

RECORD OF PROCEEDINGS

Minutes of

Meeting

MIAMI TOWNSHIP BOARD OF TRUSTEES SPECIAL MEETING

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

AUGUST 16, 2018

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The Miami Township Board of Trustees met at the Miami Township Civic Center on Thursday, August 16, 2018 for the purpose of hearing zoning Case #560 and Case #563 and any other business to come before the Board. Ms. Wolff called the meeting to order and led the Pledge of Allegiance. Mr. Ferry called the roll and Mary Makley Wolff, Karl Schultz and Ken Tracy were in attendance.

Reading of the Common Rules of Conduct was waived and the Board asked everyone to be orderly and polite.

Public hearings: Case #560, SP Milford, LLC, was called and the notice of public hearing was read. Mr. Uckotter presented this case in the absence of Brian Elliff. Mr. Uckotter advised the County Planning Commission and Staff reviewed this and had a public hearing and recommended approval with the conditions that parcels 184024A041 and 184024D040A must be consolidated prior to obtaining building permits and that all ODOT conditions have been satisfactorily addressed. Mr. Uckotter explained the applicant is requesting a zone change from R-2 Single Family to B-1 Neighborhood Business with a PBD Planned Business District Overlay for 3.334 acres for the construction of a 15,000 square foot medical office. Currently there are two parcels and the medical office will be on the western parcel. A PowerPoint presentation was given showing the location of the property, the surrounding properties, the zoning of the properties, pictures of the interior of the property, and the proposed landscaping. It was noted that the Land Use Plan calls for redevelopment along St. Rt. 28 corridor and the proposal is consistent with that Plan. Mr. Uckotter noted the applicable chapters of the Zoning Regulations and how the proposed plan met or needed revisions to those particular issues. Mr. Uckotter noted several easements are necessary to accomplish this development and that the PBD regulations require shared and cross access among adjoining parcels. The Board asked if the entrance to this development would be at a traffic signal and Mr. Uckotter stated the entrance will be on St. Rt. 28 just past the traffic signal and ODOT will have their chance to look at it.

The proponent, Ms. Sarah Durio of Al Neyer, came forward and gave a PowerPoint presentation showing both sides of St. Rt. 28 at the proposed property area and noted the Imagine 2025 Plan calls for re-development. The PowerPoint presentation showed the proposed plan and that the two parcels will be consolidated into one until the eastern part of the parcel would re-develop and then the parcel would be split into two parcels. The presentation showed the landscape plan for the buffering around the first building and if there is a second development that building would then be landscaped. The current plan for landscaping calls for evergreens that will grow to 20 to 40 feet in height. This will provide screening between commercial and residential. The presentation showed where the detention basin will be, a rendering of the building and the elevation of all four sides of the building. The Board asked about the landscaping on the rear portion of the building and what was the discussion they had with staff and Ms. Durio stated the three main species are Norway Spruce, Eastern Red Cedar and Spring Grove Arborvitaes. The Board asked about the privacy of the residential neighbors and Mr. Uckotter stated the standard is screening with evergreens between commercial and residential and the submitted plan satisfies the regulations. The Board asked about the lighting for the project and Ms. Durio stated they submitted the lighting plan showing no light spillage onto residential next door. Mr. Uckotter stated during review of the zoning permit process they do look at the lighting extensively as it enters the borders of the property and that the lighting levels are zero. The Board asked about the office hours and if they would be leaving around five or six o'clock and it said it would be. The Board asked about the ingress/egress and how people will make a left hand turn across five lanes of traffic. Ms. Durio stated they reviewed this with ODOT and had a consultant do an estimated trip count and how many trips will be added to St. Rt. 28 corridor and ODOT reviewed that as well. It is preferred by the developer and by ODOT that the signaled road to the west eventually be put in and they will access the development that way, but until that is a viable project ODOT is allowing them to have the single entrance to St. Rt. 28 and to have separate left and right turns lanes there. The Board stated the left hand turn out of the proposed development will be difficult and dangerous.

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Mr. Ken Schuermann, co-owner and co-developer of the property and proposed project, came forward to state they hope the access road at the light will happen. Mr. Schuermann stated there will be only about 15 people working at the proposed development and it is 8:00 to 5:00 kind of operation and patients will be coming in not stacked up. So, if there are four doctors there, each seeing one patient at a time, you're talking 20 cars in the parking lot with four leaving each hour or coming, it's not like it's a school where you have 30 buses and 200 cars all trying to get in and out. Mr. Schuermann stated he has been to the property a hundred times and he turns left out of the property. The Board brought up the morning and evening rush hour traffic and the safety issues of motorists through that area. The Board feels the best option is the access road at the traffic signal. Mr. Schuermann stated he has done a lot of development on Beechmont Avenue that don't have signalized access so he understands their concern and he agrees. Mr. Schuermann stated this is not a busy retail development and feels it is a low profile, not dense medical office and is not that concerned about it. The Board mentioned the second building being developed and Mr. Schuermann stated he does not see the second building coming until there is a roadway for the development at the traffic signal. The Board stated there will be density of patients coming and going from that medical building. The Board stated they are very concerned about the safety of the access to the medical building.

