

**CENTERVILLE PLANNING COMMISSION**  
**Regular Meeting**  
**Tuesday, May 11, 2004**

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

Attendance: Mr. Paul Clark, Chairman; Mr. James Durham; Mr. Jim Brunner; Mr. Jim Briggs; Mrs. Carolyn Meininger. Absent: Mr. Joe Weingarten. There is currently one (1) vacancy on the Planning Commission. Also present: Mr. Steve Feverston, City Planner; Mr. Robert N. Farquhar, City Attorney; Mr. Norbert Hoffman, City Engineer; Mr. Greg Horn, City Manager (where noted).

Motion to Excuse:

MOTION: Mr. Briggs moved to excuse Mr. Weingarten from the meeting as he gave notice to Mr. Clark of his absence. Mrs. Meininger seconded the motion. The motion was approved unanimously 5-0.

COMMUNICATIONS

Beef O'Brady's - Review of Proposed Awning Structure

Mr. Feverston reviewed the request from Mr. Bill DeFries, franchise owner of Beef O'Brady's Sports Bar & Grill, to be located at 953 South Main Street in Centerville Place Shopping Center. As a condition of approval for the last phase of the development, the design of the awning was to be reviewed and approved by the Planning Commission.

The proposed awning is dark green with white stripes which is the typical design pattern within the shopping center. This awning will extend out to accommodate outdoor seating at the front of the center, but will maintain a walkway area between a wrought iron fence to be installed and the curb for pedestrian traffic.

Staff recommended approval of the request as this outdoor feature will provide a focus to the northern corner which is a key entrance into the shopping center.

Mr. DeFries, 530 Stolle Drive, provided samples of the awning material for review by the members. He stated there will be separate areas to provide an outdoor seating and a waiting area on each side of the front entrance. Landscaping will be installed in front of the fence to provide a green space while making it architecturally consistent with the center.

MOTION: Mr. Briggs moved to endorse and approve the design of the awning, fencing and landscaping for Beef O'Brady's Sports Bar & Grill as requested. Mr. Brunner seconded the motion. The motion was approved unanimously 5-0.

NEW BUSINESS

Yankee Trace, Sec. 25-B - Record Plan (Replat)

Mr. Feverston reviewed the Record Plan for Yankee Trace, Sec. 25-B, located on the Kenworthy Place cul-de-sac situated in the northeastern area of the Yankee Trace neighborhood. The zoning on the 1.528 acre parcels, Lots 605 and 606, is R-1c, Single-Family Residential. The request is to replat those lots in the Yankee Trace, Sec. 25, subdivision, for the purpose of relocating a stormwater drainage easement. Lot 606 is developed having a house on the lot.

Mr. Horn arrived at this time.

Mr. Feverston stated shifting the stormwater easement to the east will allow a deeper building pad on lot 605.

Staff recommended approval of the Record Plan as requested.

Mr. Gary Menchoffer stated the replat is necessary to enable the construction of a house print the lot owner has selected. With the current lot configuration, the building pad would overlap the drainage easement. This realignment would allow the proposed house to be situated without any encroachment into the easement.

Mr. Dan Dittman, owner of Lot 605, stated the size house they plan to construct on lot would be impossible to build if the replat does not occur. He stated the ranch style house will cost approximately \$700,000 and the landscaping will improve the neighborhood in what is now a vacant lot.

Mrs. Meininger asked if this proposal will create any drainage problems.

Mr. Hoffman stated no negative problems should occur as a result of this replat.

MOTION: Mrs. Meininger moved to recommend approval of the Replat for Yankee Trace, Sec. 25-B, for Lots 605 and 606 for the purpose of relocating the stormwater drainage. Mr. Briggs seconded the motion. The motion was approved unanimously 5-0.

Yankee Trace, Parcel 31 (The Links at Yankee Trace ) - Planning Commission Special Approval ( Revised)

Mr. Feverston reviewed the Special Approval application to amend the Residential Cluster Development Plan submitted for Yankee Trace, Parcel 31, The Links at Yankee Trace, located east of Paragon Road and west of Shawnee Trail. The zoning on the property is R-1c, Single-Family Residential. The request is to decrease the total number of units from 108 units to 103 units. The density will remain at 2.5 dwelling units per acre as originally approved by the City.

The changes to the plan include the replacement of two of the triplex units on the north side of Legendary Way with two (2) duplex units and the elimination of a duplex unit on the south side. This amendment is an attempt to create more spacing between the units within the project. In Phase 2, one (1) duplex unit has been eliminated. The location of building #19 creates a sight distance problem on the curve area along Legendary Way. Staff is recommending that building be shifted back from the curve area.

