and Tower Heights Middle School could accommodate the additional enrollment and still have excess space. Mr. Rodney added that the City is working with the schools on a Safe Routes to Schools program and encouraged participation by families in the area.

Seeing no more speakers, Mr. Clark closed the public hearing.

Mr. Briggs noted that the Planning Commission has the job of using the ordinances to make decisions. He made motion for approval of application number P-2014-0005, the Preliminary Development Plan for the Zengel plat, subject to the conditions recommended by staff. No one seconded the motion.

Mr. Durham summarized the situation. He stated that the Planning Commission's function is to apply the law. As appointed volunteers, it is a difficult job that none of the members takes lightly. He pointed out that this landowner has the right to develop this property and, by the zoning, could build 197 units on this property; the developer asked for 85. The topography is challenging, but overall, the engineers have done a good job with the layout. He said it is also a consideration that the City has maintained Zengel Drive, Deer Run Drive and Hartcrest, collected trash, and picked up leaves for many years, in anticipation that Zengel Drive would connect as a public roadway. Good planning values connectivity for safety services, walkability, and community-building. On the other hand, the Planning Commission is charged with looking at the whole and has an obligation to consider safety. By law, taxes to be collected by the City are not able to be a consideration. Mr. Durham asked for a more creative solution to the connection of Zengel Drive.

Mr. Sliemers stated that staff was willing to look at an alternate street layout. Mr. Durham asked if the applicant would be willing to look at connecting the Zengel stub streets to streets in the new subdivision without directly connecting the two ends. Mr. David Oakes said that the applicant had looked at the plan with City staff for months with much engineering work being done, but he was willing to look again. He felt CESO had complied with the thoroughfare plan as it has been envisioned for many years.

Mr. Durham made a motion to table Application P-2014-0005 to the next meeting of the Planning Commission which will be March 25, 2014. Mr. Etson seconded the motion. The motion to table passed 4-2 with Mr. Clark and Mr. Briggs voting no.

**Application P-2014-0007: Unified Development Text Amendment, Table 9.1, Permitted Uses in I-1 Zoning District – Applicant, Greg Dart.**

Mr. Rodney gave the staff presentation on the application by Greg Dart requesting an amendment of the Permitted Use Table of the Unified Development Ordinance to allow indoor recreation clubs in I-1 Zoning Districts with site plan approval. Although Mr. Dart wishes to open an indoor recreation club at 1701 Thomas Paine Parkway, the request

would affect all I-1 Zoning Districts in the City of Centerville. Mr. Rodney pointed out the two small areas of I-1 zoning in Centerville—along Thomas Paine Parkway and in the vicinity of Compark, Westpark and S. Suburban Roads. He described the buildings, the tenants and the challenges of the areas. Previous to the application, staff conversations had considered expanding possible uses as one way to improve occupancy and maintenance in these areas. The Planning Department recommended approval of the amendment to the UDO.

Mr. Etson voiced his agreement concerning the benefit of adding to the list of possible tenants in I-1 Zoning Districts.

Mr. Clark opened the public hearing and, seeing no speakers, closed the public hearing.

Mr. Durham moved to recommend approval to Council of an ordinance amending Table 9.1, The Table of Permitted Uses, to include indoor recreation clubs as a permitted use in an I-1 Zoning District with submittal and approval of a Major Site Plan. Mr. Briggs seconded the motion. The motion passed unanimously 6-0. The Ordinance will go to City Council for consideration.

#### COMMUNICATIONS

Mr. Rodney encouraged members of the Planning Commission to attend the Planning and Zoning Training at MVCC on three upcoming Thursday evenings in March.

He asked about availability for a work session for the Minch property prior to the March 25, 2014 meeting. Planning Commission was open to meeting at 7 p.m.

He offered a registration system for speakers at public hearings. Planning Commission suggested that Mr. Rodney ask Council first, because the members felt there should be consistency between public hearings.

Discussion followed concerning a statement the Chair might make prior to the opening of a public hearing to let the gallery know such things as the role of the Planning Commission in applying the zoning ordinance, the format of the hearing and directives on applause. Mr. Rodney will provide a draft for the April meeting.

Mr. Clark extended condolences to the family of Councilman Jim Singer.

The next meeting of the Centerville Planning Commission will be March 25, 2014 at 7:30 p.m. in the Council Chambers.

There being no further business, the meeting was adjourned.



Paul Clark, Planning Commission Chair

Public Hearing Remarks For Case Number P-2014-0005  
City of Centerville 100 W. Spring Valley Rd. 7:30 p.m. Tuesday Feb 25, 2014

Request these remarks to be recorded in the minutes of the meeting.

For the Development of the 32.9 Acres At 700 E. Alex-Bell Rd.  
Proposing 85 Single-Family Houses And Upgrade of Entrances At Alex-Bell Road  
and Zengel Drive.