Mr. John Abraham, partner of this property and development, came forward to state the people coming out of Roan Road are going left and he feels the majority of the people that would be exiting the medical building will be going right. The Board felt that was a huge assumption. The Board asked about the signage and the name of the medical building that was presented on the renderings said Milford. The Board stated this is Miami Township and all of the safety services will come from Miami Township, not Milford. The proponent stated that would be a question for their client and they think their intention is to just put their name on the building. The Board asked who their client is and they said it is Christ Hospital.

The Board asked Mr. Uckotter if the Zoning Commission was aware of the left turn out of this development and were they concerned about it? Another Board member stated the Zoning Commission received the ODOT information stating they reserve the right to make it a right in right out if needed. Mr. Schuermann asked if there was any infrastructure funding that could help with a light and it was stated that there is already a light at the west property line.

The Board asked for adjoining property owners, who wish to speak, to come forward. Ms. Donna Scott, 1181 St. Rt. 28, came forward to state her driveway is right next door to this property and she has problems getting out of her driveway now and Roan is on the other side of her. Ms. Scott wondered if the electric or water lines will be changing and Mr. Uckotter stated there will be no changes, just a tap in. The Board asked if she ever turns left out of her driveway and Ms. Scott stated it is very difficult.

Mr. Rodney Scott, of 1181 St. Rt. 28, came forward and stated he sometimes leaves at 6:00 in the morning and it can be a challenge to turn left at that time of the morning and many times he has had to turn right and go down Buckwheat and then turn around.

Ms. Bethany Bauer of 5979 Roan Road came forward and asked when ODOT did the estimated trip count because of the timing of the start of schools and there are four schools on Buckwheat. Ms. Bauer stated with the release of the schools it makes it impossible to get out of Roan and she has to change her schedule because of this issue. Ms. Bauer stated even with the new markings on St. Rt. 28 at Roan, people do not pay attention and block the intersection. Ms. Bauer stated the traffic count may have to be redone and re-evaluated to account for all of the schools and the traffic generated from them.

There was no correspondence regarding this case or concerned citizens regarding this case.

The Board asked for the recommendation of the Zoning Department. Mr. Uckotter stated staff has reviewed the application and plan and finds it complies with the Township Land Use Plan and with the standards of the B-1 District and Planned Business District Overlay and staff

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recommends that the Board of Trustees approve the requested rezoning request with the inclusion of the recommended six conditions stated in the Staff report, which are:

1. Maintenance of the detention, parking, landscaping and unimproved balance of the property shall remain the joint responsibility of the land owner and the medical office tenant/lessee. In addition to compliance with the approved landscaping plan and keeping the plantings in good condition, the undeveloped balance of the Location including the detention areas shall be kept mowed and well-tended. 2. A permanent construction and maintenance easement shall be granted to the adjoining west and east properties (and provided internally if the property is ever re-divided), allowing for future cross access points to be constructed and connected to the location and maintained. 3. Language and drawings of all easements must be acceptable to staff and reviewed prior to recording and issuance of a zoning certificate, and after staff approval shall then be recorded prior to issuance of a zoning certificate. 4. The two lots comprising the Location shall be consolidated prior to issuance of a zoning certificate. 5. Landscaping Plan L100 revision date 07-27-2018 shall be substituted and is the approved landscaping plan for this case and 6. The full access driveway shall be converted to right-in right-out when access is obtained via traffic signal or as otherwise required by ODOT. The Board stated they felt uncomfortable with #6.

Mr. Ken Schuermann came forward again. The Board stated there is no time barrier on this until you gain full access to the light so it will remain right and left turn. Mr. Schuermann stated ODOT told them from the beginning that they reserve the right, at any point in time, if they deem this an unsafe intersection, they can restrict this to right in right out only. The Board has a concern of a major accident and discussed the access being right in right out only. The Board asked Mr. Uckotter if they had the authority to make the access a right in right out only and Mr. Uckotter stated that would be an ODOT question or it may be a question for our legal counsel as he can not answer that question. The Board discussed continuing this case to get clarification from ODOT and legal counsel. The Board stated they love the project but the access, they feel, is unsafe. Mr. Schuermann stated it is not that expensive to finish the access at the existing traffic signal and asked if there are public funds to do that. The Board stated they could not do that and the developer is creating the safety concern and should be responsible to alleviate the safety concern. The Board stated they have no concerns with the project itself except for the access safety because they have seen the amount of traffic accidents in that area. The Board noted there is a right in right out across the street and just to the west of Kohl's and wondered why ODOT would not do this in this case. The Board discussed continuing this case.

Mr. Tracy made a motion to close the open portion of Case #560, seconded by Mr. Schultz with all voting "AYE". There was a brief discussion regarding the project being a great asset for the Township.

