

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK, INC., FORM NO. 10148

DECEMBER 6, 2017

Held _____ 20 _____

The Miami Township Board of Trustees met at the Miami Township Civic Center on Wednesday, December 6, 2017 for the purpose of hearing Case #557 and any other business to come before the Board. Mr. Tracy called the meeting to order and led the Pledge of Allegiance. Mr. Ferry called the roll and Ken Tracy, Mary Makley Wolff and Karl Schultz were in attendance.

Mr. Ferry read the Common Rules of Conduct.

Case #557, M/I Homes for Strange and Conover, was called and the notice of public hearing was read. Mr. Elliff went over the Clermont County Planning Commission report noting the Water Resources Department stated there is capacity in the system for this development, the Community & Economic Development Department stated ingress and egress will need to be improved from Branch Hill Miamiville Road to Pine Lane per the County Engineer requirements and the Engineer's Office did not require a traffic impact study because the development would not generate 100 or more trips in the peak hours and overall recommended approval. Mr. Elliff also noted the Zoning Commission recommended approval with four conditions. Mr. Elliff gave a PowerPoint presentation explaining the applicants request stating they are requesting an R-PUD for 62.93 acres to build 92 single family home lots. The PowerPoint showed the location of the property, the topography, the current zoning of the property and surrounding properties, the lot dimensions and setbacks which will be 40 foot front yard, 8 foot side yards and 35 foot rear yards and an 8,400 square feet minimum in area up to 14,500+. Some of the lots will have a width of 70 feet and some will have 80 feet. The zoning of the subject property is R-1 Single Family and the surrounding properties are R-1, R-2 and Industrial. Mr. Elliff noted the open space will consist of 27.42 acres (43.5%) where 20% is required, the Land Use Plan calls for "Maintain Present Character" in this location which is single family residential. The gross density of the proposed development is 1.46 units per acre and under R-1 the permitted is 2.18 units per acres. The developer proposes a landscape plan, the subdivision will provide new public roads for most of the internal circulation, lots 11-17 are served by a shared driveway, the Township relies upon the Clermont County Engineer's Office for guidance on traffic and road improvements, the plan contains sidewalks along the public streets as well as two paved paths six feet wide and the steep slopes are preserved.

The Board asked Mr. Braun to go over the guidelines of what the Board can consider when making their decision. Mr. Braun stated Ohio law does limit what they can consider. They must look at what is the highest and best use of the land to the land owner, they can regulate location, setback lines, use of buildings and structures, landscaping standards, architectural standards, height, number of stories, size of building, size of yards, density, you cannot consider exterior building materials, traffic, cost or sewer and water.

The proponent, Mr. Matt Walker of M/I Homes, came forward to explain that they had addressed the comments and concerns of the Trustees and residents from their first plan. There will be no new homes on Pine Lane, the density has decreased by 9, the open space has increased, some of the lot sizes have increased in size, the front setback increased from 35 feet to 40 feet and there will be fewer trails for safety reasons.

The Board asked for adjoining property owners who wished to speak to come forward. Mary Leguellec of Pine Lane came forward to state the Trustees has two tasks. One is to protect the owners use of his land and the other is to preserve the character of Miami Township and believes both can be achieved by not granting the PUD request. Mrs. Leguellec stated the owner purchased the land under R-1 and are asking for a change and the burden of proof is on the owner to demonstrate why that change is necessary and that they can develop the land under R-1. Mrs. Leguellec stated M/I Homes is a company and has a goal to maximize their profit and stay in business and the product from M/I Homes involves packaging homes in close proximity to each other for maximum profit. Mrs. Leguellec stated they've built this type of development throughout the surrounding area requesting the PUD, not because the less dense R-1 can be built. Mrs. Leguellec asked to show a slide show and the Board stated they had

DECEMBER 6, 2017

Held _____ 20_____

received it and have reviewed it. Mrs. Leguellec gave the Trustees copies of photos she took of other M/I Homes products that show the homes close together. Mrs. Leguellec stated other companies offer different products such as Huber Homes who developed Amaryllis Ridge that has five to eight acre lots that sold before they went on the market. Mrs. Leguellec stated Rose Lane Farm developed with five acre lots and is in keeping with the density of the surrounding neighborhoods. Mrs. Leguellec stated she does not believe it would be a bad development if developed as R-1. Mrs. Leguellec stated the Vision 2025 Plan stated new development must account also for character of existing development and support continued quality of life available in existing developments and stated it recommends the vast majority of Miami Township maintain present character area and new development should be compatible with surrounding developments. Mrs. Leguellec stated the new development is not in keeping with their homes.

Ms. Jill Vonderhaar of Beech Road came forward to state developing this property is in stark contrast to the current surrounding properties with large lots and agricultural zoning. Ms. Vonderhaar stated as a farm owner she receives the CAUV to help preserve farms and agricultural properties. Ms. Vonderhaar stated she uses this property for horse trail riding and it creates a liability when you have a residential neighborhood up against a horse farm like hers. The Board asked Ms. Vonderhaar how an R-1 development would impact her horse farm and Ms. Vonderhaar stated you have neighbors that could access her fields, feed horses something they should not have, and people set off fireworks. The Board asked if she is using the proposed property and if it develops how will it affect her. Ms. Vonderhaar stated she wants people to know residential abutting a horse farm will affect her.

