

CITY OF SPRINGBORO
320 W. CENTRAL AVENUE, SPRINGBORO, OHIO

CITY COUNCIL WORK SESSION

THURSDAY, FEBRUARY 1, 2007

6:00 PM

CITY COUNCIL

John Agenbroad, Mayor

Marie Belpulsi, Deputy Mayor
Scott Anderson
Jim Chmiel

Gary Hruska
Sheila Lairson
John D. Parise

CITY STAFF

Chris Thompson, City Manager

Chris Pozzuto, Assistant City Manager
Jeff Kruithoff, Police Chief
Dan Boron, City Planning Consultant

Alan Schaeffer, Law Director
Lori Martin, Clerk of Council

CITY COUNCIL MEMBERS WERE INVITED TO TOUR THE KLOSTERMAN BAKERY FACILITY IN SPRINGBORO
AT 5:00 PM ON FEBRUARY 1.

- ITEM 1. CALL TO ORDER.** Mayor Agenbroad called the Work Session to order at approximately 6:00 PM in Council Chambers.
- ITEM 2. ATTENDANCE.** No absences.
- ITEM 3. LEGISLATIVE AGENDA.** –City Council considered 5 legislative agenda items slated for the February 1, 2007 City Council Regular Meeting.

Mayor Agenbroad commented that the Law Director has recommended adding a resolution to tonight's legislative agenda for consideration. City Council will consider a motion to amend the legislative agenda to add item 6, a resolution, at tonight's City Council Regular Meeting.

- 1) **ORDINANCE: SECOND READING.** AN ORDINANCE AMENDING SECTION 1280.15(B) - EXEMPTIONS OF CHAPTER 1280 SITE PLAN REVIEW PROCEDURES, OF TITLE SIX – ZONING OF PART TWELVE – PLANNING AND ZONING CODE.

No discussion.

- 2) **ORDINANCE: SECOND READING.** AN ORDINANCE AMENDING CHAPTER 826 OF TITLE TWO - BUSINESS REGULATION, OF PART EIGHT – BUSINESS REGULATION AND TAXATION CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO TO ALLOW TEMPORARY SIGNS IN COMMERCIAL SIGN DISTRICTS.

No discussion.

- 3) **EMERGENCY ORDINANCE: FIRST READING:** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, REZONING 0.3103 ACRES OF LAND AT 5 FAIRWAY DRIVE FROM R-2, LOW DENSITY RESIDENTIAL DISTRICT, TO O-R, OFFICE-RESIDENTIAL DISTRICT; AND DECLARING AN EMERGENCY.

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No discussion.

- 4) **ORDINANCE: FIRST READING:** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, REZONING 12.1 ACRES OF LAND AT 8683 CLEARCREEK-FRANKLIN ROAD FROM ED, EMPLOYMENT CENTER DISTRICT, AND (T)R-1, FRANKLIN TOWNSHIP RURAL RESIDENCE DISTRICT, TO PUD-R, PLANNED UNIT DEVELOPMENT-RESIDENTIAL.

Mr. Parise asked if the density of 126 units on 12 acres indicated that the development would be condos or apartments? Ms. Thompson replied yes. Mr. Parise asked what school district this development would be in? Ms. Thompson answered, the Franklin School District.

- 5) **ORDINANCE O-07-4: FIRST READING:** AN ORDINANCE AUTHORIZING THE SUPPLEMENTAL APPROPRIATION OF MONIES; THEREBY AMENDING ANNUAL APPROPRIATION ORDINANCE NO. O-07-01 OF THE CITY OF SPRINGBORO, OHIO PASSED BY THE CITY COUNCIL ON DECEMBER 21, 2006 FOR THE YEAR 2007; AND DECLARING AN EMERGENCY.

Ms. Martin noted that the Director of Finance has requested that City Council waive the second and third readings of this ordinance in order to properly appropriate funds for expenditure.

In reference to the supplemental appropriation of \$758,000.00, Ms. Thompson explained that \$108,000 would cover the cost of the South Main Street Sanitary Sewer-Siphon Project, and \$650,000 would cover the cost of the remainder of the Sewer Plant Expansion Project. These funds were not included in the proposed budget for 2007 because they were anticipated for completion in 2006, and it was not known until December, following the budget process, that these projects would need to be carried into 2007. In other words, since these projects were not completed in 2006, the money budgeted for these projects in the 2006, is being carried over to 2007. The \$650,000 for the Sewer Plant Expansion Project will be reimbursed through the bond proceeds.

AMENDMENT:

- 6) **RESOLUTION R-07-4:** A RESOLUTION OF INTENTION TO APPROPRIATE CERTAIN LAND LOCATED OFF OF STATE ROUTE 73 AT THE DISCOUNT DRUG MART ADJACENT TO GODDARD SCHOOL FOR PURPOSE OF ESTABLISHING A PUBLIC ROAD AND DECLARING AN EMERGENCY.

Mr. Schaeffer will comment on this item at tonight's City Council Regular Meeting.

ITEM 4. CITY MANAGER. -Issues/Reports.

Ms. Thompson commented that the Request for Proposals (RFPs) to update the Comprehensive Land Use Master Plan and for the design/engineering services for a new City Building were due January 26. Ms. Thompson explained that she plans to present recommendations regarding the RFPs for the Comprehensive Plan to Council for discussion on February 15 as well as discuss the plan review process. She explained that the RFP did not detail a review process, as Council would dictate this process and determine whether a steering or subcommittee will be appointed for the project.

In addition, Ms. Thompson distributed three samples of a Citizen Survey. A Citizen Satisfaction Survey is one of the goals/projects established by Council at the Special Meeting on January 26. Ms. Thompson suggested discussing the survey content and process on February 15. It was determined that discussion regarding the survey would be moved to March 15 to allow for all Council Members to be in attendance.

Ms. Thompson reported that she plans to present a short list of recommendations to City Council for the design/engineering project for the new City Building project on March 1. Mr. Chmiel announced that he would not be able to attend the March 1 City Council meetings; therefore, he would be absent for that discussion.

Ms. Thompson commented that Ms. Belpulsi would comment pertaining to the Strategic Plan Review project during the Work Session discussion.

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Ms. Thompson requested an Executive Session following the Work Session discussion to discuss the purchase of property.

Mr. Schaeffer reminded City Council that he presented an update regarding the status of the pre-school issue (Goddard School Property) at the January 4 Council Work Session. Mr. Schaeffer explained that the purpose of legislative item 6 on tonight's legislative agenda is to make sure that the easement that was granted to the owners of the pre-school property is a permanent access rather than a discretionary access as it was originally conveyed. Mr. Schaeffer explained that following the approval of this resolution of intent to appropriate the easement; the next step would be to approve an ordinance to proceed with the appropriation of the easement. Mr. Schaeffer reiterated that the resolution regarding the pre-school access easement on tonight's legislative agenda is only the first step in this process.

ITEM 5. CLERK OF COUNCIL. –Issues/Reports.

Ms. Martin asked that Council Members please forward their completed OEC Financial Disclosure Statements to her by March 18 in order to meet the filing deadline.

Ms. Martin reported that she contacted Congressman Turner's office and was told that they would contact her when they have appointed a new field representative for the district and established a schedule for office hours.

Ms. Martin commented that she was contacted by Jack Blosser who is representing Fort Ancient State Memorial. Fort Ancient State Memorial is located off of I-71 in Warren County. Mr. Blosser is requesting a resolution of support from City Council to include with their application to be nominated for World Heritage Status. Mr. Blosser would like to present information regarding the World Heritage nomination at the City Council meeting on February 15. City Council agreed to consider a resolution supporting the nomination of Fort Ancient State Memorial for World Heritage Status, and determined that it is not necessary for Mr. Blosser to make a presentation on February 15. Ms. Martin will prepare a resolution of support for a future City Council meeting agenda.

Ms. Martin suggested that City Council should begin considering calendar dates for the following annual events: Town Hall Meeting and Springboro Day at Heatherwoode. She added that the Town Hall Meeting was held on June 5 last year and Springboro Day at Heatherwoode is typically held on the second Sunday in October. Ms. Martin also announced that the City's Annual Business Breakfast is scheduled for Thursday, April 12, the 7th Annual Springboro Chamber of Commerce Expo. is scheduled for Saturday, March 24, and the Springboro Chamber of Commerce Annual Dinner will be held in October. Mayor Agenbroad suggested that City Council discuss dates for these events at the first Council meeting in March on March 1.

