

CENTERVILLE PLANNING COMMISSION
Regular Meeting
Tuesday, February 22, 2005

Mr. Briggs called the meeting to order at 7:30 P.M.

Attendance: Mr. Jim Briggs; Mr. Joe Weingarten; Mrs. Carolyn Meininger Mr. Jim Brunner; Mr. Jeffrey Gammell. Absent: Mr. Paul Clark, Chairman; Mr. James Durham. Also present: Mr. Ryan Lee, Planner; Mr. Scott Liberman, Legal Counsel; Mr. Doug Spitler, City Engineer.

Motion to Excuse:

MOTION: Mr. Weingarten moved to excuse Mr. Clark and Mr. Durham from the meeting as each gave prior notice to staff. Mr. Gammell seconded the motion. The motion was approved unanimously 5-0.

Approval of minutes:

MOTION: Mr. Weingarten moved to approve the Planning Commission minutes of January 25, 2005, as written. Mr. Brunner seconded the motion. The motion was approved unanimously 5-0.

MOTION: Mr. Weingarten moved to approve the Planning Commission minutes of February 8, 2005, as written. Mr. Brunner seconded the motion. The motion was approved 4-0-1 with Mrs. Meininger abstaining.

PUBLIC HEARINGS

Kyles, LLC - Rezoning from WT-Agricultural to Centerville R-1c

Mr. Lee reviewed the Rezoning application submitted by Greg Dixon for Kyles, LLC, requesting the rezoning of 68.25 acres of land located north of Social Row Road, west of Sheehan Road and east of Paragon Road. The property is currently zoned Washington Township Agriculture and must be rezoned with a Centerville zoning classification in order to develop it in the future. It is currently used as crop land and undeveloped land. The requested zoning classification is R-1c, Single-Family Residential which will compliment the surrounding land uses of agricultural to the south and west; single-family residential to the east; and the Yankee Trace Golf Course and vacant residential land to the north.

The requested zoning of single-family residential for this parcel of land, identified as Study Area "T" in the Centerville Comprehensive Plan, is consistent with the Land Use Plan in that document.

The following points were included in the staff analysis:

1. The proposed rezoning to R-1c is consistent with the city Comprehensive Plan. Development opportunities should take advantage of and incorporate the rural setting that presently exists along the Social Row Road corridor. The city of Centerville can expect

470 housing units by 2007. Move-up families will make up over 50 percent of that market followed by transfers and relocations (20-25%) and empty nester/move-downs (10%). They will demand a variety of housing, including cluster homes, traditional neighborhood housing, single-family homes, golf course housing and patio homes.

2. The general recommendations for Study Area "I" include:
 - A. Create an open space with associated civic uses that can become the central focus of the Social Row Road and Sheehan Road intersection.
 - B. Accommodate both the move-up and move-down residential housing demand on the site.
 - C. Provide efficient, internal site circulation to limit the impact of development on the surrounding street system, particularly Social Row Road.
 - D. Provide protection to existing woodlands.
 - E. Link pedestrian and vehicular access to surrounding land uses for better connectivity.
3. The Comprehensive Plan states that the highest and best use for this site is single-family residential. The single-family housing is a principal permitted use in the proposed R-1c zoning district.

Based on that analysis, staff recommended approval of the rezoning request.

Mr. Briggs opened the public hearing.

Mr. David Marshall, R. D. Zande and Associates, representing the applicant, stated the conceptual plan for the acreage which is the subject of the rezoning incorporates the items in Create The vision, preservation of open space buffering surrounding the entire area of open space to provide interconnectivity between the hiker/biker trails and Paragon, Sheehan and Social Row Roads, and providing access points from Paragon and Sheehan Roads only. After the zoning is in place, they will return with a plan for a residential cluster development to create open space for a walkable community.

Mr. Weingarten stated that Paragon Road is rather narrow. He asked if a traffic analysis had been done to determine what will be dumped onto Paragon Road which in turn will dump onto Social Row Road and back up to Yankee Street.

Mr. Marshall stated with the traffic study that was done by the developers of Divided Ridge along Sheehan Road, a traffic signal was proposed at Paragon Road and Social Row Road. The road improvements will have to be coordinated with the City, Township and County since all those jurisdictions abut each other. He stated they have discussed putting money in escrow for

the improvements they will be responsible for as a part of this development so a coordinated improvement project can be done to address the overall traffic situation. The immediate improvements at the intersections to the proposed project will be constructed as a part of the development.