Correspondence consisted of and e-mail from Diane Snow of Arrowpoint Drive, a letter from Georg W. Burger of Whispering Pines Drive, a letter from Anne M. Burger of Whispering Pines Drive a letter from Margaret Gluntz of Branch Hill Miamiville Road, an e-mail from Brigid Ferguson of Beech Road, an e-mail from Sue White and an e-mail from Anita Pappalardo of Beech Road. All correspondence was in opposition to the development for the reasons of density, increased traffic, water pressure, stress on infrastructure, schools and safety services, size of lots and urban sprawl.

The Board asked for concerned citizens who wish to speak to come forward. Ms. Angie Maccani of Miami Valley came forward with concerns of density, lot size, keeping Clermont County in character that it is. She used to be on the Miami Township Zoning Commission and they welcomed developments that enhanced family life, smaller lots do not belong in this part of Clermont County. Property that used to house a water treatment pumping station could possibly be another ingress egress and is in opposition to the development. Mr. Elliff stated it would be unlikely that the abandoned water treatment property would ever be used for an access.

Ms. Lisa Procter of Shallowbrook Court came forward with concerns of the Loveland Schools being overcrowded because of the density and is highly opposed.

Mr. Kevin Snider of Branch Hill Miamiville Road, came forward to state there are 12 additional acres across I-275 that are owned by the Conovers and it is currently being surveyed. Mr. Snider would like to know if we have information on if that property is being developed. Mr. Snider stated he has concerns of no traffic impact study, speed, increased taxes and the density. Mr. Elliff advised he has no information on the 12 acres being surveyed.

Mr. Chris Snow of Arrowpoint Drive came forward with concerns of the density being out of character with the surrounding properties, the new plan is not that different from the first plan, increased traffic and crashes.

Mr. Jim Pappalardo of Beech Road came forward to echo the concerns of other speakers with regard to traffic and the density is too high.

DECEMBER 6, 2017

Held _____ 20_____

Mr. Doug Baker of Miami Valley came forward with concerns of the density changing the area, Rose Lane Farm being a well planned development, by changing the zoning it changes the entire area and Trustees should protect the residents and keep the density of half acre lots.

Mr. Elliff recommended the Board approve the R-PUD request with the four conditions in the staff report.

Ms. Wolff made a motion to close the open portion of Case #557, seconded by Mr. Schultz with all voting "AYE".

The Board asked Mr. Braun to go over what the Board could consider. Mr. Braun stated they can consider density. It was noted that the property is already zoned R-1 and they could develop the property under R-1 without a hearing, with no open space and a higher density than what is being proposed. The Board asked what the density is for R-1 and Mr. Elliff stated it is 2.18 units per acre and the proposed density of the R-PUD is 1.46 units per acre. The Board asked Mr. Elliff to explain the difference between the straight R-1 and the R-PUD. Mr. Elliff stated with an R-PUD the Township can have a little control over the development by requiring open space, landscaping, buffers, walking trails, dimensional features such as lot size, setbacks and density within certain parameters and entry features. In an R-1 district the Trustees do not have the ability to require these differences. Mr. Elliff explained the larger lot size, in Miami Township and Clermont County, was driven by the fact that there was no sewer. Now that sewer is more accessible the lot sizes are smaller.

Mr. Tracy stated he concurs with the residents for the property to stay R-1.

Mr. Schultz stated he has concerns if the property were to develop as R-1 with not having control over a development.

Ms. Wolff stated maintaining present character does not mean to keep an area exactly the same. It has to do with keeping it residential. It never meant to never change the kind of housing, it was more not putting industrial next to residential. In Miamiville there is industrial zoned property that has been there since zoning started in 1960. Ms. Wolff noted an R-PUD gives the Township some control and we can preserve the canopy. Ms. Wolff also noted the owner of the property get the highest and best use they can. Miami Township needs to have housing stock that mirrors what the market wants because it will benefit everyone and having sewer access will also benefit. Ms. Wolff stated she is in favor of the development.

Mr. Schultz stated the Township has grown from the time he moved here in 1951 and it is a much different community. Mr. Schultz stated, for that he is sorry but the reality is that that is the way it is. There have been several court cases that have led to what the Trustees can and cannot consider when making a decision. Mr. Schultz stated he does not want to lose control over developments and with a PUD they have some control and a straight R-1 development could have a higher density than what is proposed with no buffers. Mr. Schultz is in support of the PUD.

Mr. Schultz made a motion to approve the PUD for Case #557 with a recommendation and the following four (4) conditions: 1) Substitute trees in the landscaping plan per approval of staff. 2) The HOA duty to maintain open spaces and amenities shall extend to and include maintaining all landscaping in good and healthy condition, including right of way plantings. 3) The recorded public sewer easement language shall be adequate to provide for general public access, and the easement area shall be enlarged to adjoin an accessible point on public property in addition to the illustrated location. 4) Fire hydrants serving lots 11-17 on the submitted plan shall be installed along the private drive per the Miami Township Fire Department.

The recommendation is that the developer/home builder/or designee give notice to new prospective homeowners of the shooting range that abuts the property.

RECORD OF PROCEEDINGS

MIAMI TOWNSHIP BOARD OF TRUSTEES SPECIAL MEETING

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

DECEMBER 6, 2017

Held _____ 20 _____

Upon roll call the vote was as follows: Ms. Wolff, "AYE", Mr. Schultz "AYE" and Mr. Tracy, "NAY".

With no further business to come before the Board the meeting was adjourned at 8:25 p.m.

ATTEST:



Eric Ferry, Fiscal Officer



Ken Tracy, Chairperson