Ms. Martin announced that she would be on vacation leave beginning the afternoon of Friday, February 16. Ms. Martin will return to the office on Monday, February 26.

ITEM 6. CITY COUNCIL. –Issues/Reports.

Mr. Parise – No issues/reports.

Mr. Chmiel – Mr. Chmiel will present a Planning Commission report at tonight's City Council Regular Meeting under Reports.

Mr. Hruska – No issues/reports.

Ms. Lairson – No issues/reports.

Mr. Anderson – Mr. Anderson commented that he distributed copies of Chapter 8, "What is an Adequate Fund Balance?" of a book titled Local Government Dollars & Sense for Council Members to review as a follow up to the discussion at the Special Meeting on January 27 regarding the topic of year-end fund balances and determining the appropriate minimum fund balance. Mr. Anderson explained that he received the book as part of a local government finance seminar he attended during the NLC Conference in December in Reno.

Ms. Belpulsi – Ms. Belpulsi commented that Jana Evans, Strategic Planning Services Consultant, has given her a list of dates that she is available to facilitate a 1-day workshop to establish Strategic Plan goals for the next five years along with

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strategies, outcomes, and performance indicators. Ms. Belpulsi explained that this workshop would be an all-day event on a Saturday and would include City Council, staff, and if available, citizens involved in creating the original strategic plan, and any other appropriate participants. The potential workshop dates are: March 10, 17, 31 and April 14, 21, 28.

Ms. Thompson recommended that City Council determine a date by February 15 in order to properly plan and notify participants.

Ms. Martin stated that she would send an e-mail to Council listing the dates and poll Council Members based on their availability.

Mayor Agenbroad – No issues/reports.

At approximately 6:21 PM, Mr. Hruska motioned to enter Executive Session, under R.C. 121.22(G), to discuss the purchase of property. Ms. Belpulsi seconded the motion.

No discussion.

VOTE: Agenbroad, Yes; Hruska, Yes; Chmiel, Yes; Parise, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes. [APPROVED 7-0]

With no objections, City Council exited Executive Session at approximately 6:41 PM; whereby, no votes were taken.

ITEM 7. ADJOURNMENT. With no further discussion, Mayor Agenbroad adjourned the City Council Work Session at approximately 6:41 PM.

CITY OF SPRINGBORO
320 W. CENTRAL AVENUE, SPRINGBORO, OHIO

CITY COUNCIL REGULAR MEETING

THURSDAY, FEBRUARY 1, 2007

7:00 PM

CITY COUNCIL

John Agenbroad, Mayor

Gary Hruska, Deputy Mayor
Scott Anderson
Marie Belpulsi

Jim Chmiel
Sheila Lairson
John D. Parise

CITY STAFF

Chris Thompson, City Manager

Chris Pozzuto, Assistant City Manager
Jeff Kruthoff, Police Chief
Dan Boron, City Planning Consultant

Alan Schaeffer, Law Director
Lori Martin, Clerk of Council

PUBLIC HEARING

IN ACCORDANCE WITH OHIO REVISED CODE SECTION 713.12, A PUBLIC HEARING WAS HELD BEFORE THE CITY COUNCIL OF THE CITY OF SPRINGBORO, OHIO AT 7:00 P.M. ON THURSDAY, FEBRUARY 1, 2007 TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO. THE PUBLIC HEARING TOOK PLACE IN COUNCIL CHAMBERS AT THE SPRINGBORO MUNICIPAL BUILDING, 320 WEST CENTRAL AVENUE (SR 73), SPRINGBORO, OHIO 45066.

PUBLIC HEARING: THIS PUBLIC HEARING WAS IN REGARDS TO A RECOMMENDATION FROM THE SPRINGBORO PLANNING COMMISSION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO AND REZONE THE PROPERTY LOCATED AT 5 FAIRWAY DRIVE FROM R-2, LOW DENSITY RESIDENTIAL DISTRICT, TO O-R, OFFICE-RESIDENTIAL DISTRICT. THE PROPERTY IS LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF FAIRWAY DRIVE AND WEST CENTRAL AVENUE.

THIS PUBLIC HEARING WAS HELD IN ACCORDANCE WITH CHAPTER 1284 (AMENDMENTS) OF THE CITY'S PLANNING AND ZONING CODE. THIS PUBLIC HEARING WAS LIMITED TO 30 MINUTES; 15 MINUTES RESERVED FOR THE OPPONENTS, AND 15 MINUTES RESERVED FOR THE PROPONENTS.

DAN BORON, CITY PLANNING CONSULTANT – MR. BORON PROVIDED BACKGROUND INFORMATION REGARDING THIS REQUEST TO REZONE AS FOLLOWS: THIS REQUEST TO REZONE WAS RECOMMENDED BY THE PLANNING COMMISSION ON DECEMBER 12, 2006 FOR THE REZONING OF A PARCEL LOCATED AT 5 FAIRWAY DRIVE, WHICH IS ON THE NORTHWEST CORNER OF FAIRWAY DRIVE AND STATE ROUTE 73 JUST THREE BLOCKS EAST THE CITY BUILDING. THE REQUEST IS TO REZONE FROM THE CURRENT ZONING, WHICH IS R-2 (LOW DENSITY RESIDENTIAL) TO O-R, (OFFICE-RESIDENTIAL). THE RECOMMENDATION FROM THE PLANNING COMMISSION CITES THAT THE PROPOSED ZONING IS IN CONCURRENCE WITH THE CITY'S COMPREHENSIVE LAND USE MASTER PLAN (ADOPTED IN 1998) FOR THE AREA AND THIS SPECIFIC PARCEL, WHICH ALLOWS FOR THE CONVERSION OF RESIDENTIAL PROPERTIES TO PROFESSIONAL OFFICES WITHIN THIS AREA. THE PROPERTY IMMEDIATELY TO THE EAST ACROSS THE STREET ON FAIRWAY DRIVE AT THE CORNER WAS SIMILARILY ZONED IN 2001 USING THE SAME CITATION FROM THE COMPREHENSIVE LAND USE MASTER PLAN. ADJACEMENT USES TO THIS SITE INCLUDE OFFICE, WHICH IS LOCATED TO THE EAST (THE CORNYN OFFICE BUILDING), RESIDENTIAL TO THE NORTH AND TO THE SOUTH INCLUDING THE LARGE DOYLE HOUSE, A HISTORIC PROPERTY, AND COMMERCIAL TO THE WEST. THIS AREA, AS MENTIONED, IS SURROUNDED BY O-R TO THE WEST, R-2 TO THE NORTH INCLUDING THE LARGE AREA OF THE SPRINGBROOK DEVELOPMENT, AND B-2 TO THE SOUTH AND TO THE WEST, WHICH IS LOCAL BUSINESS DISTRICT. MR. BORON OFFERED TO ANSWER QUESTIONS.

MAYOR AGENBROAD PRESENTED THE ITEM FOR QUESTIONS OR COMMENTS FROM CITY COUNCIL. THERE WERE NO QUESTIONS OR COMMENTS FROM CITY COUNCIL.

AT THIS TIME, MAYOR AGENBROAD ASKED IF ANY PROPONENTS WISHED TO BE HEARD.

PROponents: NO PROPONENTS CAME FORWARD.

AT THIS TIME, MAYOR AGENBROAD ASKED IF ANY OPPONENTS WISHED TO BE HEARD.

OPponents: NO OPPONENTS.

MAYOR AGENBROAD DECLARED THE PUBLIC HEARING ADJOURNED AT APPROXIMATELY 7:04 PM.

PUBLIC HEARING

IN ACCORDANCE WITH OHIO REVISED CODE SECTION 713.12, A PUBLIC HEARING WAS HELD BEFORE THE CITY COUNCIL OF THE CITY OF SPRINGBORO, OHIO AT 7:00 P.M. ON THURSDAY, FEBRUARY 1, 2007 TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO. THE PUBLIC HEARING TOOK PLACE IN COUNCIL CHAMBERS AT THE SPRINGBORO MUNICIPAL BUILDING, 320 WEST CENTRAL AVENUE (SR 73), SPRINGBORO, OHIO 45066.