Mr. Weingarten stated the township has estimated an additional 600 to 1000 homes will be constructed just south of Social Row Road. With this project of approximately another 140 homes, this will put a lot of traffic being dumped on the existing roadway system.

Mr. Lee reminded the members the issue before the Planning Commission is strictly the rezoning of the property and not the development plan.

Mr. Briggs stated they were aware of that, however, Mr. Weingarten had raised some valid issues and concerns.

Mr. Marshall stated he understood the traffic concerns and there is a corridor study and master improvement plan for Social Row Road being undertaken by Montgomery County and the Miami Valley Regional Planning Commission (MVRPC) to widen Social Row Road from SR 741 and SR 48. He stated that even though approximately 140 homes will be proposed, they will not be instantaneous. The build out is anticipated over a three (3) year period so the increase in traffic will be over time. This will allow the City, Township and County to coordinate their improvement efforts.

Mr. Tom Yearms, 325 Yankee Trace Drive, asked the price range of the proposed homes for this development.

Mr. Briggs stated it was premature for what the Planning Commission was considering at this time, however, he asked staff for any comment.

Mr. Yearms stated it was not a premature question because if low-income slum housing was going to go there, he would object to it.

Mr. Marshall stated at this specific point, they are only requesting a R-1c zoning classification. The price range is difficult to estimate at this time as the cost of the improvements required as a part of the overall development has not been determined. He anticipated the range would start at \$250,000 and up.

Mrs. Meininger asked if the Planning Commission was only to address the issue of rezoning at this time since a completely different development concept could be submitted after the zoning would be in place.

Mr. Lee stated that was correct. He stated the conceptual plan is what the developer is considering, however, the rezoning stands alone and cannot be attached to a specific concept plan.

Mr. Bruce Ervin, 1121 Kenworthy Place, stated his concern was the traffic flow. There is a large traffic volume that exits Yankee Trace to Paragon Road as a result of traffic congestion on Yankee Street. He stated until the roads are improved, they do not need any additional traffic using the existing roadway system.

Ms. Shirley Osswald, 10289 Paragon Road, stated that Paragon Road has never been paved correctly. It is a very dangerous roadway with its drastic drop off areas on each side of the pavement. She stated the township officials told her Paragon Road would be widened to three (3) lanes by the year 2007, but that is not soon enough. She stated she did not oppose the rezoning to single-family residential, but was concerned with an increase in traffic on Paragon Road without any major road improvements.

Mr. Marshall stated with the approval of the City, it would be best to place money in escrow and the improvement project to Paragon Road be done at one (1) time to be more comprehensive.

There being no other speakers, Mr. Briggs closed the public hearing.

Mr. Gammell stated he felt the cart was being put before the horse by not having the infrastructure in place prior to development of the single-family residential project in order to handle the traffic.

Mr. Weingarten stated in looking at it from a different prospective, the members have pretty much broadcast to the developer what will fly with a detailed plan and what will not fly. He stated the members are simply looking at the rezoning of the land and not the development details of the land. Loud and clear, he felt the developer had received the members message that if the plan does not have an adequate solution to the traffic problem, the members would be rather harsh on him. He stated he felt the money should be placed in escrow, but used to help address the solution to the traffic problems.

Mr. Briggs reminded the members the only question is should the property be rezoned from Washington Township-Agriculture to Centerville R-1c, Single-Family Residential.

Mrs. Meininger asked that given the concerns of the traffic situation, should that issue be research first by the City Engineer.

Mr. Weingarten stated that the issue of rezoning will only amount to raw land. At the time of development plan review, then the details of traffic can be reviewed. Also, it that time, the City can have a better idea of what development will occur in the Township on the Mead property.

Mrs. Meininger stated the developer may come back in with a plan that meets all the requirements of the R-1c zoning classification.

Mr. Weingarten stated the City can still raise the safety question and raise the concerns of Paragon Road even if they meet all the requirements.

