

CENTERVILLE PLANNING COMMISSION
Regular Meeting
Tuesday, March 26, 2013

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

ATTENDANCE

Present: Chairman Paul Clark, Mr. Jim Durham, Mr. Jeff Gammell, Mrs. JoAnne Rau, and Mr. Bill Etson. Also present: City Planner Steve Feverston, Economic Development Administrator Nathan Cahall, Municipal Attorney Amy Blankenship, City Manager Greg Horn, Assistant City Engineer John Sliemers and Assistant Clerk of Council Julie Weaver.

EXCUSE ABSENT MEMBERS

At the previous meeting, Mr. Briggs had notified staff that he would be absent.

MOTION: Mr. Durham made a motion to excuse the absence of Mr. Briggs. Mr. Gammell seconded the motion. The motion passed with 5 ayes.

APPROVAL OF MINUTES

There were no additions or corrections for the minutes of the Planning Commission Meeting of March 12, 2013.

MOTION: Mrs. Rau moved for approval of the minutes of the Planning Commission Meeting of March 12, 2013, as distributed prior to the meeting. Mr. Etson seconded the motion. The motion passed 3-0-2, with Mr. Durham and Mr. Gammell abstaining because they did not attend said meeting.

PUBLIC HEARINGS

Application P-2013-0012: Rezoning – Applicant, Walt Minch, Centerville Development Group, at Sheehan Road, Social Row Road and Paragon Road.

Mr. Feverston presented the background information for this request to rezone 65.7 acres from R-1c, Single Family Residential, to R-PD, Residential-Planned Development, with the Neighborhood Residential Overlay remaining unchanged. He gave a brief history of the zoning of the parcel, located it on a zoning map that included the surrounding area and projected an aerial view of the existing uses in the area. He stated that Mr. Minch would like to build single family homes, attached homes, and retirement patio homes – choices geared to people moving up or down the housing ladder. Mr. Feverston described upcoming changes along the south side of Social Row Road with the Park District, Oberer Development and Washington Township Trails. He stated his understanding that neither the developer nor the Park District will be responsible for upgrades to the surrounding roadways, so Montgomery County taxpayers will fund the roadway improvements. He noted that a school is anticipated on the Washington Township

property east of Sheehan Road, and, within the past year, Washington Township has approved more intensity westward from State Route 48 on the south side of Social Row Road.

Mr. Feverston stated that the requested rezoning would strengthen the economic health of the community, allow a sense of place to be established south of Yankee Trace, and obligate the developer to help with roadway improvements. He stated that the Planning Department recommended the rezoning, without conditions.

Mr. Clark asked Ms. Blankenship to speak to the issue of the referendum on the applicant's previous request for rezoning the property to R-PD and O-PD zoning classifications. Ms. Blankenship stated that the previously approved rezoning is staid because of the referendum filed for the election in November 2013. Should an ordinance be passed approving the rezoning now requested, the new ordinance would repeal the ordinance that is the subject of the referendum.

Mr. Durham expressed his concern that if Council were to accept this rezoning, there would be a loss of control and the possibility would exist that the entire parcel could be built out with apartments at six units per acre. He stated that there was always a risk in zoning R-PD that the developer will change his mind or that conditions will change before the proposed development becomes a reality. He felt Sheehan Road should be the boundary line for more intensity.

Mr. Feverston conceded that if a preliminary development plan complied with the architectural conditions of the code, the Planning Commission and Council would have to approve the plan. He also noted that, in his experience, very good results have been enabled by R-PD zoning because of the process Centerville has in place. The City has been a good steward with rezonings.

Mr. Clark invited Mr. Walt Minch, the applicant, 07196 County Road 66A, New Bremen, to be the opening speaker for the public hearing. Mr. Minch discussed the steps by which this rezoning had come to the Planning Commission. He noted the apartments planned across Social Row Road in Washington Township and stated that the market study shows there would not be enough demand for market grade apartments on his property. For the record, he made a statement of his intention to build no commercial retail and no market grade apartments. He committed to building quality housing for empty nesters and other senior options. He respectfully requested approval of his application.