PUBLIC HEARING: THIS PUBLIC HEARING WAS IN REGARDS TO A RECOMMENDATION FROM THE SPRINGBORO PLANNING COMMISSION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO AND REZONE 12.1 ACRES OF LAND LOCATED AT 8683 CLEARCREEK-FRANKLIN ROAD FROM ED, EMPLOYMENT CENTER DISTRICT, AND (T)R-1, FRANKLIN TOWNSHIP RURAL RESIDENTIAL DISTRICT, TO PUD-R, PLANNED UNIT DEVELOPMENT-RESIDENTIAL.

THIS PUBLIC HEARING WAS HELD IN ACCORDANCE WITH CHAPTER 1284 (AMENDMENTS) OF THE CITY'S PLANNING AND ZONING CODE. THIS PUBLIC HEARING WAS LIMITED TO 30 MINUTES; 15 MINUTES RESERVED FOR THE OPPONENTS, AND 15 MINUTES RESERVED FOR THE PROPONENTS.

DAN BORON, CITY PLANNING CONSULTANT – MR. BORON PROVIDED BACKGROUND INFORMATION REGARDING THIS REQUEST TO REZONE AS FOLLOWS: THIS REQUEST TO REZONE WAS RECOMMENDED BY THE PLANNING COMMISSION ON DECEMBER 12, 2006 FOR THE REZONING OF A PARCEL LOCATED AT 8683 CLEARCREEK-FRANKLIN ROAD, WHICH IS ON THE WEST SIDE OF THE INTERSECTION OF CLEARCREEK-FRANKLIN ROAD AND WHISPERING PINES LANE. THE PROPERTY IN QUESTION PRESENTLY HAS TWO ZONING CATAGORIES, ONE IS ED (EMPLOYMENT CENTER DISTRICT) AND THE OTHER COVERS AN AREA ADJACENT TO THE FRONTAGE ON CLEARCREEK-FRANKLIN ROAD, WHICH IS ZONED (T)R-1 (FRANKLIN TOWNSHIP RURAL RESIDENTIAL DISTRICT). THE REQUEST AND THE RECOMMENDATION FROM THE PLANNING COMMISSION IS TO REZONE THE PROPERTY TO PUD-R (PLANNED UNIT DEVELOPMENT-RESIDENTIAL). AS PART OF THE RECOMMENDATION, THE PLANNING COMMISSION MADE TWO STIPULATIONS OR CONDITIONS, ONE INVOLVED THE RECORDING OF A LOT SPLIT FOR THE 12.1 ACRES, WHICH IS THE SUBJECT OF THIS REZONING. ACTUALLY, THE PROPERTY IN QUESTION IS MUCH LARGER AND EXTENDS TO THE WEST; WHEREAS, THE 12.1 ACRES IS A PORTION OF THE AREA ON THE EAST SIDE OF THE PROPERTY ALONG THE CLEARCREEK-FRANKLIN ROAD FRONTAGE AS INDICATED IN THE EXHIBIT ATTACHED TO THE REZONING ORDINANCE. ANOTHER STIPULATION WAS THAT NO MORE THAN 126 DWELLING UNITS WOULD BE PERMITTED ON THE PROPERTY, WHICH ROUGHLY AMOUNTS TO APPROXIMATELY 10.5 UNITS PER ACRE. THIS PROPOSED ZONING ALSO IS CONSISTENT WITH THE COMPREHENSIVE LAND USE MASTER PLAN OF THE CITY, WHICH STATES FOR THIS SPECIFIC SITE THAT THE LAND IS SUITABLE FOR RESIDENTIAL OR CLUSTER HOMES OR OTHER MODERATE DENSITY DEVELOPMENT. MR. BORON OFFERED TO ANSWER ANY QUESTIONS.

MAYOR AGENBROAD PRESENTED THE ITEM FOR QUESTIONS OR COMMENTS FROM CITY COUNCIL.

MR. PARISE ASKED HOW LONG THIS SITE HAS BEEN ZONED ED (EMPLOYEMENT CENTER DISTRICT)? MR. BORON ANSWERED THAT HE DOES NOT HAVE A RECORD OF THAT INFORMATION READILY AVAILABLE, BUT HE WOULD ASSUME THAT ZONING HAS EXISTED FOR QUITE A FEW YEARS OR AT LEAST 10 YEARS. MR. PARISE CONFIRMED THAT THERE HAS BEEN NO INTEREST IN DEVELOPING THAT SITE FOR BUSINESS, AND NO BUSINESSES HAVE EXPRESSED INTEREST

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IN BUILDING ON THAT SITE? MR. BORON REPLIED NO, NOT TO HIS KNOWLEDGE. MR. BORON COMMENTED THAT THE APPLICANT IS PRESENT AND WOULD PROBABLY BE WILLING TO ANSWER ANY SPECIFIC QUESTIONS REGARDING THE REQUEST TO REZONE THIS PROPERTY.

MR. PARISE COMMENTED THAT THE SITE IS ALSO PRESENTLY ZONED (T)R-1, WHICH IS A LOWER DENSITY THAN THE PUD-R THAT HAS BEEN RECOMMENDED. MR. PARISE ASKED WHY THE PUD-R ZONING IS BEING RECOMMENDED FOR THIS SITE? MR. BORON EXPLAINED THAT THE PUD-R ZONING IS BEING REQUESTED BY THE APPLICANT AND OFFERS A HIGHER DENSITY, WHICH ACCORDING TO THE PLANNING COMMISSION'S FINDINGS AT THE MEETING ON DECEMBER 12, 2006, IS CONSISTENT WITH THE RECOMMENDATION OF THE CITY'S COMPREHENSIVE LAND USE MASTER PLAN REGARDING CLUSTER HOMES OR MODERATE DENSITY DEVELOPMENT OCCURRING ON THIS SITE. MR. PARISE ASKED IF THE PLANNING COMMISSION TOOK INTO CONSIDERATION THAT THE (T)R-1 ZONING WOULD ALLOW FEWER HOMES I.E. FEWER FAMILIES THAN PUD-R ZONING? MR. PARISE CONFIRMED THAT THE (T)R-1 DENSITY IS APPROXIMATELY TWO HOMES PER ACRE? MR. BORON REPLIED YES, THAT IS CORRECT. MR. PARISE CONTINUED BY STATING THAT THE PROPOSED PUD-R ZONING WOULD ALLOW FOR 126 UNITS ON THE SAME ACREAGE, WHICH IS A HIGHER DENSITY I.E. A HIGHER POPULATION OF PEOPLE. MR. BORON REPLIED, YES THAT IS CORRECT. MR. PARISE ASKED WHY? MR. BORON REITERATED THAT HE IS NOT THE APPLICANT; THEREFORE, NOT REQUESTING THE PROPOSED ZONING FOR THIS SITE.

MAYOR AGENBROAD CONFIRMED THAT MR. BORON'S COMMENTS ARE STRICTLY FOR INFORMATIONAL PURPOSES? MR. BORON ANSWERED YES, THAT IS CORRECT. MR. BORON AGAIN SUGGESTED THAT THE APPLICANT COULD ANSWER SPECIFIC QUESTIONS REGARDING THE REQUEST TO REZONE THE SITE TO PUD-R. MR. BORON EXPLAINED THAT HIS ROLE IS TO PRESENT THE PLANNING COMMISSION'S RECOMMENDATION. MR. PARISE THANKED MR. BORON FOR HIS RESPONSES.

