

CENTERVILLE PLANNING COMMISSION
Regular Meeting
Tuesday, May 8, 2012

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

ATTENDANCE

Present: Chairman Paul Clark, Mr. Jim Briggs, Mr. Jim Brunner, Mr. Bill Etson, Mr. Jeff Gammell, and Mrs. JoAnne Rau. Also present: Mr. Steve Feverston, City Planner; Mr. John Sliemers, Assistant City Engineer; Mr. Scott Liberman, Municipal Attorney; Dr. Steven Hinshaw, Finance Director; and Mrs. Julie Weaver, Assistant Clerk of Council.

Absent: Mr. Jim Durham.

EXCUSE ABSENT MEMBERS

Mr. Briggs moved to excuse Mr. Durham who had notified staff that he was going to be absent because of required business travel. Mr. Gammell seconded the motion. The motion passed with six ayes.

APPROVAL OF MINUTES

Since no additions or corrections for the minutes of April 24, 2012 were voiced, Mr. Briggs moved for approval of the minutes of the Planning Commission Meeting of April 24, 2012, as distributed. Mr. Brunner seconded the motion. The motion passed 6-0, with six ayes.

PUBLIC HEARING

Application P-2012-0166 – A Rezoning Application for 96.5 Acres at Sheehan Road and Social Row Road.

Mr. Feverston gave the staff report concerning this city-initiated rezoning of property recently annexed from Washington Township. The City of Centerville is required to assign zoning to annexed land in a timely manner. Washington Township zoning had areas defined as Agriculture and Special Use. Mr. Feverston stated that lands owned by Washington Township are labeled "T" on the Township zoning map, however there is no zoning district "T" in the Washington Township Zoning Resolution. Mr. Ryan Lee, Washington Township Zoning Administrator, recently clarified that the designation "T" means the land is owned by the township. The actual zoning classifications are Agriculture and Special Use; the Special Use district is located in the northeast portion of the annexation. Special Use parcels have no particular standards to govern uses. The Washington Township Zoning Resolution states in the Establishment of Districts Section that property zoned Special Use shall remain as it was approved unless rezoned. The code is silent on undeveloped land or property where no plan is approved. The proposed rezoning to Centerville A, Agriculture, would allow all current land uses

to continue. The Centerville School Transportation Center would be considered legally non-conforming, the same as its current status under the Washington Township Agriculture zoning.

Mr. Feverston located the area on a map, listed current uses, and compared Washington Township's zoning standards with Centerville's slightly more restrictive regulations. In agricultural areas, the biggest difference is that Centerville requires a minimum lot size of 5 acres, while Washington Township requires only 2 acres. Staff recommended approval of the rezoning of the entire area to Centerville A, Agriculture, zoning classification.

Mr. Clark opened the public hearing. Seeing no one who wished to speak, he closed the public hearing.

MOTION: Mr. Brunner moved to recommend to City Council the approval of the rezoning of 96.5 acres of annexed property north of Social Row Road and east of Sheehan Road, to Centerville A, Agriculture, as requested in Application P-2012-0166. Mr. Briggs seconded the motion. In a roll call vote, the motion passed unanimously, 6-0.

OLD BUSINESS

Application P-2012-0163, Walter Minch, Centerville Development Group

When Mr. Clark asked if there was any old business, Mrs. Rau made a motion to reconsider the decision from the Planning Commission meeting of April 24, 2012 concerning the rezoning of 65.9 acres bounded by Paragon Road, Social Row Road and Sheehan Road. Mr. Brunner seconded the motion. In a roll call vote, the motion passed 6-0.

Mr. Feverston explained that, following Planning Commission's failure to recommend approval to the City Council, the applicant offered to revise the rezoning to allay the concerns of the Planning Commission about the potential for retail uses too far north along Paragon Road. In order to inform the public that the Planning Commission would discuss the rezoning again on May 8, the City of Centerville sent notices by letter to residents within 500 feet and to those in attendance on April 24, 2012. Noting that the City Council would have the final vote concerning the rezoning and the development plan, Mr. Feverston described the steps of the process for any development to be approved. The Planning Commission is only a recommending body.

