

RECORD OF PROCEEDINGS

Minutes of

Meeting

MIAMI TOWNSHIP ZONING COMMISSION

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held \_\_\_\_\_ MAY 6, 2021 \_\_\_\_\_, \_\_\_\_\_ (YEAR)

The Miami Township Zoning Commission met in regular session on Thursday, May 6, 2021 at 7:00 p.m. at the Miami Township Civic Center, 6101 Meijer Drive, Miami Township, Ohio 45150.

The meeting was called to order by Chair Mark Schulte.

The Pledge of Allegiance was given.

Upon roll call the following members were present: Jeff Baumgarth, Lasserre Bradley, Ed Marcin, John Rademacher, and Mark Schulte. Also present: Board Alternate Karen Wikoff, Board Secretary Nicole Browder and Planning & Zoning Administrator Brian Elliff.

Mr. Baumgarth made a motion to approve the minutes as submitted for the meeting date of April 1, 2021, seconded by Mr. Bradley and the motion carried unanimously with all voting "AYE".

There was no old business.

The Common Rules of Conduct were read and there were no continued hearings.

Public hearings: Case #578, MI Homes – Lamorna Cove Addition (Re-Zone R-2 to R-PUD), was called and the notice of public hearing was read.

Mr. Elliff reported that on April 27, 2021 the Clermont County Planning Commission heard the case and issued a recommendation to approve. He shared that the Community and Economic Development Department did not have a comment and that no traffic study was required by the County. County Water Resources did not have any objections.

Mr. Elliff advised the applicant requested a re-zone from R-2 to R-PUD. He presented a PowerPoint to the Commission that included a regional map to show the parcel location of the 25.64 acres on Deerfield Road, approximately 818' south of the intersection of Deerfield Road and State Route 28. He noted that the existing Lamorna Cove is built out and the 2017 plan was shown and referenced as Case #554.

Mr. Elliff also shared maps of the surrounding zoning which noted a variety of zoning districts in the vicinity. An aerial map of the property was shown. He pointed out the existing mobile home park zoning, the commercial vacant building nearby, the proximity to State Route 28, the multi-family zoning in the area as well as church property and single-family residential zoning in the area.

Mr. Elliff reviewed the site plan layout for the Commission. He pointed out the entrance off Deerfield Road and the connection to the existing Lamorna Cove subdivision. It was noted that several lots would remain as open space. As required with single family districts, sidewalks were included and located along Deerfield Road.

Mr. Elliff next shared a video of the property to provide the Commission with the surrounding views. He noted part of the trees would be reserved, and that a majority of the area exists as cultivated farm field. The variety of housing product was shown as proposed by MI Homes.

Brad Austin, 9349 Washington Boulevard, Cincinnati, Ohio, spoke on behalf of the applicant referencing the successful first phase of Lamorna Cove and their return to proceed with the second phase. He provided an introduction of MI Homes and its 40-year success in the area and that there are 21 active communities in the Cincinnati, Dayton and Centerville markets.

Mr. Austin reviewed the site plan showing both phases and shared that the entrance on Deerfield Road would be similar to the existing entrance on Woodville. He pointed out the detention area and existing trees. He stated there would be a landscape buffer installed for the Bischoff and Cox property. He informed the Commission there would be 54 lots total and this phase will have

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its own homeowners' association for maintenance. The housing product was shown and the purchase prices were referenced at \$350,000 to \$420,000.

Mr. Schulte called for any correspondence received for Case #578. Mr. Elliff confirmed no correspondence was received.

Mr. Schulte called for any adjoining property owners to speak.

Ron Wallace, 6126 Geneva Court, spoke in opposition to the development as proposed. He expressed concern over the number of lots being proposed, the negative impact he anticipated on the water pressure, and made a request for Valencea to stay a dead-end street. He added that a water study should be required to determine if capacity exists for everyday use and fire protection.