PROPONENTS: 1) **GREG BARTLEY, HENKLE SCHEULER AND ASSOCIATES, REPRESENTATIVE AND AGENT FOR THE PROPERTY OWNERS OF ASHWOOD FARMS** – MR. BARTLEY EXPLAINED THAT THE 12.1 ACRES IN QUESTION FOR THE APPLICATION TO REZONE TO PUD-R ARE PART OF A LARGER APPROXIMATELY 66-ACRE PARCEL THAT THEY HAD BEEN INVOLVED WITH IN DEVELOPING AS INDUSTRIAL IN THE NORTH PIONEER AREA OFF OF STATE ROUTE 73 INCLUDING PHYMET AND COBASYS ON NORTH PIONEER, WHICH IS THE WESTERN PORTION OF THE ASHWOOD FARMS AREA. THEIR REQUEST IS TO REZONE 12.1 ACRES OF ASHWOOD FARMS, THE PART WHICH IS EAST OF THE TWIN CREEK AREA AND TRAVELS UP TOWARD CLEARCREEK-FRANKLIN ROAD, WHICH IS THE PORTION OF THE PROPERTY THAT IS ZONED ED AND (T)R-1 TO PUD-R. OF THE 12.1 ACRES, APPROXIMATELY 10 ACRES IS ZONED (T)R-1 AND APPROXIMATELY 2 ACRES IS ZONED ED, WHICH IS DOWN IN THE CREEK AREA. MR. BARTLEY STATED THAT MR. PARISE'S QUESTION OF WHY THEY WOULD ABANDON THE ED ZONING TO DEVELOP RESIDENTIAL UNITS IS THAT, ALTHOUGH THE NORTH PIONEER INDUSTRIAL PARK IS SOMETHING THAT THEY HAVE A GREAT INTEREST IN CONTINUING TO DEVELOP AND CONTINUING TO ATTRACT INDUSTRIAL USERS FOR THE CITY AND FOR THE LAND OWNERS, THERE IS NOT ENOUGH LAND EAST OF THE TWIN CREEK AREA TO DEVELOP INDUSTRIAL OR BUSINESS PROPERTIES. THEREFORE, WHERE THEY HAVE PROPOSED THE LOT SPLIT WOULD LEAVE ENOUGH ACREAGE EAST OF NORTH PIONEER TO THE CREEK FOR CONTINUED DEVELOPMENT, AND THE CREEK AND THE OTHER SIDE IS THE AREA THAT WOULD BE INCLUSIVE OF THE ZONING CHANGE TO PUD-R. THE REASON FOR THE ZONING CHANGE REQUEST IS TO TRY TO GET THE HIGHEST AND BEST USE OF THE PROPERTY CONSISTENT WITH THE MASTER LAND USE PLAN FOR THE CITY OF SPRINGBORO. MR. BARTLEY EXPLAINED THAT THEY INITIALLY REQUESTED R-3 ZONING, BUT AFTER WORKING WITH THE PLANNING COMMISSION AND STAFF THE LAST TWO QUARTERS OF LAST YEAR THEY REACHED AN AGREEMENT FOR PUD-R ZONING WITH A STIPULATED MAXIMUM DENSITY.

MR. PARISE STATED THAT HE STILL DOES NOT UNDERSTAND WHY THE 126 UNITS ARE BEING RECOMMENDED VERSUS THE (T)R-1 ZONING, WHICH WOULD BE LESS DENSE? MR. PARISE STATED THAT HE IS CONCERNED ABOUT THE DEVELOPMENT, WHICH IS OBVIOUSLY GOING TO CREATE A TREMENDOUS AMOUNT OF ADDITIONAL TRAFFIC ON CLEARCREEK-FRANKLIN ROAD WHETHER IT IS CONDOS, APARTMENTS, OR HOUSES. MR. PARISE CONFIRMED THAT THIS DEVELOPMENT WOULD STILL BE IN FRANKLIN TOWNSHIP AND IN THE FRANKLIN SCHOOL DISTRICT? MR. BARTLEY ANSWERED YES, THAT IS HIS UNDERSTANDING CURRENTLY. MR. PARISE ASKED IF THEY APPLIED FOR THE PUD-R IN ORDER TO MAXIMIZE THEIR INVESTMENT? MR. BARTLEY REPLIED YES. MR. BARTLEY STATED THAT HE IS NOT THE PROPERTY OWNER, HE IS THE AGENT FOR THE PROPERTY OWNERS AND IS LISTING THE PROPERTY FOR THE PROPERTY OWNERS FOR SALE, AND THAT TYPE OF HOUSING IS WHAT THE MARKET IN THE AREA IS ASKING FOR, HIGHER DENSITY RESIDENTIAL UNITS. MR. BARTLEY ADDED THAT HIS OBLIGATION IS TO THE PROPERTY OWNERS. MR. PARISE COMMENTED THAT WITH EVERYTHING ELSE BEING EQUAL HE CONSIDERS THE DEVELOPMENT TO BE AN INCREASE IN TRAFFIC PROBLEMS FOR CLEARCREEK-FRANKLIN ROAD. MR. PARISE THANKED MR. BARTLEY FOR HIS

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RESPONSES. MR. BARTLEY OFFERED TO ANSWER ANY OTHER QUESTIONS FROM CITY COUNCIL. THERE WERE NO OTHER QUESTIONS FROM CITY COUNCIL.

MAYOR AGENBROAD ASKED IF THERE WERE ANY OTHER PROPONENTS THAT WISHED TO BE HEARD. NO OTHER PROPONENTS CAME FORWARD.

AT THIS TIME MAYOR AGENBROAD ASKED IF ANY OPPONENTS WISHED TO BE HEARD.

OPPONENTS: 1) **ROB MILLER, 265 FOLIAGE LANE, SPRINGBORO** – MR. MILLER COMMENTED THAT HE LIVED APPROXIMATELY ONE MILE FROM THE SITE TO BE REZONED. MR. MILLER'S CONCERNS ARE THE POTENTIAL FOR INCREASED TRAFFIC AND CRIME DUE TO THE PROPOSED DEVELOPMENT. HE EXPLAINED THAT THERE ARE TWO APARTMENT COMPLEXES IN THAT AREA, AND THE CITY OF SPRINGBORO HAS SEEN A TREMENDOUS AMOUNT OF CRIME. HE STATED THAT HE DOES NOT HAVE THE EXACT CRIME STATS, BUT AT ONE POINT THE NUMBER WAS VERY SIGNIFICANT COMPARED TO THE REST OF THE POPULACE. MR. MILLER FURTHER STATED THAT HIS VIEW IS THAT AS THE CITY CONTINUES TO PUT UP 126 UNITS WHETHER THEY ARE APARTMENTS OR CONDOS, IT WOULD CONTINUE THAT CRIME TREND. MR. MILLER CONTINUED BY STATING THAT IN THE PAST, THE DEVELOPMENT OR DEVELOPER HAS NOT BEEN ASKED TO PAY FOR ADDITIONAL POLICE RESOURCES, EMERGENCY MEDICAL OR FIRE SERVICES, ETC. THAT HE SEEMS TO BE PAYING FOR EVERY TIME. MR. MILLER ADDED THAT HE WILL PAY THE PRICE FOR THE ADDITIONAL TRAFFIC, AND EVEN THOUGH THE SCHOOL DISTRICT IS FRANKLIN, THE DENSITY STILL SEEMS TO BE EXCESSIVE AS FAR AS HE IS CONCERNED. MR. MILLER ALSO STATED THAT THE (T)R-1 ZONING DISTRICT SEEMS APPROPRIATE AT TWO HOUSES PER ACRE OR 24 HOUSES ON 12 ACRES, AND HE BELIEVES THAT 24 CONDOS WOULD BE A PRETTY GOOD RETURN ON THE PROPERTY OWNER'S INVESTMENT UNLESS HE IS MISCALCULATING. LASTLY, MR. MILLER STATED THAT HIS BIGGEST CONCERN IS THAT THERE CONTINUES TO BE CHANGES IN THAT AREA AND MOST OF THOSE PROPERTIES ARE SINGLE FAMILY HOMES, AND IT DOES NOT SEEM TO BE FAIR TO THOSE INDIVIDUALS.

