

RECORD OF PROCEEDINGS

0317

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

MIAMI TOWNSHIP ZONING COMMISSION

Held

March 3, 2022

(YEAR)

The Miami Township Zoning commission met in regular session on Thursday, March 3, 2022, at 7:00 pm at the Miami Township Civic Center, 6101 Meijer Drive, Miami Township, Ohio 45150.

The meeting was called to order by Chair Jeff Baumgarth.

The Pledge of Allegiance was lead by Mr Baumgarth.

Ms. Wikoff made a motion to appoint Lori Pegg as Secretary, seconded by Mr. Brandstetter and the motion carried unanimously.

Upon roll call the following members were present: Jeff Baumgarth, Tim Brandstetter, Ed Marcin, Karen Wikoff and Carol Turchick. Also present: Planning & Zoning Administrator Brian Elliff and Board Secretary Lori Pegg.

Mr. Brandstetter made a motion to approve the minutes as submitted for the meeting date of June 3, 2021, seconded by Mr. Marcin and the motion carried unanimously.

Ms. Turchick made a motion to approve the minutes as submitted for the meeting date of February 8, 2022, seconded by Mr. Brandstetter and the motion carried unanimously.

There was no old business.

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

Public Hearings: Case #581, Bockman Property – Beaver creek Site Management, LLC (Rezoning from "I" Planned Industrial District to "R-1" Residence District with PUD overlay), 142.09 acres, located at State Route 131 and Deerfield Road, parcels 1824048B028, 182404C016 (part), 182404C040, 182404H153 ("location") was called and the notice of public hearing was read.

Mr Elliff advised that the property is currently zoned "I" Planned Industrial Park District and there is no prior zoning activity for the location. It appears to have been designated for industrial purposes in 1960, from the time of zoning adoption in Miami Township. The Imagine Miami vision 2025 Comprehensive Land Use Plan ("Land Use Plan") purposed single family residential and/or higher density single family residential for the location. The proposed subdivision is consistent with the recommendations.

The Clermont County Planning Commission reviewed the case on February 22,2022. The commission adopted a motion recommending approval including staff conditions.

The plan characteristics were reviewed by Mr. Elliff as follows: 213 Single Family Units on the 142.09 acres which allows for a gross density of 1.5 units per acre (maximum allowed 2.18 UPA) and 60.61 acres of open space (42.6%, 20% required). Lots 1-130 will offer a 70 ft maximum lot width and 10,000 sq ft lot size while lots 131-213 will offer an 80 ft maximum lot width and 12,000 sq ft lot size. The setbacks will be 40 ft for the front yard, 7.5 ft for side yards and 30 ft for rear yards.

Mr. Elliff reviewed the applicants site plan and provided an aerial drone view of the property. The more relevant findings in the plan, include pedestrian circulation to include the required sidewalks, a waiver has been requested for sidewalks along State Route 131 where the subdivision adjoins the roadway and walking paths with seating areas around retention basins to provide a walking amenity within the subdivision. The site plan demonstrates good landscaping at the subdivision entry points as well as throughout the subdivision and includes a street tree on each lot. The site plan shows accessibility from all lots to open green space. The plan notes that "open spaces, entry features and stormwater management basins shall be maintained by a Homeowners Association. "

Currently, 66.1 acres of the Location contain wooded areas, 38.9 acres of which will be cleared with 27.2 acres remaining or 41.1%. MTZR Section 1504C4E provides that for young canopy woodlands, not more than 60% should be cleared. Also, as noted, most of the Location is relatively flat. The plan identifies that 3.3 acres of the Location contain area of slope 20% or greater, .1 acre of which will be disturbed, leaving 96.6% of the steep slope undisturbed. For steep slope areas of 20 to 30% grade, MTZR 150.4C4di provides that a minimum of 70% should remain undisturbed.