Mr. Rademacher requested a review of the Miami Township Fire Department comments. Mr. Elliff informed the Commission that Miami Township Fire Chief Steve Kelly was present to answer any questions. Mr. Elliff added that the County Water Resources Department did not have any objections to the zoning request and that adequate water exists for the subdivision. It was noted the civil engineer for the subdivision was present and the additional water service would likely loop in from Deerfield Road which may provide better water pressure. It was clarified that County departments have jurisdiction over water service.

Rich Wallace, 6123 Geneva Court, introduced himself as the Police/Fire Chief of Amberley Village and a resident in Lamorna Cove. He spoke in opposition to the plan as proposed from the perspective of the existing low water pressure being a fire risk, and that the connector street would become a cut-through when traffic backs up on Woodville Pike.

Mr. Elliff stated that he spoke with Mr. Wallace in advance of this meeting and advised attendance at the County hearing where the Water Resources Department would hear the matter. He noted that the County will again look at the water plan during the construction phase.

Miami Township Fire Chief Steve Kelly spoke on the low water pressure issue and confirmed it was relatively poor. He stated the 8-inch main off Woodville Pike is similar to the development on 131. He highly recommended the connection of the two mains of Woodville Pike and Deerfield Road. He noted he had spoke with Mr. Wallace as well. Chief Kelly reiterated jurisdiction of water resides with the County.

Chief Kelly next addressed the connecting of the existing street Valencea. He supported having multiple ways around the subdivision for emergency response. He noted that cul-de-sacs are restrictive and welcomed the ability to have two ways to service the homes.

Jim Watson with McGill Smith Punshon, 3700 Park 42 Drive, spoke on the water service plan. He stated it was their intent to tie into the main on Deerfield Road. He stated there is an 8" main and 16" and would defer to the County for the appropriate tie-in. He stated they have models on the system and could predict impact on pressures. He also answered an earlier comment that the lot calculation is based on gross acreage, thus the 54 lots proposed.

There being no additional concerned citizens presented who wished to speak, Mr. Schulte called for the recommendation of the Planning & Zoning Administrator.

Mr. Elliff presented the staff recommendation to approve the re-zoning and adoption of the submitted R-PUD plan.

The open portion of the meeting was closed, and the Board held discussion.

Mr. Baumgarth made a motion in Case #578 to approve the rezoning from R-2 Residential District to R-PUD with the condition that the developer submit a fire hydrant and water main

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location plan to the Miami Township zoning staff and Fire Department for approval, seconded by Mr. Bradley with all voting "AYE".

Case #579, Brookstone Homes – Primrose Creek (Zoning District Change R-1 Residence District to R-PUD), was called and the notice of public hearing was read.

Mr. Elliff reported that on April 27, 2021, the Clermont County Planning Commission heard the case and issued a recommendation of approval. He reviewed the County department comments. The Economic Development Department advised the applicant would need to decide on an option for vacating the existing right of way. The County Engineer noted a traffic study was not warranted and the road entrance needs shifted so the radius does not encroach on neighboring property. Water Resources Department had no objections.

Mr. Elliff presented a PowerPoint to the Commission for Case 579. He stated the applicant's request was for a re-zoning from Residence District to R-PUD under Chapter 15. A regional locator map was shown for the 14.85 acres between Arborcrest and Hollow Lanes. Historical information was shared showing an 1880 subdivision plat from the auditor's office. The history of the property's use as a church camp was explained which led to the creation of mini-lots.

Mr. Elliff next displayed a zoning layer map on the property which relayed the R-1 zoning surrounded by R-1 and institutions uses. An aerial map was also shared. He reviewed that the proposal would change the zoning from R-1 to an R-PUD overlay for the additional 32 single family residential lots ranging in size from 9,419 to 18,00 square feet. The setbacks are 40' front, 30' rear and 10' side. He noted lots five and six have reduced rear yard setbacks and the minimum lot width is 70 feet. On an aerial photo he pointed out the area was heavily wooded and included a cell tower with a few large trees, but mostly trees smaller in diameter. Renderings of the proposed housing product were shown.