MS. THOMPSON COMMENTED THAT HER COMMENTS ARE NOT FOR OR AGAINST THE REZONING, BUT SHE WOULD SHARE WITH THE AUDIENCE AND THE COUNCIL THAT THE (T)R-1 ZONING IS NOT WHAT THE PROPERTY WOULD EVER HAVE BEEN BROUGHT INTO THE CITY UNDER IN A DEVELOPMENT SCENARIO. SHE EXPLAINED THAT THE CITY STRIVES TO CONSISTENTLY CHANGE THE TOWNSHIP ZONING DISTRICTS WITHIN THE CITY, AND WHEN A PROPERTY OWNER OR DEVELOPER COMES INTO THE CITY IT IS IMMEDIATELY REQUESTED THAT THEY ALTER THEIR ZONING TO CITY ZONING. THE CITY DOES NOT WANT PROPERTY WITHIN SPRINGBORO TO DEVELOP UNDER ANOTHER ENTITY'S REGULATIONS. MS. THOMPSON ELABORATED THAT IN GENERAL IF THE PROEPRTY IS ZONED (T)R-1 WITH A DENSITY OF 2 PER ACRE, AS IT IS IN THIS PARTICULAR CASE, THE CITY WOULD REQUEST THAT THE APPLICANT REZONE THE PROPERTY TO AN R-2 OR R-1 OR A PUD-R. MS. THOMPSON CLARIFIED THAT SHE IS NOT TAKING SIDES WITH RESPECT TO THIS REQUEST; SHE IS SIMPLY STATING THAT THE CITY WOULD NOT DEVELOP THE PROPERTY UNDER TOWNSHIP REGULATIONS.

MR. ANDERSON ASKED IF A TRAFFIC STUDY WAS CONDUCTED TO DETERMINE HOW THIS DEVELOPMENT WOULD IMPACT TRAFFIC ON THIS BUSY ROAD? MS. THOMPSON ANSWERED THAT THE PROPERTY IS NOT AT THAT POINT IN THE PROCESS YET. SHE EXPLAINED THAT IF THE PROPERTY IS REZONED, THE DEVELOPER WOULD NOT BE DOING A TRAFFIC STUDY UNTIL THEY PRESENT SOME SITE PLANS TO THE PLANNING COMMISSION FOR REVIEW. MS. THOMPSON FURTHER EXPLAINED THAT THIS STEP IS STRICTLY A REZONING, AND ONCE THE PROPERTY IS REZONED, THEN IT WOULD GO THROUGH THE NORMAL PLANNING COMMISSION REVIEW PROCESSES WHERE TRAFFIC, LAYOUT OF STREETS, SITE DISTANCE, ETC. WOULD BE REVIEWED DURING THE SITE PLAN REVIEW PROCESS AND FINAL DEVELOPMENT PLAN.

MS. LAIRSON ASKED IF THERE WERE OTHER OPTIONS TO REDUCE DENSITY FOR THIS SITE OTHER THAN THE PUD-R ZONING DISTRICT? MS. THOMPSON EXPLAINED THAT THE PLANNING COMMISSION HAS ALREADY RECOMMENDED THIS REZONING TO CITY COUNCIL AT 126 MAXIMUM UNITS, AND THAT IS THE AGREEMENT THEY REACHED WITH THE DEVELOPER. SHE ADDED THAT 126 UNITS EQUALS APROXIMATELY 10.5 UNITS PER ACRE, WHICH IS LOWER THAN THE CITY'S STANDARD ALLOWANCE UNDER AN R-3 DENSITY, AND THE R-3 DISTRICT IS THE ONLY DISTRICT THAT REALLY COMPARES; THEREFORE THE DEVELOPER AGREED TO A SLIGHTLY LOWER DENSITY THAN THEY COULD HAVE ACHIEVED AT THE R-3 LEVEL.

MS. BEMPULSI COMMENTED THAT THE PUD-R DISTRICT GIVES THE CITY AS WELL AS THE DEVELOPER MORE FLEXIABILITY AS FAR AS LAYOUT, LANDSCAPING, ETC. MS. BEMPULSI EXPLAINED THAT THE DEVELOPER ORIGINALLY ASKED FOR R-3 ZONING, A MUCH HIGHER DENSITY AT 15 UNITS PER ACRE, BUT AFTER REFERRING TO THE

COMPREHENSIVE LAND USE MASTER PLAN FOR THE CITY, THE RECOMMENDATION WAS TO REZONE THE SITE TO PUD-R. SHE ADDED THAT THE PUD-R ZONING JUST SEEMS TO FIT; THE REST OF PLAN WOULD BE FIGURED OUT AT THE PLANNING COMMISSION LEVEL, ONCE THE REZONING IS APPROVED.

MS. LAIRSON CLARIFIED THAT THE NUMBER OF UNITS PER ACRE COULD END UP BEING FEWER THAN 126. SHE FURTHER CLARIFIED THAT 126 UNITS IS SIMPLY THE MAXIMUM ALLOWABLE FOR THE SITE, AND THE DEVELOPER IS NOT GUARANTEED THAT NUMBER. MS. THOMPSON REPLIED YES, THAT IS CORRECT.

2) CHRIS HARSHBARGER, 515 WHISPERING PINES, SPRINGBORO – MR. HARSHBARGER STATED THAT HE LIVES ON THE CORNER OF CLEARCREEK-FRANKLIN ROAD AND WHISPERING PINES LANE. HE COMMENTED THAT HIS FIRST BIG CONCERN IS THAT NOTHING HAS BEEN SETTLED REGARDING THE ACREAGE BEHIND HIM ON CLEARCREEK-FRANKLIN ROAD, BUT HE KNOWS THERE ARE A LOT OF WORKERS ON THAT LAND DOING SURVEYS, ETC., AND HE KNOWS IT WILL BE DEVELOPED EVENTUALLY CREATING A TRAFFIC CONCERN. MR. HARSHBARGER STATED THAT FURTHERMORE, ALL OF THE EXISTING APARTMENTS ON CLEARCREEK-FRANKLIN ROAD ARE THE SOURCE OF A LOT OF PROBLEMS SUCH AS THEFTS AND BREAK-INS. MR. HARSHBARGER ALSO STATED THAT IF APARTMENTS ARE DEVELOPED ON THAT SITE, IT WOULD DECREASE THE VALUE OF THE HOMES IN THE AREA, AND HE DOES NOT WANT APARTMENTS BUILT THERE. MR. HARSHBARGER ASKED, IF THIS SITE IS REZONED AND TRAFFIC SURVEYS ARE PERFORMED, HOW MUCH ARE THE SURROUNDING PROPERTIES, LIKE HIS, GOING TO BE TORN UP TO WIDEN THE ROAD OR CHANGE OTHER ASPECTS OF THE AREA'S INFRASTRUCTURE TO GET THIS DEVELOPMENT TO WORK. MR. HARSHBARGER STATED THAT HE THINKS THIS DEVELOPMENT CANNOT WIN; IT WOULD JUST BRING BAD THINGS TO A VERY NICE, QUIET COMMUNITY. HE ADDED THAT CLEARCREEK-FRANKLIN ROAD SEEMS LIKE A HIGHWAY NOW WITHOUT THE NEW DEVELOPMENT BECAUSE THERE IS SO MUCH TRAFFIC, AND HE CONSIDERS THIS PROPOSAL TO BE A LOT OF UNITS ON JUST A LITTLE BIT OF LAND. MR. HARSHBARGER STATED THAT HE IS AGAINST THE REZONING.

3) HEATHER STAHLER, 310 CLEARCREEK-FRANKLIN ROAD, SPRINGBORO – MS. STAHLER COMMENTED THAT SHE LIVES ACROSS THE STREET FROM THE PROPERTY PROPOSED TO BE REZONED. MS. STAHLER STATED THAT SHE IS A PARENT OF TWO SMALL CHILDREN AND OTHER FAMILIES ALONG THE STREET ALSO HAVE SMALL CHILDREN, AND SHE IS VERY CONCERNED ABOUT THE TRAFFIC. SHE EXPLAINED THAT CLEARCREEK-FRANKLIN ROAD IS LIKE A HIGHWAY AT TIMES, AND SHE HAS A HARD TIME BELIEVING THAT PEOPLE TRAVEL AT THE 35 MPH SPEED LIMIT, ESPECIALLY BASED ON HER EXPERIENCES PULLING INTO AND OUT OF HER DRIVEWAY, WHICH SEEMS LIKE SHE IS TAKING HER LIFE INTO HER HANDS AT TIMES. MS. STAHLER FURTHER EXPLAINED THAT TRAFFIC IS A HUGE CONCERN FOR HER, ESPECIALLY BECAUSE HER MAILBOX IS ACROSS THE STREET. MS. STAHLER CONTINUED HER COMMENTS BY STATING THAT SHE IS WORRIED ABOUT WHAT IS GOING TO HAPPEN SINCE THEY HAVE HAD VACANT LAND ACROSS THE STREET FOR THE NINE YEARS THEY HAVE LIVED THERE. SHE ADDED THAT IT IS HER UNDERSTANDING THAT THERE USED TO BE A FARM HOUSE ON THAT PROPERTY BUILT BY THE ORIGINAL OWNERS IN THE EARLY 1970'S. FINALLY, MS. STAHLER COMMENTED THAT R-2 ZONING WOULD ALLOW NO MORE THAN FOUR FAMILIES PER ACRE.