Mr. Feverston showed slides comparing the zoning proposed on April 24 and the updated request. He stated the applicant's willingness to drop the Neighborhood Center Overlay along Paragon Road. The Residential Planned Development District allows the retirement/ nursing center proposed by the developer. The change eliminates the potential for the retail uses that concerned the Planning Commission. Therefore the applicant's amended request is for R-PD with a Neighborhood Residential Overlay for the entire 38.514 acres to the north and O-PD with a Neighborhood Center Overlay for the 25.426 acres to the south. The division between the zones is the location of a future public street that would bisect the property. Mr. Feverston noted the uses that would be permitted with the requested rezoning and the overlays and described form-based development. The current zoning for the entire property is R-1c with a Neighborhood Residential Overlay. Mr. Feverston stated that the motion to recommend approval of the

previous plan was defeated by a vote of 3-4. Staff recommended approval of the amended rezoning application.

Cautioning speakers not to be repetitive in the points made and to speak only to the issue of rezoning, Mr. Clark opened the public hearing.

Mr. Joe Trauth, 1 E. Fourth Street, Cincinnati and a representative of the applicant, said he believed that Mr. Feverston had explained the proposal clearly and requested to reserve the right to speak at a later time.

Mr. Louis Duchesneau, 921 El Kenna Court, asked the Planning Commission not to recommend the rezoning to Council. He voiced concern for the increased density and the effect the rezoning would have on property values. He felt that the parcel was not large enough to allow reasonable setbacks from the 5-story apartment building for the single family homes that are currently in place. He made a presentation with handouts of maps and photos of the Greene.

When Mr. Clark asked about the density of the Highlands and the Links, Mr. Feverston stated that each section of Yankee Trace going south has been of slightly higher density. The Highlands were approved with a density of 4.65 units per acre, but the open areas of the golf course lessen these overall density numbers.

Mr. Duchesneau pointed out that the apartment complex with 204 units would create a density of almost 4 units per acre over the entire property to be rezoned. He predicted a density of 6 units per acre in the northern areas. The traffic study listed a possibility of 561 units once the area is built out.

In response, Mr. Feverston shared a map of the existing zoning for the areas north and south of Social Row Road between Yankee Street and State Route 48, showing the zoning in areas of Washington Township as closely matched to Centerville's zoning as possible. He included the proposed rezoning on the map in order to show that the base zoning of much of the land nearby is similar to that proposed for the Trace. Most of the area is zoned Washington Township Planned Development Residential including Waterbury Woods and a new development to the east. PDR uses are contingent upon a final plan being approved by the Trustees, so more density than 2 units per acre is possible if approved by Washington Township. In general, the zoning in Washington Township has been done in a somewhat piecemeal pattern with a wide range of uses. Office, retail and industrial uses are currently against single family residential areas. In spite of a rural impression, Social Row Road is not a pristine housing corridor. Transitions have slowly taken place.

With regard to traffic, Mr. Feverston stated that improvements would be done in phases to mitigate the effects of increasing traffic as development occurs on the property regardless of the zoning.

Mr. Duchesneau noted a fundamental difference of opinion about the nature of the corridor. He pointed out areas slated to be single-family residential and recounted other current uses. He quoted *Create the Vision* recommendations for Study Area I.

Mr. Cahall pointed out areas east of Sheehan Road where changes are definitely on the horizon. The Centerville Schools have long-range plans for two schools in that corner and Washington Township has let a contract for a waste transfer station on its land at the corner of Sheehan Road and Social Row Road.

Steve Rura, 9755 Sheehan Road, stated his strong preference that the area remain R-1c. He said vehicular traffic had increased in numbers and in speed along Sheehan since the opening of the Kroger store. In his opinion, business belonged at SR 48. With all the blighted areas of retail in the community, he was not in favor of making zoning changes that would affect his residential neighborhood.