Mr. Marshall stated the City will have the leverage at the time of site plan review to determine the improvements that will be required of the developer and whether they should be done in conjunction with their project or if the monies should be secured for a larger project to be undertaken by the City. The only thing they are requesting at this time is the rezoning. After that is in place, Mr. Marshall stated they will come back with a site plan to determine the development issues.

Mr. Gammell asked if at the time of site plan review, can the safety issues be addressed.

Mr. Liberman stated that conditions can be placed on the approval to include specific requirements involving traffic and safety issues.

MOTION: Mr. Weingarten moved to recommend approval of Application #Z-05-06 submitted by Kyles, LLC, requesting the rezoning of 68.345 acres of land from Washington Township Agriculture to Centerville R-1c, Single-Family Residential to Council. Mr. Brunner seconded the motion was approved unanimously 5-0.

UNFINISHED BUSINESS

Lakewood at the Commons - Minor Amendment

Mr. Gammell recused himself as a member of the Planning Commission at this time, but remained in the audience to have opportunity to speak on this issue.

Mr. Lee stated this Minor Amendment for Lakewood at the Commons is seeking elimination of the gate at Little Yankee Run and Yankee Trace Drive. The original plan for the project showed a private drive extending toward, but not connected to Yankee Trace Drive. For fire and emergency purposes, the City required the private drive be connected. The owners, at that time, did not want the connection so a compromise was reached to connect the private drive and a emergency gate be installed. The plan was revised to show the connection and the gate.

Since that time, the Lakewood at the Commons project has a new owner and that new owner does not want the gate. The City does not want the gate either, however, they agreed to it as part of the compromise.

It is the opinion of the City Attorney that since the owner does not want the gate, the City cannot obligate the owner to have the gate. Since the gate appears on the original approved Special Approval plan, the Planning Commission does have to take action to remove the gate requirement.

Mr. Lee stated he and City Engineer Doug Spitler had the opportunity to view the site and have determined there is adequate sight distance at the location of the intersection.

It was, therefore, the recommendation of staff that the gate be eliminated from the plan.

Mr. Jeff Gammell, 9448 Lantern Way, stated at certain times of the day the safety risk of allowing elimination of the gate would be minimal, however, at rush hour it becomes extremely busy along Yankee Trace Drive. The purpose of the narrow streets in the subdivision is to slow traffic down, but that is not the case. When trying to access Yankee Street from Yankee Trace Drive in the morning, it is extremely difficult to do so. The option of the Yankee Trace residents is to exit out Paragon Road which at the time of construction, the volume of traffic on Yankee Trace Drive as well as trying to blend into the traffic flow on Yankee Street may not have been anticipated. Mr. Gammell stated that two lots to the east of the proposed intersection was not permitted to have a driveway onto Yankee Trace Drive because there was too much traffic. He stated before he purchased his lot, he was informed by City Manager Greg Horn that there were not a lot of children in that portion of the subdivision, and ironically, there are numerous kids in that portion of the neighborhood. Due to the increase in traffic flow back to Paragon Road, there is a traffic safety concern because the people on Little Yankee Run will not be able to get out to Yankee Street and will, in turn, go out to Paragon Road through Yankee Trace.

Mr. Bruce Ervin, 1121 Kenworthy Place, asked if the decision to eliminate the gate is that of the Planning Commission.

Mr. Liberman stated it is the decision of the Planning Commission since the Special Approval application was approved by them.

Mrs. Meininger stated if the Planning Commission does not approve the Minor Amendment and the developer refuses to install the gate, the City has no leverage because we cannot require it.

Mr. Ervin asked if the gate is not installed, will the intersection be an open access.

Mr. Liberman stated if a gate is not installed, the intersection would be a full movement intersection, however, cut through traffic from Yankee Trace Drive would be prohibited since Little Yankee Run is a private street.

Mr. Ervin stated that is a concern because he did not understand how Create The Vision would allow anything like this to take place. That property has been rezoned already once from a retirement community to single-family residential and the road, in question, was put in after the fact as an emergency access which would be gated. The main reason Mr. Ervin opposed the issue was because of public safety when young children and families are crossing through that area all the time. Traffic flies through those curves on Yankee Trace Drive which creates a hazard. That road was never designed to be a full access drive and it will be used as a cut through because of the traffic flow problems that already exist. This is a blind curve and it is not as open as the pictures indicate. The mounds in the area create restricted vision as well. A school bus stop is located 75 feet from that area. He stated that people are already cutting through to Paragon Road instead of taking Yankee Street which is creating a hazard. If some of the public safety issues are not enough for the Planning Commission to deny access, then a serious traffic study needs to be done of that road to make sure it will meet all safety requirements before any kind of approval is considered. Mr. Ervin stated opening up this drive could be a huge liability to the City.