4) CHARLES DOLL, 255 FOLIAGE LANE, SPRINGBORO – MR. DOLL STATED THAT HIS CONCERN IN PART IS THAT THE PROPOSED SITE IS JUST A SMALL PARCEL OF LAND, AND HE ASKED IF THAT IS THE FIRST STEP IN DEVELOPING HIGH DENSITIES ALL ALONG CLEARCREEK-FRANKLIN ROAD? MR. DOLL'S CONCERN IS THE POTENTIAL FOR HIGH DENSITY DEVELOPMENT ALONG CLEARCREEK-FRANKLIN ROAD.

MAYOR AGENBROAD ASKED IF ANY OTHER OPPONENTS WISHED TO BE HEARD. NO OTHER OPPONENTS CAME FORWARD.

MAYOR AGENBROAD THANKED THE PARTICIPANTS OF THE PUBLIC HEARING FOR THEIR COMMENTS. MAYOR AGENBROAD STATED THAT THEIR COMMENTS WOULD BE PASSED ON TO THE PLANNING COMMISSION AND STAFF. MAYOR AGENBROAD ASKED IF MS. BERPULSI HAD ANY COMMENTS. SHE ANSWERED NO, NONE AT THIS TIME, BUT SHE APPRECIATES ALL OF THE PARTICIPANTS' COMMENTS.

MAYOR AGENBROAD STATED THAT THE PURPOSE OF A PUBLIC HEARING IS TO HEAR RESIDENTS' INPUT AND CONCERNS REGARDING THE TOPIC IN QUESTION. HE ADDED THAT CITY COUNCIL WILL HEAR THE FIRST READING OF THIS ORDINANCE TO REZONE THE SITE AT 8683 CLEARCREEK-FRANKLIN ROAD AT TONIGHT'S COUNCIL MEETING, THE SECOND READING WILL BE HEARD ON FEBRUARY 15, 2007, AND THE EARLIEST THIS REZONING WOULD BE ACTED ON WOULD BE MARCH 1, 2007. MAYOR AGENBROAD THANKED THE RESIDENTS FOR ATTENDING THIS PUBLIC HEARING.

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MAYOR AGENBROAD DECLARED THE PUBLIC HEARING ADJOURNED AT APPROXIMATELY 7:25 PM.

ITEM 1. CALL TO ORDER. Mayor Agenbroad called the Springboro, Ohio City Council Regular Meeting to order at 7:00 PM in Council Chambers at the Springboro City Building, 320 W. Central Avenue, Springboro, Ohio.

ITEM 2. PLEDGE OF ALLEGIANCE. Mayor Agenbroad led the Pledge of Allegiance.

ITEM 3. ROLL CALL. Agenbroad, Present; Anderson, Present; Belpulsi, Present; Chmiel, Present; Hruska, Present; Lairson, Present; Parise, Present.

ITEM 4. APPROVAL OF MINUTES: THE MINUTES OF THE JANUARY 18, 2007 CITY COUNCIL WORK SESSION AND REGULAR MEETING.

Ms. Belpulsi motioned to approve the January 18, 2007 City Council Work Session and Regular Meeting Minutes as submitted by the Clerk of Council. Mr. Hruska seconded the motion.

No corrections.

VOTE: Chmiel, Yes; Parise, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes. [APPROVED 7-0]

ITEM 5. PRESENTATIONS: No presentations.

ITEM 6. LEGISLATION:

City Council held a Work Session at 6:00 PM immediately preceding tonight's City Council Regular Meeting for approximately 21 Minutes to discuss the following legislative items as well as other matters before the City. Following the Work Session discussion, City Council entered Executive Session to discuss the purchase of property for approximately 20 minutes; whereby, no votes were taken.

MOTION: TO AMEND THE LEGISLATIVE AGENDA TO ADD ITEM 6, A RESOLUTION. Mayor Agenbroad commented that he would ask for a motion to amend the Legislative Agenda to add Item 6, a Resolution, following the reading/action on Legislative Item 5.

- 1) ORDINANCE: SECOND READING.** "AN ORDINANCE AMENDING SECTION 1280.15(B) - EXEMPTIONS OF CHAPTER 1280 SITE PLAN REVIEW PROCEDURES, OF TITLE SIX – ZONING OF PART TWELVE – PLANNING AND ZONING CODE," was read by the Clerk of Council. Ms. Thompson deferred to Mr. Boron to comment on this item.

This is the second reading of an ordinance amending Section 1280.15(b), Exemptions of Chapter 1280, Site Plan Review Procedures of the City's Planning and Zoning Code. This ordinance was the subject of a Public Hearing on January 18, 2007, and was recommended by the Planning Commission on November 29, 2006 for the purposes of expanding and enlarging the exemptions that are presently available to applicants to the City's site plan review process. Presently, any addition to a building or enlargement that alters the building by more than 10% of its floor area is subject to Planning Commission review. This ordinance would also exempt businesses or buildings where less than 1,000 sq. ft. is added. In the course of the Planning Commission discussion regarding this amendment, it was determined that expanding the exemptions would be very useful to smaller businesses especially in the historic district and the town center area. Business owners proposing an expansion would still need to fulfill the Planning Commission requirements, but the amendment would cut out the step requiring the applicant to supply information to the Planning Commission and go through the standard site plan review process. Mr. Boron offered to answer any questions from City Council. There were no questions from City Council.

No action required at this time.

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- 2) **ORDINANCE: SECOND READING.** "AN ORDINANCE AMENDING CHAPTER 826 OF TITLE TWO - BUSINESS REGULATION, OF PART EIGHT – BUSINESS REGULATION AND TAXATION CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO TO ALLOW TEMPORARY SIGNS IN COMMERCIAL SIGN DISTRICTS," was read by the Clerk of Council. Ms. Thompson deferred to Mr. Boron to comment on this item.

This is the second reading of an ordinance amending Chapter 826 of Title Two, Business Regulation of the City's Business Regulation and Taxation Code to allow temporary signs in commercial sign districts. The Planning Commission recommended this amendment to on November 29, 2006. The purpose of this recommendation is to amend the sign code, which is in Chapter 8 of the Codified Ordinances, to permit temporary signs in the form of banners to be erected in Commercial Sign Districts up to four times per year for 30 days per installation to expand the allowance of signage for businesses. The intent is that the temporary banner sign would be a regulated sign; therefore, it would be subject to a sign permit and a small fee. In the course of the discussion at the Council Work Session on January 18, there were some items pertaining to business signage that the Planning Commission will take under advisement, specifically, temporary signs that could be used for monument type signs or yard signs, which will be discussed at the next Planning Commission Work Session on February 14. Mr. Boron offered to answer any questions from City Council. There were no questions from City Council.

No action required at this time.

- 3) **EMERGENCY ORDINANCE: FIRST READING:** "AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, REZONING 0.3103 ACRES OF LAND AT 5 FAIRWAY DRIVE FROM R-2, LOW DENSITY RESIDENTIAL DISTRICT, TO O-R, OFFICE-RESIDENTIAL DISTRICT; AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Ms. Thompson deferred to Mr. Boron to comment on this item.