The Board held discussion on nonconforming lots and the consolidation process.

Pat Munger, 1335 Harbor Cove, Loveland, Ohio 45140, spoke on behalf of the applicant, Brookstone Homes. He expressed their excitement toward building another great community in the Township. He referred to the recent development of Celestial Homes and that the new development will have a similar look and feel.

Mr. Munger reviewed some of the background involved with the old lot layouts and the related re-zoning explaining the process that created Hollow Lane would be the same process that would occur for the new development as it pertains to blocks 14-20. He pointed out that the property could be developed utilizing R-1 zoning, however that would require zero open space and stated with the R-PUD zoning there are additional parameters to meet.

Chair Schulte called for any correspondence received. Ms. Browder read a letter received from Ruth Gulley, 6637 Branch Hill Guinea Pike, who was opposed to the development for reasons such as increased traffic, overcrowding Loveland schools, and increased taxes.

Chair Schulte next called for any adjoining property owners who wished to speak.

Jill Hansen, 6542 Arborcrest, expressed concern for increased traffic and taxes. She also had concerns for the sewer service capacity and the character of the proposed homes being dissimilar.

Michael Steel, 6520 Branch Hill Miami Road, spoke in opposition to the proposed development citing increased traffic, displacement of wildlife, and concern for wetlands in the area and that there may be increased water onto his property if the area is developed.

Ann Steel, 6520 Branch Hill Miami Road, expressed that she was opposed to the development also because of traffic, but more so because in her opinion it would change the

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character of the area. She also had concerns for future increased taxes and potential unsightly changes to her neighborhood referring to a water tower that was constructed nearby.

Norman Hardesty, 6565 Hollow Lane, spoke in opposition to the proposed development for the reason of increased traffic and concern over the capacity of the sewage lift station. He stated that the lift station is currently not big enough for its existing customers.

Virginia Chasteen, 6542 Hollow Lane, spoke against the development and concurred with the problematic traffic in the area currently and she also discussed lift station capacity issues occurring. She stated the lack of sewer capacity has resulted in sewage in her basement, thus her reason for concern over adding additional homes to the lift station.

David Magliano, 6669 Branch Hill Guinea Pike, stated that the proposed homes were not commensurate with his 1926 home and stated the character and dynamic of the area would be changed. He also expressed concern for noise pollution, removal of trees, and increased stormwater runoff to manage as he considers the area wetlands. He believes the groundwork will raise the elevation for new homes and direct water to his property and street.

Tony Arata, 6501 Arborcrest, spoke against the development and concurred with others' comments with regard to traffic, sewage, and wildlife. He emphasized that all of the concerns brought forward were legitimate.

Robert Dylan, 6530 Arborcrest, spoke in opposition to the development for the reasons previously stated by others. He added that there is a large ditch separating his property and it is a channel that fills with up to six feet of water when it rains. He would like additional stormwater runoff solutions to be required.

Patty Savage, 6651 Epworth Road, was not in support of the development for similar concerns as other residents. She was especially concerned for wildlife. She commented the proposed development was not the highest and best use of the land and referred to the collective impact to the area with continued development.

Marty Garneret, 1624 Fairway Crest, inquired as to whether nearby residents would be permitted to hook into public sewer. He discussed a large swale on his property and the need to pipe it to reduce erosion. He expressed concern for residents to have the right to access public sewer due to the limitations of the lift station capacity.

Jill Hansford, 6542 Arborcrest, was not in support of the development. She commented the area is a swampland and she has spent \$3,000 having drain tile put in her backyard to be able to cut grass before July. She expressed concern for the land of the proposed development being built up and creating a flooding scenario for the existing homes nearby.

Tom Hoffman, 586 Wards Corner Road, stated that he has been a resident for 73 years and has observed multiple developments done well under the stewardship of Miami Township. He stated he owns a majority of the property and bought it for his retirement plan. He stated he is confident that Mr. Munger can accomplish the development. He shared that hunting is currently happening on his property where deer have been left and there are multiple tree stands on the property also from people coming onto the property. He commented that the same scenario occurred when Arborcrest Drive was created.