Greg Burton, 691 Mackenzie Court, pointed out the purpose and the land use principles from *Create the Vision*. He cited one principle that stated redevelopment was preferred over new development, and another that stated open space to the southern edge of Centerville was to be conserved. He also said that ample retail was available in the area. He listed bank locations and fast food restaurants in Centerville and Washington Township. He recounted empty stores like the former Kroger and many vacant spaces to the west along SR725. He pointed out the difference between wanting and needing new retail space, apartments, or retirement communities. He requested that the current zoning remain.

Terry Hankins, 435 Carrick Drive, Centerville, asked if a new water tower would be needed to cover the height or the density of a five-story apartment complex. He felt that rezoning was a good idea, but without the apartment complex. The apartment complex would generate significant traffic and increase the number of vehicles in addition to the potential for increased traffic with a new school or schools. Not taking increased traffic into consideration would be poor planning. Mr. Hankins also said that it sounded like Centerville had a greater vacancy rate than Dayton with its 13% vacancy.

He also pointed out that apartments would hurt the area in the long run. Since apartments deteriorate faster than upscale housing, after a few years they would be an eyesore amid the high quality homes of Yankee Trace. Mr. Hankins asked for defeat of the rezoning.

Viola Matyos, 9483 Sheehan Road, discussed the increase of accidents on the curve of the road in front of her house.

Lynn Rogers, 10239 Paragon Road, suggested careful consideration of the fact that three roads are planned for access on Paragon Road and only one on Sheehan Road. He said that both office and retail uses could be put in along Paragon Road which currently has only residential uses. The non-residential uses are mainly along Sheehan Road.

Scott Colwell, 876 El Kenna, suggested that people are afraid of change. He asked whether Washington Township and Centerville might revisit *Create the Vision*. He stated that rezoning for the current plan seems like a radical change for the area.

Mr. Clark explained that the Unified Development Ordinance was the result of *Create the Vision* and is an evolving document that does help the City react to the times. He felt that the City of Centerville and Washington Township probably would not revisit *Create The Vision* anytime soon.

Mr. Feverston said that the implementation of the *Create the Vision* plan in this area is mostly in the hands of Washington Township, because most of the land is in its jurisdiction. Transition is often gradual, happening in small pieces as with the conversion of properties along Sheehan Road to non-residential uses, the rezonings along Social Row Road, the building of the church and the construction of the waste transfer station.

Steve Rura, 9755 Sheehan Road, disagreed with Mr. Feverston, saying that the corridor has not changed because the zoning has not changed. He reiterated that traffic is already dangerous on Sheehan Road and stated that parts of Sheehan have sidewalks immediately adjacent to the pavement which is a further safety concern. He asked the Planning Commission to keep development and traffic at Austin Landing and SR 48.

James Frye, a longtime resident of Rose Estates at 9918 Redbarn Trail, is planning to build in Paragon Estates, having purchased the lot in January. He felt the apartments would destroy his property values and was concerned about the surprising change in zoning. He bought his property because the area was quiet and low key. He had known about the bus barn when he bought his property, but this request for rezoning in order to build misplaced apartments came after his decisions were made.

Diane Wysong, 664 Legendary Way, said that when she moved to her present address in 1979 the area was all farms. She asked that Centerville not allow the area to become like SR 725. The south has always been the quiet side of town.

Laura Mauri, 10323 Paragon Road at El Kenna Drive, noted safety concerns; already she cannot let her children play in the yard because of the speed and volume of traffic on Paragon Road. School bus stops on Paragon Road have become increasingly dangerous.

Karen Wolters, 661 Mackenzie Court, also expressed concern for safety. Many students and others who play golf at Yankee Trace regularly cross Paragon Road with carts or on foot.

Skip Schafer, 1008 Whispering Pines Drive, disagreed with the zoning map presented by Mr. Feverston. He stated that the density for the area across Social Row Road has already been approved for a plan that has about 2 units per acre. Mr. Feverston responded that until the homes are actually built the potential exists for up to six units per acre, if that is requested because PDR zoning allows the same kind of density and uses as Centerville R-PD.