This is the first reading of an ordinance to amend the City's official zoning map and rezone 0.3103 acres of land at 5 Fairway Drive from R-2 (Low Density Residential District) to O-R (Office-Residential District). This ordinance was the subject of the first Public Hearing held at the beginning of tonight's City Council Regular Meeting. The Planning Commission recommended this rezoning on December 12, 2006. The property is located on the northwest corner of Fairway Drive and W. Central Avenue (SR 73). In the course of the discussion and recommendation to City Council, the Planning Commission found that the recommendation was consistent with the Comprehensive Land Use Master Plan for the City of Springboro, which states specifically for this site and other properties along that portion of W. Central Avenue to allow for the conversion of residential properties to professional offices. The property adjacent to 5 Fairway Drive is also zoned O-R. The purpose of this rezoning change is to reuse the existing building for an office structure. Mr. Boron offered to answer any questions from City Council.

Mr. Parise asked, aside from the fact that there were no participants in the Public Hearing for this rezoning, have any residents called the City to ask about this rezoning? Mr. Boron answered no, not to his knowledge. Ms. Thompson confirmed that the City had not received any comments or concerns regarding this request to rezone. She added that a sign is posted on the property advertising the Public Hearing for this rezoning. Mayor Agenbroad added that usually if residents have an interest, they would appear at the Public Hearings to make their comments and concerns known to City Council.

No action required at this time.

- 4) **ORDINANCE: FIRST READING:** "AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, REZONING 12.1 ACRES OF LAND AT 8683 CLEARCREEK-FRANKLIN ROAD FROM ED, EMPLOYMENT CENTER DISTRICT, AND (T)R-1, FRANKLIN TOWNSHIP RURAL RESIDENCE DISTRICT, TO PUD-R, PLANNED UNIT DEVELOPMENT-RESIDENTIAL," was read by the Clerk of Council. Ms. Thompson deferred to Mr. Boron to comment on this item.

This is the first reading of an ordinance to amend the City's official zoning map and rezone 12.1 acres of land at 8683 Clearcreek-Franklin road from ED (Employment Center District) and (T)R-1 (Franklin Township Rural Residence District) to PUD-R (Planned Unit Development-Residential). This ordinance was the subject of the second Public Hearing held at the beginning of tonight's City Council Regular Meeting. The Planning Commission recommended this rezoning on December 12, 2006. The property is located on the west side of the intersection of Whispering Pines Lane and Clearcreek-Franklin Road. The Planning Commission's recommendation took into account the Comprehensive Land

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Use Master Plan for the City of Springboro, which states that the site is suitable for residential with cluster homes and other moderate density development. As stated by the City Manager during the Public Hearing, the basis for the density recommendation was the R-3 (Medium Density Residential District), which is in the City's Planning and Zoning Code. As also stated during the Public Hearing, the maximum density permitted in the R-3 District is 15 units per acre; therefore, this zoning change is something of a compromise at a lower density relative to what is permitted in the R-3, which exists elsewhere in the community. This ordinance is only step one in a three-step plan review process for a Planned Unit Development District. A general plan would need to be developed which identifies street systems and building locations followed by a final development plan, which would be reviewed by the Planning Commission, and finally, a record plan later in the review process. Mr. Boron offered to answer any questions from City Council.

Mr. Parise asked how many homes per acre the R-3 district allows? Mr. Boron replied, up to a maximum of 15 units per acre. Mr. Parise clarified that those would not be individual homes? Mr. Boron replied no, they would not. Mr. Parise asked if the City has an option to rezone the property to an R-2 or an R-1 zoning district? Mr. Boron replied yes. Ms. Thompson replied that the City has that option, but that was not the request of the applicant. Mr. Boron clarified that the rezoning request being presented to City Council is based on the request of the applicant. Mr. Parise confirmed that City Council would vote on this rezoning based on what the applicant wants? Ms. Thompson replied yes, or would actually be voting on the recommendation of the Planning Commission based on the applicant's request. Mayor Agenbroad stated that City Council would not be voting on this zoning change tonight, as this is the first reading.

No further discussion.

No action required at this time.

- 5) **ORDINANCE O-07-4: FIRST READING:** "AN ORDINANCE AUTHORIZING THE SUPPLEMENTAL APPROPRIATION OF MONIES; THEREBY AMENDING ANNUAL APPROPRIATION ORDINANCE NO. O-07-01 OF THE CITY OF SPRINGBORO, OHIO PASSED BY THE CITY COUNCIL ON DECEMBER 21, 2006 FOR THE YEAR 2007; AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This is the first reading of an ordinance authorizing the supplemental appropriation of monies for 2007. This supplemental appropriation ordinance is being requested by the Director of Finance to cover costs associated with some sanitary sewer projects and the new sewer plant expansion project in the amount of \$758,000. The monies would be supplemented from the sewer fund. The cost of payments from the sewer plant expansion would actually be reimbursed to the City through the bond proceeds that are currently held by New York Trust Company in the amount of \$650,00 of the \$758,000. \$95,000 in supplemental appropriations has been requested to cover the final payments to the City's management company for Heatherwoode Golf Course in 2006, which would be supplemented from the Golf Fund. The Sewer Fund and the Golf Fund are separate funds for the City and monies cannot be utilized from those funds for anything except those uses that are defined. The total amount of this supplemental appropriation of monies is \$853,000, and the Director of Finance has requested that City Council waive the second and third readings of this ordinance in order to properly appropriate the funds for expenditure.

Mayor Agenbroad presented the item for questions/comments. No questions/comments.

Mr. Chmiel motioned to suspend the rules and waive the second and third readings of this ordinance. Ms. Belpulsi seconded the motion.

No discussion.

VOTE: Agenbroad, Yes; Hruska, Yes; Chmiel, Yes; Parise, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes. [APPROVED 7-0]

Ms. Lairson motioned to adopt Resolution O-07-4. Mr. Hruska seconded the motion.

No discussion.

VOTE: Chmiel, Yes; Parise, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes. [APPROVED 7-0]

AMENDMENT:

Mr. Hruska motioned to amend the Legislative Agenda to add Item 6, a Resolution. Ms. Belpulsi seconded the motion.

No discussion.

VOTE: Agenbroad, Yes; Hruska, Yes; Chmiel, Yes; Parise, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes. [APPROVED 7-0]

- 6) **RESOLUTION R-07-4:** "A RESOLUTION OF INTENTION TO APPROPRIATE CERTAIN LAND LOCATED OFF OF STATE ROUTE 73 AT THE DISCOUNT DRUG MART ADJACENT TO GODDARD SCHOOL FOR PURPOSE OF ESTABLISHING A PUBLIC ROAD AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Ms. Thompson deferred to Mr. Schaeffer to comment on this item.

This resolution declares the intent to appropriate certain land located on State Route 73 adjacent to the Goddard School property to establish a public access. This legislation is another step in the process of resolving an access issue involving the Goddard School property in relation to the Drug Mart Shopping Center. The resolution is stated as an emergency, but this action is not an emergency piece of legislation, as resolutions are not emergencies. This resolution would automatically take effect immediately upon passage, and that change will be made and submitted to the Clerk of Council, as the emergency language is not necessary.

Mayor Agenbroad presented the item for questions/comments.

Mr. Parise asked if this legislation provides for the City to put in a driveway on the Goddard School property? Mr. Schaeffer explained that there already is an easement going through the Drug Mart parcel from State Route 73 to the Goddard School property. He explained that the key word is "to" the Goddard School property. Mr. Schaeffer further explained that the access easement to the Goddard School property was established at the time that the driveway leading directly to the Goddard School property from State Route 73 was closed off; the purpose of which was to provide the Goddard School property with access. Mr. Schaeffer stated that this matter was litigated to the Ohio Supreme Court, where the Court indicated that the City had the right to close off the Goddard School property curb cut directly to State Route 73, as long as the City provided other access, and that other access was provided via the easement through the Drug Mart Shopping Center. Mr. Schaeffer further stated that the easement itself providing that access needs to be upgraded to ensure the Goddard School property has permanent access, and that is what this legislation declares the intent to do.

Mr. Parise clarified that the current easement to the Goddard School property was just a temporary fix. Mr. Schaeffer explained that the current easement is more of a discretionary easement that could go away in the future if a series of events would occur all of which are remote. Mr. Schaeffer elaborated by stating that, from a purely technical legal perspective, the Goddard School property does not have the permanent access that it needs. Mr. Schaeffer explained that the property currently has all of the reasonable access that it needs, and that is the access that is being used on a daily basis, and there is no immediate detriment to the Goddard School property presently. Mr. Schaeffer summarized by stating that this legislation completes or fixes an issue that was not completed years ago to the level that it should it been when the easement was originally conveyed.