Hello to the Planning Commission, CESO & Zengel people, and concerned neighbors of Pleasant Hill and Deer Run. I'm Tom Agnew and live on Silvertree Ct. Thank you for giving me the opportunity to comment on this controversial project.

Before getting into my comments, I want to say, that as neighbors, we are bitterly opposed and upset with this Development for three main reasons.

- 1) The type of houses proposed.
- 2) The overcrowding of lots and houses for the interior.
- 3) The increased and dangerous traffic flows to Pleasant Hill, Deer Run & Alex-Bell

We want this Development Plan denied!

We understand the City Council has the final say and vote.

Please convey to the Council, our elected representatives, that the voters of Pleasant Hill and Deer Run expect their utmost consideration and fairness, and to vote in our favor for denial of this Plan. Otherwise, we'll seek other alternatives.

that said...

My first comment is about the "Notice of Public Hearing" we all received by mail who live within 500 ft of the Development.

It was misleading since the "Notice" didn't reveal the homebuilder.

Most people reading it would assume it was Zengel Construction. **THEY ARE NOT!**

I was told by the City - **RYAN HOMES IS THE BUILDER.**

Why wasn't Ryan Homes mentioned in this notice? Was there a reason?

My second comment is on the type of homes CESO is proposing.

By the looks of the elevation drawings, submitted to the City for approval, they appear to be identical to the houses Ryan Homes recently built on Paragon Road, just north of I-675 at the overpass. I invite you to drive over there and take a look.

(Turn right at the light at Alex-Bell and Paragon)





My third comment is on the size of the lots proposed for the interior part of the Development. I'm sure they meet the minimum code requirements, and I emphasize the word "minimum".

For example, all of the proposed lots backing up to the existing Zengel homes are less than 1/4 acre. On this common property line, there are (7) existing Zengel homes vs (17) proposed lots by CESO.

On my lot line alone, I would have (5) lots.

My fourth comment is how the Development's interior space is laid out. Two long straight streets, with no side streets or cul-de-sacs. All the lots have the same minimum width of 75 ft. from one end of the street to the other, with no breaks, to squeeze in the maximum number of lots.

When Karl Zengel laid out our plat he made beautiful curving streets and cul-de-sacs with homes of all styles and roof lines that blended together. This was over 45 yrs. ago. We still get comments today on such a beautiful neighborhood.

My fifth comment is about money.

With this high density interior, I can envision a whole host of problems.

With seven existing Zengel homes vs seventeen new lots on a common property line, there probably will be seventeen sets of different fences, and probably seventeen dogs or more! Again, I would have five lots on my property line alone.

Our backyard life would be severely compromised and our property values would do nothing but go down.

With our cul-de-sac, my lot is an odd shape putting the rear of the house very close to the property line - only 15 steps from our covered patio.

Last fall when they started surveying, I got three bids for fencing amounting to roughly \$6000.00 each. Another cost I didn't expect to have.

Some of us are at the age when we should be selling our homes and moving to a retirement community. This might not be possible with the lower property values.

My sixth comment is about the increased traffic flow this Development would cause

CESO proposes to extend Zengel Drive and Treeview for access to the new Development and a new main entrance on Alex-Bell.

Blackstone's traffic from Treeview would more than triple as it runs into Cedarleaf. The Cedarleaf/Alex-Bell intersection is already extremely hazardous when trying to make a left turn. With increased traffic from Treeview, it would become really bad.

If the main entrance on Alex-Bell has a light or not, it will be very difficult to see, due to the hill, making this another hazardous intersection.

CESO proposes to extend Zengel Dr. into Deer Run, which opens it up to Clyo Rd.

If this occurs, Zengel Drive would become a racetrack. I estimate this would add 200-300 more cars per day using Zengel Drive. Speeders abound on this 25 mph street now. The Stop Sign at Elmwood and Zengel is ignored. It is especially busy in summer, spring and fall when parents are transporting their kids to and from the pool and soccer fields. A lot of kids, ride their bikes on Zengel to the pool and park. Also, there are a lot of joggers on Zengel. **SOMEONE IS GOING TO GET HURT.**

*This traffic should not be allowed to happen in our beautiful **quiet** neighborhood.*

In closing, I have one last comment and

Pleasant Hill is truly a beautiful neighborhood as it now stands. Karl and his brothers John, George and Adam, along with all the other people of Zengel Builders did a marvelous job in the 60's developing this last subdivision.

The first residents in the early 70's (including my wife, Marilyn) formed a corporation and contracted Zengel Builders to build the present Pleasant Hill Swim Club. All our children spent many happy and carefree summer days there.

In addition, the township added soccer fields and a playground next to the club.

If the present day Zengel Construction Co. wants to sell their land, why not sell it to the City or Township and make a Nature Trails Park out of it? It would fit in beautifully with the Soccer Park and Swim Club.

The Township just renewed a levy for property like this. Why not pursue it?

Green space is going fast in Centerville. We need to be better stewards of our land and how it's used.

Submitted by Thomas Agnew, 345 Silvertree Court