Mrs. Katie Gammell, 9448 Lantern Way, stated you have people trying to cross Yankee Trace Drive to utilize the hiker/biker trails, you have 4 to 5 bus stops at Kenworthy Place and Yankee Trace Drive, and when the buses stop, you have cars backed up both ways. This will back up cars past the proposed intersection and will become a problem. She stated if she lived in Lakewood Commons, she would not want to road opened up to have traffic cut through from Yankee Trace Drive.

Mr. Greg Smith, Oberer Companies, stated the Washington Township Fire Department has a difficult time accepting any kind of obstruction at the intersection. Various applications were suggested for a gating system including flexible poles, an emergency access road with pavers underneath the grass, etc. He stated that the City's Fire Department, Police Department, and staff feels it would be better served to have the intersection open. He stated that cut through traffic from Yankee Trace Drive should not be an issue because it is a more direct route to Yankee Street from Yankee Trace Drive. He stated he did not object to a traffic study to be done by the City, but would object to the expense of a comprehensive traffic study since it is not required of other developers wanting to provide access from a private street to a public street.

Mr. Tom Yearms, 325 Yankee Trace Drive, stated he lives on a curve and has observed cars cutting the curves short. The number of children that exit the bus at Kenworthy Place is like a grade school. In the summertime, when the landscapers are working there, and because Centerville does not care if you park on both sides of the street, the bus has to stop because it cannot get through until oncoming traffic has cleared. If the lot along Yankee Trace Drive was not permitted to have its driveway at that location because it is too dangerous and over traveled, how can the City turn around and allow a private drive access when it was previously approved with a gate. Mr. Yearms asked just because a new owner of the property does not want to install the gate, how can it be allowed. He stated their development probably pays the majority of the taxes in Centerville. This past winter, they had one (1) lane traffic during the snow. He asked how is the emergency traffic suppose to get in and out then. He stated the most important issue is that of the kids. He stated if he had young kids, he would be in an uproar over it.

Mr. Weingarten stated his concern is the cut through traffic to Paragon Road since it is difficult to get to Yankee Street in the morning and will be increased by those Lakewood Commons residents using it.

Mr. Yearms stated that on two occasions he has called the Police Department to report parking occurring on both sides of Yankee Trace Drive creating a dangerous situation. In the first case, the officer found the owner of one vehicle and had him move it. In the second case, the officer stated that parking is not prohibited on both sides of the street. Mr. Yearms stated a portion of Yankee Trace Drive is a raceway and constructing a private drive to access the roadway will only compound the problem. He stated the Lakewood Commons residents will be permitted to access to Yankee Trace Drive, but the Yankee Trace residents will not be permitted to access Little Yankee Run. Further, Mr. Yearms asked when the meeting notification was sent out because he did not receive one.

Staff explained Planning Commission directed them to notice any citizen that spoke of the gate issue at the May, 2004, meeting, as well as adjacent property owners. Those persons were notified as well as additional property owners in the immediate area.

Mrs. Diane Colaizzi, 6980 Yankee Street and owner of Lot 269 on Lantern Way in Yankee Trace, stated their lot requires access on Lantern Way which is costing them \$15,000 more for the extensive length of the driveway since access was denied to Yankee Trace Drive. This decision was that of the City or the Yankee Trace Development Community because of the bad curve which would be a driving hazard. She stated now the City is saying it is okay to put in an access directly across from where they wanted to put their driveway on Yankee Trace Drive and headlights will come into their lot. She stated she knows several people building homes in Lakewood Commons that intend to access Yankee Trace Drive out to Paragon Road. She stated she did not understand why the Fire Department would want an emergency access into the neighborhood through Yankee Trace. She stated fire equipment will be coming through their neighborhood and felt access to Lakewood Commons should be from another location such as Spring Valley Road.