Mr. Tracy made a motion to continue Case #560 so they can get information from legal counsel, seconded by Mr. Schultz but wanted to have more discussion on if the developer would agree to a right in right out only access.

Mr. Tracy made a motion to re-open the closed portion of Case #560, seconded by Mr. Schultz with all voting "AYE".

Mr. John Abraham came forward again and stated he would like to have full understanding of the concern of the people turning left from the medical building and the people coming in could potentially get into accidents. Mr. Abraham stated he lives in an area just like this area and when school is in he cannot turn left so he turns right and goes around and take an alternate route. Mr. Abraham stated the people that come to that medical building will takes an alternate route if they cannot make a left turn. The Board stated if that is the case then make the access right in right out. Mr. Abraham stated there are times of the day, and he has been at the proposed development site maybe a hundred times and every time he has been able to make a left turn with no problem. Mr. Abraham stated he owns several properties off Roan and he has never had a problem with turning left.

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Mr. Tracy made a motion to close the open portion of Case #560, seconded by Mr. Schultz with all voting "AYE".

The Board discussed the access and needing more information from ODOT and from legal counsel.

Mr. Tracy made a motion to continue Case #560 to give the Board opportunity to speak with and ask question of legal counsel to gain further knowledge and actions they can take, seconded by Mr. Schultz with all voting "AYE".

Case #563, Joe Kuethe, was called and the notice of public hearing was read. Mr. Uckotter explained the County Planning Commission and Staff heard this case and recommended approval with the conditions that all existing structures be removed prior to new construction, address the sight distance triangle with the Clermont County Engineer's Office at construction plan review stage and a sewer main extension will be required to serve this development. Mr. Uckotter noted the Miami Township Zoning Commission recommended approval with conditions. Mr. Uckotter explained the applicant is requesting a zone change from R-1 Single Family Residence to O-1 Office for the construction of a 3,000 square foot office building. A PowerPoint presentation was given showing the location of the property, surrounding properties, zoning of the subject property and the surrounding properties, photos of the interior of the subject property, a rendering of the proposed office building and the proposed landscape plan. It was explained that Mr. Kuethe will have his Edward Jones office in the building and there is enough space for a second professional office tenant. It was noted the Land Use Plan calls for maintaining present character and the residential feel office building will comply with this and is a good transition. The proposed plan complies with the landscaping, buffering and parking regulations. The applicant has proposed a privacy fence in addition to the landscaped buffer. Mr. Uckotter recommended the Board approve the revised plan with the following conditions: The illustrated fence contained in the application or substantially similar as approved by staff will be used as the buffer fencing and installed per plan, located as closely as possible to the parking field and the sidewalk construction easement shall be reviewed and approved by staff prior to recording and recorded prior to issuance of a zoning certificate. The Board asked if the two conditions in this staff report are included in the nine conditions from the Zoning Commission and Mr. Uckotter stated it was his understanding the applicant has address the conditions of the Zoning Commission and only the two conditions of the fence and sidewalk easement remain. The Board asked about the site distance issue mentioned by the County and has that been resolved. Mr. Uckotter stated he would let Mr. Kuethe address this.

The proponent, Mr. Joe Kuethe, came forward and explained he wanted to build a building that would have a residential feel and fit into the area and would be a good transition. Mr. Kuethe did state the sidewalk that stops at the property line to the north will continue in front of his development. The construction easement is done and in place if the sidewalk would be continued to Bramblewood. Mr. Kuethe stated the privacy fencing will be put close to the parking lot with the buffer trees behind the fence. There will be no dumpster and there will be two residential lights on the building that will be motion sensed. The Board asked about connecting the parking lot to the parking lot on the north property and signage. Mr. Kuethe stated the elevation from his property to the property to the north is too steep to connect the parking lots and there will be a monument sign in front of the building.

There were no adjoining property owners, correspondence or concerned citizens regarding this case.

Mr. Uckotter stated Staff has reviewed the application and plan and finds it complies with the Land Use Plan and the standards of the O-1 Office district and recommends the Board approve the zone change request with the conditions that the illustrated fence contained in the application or substantially similar as approved by staff will be used as the buffer fencing and installed per plan, located as closely as possible to the parking field and the sidewalk

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construction easement shall be reviewed and approved by staff prior to recording and recorded prior to issuance of a zoning certificate.

Mr. Tracy made a motion to close the open portion of Case #563, seconded by Mr. Schultz with all voting "AYE".

The Board discussed the development being an asset to the community and the improvement of the property.

Mr. Tracy made a motion to approve the zone change request for Case #563 and revised plan as described in the staff report subject to compliance with the two recommendations and conditions stated in the staff report, seconded by Mr. Schultz with all voting "AYE".

With no further business to come before the Board the meeting was adjourned at 8:10 p.m.

ATTEST:

Eric C. Ferry

Eric Ferry, Fiscal Officer

Mary Makley Wolff

Mary Makley Wolff, Chairperson