



CITY OF KETTERING

DONALD E. PATTERSON, MAYOR • BILL LAUTAR, VICE MAYOR
BRUCE E. DUKE • JACQUE FISHER • TONY KLEPACZ • ROB SCOTT • JOSEPH D. WANAMAKER

KETTERING COUNCIL AGENDA

October 9, 2018

Kettering Government Center – South Building
3600 Shroyer Rd. Kettering, Ohio 45429

6:00 P.M. **WORKSHOP** Kettering Room
7:30 P.M. **REGULAR MEETING** Council Chambers

PLEDGE OF ALLEGIANCE

INVOCATION

APPROVAL OF MINUTES

September 25, 2018- Council Meeting & Workshop Minutes

PROCLAMATIONS, SPECIAL PRESENTATIONS, AWARDS, SPECIAL RESOLUTIONS, APPOINTMENTS TO BOARDS AND COMMISSION

Presentation Montgomery County Environmental Services
Presentation Five Rivers MetroParks

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

ORDINANCES IN SECOND READING

1. To rezone 1770 East David Road (Planning Commission Case No. PC-18-015).

RESOLUTIONS

2. Authorizing the City Manager to accept a Montgomery County OVI task force grant from the Ohio Department of Public Safety.
3. To make supplemental appropriations for current expenses and other expenditures of the City of Kettering, State of Ohio, during the fiscal year ending December 31, 2018.

ORDINANCES IN FIRST READING

CERTIFICATIONS AND PETITIONS

Certification- Planning Commission recommends denial of P.C. 18-017- Request for a Zoning District Map Amendment to reclassify land from an O-Office and R-2 Neighborhood Residence to a B-Business designation. A public hearing on this request will be held on Tuesday, October 23, 2018 at the Kettering City Council meeting.

MANAGER'S REPORT/COMMUNITY UPDATE

OTHER BUSINESS NOT ON WRITTEN AGENDA

Audience Participation (5 Minute Limit per Speaker)

CITY COUNCIL REPORT/UPDATE

The City of Kettering invites people with disabilities to enjoy our programs, services, parks, and facilities. Contact Anna Breidenbach at anna.breidenbach@ketteringoh.org or call 296-2439 for more information about our accessibility, inclusion, and special programs initiatives. For TTY assistance, contact Ohio Relay Service at 800-750-0750.

KETTERING CITY CALENDAR 2018

October 9	4:00 p.m. 6:00 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop City Council Meeting
October 15	7:00 p.m. 7:00 p.m.	Planning Commission Board of Community Relations
October 17	8:00 a.m.	Volunteer Advisory Council
October 22	7:00 p.m. 7:30 p.m.	Board of Zoning Appeals Sister Cities
October 23	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

TO REZONE 1770 EAST DAVID ROAD (PLANNING
COMMISSION CASE NO. PC 18-015)

WHEREAS, on August 6, 2018, after publication and issuance of notice as required by the City of Kettering Zoning Code, a public hearing was conducted by the City of Kettering Planning Commission concerning an application to rezone a parcel of land located at 1770 East David Road, depicted in the attached Exhibit A as the area bounded by the dashed line, (the "Property") to I Industrial District; and

WHEREAS, the Planning Commission recommended approval of the proposed zoning change; and

WHEREAS, on September 11, 2018, after publication and issuance of notice as required by the Zoning Code, this City Council held a public hearing with evidence presented by the Planning and Development Department along with the recommendation of the Planning Commission to approve the application, and all parties were afforded the opportunity to be heard and present evidence in support of their positions;

NOW, THEREFORE, Be It Ordained by the Council of the City of Kettering, Ohio, that:

Section 1. Having considered the report and recommendation of the Planning Commission and the criteria set forth in Sections 1153.12.9, Consistency, through 1153.12.15, Other Factors, of Chapter 1153 of the Zoning Code, the staff report and evidence presented at the public hearing, sound planning and zoning practices, the City's adopted plans, goals, and policies, the intent of the Zoning Code, and the public health, safety and welfare requirements underlying the Zoning Code, City Council finds that the application for rezoning should be approved.