Mr. Weingarten stated when Lakewood Commons was originally established, it was to be an over 55 years of age community. There was one (1) access to that community from Yankee Street. The Fire Department said if the entrance was blocked, they would need a secondary emergency entrance.

Mrs. Colaizzi stated if that is the case, it should remain an emergency access only.

Mr. Steve Quarin, 1122 Kenworthy Place, stated because of the narrow roads, as many as 25 children have to walk to the Kenworthy Place and Yankee Trace Drive intersection to board the bus. Most of the residents traveling on Yankee Trace Drive are not obeying the speed limit which is an issue. The increase in traffic volume will create a safety issue for the children in that area. Once a developer commits to a vision statement, they should not be permitted to be rewarded in changing that plan. He stated with 40 new homes in Phase 2 of Lakewood Commons, that will increase the traffic to 60 additional vehicles on Yankee Trace Drive because they will access that way rather than Yankee Street.

Mr. Thomas Giles, 316 Yankee Trace Drive, stated he felt the pictures of the area presented by staff did not reflect the actual traffic situation of the area. He stated the traffic speeds through the area and he has actually been passed when he slows at the curve to turn into his driveway. He stated this is being called a Minor Amendment to the plan, but it is anything but minor. Mr. Giles stated he felt there has been a deal stricken concerning this request. He stated he was quite concerned with the public safety issue for all residents in that area.

Mr. Quarin stated if they would have had the opportunity of more than five (5) days notice, they could have filled the whole room with residents making comments that would amplify those made this evening.

Mr. Gammell stated he respected Mr. Liberman's legal opinion, however, he felt this issue was different than putting a gate on a driveway. This is an issue of public safety and is in the scope of responsibilities of the Planning Commission to maintain a safe community.

Mr. Weingarten stated he was surprised that the one (1) issue concerning their children was that of summertime. For many of them, they have to cross the street back and forth to go to the swimming pool and tennis courts. Also, on weekends, both sides of the street have cars parked

on it because the parking is inadequate at the swimming pool facility. Opening up the access at Lakewood Commons will not only create a traffic problem significantly during rush hour, but also when the community building is being used. Mr. Weingarten stated what he had really a big problem with was the Planning Commission has twice said, once at the conception of Yankee Trace and recently, is the gate is necessary. He stated he did not understand why the gate was such a big problem to do because in Florida each community that is gated has a simple little device on it that is a listening device that if emergency equipment approaches, the "yelp" of the equipment allows the gate to open. He stated that he felt it is not a problem, but simply they were trying to make it a problem so the gate would go away. The other remedy is that if the developer does not install the gate, the City should immediately put a one-way sign going into Lakewood Commons so no one can egress from that development.

Mrs. Meininger stated her memory was a little different about the gate. She stated she respected all of the opinions that she heard, although if she remembered correctly, the meeting when Phase 2 was approved, the developer wanted the gate, it was private property and the City could not deny the gate. She stated she did not remember the gate being necessitated by the Planning Commission, but remembered it as the developer wanting it and the City had no jurisdiction on private property and, therefore, they had to approve the gate.

When asked, Mr. Liberman stated it was correct the original developer did not want the connection to Yankee Trace Drive, however, the Fire Department insisted on one. At that point, the developer agreed to connect the street and install a gate system.

Mr. Weingarten stated this issue goes back to the beginning of Yankee Trace when the gate was first put in because Lakewood Commons was a totally different community and to prevent a cross flow between them and Yankee Trace, and also because of the location of the access point because that access was originally to go onto the circle. The developer did not want the secondary access to Lakewood Commons on the circle and the developer of Yankee Trace did not want access into Lakewood Commons from Yankee Trace Drive. That is when the creation of the gate occurred at the beginning of Yankee Trace.

Mrs. Meininger stated the residents have valid points about the public safety issues, but she felt the Planning Commission has no control to require a gate. The gate was approved by the Planning Commission because they did not have the right to say no. She stated she felt the Minor Amendment should be approved and the public safety issue be addressed by the City Engineer.

Mr. Briggs asked if the City had the authority to make the street one-way since it is a private street.

Mr. Liberman stated he did not think so, but he would have to research it.

Mr. Briggs stated the Planning Commission has very little authority concerning this issues. The primary responsibility of the Planning Commission to review issues to be certain they comply with the City Ordinances, and to make fundamental changes is a function of the Council.