Louis Duchesneau told the commissioners that if they granted the zoning, they would lose control of the use of the property. The zoning would stay even if the plan never came to fruition. In response to a request for clarification from Mrs. Rau, Mr. Feverston stated that the base zoning districts with their specific standards stay with the land, while form-based overlays are

invoked with particular development plans. Centerville tries to make base zoning districts make sense for a whole area, rather than for a single property.

Skip Schafer, 1008 Whispering Pines, agreed that there are philosophical differences between the City and Washington Township and stated that he was a member of the *Create the Vision* task force that looked at the open space near Social Row Road as Study Area I. He said trees were to be preserved and there were to be no curb cuts on Social Row Road. He said that demand for retail/office in the area is sluggish. City property on Social Row at Yankee Street that is zoned similarly has been for sale for more than ten years. Additionally, he stated that the development of this parcel will affect how the rest of Social Row Road develops. He questioned the reasons for rezoning to attract something that had no purpose.

Mr. Feverston noted that the City had received two applications from the Centerville Development Group—this pending rezoning application and a preliminary development plan application. The preliminary development plan will be discussed at an upcoming Planning Commission meeting. Approval of a major development is a multi-step process.

Stating the City's concern for the quality of what is built along Social Row Road, Mr. Feverston noted that *Create the Vision* suggested limiting curb cuts for safe ingress and egress, but did not forbid them. He stated that one access point on Social Row Road was not excessive. If the overlay is invoked, certain retail uses can be allowed, but the neighborhood village concept has strict guidelines and protections. He noted that the City of Centerville easily could have sold its property at the southeast corner of Social Row Road and Yankee Street for a gas station or a fast food restaurant, but chose to wait for a buyer that would be less a less intensive commercial use, with less impact on the neighborhood. Currently a daycare is being built on a portion of the site.

Mr. Schafer asked how much acreage was to be zoned O-PD. When Mr. Feverston replied that it was about 25 acres, Mr. Schafer stated that the area would support 250,000 sq. ft. of retail shops, set a precedent to have retail shops all the way to Austin Landing, and adversely affect landowners in the surrounding homes.

Lynn Rogers, pointed out that one of the properties shown as commercial on the map was a dog kennel. He also said that in general rezonings should not adversely affect surrounding property owners.

Jack Wysong, 664 Legendary Way, stated that change along the corridor was not inevitable, but rather, was in the hands of the Planning Commission.

Steve Rura, 9755 Sheehan Road, said that rezoning without a plan is backwards. He stated that the plan for Kroger was known for five years before it was built, but that there was still poor planning because the segmented sidewalks along Sheehan Road near Kroger do not continue to the corner of SR48, creating a situation where his handicapped wife had to cross the busy road to stay on sidewalks.

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

Mrs. Rau asked about studies done by the developer related to the demand for growth and office space in the area. Mr. Joe Trauth, representative of the developers, stated that studies on the demand for office space had not been done. The proposal is for a mixed use plan with the vast majority being residential.

In response to the questions about the need for rezoning, Mr. Trauth noted that no one would look at a development that did not have zoning for his or her desired end uses and stated that there are no tenants lined up for the development at the present time. He said that zoning needs to be in place before interest can be determined. Mrs. Rau summarized that the process is about considering opportunities.

MOTION: Mr. Briggs moved to recommend to the Centerville Council the approval of the requested zoning, per the amended map. Mr. Brunner seconded the motion. Prior to the vote, Mr. Briggs reminded the audience that the Planning Commission members are volunteers interested in the well-being of the City of Centerville, so they look at what is presented and act in what they see as the best interest of the citizenry. Mr. Clark called for a roll call vote. The motion to recommend approval of the rezoning to Council passed 5-1, with Mr. Etson voting nay.

COMMUNICATIONS

The next meeting of the Centerville Planning Commission is scheduled for May 29, 2012, in the Council Chambers of the City of Centerville at 7:30 p.m.

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



Paul Clark, Planning Commission Chair