At the time the original application was reviewed and approved by Planning Commission, a condition was placed on the approval requiring a side entry garage to be located on each unit within the project. That requirement was reviewed by City Council. The Council modified that condition requiring at least one (1) side entry garage on all but four (4) buildings. The applicant is requesting this number to be increased to seven (7) buildings. Such an amendment to the plan would require the specific approval of City Council.

Staff recommended approval of the Residential Cluster Development Plan subject to the following conditions:

1. All conditions of the Residential Cluster Development Plan approved by the City Council at their regular meeting on November 18, 2002, shall apply to this revised plan as stated on the attached letter of approval.
2. City Council approved a maximum of four (4) buildings to be constructed without side entry garages. Any increase in this number must be approved by the City Council.
3. Building 19 shall be shifted away from Legendary Way to maintain vehicular sight distance around the street curve subject to approval by the City Engineer.

Mr. Gary Menchoffer, representing Great Traditions, stated the request is to accommodate the change in the most requested models in the project.

Mr. Don Dunnington, 880 Vintage Lake Court and home builder in The Links, stated in order to better accommodate the side entry garage, more space between buildings is necessary. Also the most popular model in the project has a front entry garage and is slightly larger in size which requires more separation.

Mrs. Meininger asked with the approval of this amendment, would the setback for Building 19 be automatically approved.

Mr. Feverston stated this particular building has golf frontage and normally requires a forty (40) foot building setback. The applicant is requesting a thirty (30) foot rear yard setback to the #7 tee. The City has approved reduced setbacks where golf is not impacted.

MOTION: Mr. Briggs moved to approve the Planning Commission Special Approval application amendment to the Residential Cluster Development subject to the following conditions:

1. All conditions of the Residential Cluster Development Plan approved by the City Council at their regular meeting on November 18, 2002, shall apply to this revised plan as stated on the attached letter of approval.
2. City Council approved a maximum of four (4) buildings to be constructed without side entry garages. Any increase in this number must be approved by the City Council.
3. Building 19 shall be shifted away from Legendary Way to maintain vehicular sight distance around the street curve subject to approval by the City Engineer.

Mrs. Meininger seconded the motion. The motion was approved unanimously 5-0.

The Links at Yankee Trace, Sec. 1-A - Replat

Mr. Feverston reviewed the Replat for The Links at Yankee Trace, Sec. 1-A, located on Legendary Way east of Paragon Road. The twenty-one lots on the 3.311 acre parcel is zoned R-1c, Single-Family Residential, as a Residential Lifestyle Community approved by City Council.

This replat is necessary due to the change in the Residential Cluster Development Plan approved by the Planning Commission immediately prior to the review of this application.

Staff recommended approval of the Record Plan Replat subject to the following condition:

1. All lots containing end units shall have a minimum side yard setback of three (3) feet.

MOTION: Mrs. Meininger moved to recommend approval of the Record Plan Replat for Yankee Trace, Parcel 31, Sec. 1, to Council subject to the following conditions:

1. All lots containing end units shall have a minimum side yard setback of three (3) feet.

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

The Woodlands at Yankee Trace, Sec. 1 (Parcel 29) - Record Plan

Mr. Feverston reviewed the Record Plan for The Woodlands at Yankee Trace, Sec. 1 (Parcel 29) located west of Yankee Trace Drive and south of Club View Drive. The zoning on the 5.372 acre parcel is R-1c, Single-Family Residential. Ten (10) single-family lots are proposed for a plat density of 1.86 dwelling units per acre. This parcel of land is surrounded by golf on three (3) sides—south of Hole #9, Vintage Course Hole #2 to the west, and Hole #3 to the east as well as a wooded buffer to the south where the maintenance building is located.

Parcel 29, as well as Parcels 26, 27, 28, 30 and 31, of the Yankee Trace development was approved as part of the Residential Cluster Development Plan by the Planning Commission in 2001. City Council approved an amended master plan to create this additional acreage to allow Yankee Trace Drive to shift further to the east from its original alignment that would have divided Parcel 29 with the 50 foot right-of-way for the roadway. The amended master plan was approved with 14 lots to be constructed with courtyard style houses on the single cul-de-sac street (Gardenwood Place).

The Record Plan submitted for review at this time has decreased the number of single-family lots for a total of 10 lots. This allows additional buffering area from the golf maintenance building located to the south of this section. What is proposed is four (4) single-family lots on the north side of the cul-de-sac, two (2) single-family lots on the west side, and four (4) single-family lots on the east side of this development.