Ryan Cuthbert, 6556 Hollow Lane, shared that he has lived at his home since 1969. He spoke against the development as he stated he can barely afford the taxes now on his fixed income. He commented the area is a swamp and there is always standing water. He stated the current water pressure is not good either.

Michael Steel, 6520 Branch Hill Miamiville Road, was not in support of the proposed development and wanted to hear more about the positives it would bring to the area.

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Melissa Knapp, 6556 Hollow Lane, spoke against the proposed development. She commented that detention ponds are dangerous as wildlife and children can drown, noxious fumes are given off and the stagnant water will breed mosquitos which is a cause for concern given the elderly in the area.

Mr. Munger spoke in response to resident comments on behalf of Brookstone Homes. He stated the development would be similar to Celestial Estates which attracts 55 and older as the demographic so he did not believe it would generate concerning traffic levels at peak times. He stated the community will sell largely to retired individuals therefore a burden is not going to be placed on the schools or traffic.

Mr. Munger clarified that there will not be any tax abatements and homeowners will pay taxes like everyone else. He explained that stormwater would be managed with two detention ponds which will hold and release water at pre-development flow rates. He shared the County regulations are written to require the water flow rate be maintained post development, so the water has to be held by detention basins.

Mr. Munger commented that the sewer lift station is public, and the County maintains it and has a master plan to improve it. Any requests to connect into the lift station would be reviewed and authorized by the County.

Mr. Elliff gave the recommendation of the Planning and Zoning Administrator. He commented that if the area contains wetlands, the developer would go through a stringent review by the Army Corps of Engineers prior to disturbing the wetland and then would have to offset elsewhere if disturbed. The traffic matter is not to be a primary consideration (by Ohio law) and this authority is taken away from zoning commissions. He clarified that tax abatements are not given in this scenario. He added that connection to public sewer is not able to be answered by this Zoning Commission and anyone interested should contact the Clermont County Water Resources Department. He added that townships share a lot of authority with the County. Next, he clarified that zoning does not protect wildlife and is not a consideration. He also stated that zoning decisions are prohibited from making decisions based on the impacts of families with children.

Mr. Elliff stated that he would like to see additional information about the sewer lift station power back up and the Board may want to direct more information on that item. He stated there could be impact on drainage that benefits the property now. He noted the county subdivision regulations would prohibit damming up downstream drainage. He recommended that the zoning be approved including the two conditions in the staff report with regard to vacating paper streets and recording a plat to contain the necessary easements.

Mr. Schulte closed the open portion of the meeting and the Board held discussion.

Mr. Baumgarth made a motion in Case #579 for re-zoning to R-PUD to approve the rezoning request and adopt the submitted R-PUD plan subject to and including the conditions contained in the staff report as follows:

1. Current "paper street" right of way must be vacated by Clermont County.
2. Necessary easements subject to staff approval must be recorded on the record plat to allow access to the open space lots 34 and 36 for maintenance purposes.
3. Increase of rear yard setbacks for Lots 5 and 6 to a minimum of 15'.
4. Adjustment of the entrance drive taper to not encroach on the adjoining property owner.

The motion was seconded by Mr. Rademacher with all voting "AYE".

New business: Mr. Schulte announced Case #580, Todd Property – Maronda Homes, an application for a major R-PUD Amendment, 34.58 acres, located on Todd Farm Lane, parcels 182518C231 and 182518C104.

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Mr. Marcin made a motion to set Cases #580 for June 3, 2021, seconded by Mr. Schulte with all voting "AYE".

With no further business to come before the Commission, Mr. Baumgarth made a motion to adjourn the meeting, seconded by Mr. Bradley with all voting "AYE".

Respectfully submitted,

  
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Mark Schulte, Chair

  
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Nicole Browder, Secretary

Sound reference

C: Zoning Commission, Planning & Zoning Administrator, File