~~Mr. Elliff's additional comments on the site plan are that no proposed home elevations have been submitted, however, the developer will require brick, stone and/or hardie board finishes. The developer~~
~~He distributed four pictures of the model homes. Also noted, comments from traffic reviewing~~

agencies on the proposed traffic improvements have not been received. The Developer's Traffic Engineer, Jamal Adhami stated that traffic improvements to Deerfield Road are not anticipated at the subdivision entrance points. Turn lanes are expected for the intersection of State Route 131 and Deerfield Road. The rezoning of the Location will create set back nonconformances, and/or extended setback requirements for adjoining "I" zone properties. Several of the adjoining industrial setbacks may be affected but may continue as non-conforming.

The Miami Township Fire Department noted that it will need to see a full set of water main plans that show the hydrant locations and spacing. Any "T" turnarounds will need to be illustrated, including intended signage and showing dimensions. They also note it would be nice to have projected water pressure done for the Location based on existing conditions and additional mains being added. Clermont County Water Resources determined that there is water and sewer capacity to serve the development, and the water main is required to be looped to provide at least two feeds into the development. The Miami Township Service Department also reviewed the site plan and had no comments.

Joe Farruggia of Beaver Creek Site Management, 7861 E. Kemper Road, Cincinnati, OH 45249, gave a brief overview of the history of the project and noted that all plans would be preapproved before any houses were built. He noted they are in the process of doing soil borings and creating an erosion plan that includes mounding and retention of trees along the property line. Six ponds will be on the site for water retention.

He addressed the traffic study information and noted they are working with the County Engineers office on a plan as well as ODOT who maintains State Route 131. Beaver Creek Site Management is also developing another property across the street that is being included in the traffic study. Seven thousand ft of interior sidewalk, not including the street sidewalks, will be constructed majorly of concrete, but mulch trails will be added as needed that will be maintained by the HOA. A Playground area, benches and a centrally located mailbox facility round out the amenities. The development will include a streetlight district.

Mr. Baumgarth called for any correspondence received for Case #581. Ms. Pegg presented a letter from Bernard and Susan Hutzler, 1836 State Route 131, Milford OH 45150, stating their concern of stormwater drainage on their adjoining parcel (302906A038) if proper draining containment is not provided when developing the property.

Mr. Baumgarth called for any Public comments.

Herb Doolan, 5839 Deerfield Road, Milford Oh 45150, stated his concern on of the traffic, width and speed on Deerfield Road. He questioned why there were no exits on State Route 131. He also stated his concerns on the water issues present on Deerfield Road. He also asked if there was a potential gas line to be added to Deerfield.

Chip Shaw, 5603 Wildrose Lane, Milford OH 45150, asked a number of questions. 1)what is the value range of the homes 2)Who will the builder be 3)Will there be HOA fees to maintain the property 4)Are there street light plans 5)One street ends without a cul-de-sac are there plans for future development and more zoning changes 6)Timeline for the development 7)Are the plans in stone if they are approved or just suggestions 8)Future development in Goshen township and traffic will also empty onto Deerfield, has that been factored in to the plans.

The applicant, Mr. Farrugia responded to the questions. The home values will be \$500,000+, there are several builders but none have been formally chosen, the developer will preapprove the builder and plans with restrictions on homes/materials etc. There will be HOA to maintain the development. The dirt removed to create the 6 ponds will raise the site up to account for drainage. The control of stormwater is approved by the county. A lighting district will be included. There are no future plans for development on the stub to the west. They anticipate breaking ground late August/September to begin construction. He is not aware of the other development on Deerfield, but the county engineer is involved in a traffic study in that area and will address any traffic improvements that need to be made in that area.

Sue Van Workam (former Shaw), of Wild Rose Lane, Milford OH 45150 approached the podium asking if there is a community development charge to help fund roads etc. and will that be passed on to homeowners or split with other county residents. Mr. Elliff noted that this type of impact

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fee/community development fee is common, but not in Ohio or by Townships. Hamilton Township did it 15-20 years ago and it was found to be an illegal tax by the Ohio Courts, so we are not able to do that.