Mr. Louis Duchesneau, 921 El Kenna Court, voiced his concern that this zoning would still allow a structure 45' tall across the road from his home which sits at the end of the cul-de-sac on El Kenna Drive. He also said that six units per acre would be three times the original density of R-1c recommended in the *Comprehensive Plan*.

Mr. Cahall gave a general idea of how the parcel might be laid out with single family homes, some attached, to the north and a senior living campus to the south of a central connector road.

Mr. Lynn Rogers, Paragon Road, worked to gather the petitions for the referendum and asked why the City would change the zoning if nine of ten residents he talked to signed the petition to put the issue on the ballot to keep the zoning R-1c. He stated it was not appropriate to say the

parcel was on the Social Row Road corridor because only 25% of the frontage is along Social Row Road and most of the traffic would exit on Paragon Road or Sheehan Road. He requested that Planning Commission deny the request.

Diane Wysong, 664 Legendary Way and a member of the committee soliciting signatures for the referendum, noted that 2500 Centerville signatures had been collected from people who wanted to have a say about what should happen in the Sheehan, Social Row and Paragon area. She asked Planning Commission not to pass the current R-PD rezoning request. She asked about the *Comprehensive Plan*.

Mr. Feverston explained that the *Comprehensive Plan* is another name for *Create the Vision* in which the current area was reviewed as "Study Area I" that gave general guidelines as to how this area, with open acreage in the City and in Washington Township, should be developed. Creating neighborhoods with a mixture of different kinds of housing and good pedestrian interconnections would be within the spirit of *Create the Vision*. He cited Deer Run as a quality example of R-PD zoning with homes at about 4 units per acre. R-PD zoning would provide for the development of the property.

Mrs. Wysong stated that the agreements and expectations of *Create the Vision* should not be disregarded, and residents should be given the opportunity to tell the City what they want through the referendum. She noted last summer's *Washington Township Quarterly* had addressed the matter and stated the importance of respecting *Create the Vision*.

Jack Wysong, 664 Legendary Way, stated that, although the plans go through a vetting process, the Planning Commission and the City Council ignored the comments of citizens. Instead of ignoring the citizens, the City should operate for the citizens.

Walt Spaulding, 171 Hampton Road, said that this development asks for Residential-Planned Development without a plan. He asked the Planning Commission to deny the change.

Scott Colwell, 876 El Kenna Court, said that the recent changes proposed for south of Social Row Road are similar to those being proposed here. He would like to see the vote go to the citizens.

Teresa Hiatt, 10505 Wallingsford Circle, Washington Trace, said that Mr. Durham's concerns were well-founded. What was planned is not what is happening in Washington Township at Washington Trace. Now she has a through street, Ryan Homes, traffic and lights for a sports complex, parking for 150 cars and multi-family residences. The residents have had no say and no input. She stated that Mr. Minch may have good intentions, but there is nothing to keep him from changing his mind with market changes.

Skip Schafer, 1008 Whispering Pines Lane, Washington Township, stated that the ordinance that is the subject of the referendum included a large section of R-PD zoning. He questioned whether an ordinance rezoning this same area entirely to R-PD could override the previous recall. He asked if there had been a ruling. He asked that the matter be tabled until a ruling could be made. He noted that there were no conditions attached to the rezoning.

Mr. Durham stated that the City Attorney told the Planning Commission it could make a recommendation on this application. Ms. Blankenship, who was filling in for Mr. Liberman, concurred.

Janet Irvin, 700 Mackenzie Court, stated that her yard adjoins the property in question, and she urged care before proceeding. She accused the City of maneuvering to get around the referendum and said she remembered a threat by the developer about building something less acceptable.

Mrs. Rau asked whether the developer could still request a zoning change in the future if the referendum should pass. Ms. Blankenship answered in the affirmative.

Mrs. Rau asked if the Planning Commission might want to table the application, but there was no response from other members or the applicant. Mr. Durham repeated that he was strongly against the potential for 400 apartments with no control other than the minimum standards of the UDO. He wanted the border for higher density and greater intensity to be Sheehan Road. He suggested finding another alternative.