An issue that has surfaced as part of this development is wetlands. Wetlands are governed by Federal and/or State agencies. City Council in their development agreement with Great Traditions required that it be demonstrated all wetland issues are satisfied and all necessary permits are issued for this parcel before it is sold for development.

Staff recommended approval of the Record Plan subject to the following conditions:

1. Prior to conveyance of the lands for this plat, all issues regarding wetlands that exist on this parcel must be resolved by the Developer to the satisfaction of the Centerville City Council in accordance with Section 7.19, Due Diligence, of the Agreement between the City of Centerville and Great Traditions Development Group, Inc.
2. The record plat shall delineate the location of all designated wetlands with appropriate language to preserve these areas to the intent of the wetland preservation requirements subject to approval by the City Attorney.
3. Prior to construction, all wooded areas that are maintained as part of this plat, including those within wetland areas, required building setbacks and reserve areas, shall be delineated with a plastic fencing subject to approval by the City Planning Department.

4. All setback lines and easements shall be dimensioned and labeled on the Record Plan subject to approval by the City Planning Department.
5. Lots 7 through 10 shall be modified to provide a minimum rear yard building setback of either 40 feet or outside of the designated wetlands boundary whichever is greater subject to approval by the City.
6. Reserve Areas "CC", "DD", "EE" and "GG" shall be deeded to the City for Golf Course purposes and labeled on the record plan for this purpose.
7. An easement shall be recorded with the record plat that grants the City access through the rear yard of Lots 1 through 4 for maintenance and emergency service of the lake subject to approval by the City Attorney.
8. Protective covenant(s) shall be placed on the record plat, subject to approval by the City Attorney, that state the following:
  - A. the lake was constructed by the City of Centerville for the purpose of golf course irrigation;
  - B. the lake shall be used solely and exclusively by the City of Centerville;
  - C. the water level may from time to time be low as a result of irrigation; and
  - D. these covenants(s) shall not be changed, altered or deleted without the approval by the City of Centerville.
9. Trees located within the required setbacks of Lots 1 through 4 shall be preserved to the greatest extent practical in accordance with the Yankee Trace Design Review Guidelines subject to approval by the City Planning Department.
10. The golf cart crossing of Gardenwood Place shall be constructed with brick pavers and in the same manner as other cart crossings in Yankee Trace subject to approval by the City Engineering Department.
11. Gas street lights shall be installed along Gardenwood Place subject to approval by the City Engineering Department.
12. The final grading and stormwater drainage plan shall be subject to approval by the City Engineering Department that includes provisions for rear yard drainage to mitigate impact to the golf course and protection of the wetland areas.
13. The final construction drawings shall show all utility easements for this plat.
14. In lieu of completion of the required improvements prior to the recording of the plat, a performance bond in an amount acceptable to the City Engineer shall be posted by the developer with the City of Centerville and a subdivider's agreement entered into with the City by the developer.

Mr. Jim Sullivan, Great Traditions, stated they have an understanding of the concern development of this parcel has created and have voluntarily reduced the number of approved lots from 14 to 10 lots in order to save as many trees as possible. There are a number of constraints on this parcel such as a gas main easement and overhead power line easement. With the reduction of lots, the impact to the wetland areas by less than one tenth (1/10) of one (1) acre. From an overall development standpoint, Mr. Sullivan stated density approved on the master plan has been reduced by 26% (70 lots) on Parcels 26, 27, 28, 29 and 30.

Mr. Jim Kiefer, Great Traditions, asked for clarification of condition #5, stating an original condition of approval by Planning Commission was for a setback of 30 feet and he requested that condition not be changed to 40 feet on Lots 9 and 10.

Mr. Briggs asked why there is a change in the staff recommendation to increase the setback to 40 feet.

Mr. Feverston stated a 40 foot setback would result in the preservation of more trees and although it would reduce the building pad slightly, that slight reduction would not substantially impact the types of houses that could be constructed on those lots.

Mrs. Judith Wolfe, 1104 Club View Drive, stated the plan submitted for review is not a true representation of the thickness of the wooded area. She stated the area in question for development has standing water on it much of the time and is concerned the construction will only increase the drainage problem. Ms. Wolfe stated that when she contacted Great Traditions for sales information, she was given a map that did not indicate there would be any development to the south of her lot. There is also a display in the Yankee Trace clubhouse that shows the area in question to be a nature preserve. She asked if additional lots were approved for the Yankee Trace development, why were the brochures and display not updated. She stated she felt very misled by the lack of information and looked to recover damages if this plan is approved for development.