Mr. Weingarten stated there are many instances the Planning Commission places conditions on an approval such as putting a park in a subdivision, when perhaps, they do not have to put a park in there.

Mr. Briggs stated that whether the Planning Commission approved or denies the Minor Amendment, it will cannot require a gate.

Mr. Liberman reiterated that the gate is shown on the Special Approval application and must be removed..

MOTION: Mrs. Meininger moved to approve the Minor Amendment submitted by Oberer Companies for Lakewood at the Commons to eliminate the gate between Yankee Trace Drive and Little Yankee Run. Mr. Briggs seconded the motion. The motion was denied 1-2-1 with Mr. Weingarten and Brunner voting no, and Mr. Briggs abstaining.

NEW BUSINESS

Starbucks - Minor Amendment

Mr. Gammell returned to the meeting as a member of Planning Commission at this time.

Mr. Lee reviewed the Minor Amendment request submitted by Starbucks to be located in the former Fifth Third Bank at 1003 South Main Street. The zoning on this property is Business Planning Development, B-PD. Specifically, the request is to make minor changes to the exterior elevations and parking lot.

The existing three-lane drive-thru is to be shortened to a one-lane drive-thru aisle. The existing window in that location will be removed and replaced with a smaller variety being more suitable for their purposes. Also, an exit door will be removed in the area of the drive-thru. An outdoor seating area is proposed to be located on the south elevation which will have a metal railing enclosure to separate the area from the adjacent parking area. The screening wall located off the north elevation is to be replaced with a larger screening wall that will replicate the materials and look of the principle building. The existing window on the north elevation will be replaced with an access door. That window will be relocated to the south elevation to further balance that elevation which currently has only one (1) window. The two (2) windows located on the northern portion of the east facade are proposed to be internally covered with black-out film.

A dumpster enclosure will be constructed within the existing landscape island located on the western property line. This enclosure is to be incorporated into the existing landscape island with a raised curb to match the existing curb that currently exists around the perimeter of the island. Additional landscaping will be installed throughout the property.

The Planning Department recommended approval of the Minor Amendment request subject to the following conditions:

1. The metal railing to enclose the proposed outdoor seating area shall be subject to approval by the City Planning Department.

2. Final grading and stormwater drainage plans shall be subject to approval by the city Engineering Department.
3. The proposed dumpster enclosure shall be screened with a masonry wall to match the architecture of the building subject to approval by the City Planning Department.
4. The exterior light fixtures shall be subject to approval by the City Planning Department.
5. A final landscaping plan shall be approved by the City Planning Department.
6. No sign shall be approved as a part of this application.

Mr. Briggs asked if the existing building had a base to comply with the design standards.

Mr. Lee stated the building did have a base.

Mr. Weingarten stated he drove past the building and it appears to meet all of the architectural requirements. He asked if the two (2) windows being blocked out would leave the windows themselves in place.

Mr. Lee stated the windows will remain, but will be blocked out with a black film material to screen the dumpster area from within the building.

MOTION: Mr. Weingarten moved to approve the Minor Amendment requested by Starbucks to be located 1003 South Main Street, subject to the following conditions:

1. The metal railing to enclose the proposed outdoor seating area shall be subject to approval by the City Planning Department.
2. Final grading and stormwater drainage plans shall be subject to approval by the city Engineering Department.
3. The proposed dumpster enclosure shall be screened with a masonry wall to match the architecture of the building subject to approval by the City Planning Department.
4. The exterior light fixtures shall be subject to approval by the City Planning Department.
5. A final landscaping plan shall be approved by the City Planning Department.
6. No sign shall be approved as a part of this application.

Mr. Brunner seconded the motion. The motion was approved unanimously 5-0.

COMMUNICATIONS

Mr. Lee introduced Mr. Doug Spitler, the new City Engineer, to the members of Planning Commission.

Mr. Lee stated Appeals had been filed by Primrose Day Care and The Tile Shop which will be heard by Council at their regular meeting in March.

Staff is continuing to review the parking requirements for day care facilities and will have a document for the Planning Commission's review in the near future.

There being no further business, the meeting was adjourned.

A handwritten signature in cursive script that reads "Paul Clark". The signature is written in dark ink and is positioned on the right side of the page, below the main body of text.