Held

Mr. Baumgarth asked for the recommendation of the Planning & Zoning Administrator. Mr. Elliff noted that there were some very good comments about traffic and runoff. He noted the traffic on Deerfield will be reviewed by Clermont County/ODOT and he doubts they will require the widening of Deerfield Road. The state courts don't prohibit consideration of traffic impact, but they say you cannot limit or deny a development based entirely on traffic impacts. So, this board is very limited as to what they can do as far as that is concerned. He also noted that the county requires a great deal of information on plans for storm water runoff from the developer.

The Staff recommendation is that the Zoning Commission adopt a motion recommending APPROVAL to the Board of Trustees including the following conditions:

1. A payment in lieu of sidewalks shall be made to Miami Township equivalent to the cost of the sidewalk span waived for the portion of State Route 131 that adjoins the Location.
2. All amenities and landscaping shall be timely installed relative to permits being issued by section.

Mr. Baumgarth closed the public portion of the meeting.

Mr. Baumgarth asked for Zoning Board Comments.

Mr. Marcin questioned why there is not a planned entry/exit on 131, he believes it is so people don't cut through. Mr. Farrugia agreed with that statement and said they also thought it would be more attractive coming in off Deerfield instead of an entry way through industrial projects.

Mr. Doolan, 5839 Deerfield, approached the podium again and wanted to also mention the big trucks coming through Deerfield are already tearing up the roads. He noted ditches are very deep and people run off all the time. He also explained that the water is always high in the residents' yards and it is a dangerous road, so that should be taken into consideration.

Mr. Baumgarth reiterated traffic concerns are certainly valid, but the board has limited control over them.

Ms. Turchick asked if the zoning is changed does that automatically mean that it is this development that will be constructed or just that the zoning is changed for this property. Mr. Elliff explained that this is the plan, we are approving the rezoning and the detail of the subdivision plan. If another developer came in they would have to do it precisely as this plan notes, if they make substantial changes it will have to be run back through the zoning process. This plan is exceeding the minimums in many ways so, it makes an important point to note for consideration.

Mr. Brandstetter asked if in the final presentation of the traffic study, these recommendations change from what has been presented, will that affect what happens here tonight. Mr. Elliff noted we don't know what will be adopted, but if they are not followed it would not trigger the project coming back to zoning. He stated that by not having the recommendations, if you are concerned you could have a condition that they need to conform to any recommendations/requirements, the developer will have to do that anyway during the subdivision process. Any additional requirements more stringent than what was recommended may be required during subdivision process.

Mr. Marcin noted the other big development is in Goshen Township, but still in Clermont County so it will be looked at as well from a traffic standpoint. We have to rely on the county departments to do their part to ensure all conditions are met. All the zoning commission is considering is if this an appropriate use of the property and if it fits with the land use plan. Mr. Brandstetter asked about the potential impacts to the Industrial parcels, and Mr. Baumgarth noted they all did receive notice of the meeting and none of them came and commented. The layout acknowledges the concern of impact on some of the industrial lots. The large area of undeveloped greenspace also includes buffers with the Industrial area.

Ms. Wikoff asked if the residents that are concerned about the traffic on Deerfield were able to contact the county directly. Mr. Elliff stated the county engineer's office is open to the public and can also take questions regarding the traffic studies.

Mr. Brandstetter made a motion to approve the rezoning per the conditions contained in the staff report. Seconded by Ed Marcin. All voted "Aye."

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~~DAYTON LEGAL SERVICES, INC. AND FORM NO. 10-1-18~~
The Board of Trustees will schedule a special hearing to discuss the rezoning request and the date will be announced.

Held

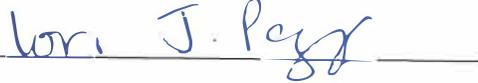
The next meeting is scheduled for April 7, 2022 at 7:00pm (YEAR)

Mr. Marcin made a motion to adjourn, seconded by Mr. Brandstetter. All Voted "AYE."

Sincerely,



Jeff Baumgarth, Chair



Lori J. Pegg, Secretary

Cc: file