Mr. Feverston discussed the possibility of a lifestyle community overlay for the parcel, if it maintained R-1c zoning. He pointed out that the City cannot attach conditions to a rezoning because rezoning establishes certain rights for the property. Good planning regarding a rezoning seeks compatibility with the existing neighborhood and creates good transition from neighboring uses. He discussed differences between the planning process used by Washington Township and by the City.

Mr. Gammell reviewed some of the thinking included in "Study Area I" of *Create the Vision* before stating his agreement that the current zoning request would leave the City too exposed to alternate uses.

MOTION: Mr. Durham made a motion to recommend to the City Council the approval of the request by Mr. Minch to rezone the area R-PD. Mr. Gammell seconded the motion. The motion was denied by a vote of 1-4, with only Mr. Clark voting aye.

Application P-2013-0006: Record Plan for Centerville Mill Plat – Dan Wilson, Applicant, 7991 Clyo Road and 115 Compark Road.

Mr. Feverston presented the background for this request by Mr. Dan Wilson to change the boundaries between the Centerville Mill property at 7991 Clyo Road and Dayton Wire Wheel at 112 Compark Road, so that Centerville Climate Storage would be able to expand its mini-warehouses onto the southeast corner of what is now the Dayton Wire and Wheel property. The area is zoned I-1, light industrial. The record plan includes a cul-de-sac at the end of Compark Road on the Dayton Wire Wheel property and some frontage for the subdivided lot. Adequate frontage for the entire Centerville Mill property is located along Clyo Road. The new record plan accomplishes three things—it realigns the boundaries between the two lots, details the cul-de-sac at the terminus of Compark Road and defines the easements on the parcels.

The Planning Department recommended approval of the application for the rezoning subject to the following ten conditions:

1. Prior to recording of the plat the applicant shall either relocate the private storm sewer from the public right-of-way or enter into a license agreement to allow for this encroachment subject to approval by the City Attorney. All fees associated with the license agreement shall be paid by the applicant.
2. A private easement shall be established and labeled on the record plat for the private storm sewer should it remain in the public right-of-way.
3. Execution of a Subdivider's Agreement is required with the City of Centerville.
4. In lieu of construction of the required improvements prior to the recording of the plat, a performance bond is required. The bond amount is based upon the engineer's estimate, which shall be submitted by the developer for approval by the City Engineer. The estimate is for the construction of the required public improvements including earthwork, storm sewer, pavement, sidewalk, traffic control, and erosion control.
5. A one-year maintenance bond in the amount of 10 percent of the performance bond amount shall be required when the public improvements are complete and the performance bond is released.
6. The applicant shall provide review and inspection fees per Section 1214 of the Centerville Municipal Code in the amount acceptable by the City Engineer.
7. Detailed plan review comments from the Engineering Department shall be incorporated into the construction plans including the final grading and erosion control plans subject to approval by the City Engineer.
8. The applicants report, "Geotechnical Engineering Investigation for a Cul-De-Sac Extension to Compark Road," prepared by CBC Engineers and dated December 20, 2012, shall be incorporated into the engineering design of Compark Road subject to approval by the City Engineer.
9. Detailed plan review comments from the Washington Township Fire Department shall be incorporated into the construction plans including plans for water lines and fire hydrants which shall be subject to the approval of the Washington Township Fire Department.
10. A hard surface roadway capable of providing emergency vehicle access and support at all times for emergency and firefighting purposes shall be provided.

It was noted that Mr. Wilson was present.

MOTION: Mr. Gammell was moved to recommend approval of this record plat to the City Council with the 10 conditions recommended by the Planning Department. Mr. Etson seconded the motion. The motion passed 5-0.

COMMUNICATIONS

Mr. Feverston shared no formal communications. The next regularly scheduled meeting of the Centerville Planning Commission is April 30, 2013, in the Council Chambers at 7:30 p.m.

There being no further business, Mr. Clark adjourned the meeting.



Paul Clark
Chairman of the Centerville Planning Commission