Section 2. Based on the foregoing, the Property is rezoned to I industrial District.

Section 3. As appropriate and necessary, the official Zoning Map of the City of Kettering, Ohio is hereby revised and amended to reflect the zone change; and Section 1133.02 of the Kettering Codified Ordinances, which adopts the Zoning Map by reference, is hereby reenacted effective as of the first effective date of this Ordinance so as to include the map revision in the Zoning Code. The Director of the Planning and Development Department is directed to make such appropriate revisions on the official Zoning Map of the City.

Section 4. This ordinance shall take full force and effect from and after the earliest period provided by law.

Passed by Council this _____ day of _____ 2018.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

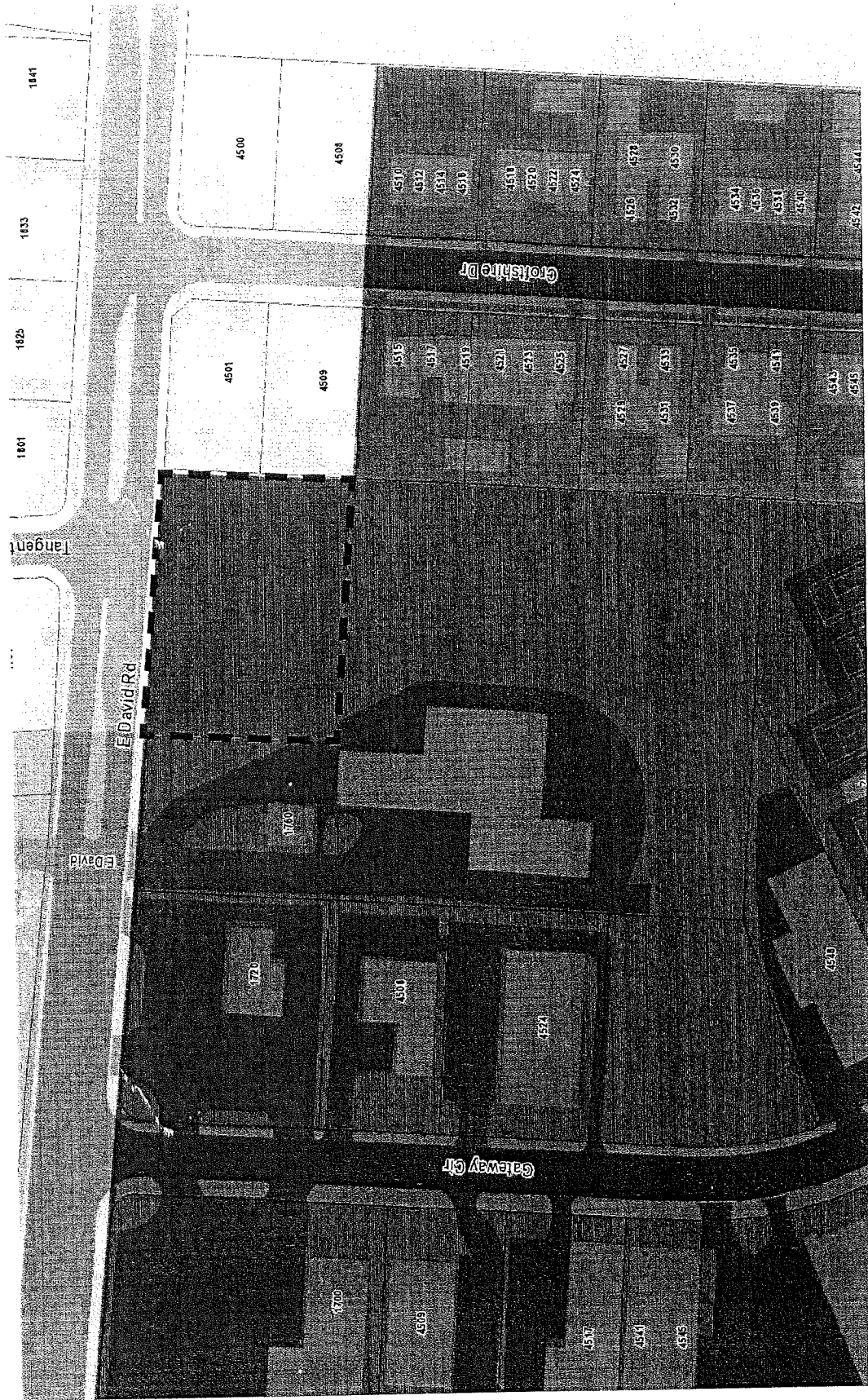
LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