Mr. Lee Falke, 1181 Yankee Trace Drive and the attorney for the residents opposed to the proposal, asked if a condition is placed on the approval that specific trees will not be approved by the developer, would that condition also apply ultimately to the owner of those lots affected.

Mr. Feverston stated through the Yankee Trace Design Guidelines, any trees over three (3) inches caliper must be specifically approved for removal by the Design Review Committee at Yankee Trace. At some point in time, the design review will be taken over by the Homeowner's Association Committee and it will their responsibility to maintain the trees preserved as part of the development.

Mr. Falke stated the intent may be to preserve certain trees, however, they could later be removed by the individual property owner. He stated in speaking with City Council previous to this meeting, it was indicated the contract between the City and Great

Traditions required the City to sell this parcel to Great Traditions for development. In reviewing that contract, Mr. Falke concluded Great Traditions is responsible to obtain all necessary environmental permits prior to December 31, 2003. He stated because all the permits have not been obtained, the City is not required to sell the property. If the permits are obtained in the future, he stated the agency may require some changes in the plan which would make this plan totally useless. Mr. Falke suggested the City delay approval of the Record Plan until the City Attorney is assured all the permits are issued. The property owners feel development of this parcel will cause them to lose some enjoyment of their homes, and will cause the resale of their properties to not be as attractive as if the trees were to remain. Mr. Falke stated the owners feel they have not only been misled by Great Traditions, but also by the City of Centerville because the display at the Yankee Trace clubhouse remains depicting the area in question as a nature preserve. He asked the decision of this plan be delayed at this time and ultimately be denied.

Mr. Farquhar stated the issues of wetlands and selling the property to Great Traditions are to be determined by City Council and are not within the purview of the Planning Commission.

Mrs. Pam Terzian, 1291 Club View Drive, asked what elements of the plan the Planning Commission is responsible to review.

Mr. Clark stated the role of the Planning Commission is to review plans and to consider if the zoning and land use requirements are met..

Mr. Feverston stated the Planning Commission is also responsible for the subdivision of land, the actual creating of properties, creating/access to those properties, sight distance issues, setback issues, stormwater management, utility placement, etc. As part of any plan review, there are review forms submitted to various agencies (DP&L, Vectren, Montgomery County Sanitary, etc.) for their input and recommendations. Those comments and recommendations that pertain to zoning and subdivision of the properties are contained in the staff recommendation to the Planning Commission.

Mrs. Terzian stated when looking to the east from the clubhouse, the gorgeous stand of trees seen are the ones that will be removed for development of this property. She asked if the Planning Commission was responsible for preserving as many trees as possible and if wildlife was a concern. It seems that for 10 lots, the elimination of the trees which provide a view and vista is not worth the exchange.

Mr. Clark stated the preservation of trees and installation of additional trees are a consideration of the Planning Commission. The issue of wildlife is not a consideration.

Mrs. Terzian asked if the members could not recommend this plan to Council.

Mr. Clark stated that Planning Commission may recommend approval or denial to City Council.



Mr. Sullivan stated the buffer area is approximately 200 feet which contains wetlands areas in comparison to a 40 foot buffer between Club View Drive and the maintenance building. He stated when comparing the approved plan to the proposed plan, the proposal is a superior plan in terms of density and the preservation of trees.

Mrs. Wolfe asked if lots 1 through 4 would be sold as golf course lots.

Mr. Sullivan stated they would not be sold as golf course lots.

Mr. Falke stated the view of the existing homes will be changed as a result of this development. He stated in order to locate houses on these lots, most of the trees will likely have to be removed.

Mr. Jerry Meadows, 1267 Club View Drive, asked if issues are still in question concerning the contract, should this not be tabled until they are resolved.

Mr. Farquhar stated since these issues are not those of the Planning Commission, a recommendation should be sent the Council.

Mr. Tom Stegman, 1116 Club View Drive, stated the plan is not accurate in showing the width of the trees as it is actually a single row of trees. The plan indicates the width of the tree canopy. He stated the property values will be reduced.

Mr. Menchhofer stated it is important to note those trees are a part of the golf course and when the homes on Club View Drive were being constructed, including Mr. Stegman's, several of those property owners came to the sales center and wanted to know if Yankee Trace Development was going to thin out and clean up their view of the fairways. Mr. Menchhofer stated they went to John Miller, Yankee Trace Golf Course Superintendent, and asked him to thin out that area.