Ms. Lairson clarified that the property that the access easement is on now belongs to the Drug Mart Shopping Center, and basically what this legislation does is reassign the access easement to be attached to the Goddard School property to ensure that the access would stay with that property under any and all circumstances. Mr. Schaeffer replied yes, as a practical matter that explanation is exactly right.

Mr. Hruska confirmed that what the City is really doing is just changing the language in the existing easement, and not making any physical changes? Mr. Schaeffer explained that the City is conveying the easement, as it was originally intended by all the parties, but which did not get translated into the original paperwork.

No further discussion.

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Mr. Hruska motioned to adopt Resolution R-07-4. Mr. Chmiel seconded the motion.

No discussion.

VOTE: Parise, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes; Chmiel, Yes. [APPROVED 7-0]

ITEM 7. REPORTS:

Mayor's Report –The 3rd U.S. District Representative office hours have been canceled until further notice from Congressman Mike Turner's office. The next City Council Work Session will be held on Thursday, February 15, 2007 at 6:00 PM in Council Chambers, as scheduled. The next City Council Regular Meeting will be held on Thursday, February 15, 2007 at 7:00 PM in Council Chambers, as scheduled.

City Manager's Report – Ms. Thompson advised City Council and the community that Harvey Lyons, who began his career with the City in 1990 as the City's Golf Course Maintenance Supervisor, retired from the City on January 9, 2007. Mr. Lyons left the Golf Course in the mid-1990's when the City decided to enter into a management contract to operate the golf course, and he accepted a position in the City's Public Works Department. Ms. Thompson stated that the City wishes Mr. Lyons the best in his retirement. She added that Mr. Lyons has been a very valuable member of the City's staff and a pleasure to work with, and the City wishes him well.

On behalf of City Council, Mayor Agenbroad wished Mr. Lyons the best for his retirement.

Committee Reports –

Mr. Parise – No reports.

Mr. Chmiel – Planning Commission – The Planning Commission met for their formal meeting on Wednesday, January 31 at 7:00 PM in Council Chambers to discuss a variety of issues and to approve the following agenda items: Site Plan Review – West End of Commercial Way, proposed office building [APPROVED]; Record Plan – Springboro Commercial Park, Section 4, dedication of right-of-way at west end of Commercial Way [APPROVED]; Revision to Approved General Plan – The Enclave Planned Unit Development-Residential, southeast corner East Central Avenue (SR 73) and Red Lion-Five Points Road, reduction in size of proposed residential subdivision [APPROVED]; Revision to Approved Final Development Plan – The Enclave Planned Unit Development-Residential, reduction in size of proposed residential subdivision [APPROVED]; Vacation of Approved Record Plan – The Enclave Planned Unit Development-Residential, Section 3 [APPROVED]; Rezoning – The Enclave Planned Unit Development-Business, expansion of business zoning [APPROVED]; Revision to Approved General Plan – The Enclave Planned Unit Development-Business, expansion of business zoning [APPROVED]. Mr. Chmiel explained the items pertaining to the plans for The Enclave Development as follows: A development has already been approved and partially developed at the intersection of Red Lion-Five Points Road and State Route 73. The parcel is composed of five separate blocks, three of the blocks are proposed as residential development and two of the blocks are proposed as business development. Currently, the two residential components have been completed and the applicant has requested to change the third residential component to a business component, which would be subject to the same regulations that were applied to the other two business components. Mr. Chmiel commented that the Planning Commission held a lot of discussion with the residents of the residential portion of The Enclave and the developer, and it was a really nice combination of the community working together with the developer to come up with a better plan for the residents and for the developer. All of the processes concerning acting on these changes were taken at the Planning Commission meeting on January 31, and will be forwarded to City Council for review and approval in the near future. The remaining Planning Commission agenda items were as follows: Final Development Plan – The Springs Planned Unit Development, approval of exterior elevations and lighting plan for The Villas condominiums [APPROVED]. The next Planning Commission Work Session will be held on Wednesday, February 14, 2007 at 7:00 PM in Council Chambers, as scheduled.

Mr. Hruska – No reports.

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Ms. Lairson – No reports.

Mr. Anderson – No reports.

Ms. Belpulsi – No reports.

ITEM 8. OTHER BUSINESS: At this time, Mayor Agenbroad asked for a motion to schedule a Public Hearing as follows: Based on the recommendation of the Planning Commission, Council will proceed with a Public Hearing on Thursday, March 15, 2007 beginning at 7:00 PM in Council Chambers for the following: A request to amend the Official Zoning Map of the City of Springboro and rezone 4.69 acres of land located at the southwest corner of Sate Route 73 and Red Lion-Five Points Road from PUD-R (Planned Unit Development-Residential) To PUD-B (Planned Unit Development-Business).

Ms. Belpulsi motioned to schedule a Public Hearing on Thursday, March 15, 2007 beginning at 7:00 PM in Council Chambers as stated above. Mr. Hruska seconded the motion.

No discussion.

VOTE: Chmiel, Yes; Parise, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes. [APPROVED 7-0]

ITEM 9. FINAL COUNCIL AND MANAGER COMMENTS. Ms. Martin commented that she received an e-mail from Phyllis Harover. City Council appointed Ms. Harover as the City's representative to the Warren County Board of Health in January. Ms. Martin stated that Ms. Harover attended her first Board of Health meeting on January 16, and she really appreciates the opportunity to represent Springboro and be a part of the community's leadership. Mayor Agenbroad commented that he is sure Ms. Harover will do a great job representing the City.

Mr. Chmiel commented that he would like to take this opportunity to thank Klosterman Bakery, who invited City Council and several members of staff to a tour of their facility at 350 S. Pioneer Boulevard in Springboro. The bakery currently employs 24 people, and their operation has expanded from a single shift to two shifts. Mr. Chmiel commented that Klosterman Bakery is doing some unique things in their industry, and they are thrilled to be here in Springboro. Mr. Chmiel further commented that the City is happy to have Klosterman Bakery in the City's business district. In addition, Mr. Chmiel commented that he knows Assistant City Manager Chris Pozzuto and City Manager Chris Thompson put a lot of effort into this opportunity for Klosterman to be here in Springboro. Mr. Chmiel again thanked Klosterman Bakery for inviting City Council to their facility.

ITEM 10. GUEST COMMENTS. 1) Mike Hemmert, 115 Heatherwoode Boulevard, Springboro – Mr. Hemmert commented that there are some exciting things going on in the schools, and Springboro Schools are rated "A" for excellent. Mr. Hemmert commented that Rick Creager, the Business Teacher at Springboro High School, is in New York City right now with two of Springboro's High School students. Mr. Hemmert explained that these two students won a stock market contest, and a trip to New York, and they will be ringing the bell tomorrow morning at 9:30AM for the New York Stock Exchange. Mr. Hemmert stated that he just wanted to make the City Council and the community aware of that event.

Mayor Agenbroad again thanked the participants of the Public Hearing for attending tonight's meeting. Mayor Agenbroad stated that he understands that their time is valuable and their comments are duly noted for the record. Mayor Agenbroad reiterated that the earliest possible date that Council would act on the request to rezone 8683 Clearcreek-Franklin Road would be March 1.

ITEM 11. EXECUTIVE SESSION. No Executive Session.

ITEM 12. ADJOURNMENT. Mayor Agenbroad thanked the MVCC for tonight's telecast and eventual rebroadcast of this Springboro City Council Meeting.

Mr. Hruska motioned to adjourn the meeting; whereby, the Thursday, February 1, 2007 Springboro City Council Regular Meeting was adjourned at approximately 7:49 PM. Ms. Belpulsi seconded the motion.

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No discussion.

**VOTE: Agenbroad, Yes; Hruska, Yes; Chmiel, Yes; Parise, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes.
[APPROVED 7-0]**

John Agenbroad, Mayor

Presiding Officer

Lori A. Martin, Clerk of Council