(Requested by: Planning and Development Department)

EXHIBIT A

(2 total pages including this page)



KEY

I - Industrial
EDO

R-1, Suburban Residence
R-4, Village Residence

Exhibit 1
Proposed Zoning Map Amendment
1770 E David Road
Zoning Map Amendment
August 6, 2018

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ACCEPT A
MONTGOMERY COUNTY OVI TASK FORCE GRANT
FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY**

WHEREAS, the City has applied for a grant in the amount of \$15,000.00 from the Ohio Department of Public Safety using the City of Dayton, Ohio as the Lead Agency; and

WHEREAS, said Grant funds will reimburse the City for overtime expenses related to 2018-2019 Operating a Vehicle Under the Influence (OVI) enforcement; and

WHEREAS, no matching funds from the City are required under this Grant; and

WHEREAS, the City's grant application has been approved;

NOW, THEREFORE, Be It Resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. The City Manager is hereby authorized, on behalf of the City of Kettering, to take all necessary and proper action to accept the above-described grant from the Ohio Department of Public Safety in the amount awarded by that agency. Furthermore, this Council hereby affirms all matters and statements included in the grant application.

Section 2. This Resolution shall take full force and effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2018.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER, III,
Law Director

(Requested by: Police Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR
CURRENT EXPENSES AND OTHER EXPENDITURES OF
THE CITY OF KETTERING, STATE OF OHIO, DURING
THE FISCAL YEAR ENDING DECEMBER 31, 2018**

Be It Resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. To provide for the current expenses and other expenditures of the City of Kettering during the fiscal year ending December 31, 2018, the following supplemental sums are set aside and appropriated:

A. From the Special Grants & Programs Fund:

Law Enforcement Funds \$ 15,000.00

Section 2. The Director of Finance is authorized to adjust appropriations within any fund or department as long as the adjustments made do not exceed the total appropriation authorized within that fund or department.

Section 3. The Clerk of Council is authorized and directed to forward a copy of this Resolution to the Montgomery County Auditor.

Section 4. This Resolution shall take full force and effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2018.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER, III
Law Director

(Requested by: Finance Department)



CITY OF KETTERING
Planning and Development Department

CERTIFICATION

DATE: October 2, 2018
TO: Mayor and Council, City of Kettering
FROM: Planning Commission
SUBJECT: P.C. 18-017 - Request for a Zoning District Map Amendment to reclassify land from an O-Office and R-2 Neighborhood Residence to a B-Business designation.

Planning Commission hereby certifies that a public hearing was held at their meeting on October 1, 2018 with a decision reached at that meeting.

Planning Commission hereby submits its recommendation to Council that the requested Zoning District Map Amendment be denied.

Vote of the Planning Commission

The motion recommending denial was passed by a vote of 4:0.

Reason for Request

This case involves a request to rezone property located at 104 Carrlands Ave. and 15 Southmoor Circle NE from R-2 Neighborhood Residence and O-Office, respectively to B-Business to allow for the demolition of the existing structures and the new construction of a fast food chicken restaurant upon the site.

The Planning Commission could not make the necessary findings for this Zoning Map Amendment request and determined that all the required standards for the proposed rezoning had not been met.

Respectfully submitted,
KETTERING PLANNING COMMISSION

By: David Roller
City Planner
Planning and Development Department