Mrs. Meininger asked Mr. Feverston which plan would be shown to a person inquiring about this parcel of Yankee Trace.

Mr. Feverston stated that the approved plans would be shown to anyone making an inquiry to the City about this parcel.

Mrs. Meininger asked which plan would have less impact based on the distances between the back of homes on Club View Drive and the back of proposed homes on Gardenwood Place.

Mr. Kiefer stated in measuring the distances and comparing the two plans, there would be less impact with the new plan because it allows more separation between lots.

Mr. Brunner asked about the display in the clubhouse showing this area as a nature preserve and what was the City's responsibility.

Mr. Menchhofer stated those displays were placed by Great Traditions in the clubhouse in 1996 or 1997 and was one of the original maps of the parcels being developed at that time. It shows the original Yankee Trace spine road prior to the new parcels acquired prior to 1999-2000 era or the development of the new 9 holes of golf. As new parcels were acquired, the sales information was revised in their sales center to show the development. That is why there is a disclaimer on the brochures to protect the developer's position.

Mr. Falke stated that is their point, but the display shown the nature area which remains at the clubhouse.

Mrs. Meininger asked if the drainage problems will be resolved or will it be additional when this parcel is developed.

Mr. Sullivan stated they would be unable to encroach into the golf course to address some of the wetland issues, however, if the City would request that a line be run to alleviate that problem, Great Traditions would cooperate with the request.

Mrs. Meininger stated he had concern with four (4) lots on the north side. She stated the original plan showing two (2) lots would allow more space into the wetland area to would accommodate the water.

Mr. Briggs stated the members have to recognize the Planning Commission authority is greatly limited. The fourteen (14) conditions contained in the staff recommendation cover wetlands, grading and stormwater drainage, etc., and Mr. Briggs felt redesigning the plan was not their responsibility.

Mr. Brunner stated while Parcel 29 has been on the master plan since 2001, he felt people who purchase could have reasonably expected this area to remain wooded based on how it was marketed.

Mr. Clark stated although he understood Mr. Brunner's position, the marketing issue does not involve the Planning Commission and should not be considered.

MOTION: Mr. Briggs moved to recommend approval of the Record Plan of The Woodlands at Yankee Trace, Sec. 1, to Council subject to the following conditions:

1. Prior to conveyance of the lands for this plat, all issues regarding wetlands that exist on this parcel must be resolved by the Developer to the satisfaction of the Centerville City Council in accordance with Section 7.19, Due Diligence, of the Agreement between the City of Centerville and Great Traditions Development Group, Inc.
2. The record plat shall delineate the location of all designated wetlands with appropriate language to preserve these areas to the intent of the wetland preservation requirements subject to approval by the City Attorney.

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7. An easement shall be recorded with the record plat that grants the City access through the rear yard of Lots 1 through 4 for maintenance and emergency service of the lake subject to approval by the City Attorney.
8. Protective covenant(s) shall be placed on the record plat, subject to approval by the City Attorney, that state the following:
  - A. the lake was constructed by the City of Centerville for the purpose of golf course irrigation;
  - B. the lake shall be used solely and exclusively by the City of Centerville;
  - C. the water level may from time to time be low as a result of irrigation; and
  - D. these covenants(s) shall not be changed, altered or deleted without the approval by the City of Centerville.
9. Trees located within the required setbacks of Lots 1 through 4 shall be preserved to the greatest extent practical in accordance with the Yankee Trace Design Review Guidelines subject to approval by the City Planning Department.
10. The golf cart crossing of Gardenwood Place shall be constructed with brick pavers and in the same manner as other cart crossings in Yankee Trace subject to approval by the City Engineering Department.
11. Gas street lights shall be installed along Gardenwood Place subject to approval by the City Engineering Department.
12. The final grading and stormwater drainage plan shall be subject to approval by the City Engineering Department that includes provisions for rear yard drainage to mitigate impact to the golf course and protection of the wetland areas.

13. The final construction drawings shall show all utility easements for this plat.
14. In lieu of completion of the required improvements prior to the recording of the plat, a performance bond in an amount acceptable to the City Engineer shall be posted by the developer with the City of Centerville and a subdivider's agreement entered into with the City by the developer.

Special emphasis shall be given to condition #12 that states the City, not the contractor, is responsible for approval of final grading and stormwater drainage plans.

Mr. Durham seconded the motion. The motion was approved 3-2 with Mrs. Meininger and Mr. Brunner voting no.

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 in the lower right quadrant of the page.