

Held SEPTEMBER 16, 2019 \_\_\_\_\_ 20\_\_\_\_\_

The Miami Township Board of Trustees met at the Miami Township Civic Center on Monday, September 16, 2019 for the purpose of hearing Case #566 Brad D'Agnillo, Text Amendment – Mixed Use Institutional District, and #567 Brad D'Agnillo, Re-Zone to Mixed Use Institutional District, and any other business to come before the Board. Mr. Shultz called the meeting to order and led the Pledge of Allegiance. Mr. Ferry called the roll and Karl Schultz, Ken Tracy and Mary Makley Wolff were in attendance.

The Common Rules of Conduct were waived, and Mr. Schultz reviewed the procedures of the meeting.

Public hearings: Case #566, Brad D'Agnillo (Text Amendment – Mixed Use Institutional District), was called and the notice of public hearing was read.

Mr. Elliff provided the County report which found the proposed text amendment in keeping with the Township zoning authority section 519.12. He reported that on July 23, 2019, the Clermont County Regional Planning Commission heard the case and entered a recommendation of approval, noting it was consistent with the language in the Township's land use plan and authority. He informed the Board that the Miami Township Zoning Commission met on August 1, 2019 and heard the cases rendered approval recommendations for both cases.

Mr. Elliff commented that no correspondence is accepted in this process.

Mr. Elliff shared a PowerPoint presentation of the text language that is being requested for amendment. Under the Zoning Resolution, Chapter 16, Section 16.02(J), the following language is being proposed (shown in *italics*):

J. Parks, playgrounds, *school athletic facilities*, recreational and community center buildings and grounds, provided that any principal building used therefore shall be located not less than seventy-five (75) feet from a residence district.

#### 16.14 Intensity of Use

A. Minimum Tract for Mixed Use, Institutional District: Fifty (50) acres. *For school-related athletic or other school facilities, minimum tract size is Twenty-Five (25) acres.* However, development of a smaller tract adjacent to an existing approved site may be permitted providing the proposed development conforms to and extends the original development as if the new site has been a part of the originally approved site plan layout.

Joe Trauth, Esq., 1 East Fourth Street, Cincinnati, Ohio, presented on behalf of the applicant, shared with the Board that they believe the text changes make sense and noted the lack of available 50-acre tracts in the Township, referencing two exist. He expressed that for school and school-athletic related uses the smaller tract makes sense and not just for their proposed project.

Mr. Schultz called for questions or comments from the Board.

Mr. Tracy referred to the letter from Mr. Trauth with regard to condition two for sanitary service of sufficient capacity to allow tap into by adjoining properties. It was referenced this item pertains to the second case. Mr. Trauth stated the applicant fully intends to install public sewer and he will explain further (under discussion of next case).

Mr. Tracy commented that the location is good for a facility like the one proposed. He stated it can also serve to protect the neighbors from industrial growth and would be a good opportunity for an institution to grow their athletic facilities.

Ms. Wolff stated that she would like to ensure that the text amendment would not be so specific that it allows outside individuals to set the zoning rather than presenting the Township's zoning regulations and ensuring the Board of Trustees sets the zoning.

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Ms. Wolff made a motion to close the open portion of the public meeting, seconded by Mr. Tracy with all voting "AYE".

Mr. Tracy made a motion to approve Case #566 to accept the recommendations of the Zoning Commission and approve text changes for the "MU" District as requested in the submitted application, seconded by Ms. Wolff with all voting "AYE".

Case #567, Brad D'Agnillo (Re-Zone to Mixed Use Institutional District), was called and the notice of public hearing was read.

Mr. Elliff stated the applicant is requesting a re-zone of the 29.5 acres from "I" Industrial, "R-2" Residence and "R-3" Residence District to "MU" Mixed Use Institutional District. He shared remarks from the County staff report which noted the following:

- Consistency with the revitalization goals of the land use plan;
- Community and Economic Development Department recommended approval;
- County Engineer's office had no objections; and
- Water Resources Department noted that public sanitary sewer and water needs to be extended to the property.

Mr. Elliff reported that on July 23, 2019, the Clermont County Regional Planning Commission held a public hearing on this case and entered a recommendation of approval with the conditions of the County staff.

Mr. Elliff reported that on August 1, 2019 the Miami Township Zoning Commission held a public hearing on the case and recommended approval with conditions that there be properly sized sanitary sewer installed, the property be consolidated, and the final design subject to staff review.

Mr. Elliff presented a PowerPoint of the staff report to the Board that depicted the proposed use for the property to be re-zoned and to be used as a school athletic field with related structures, amenities, parking, concession and lighting. The applicant has shown 137 spaces for parking. He stated the plan complies with the setback requirements. He referenced the parcels are located in the Miami area, west of Second Street and north of the Little Miami Scenic Trail.

Ms. Wolff discussed whether the area near the bike trail had been reviewed as it relates to easements. Mr. Elliff commented that the area could be treated as right of way. Mr. Braun clarified that the Ohio Department of Natural Resources (ODNR) as the property owner does not have regulations about what abuts it or goes over it but does have concern when something crosses it or interferes in their right of way for the bike trail.

Mr. Elliff reviewed the types of uses that could go on the property as it is currently zoned, noting the industrial portion is approximately 13.5 acres, R-1 is just under 10 acres and R-3 is 6.1 acres. He explained the "I" District today allows office, research, manufacturing, warehouse, contractor storage yards, building material sales and storage, private recreation, recycling center, and including allowed uses in the "B" District. He stated it could be developed more intensely under today's zoning. He then shared a zoning map of the current zoning of the property and surrounding areas, including photos taken on-site at the proposed location and various views toward adjacent properties, aerial views and topography of the applicant's property.

Mr. Elliff shared conceptual drawings of the proposed Moeller athletic complex. In reference to the Township's land use plan, he stated that with the proper buffering, the use could integrate with its surrounding uses. He added that he agrees with the County that the proposed project is consistent with the revitalization goals.

Mr. Elliff commented that traffic in this area can get busy at times. He stated that two of the points discussed mostly in the traffic impact study were going up 126 and north to Second Street.

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He stated the study indicated a need for traffic control there if there is a busy use of the property like a baseball game on a busy day or other popular uses. The study noted the entrance on Second Street may need additional evaluation if there are increased volumes. Left turn movements and a potential additional access point was also referenced.

Ms. Wolff expressed concern for establishing a proper traffic management plan. Mr. Elliff explained that once the zoning is in place the plan is returned to the staff level for such approvals as the zoning code allows.

Mr. Elliff continued reviewing the site plan with the Board. He noted the adherence to the setbacks adjacent to residential boundaries. Location of the multi-purpose field and parking lot were pointed out. Elevations were also discussed. He also mentioned the history of the property use included a junk yard for many years.

Mr. Elliff shared the applicant's options for sewer lines. He stated that as the Zoning Commission also conditioned, the sewer line needs sized appropriately to not only serve this location.

Mr. Elliff shared an additional conceptual drawing that depicted the field and parking areas. He stated that he requested the drawing include the illustration of the landscape 15-foot buffer along the residential areas.

Mr. Ferry asked about lighting. Mr. Elliff explained that the rules for lighting require the lighting reach a zero-foot candle at the property line and be contained within the property.

Ms. Wolff asked about noise from announcing. Mr. Elliff stated that the noise resolution would provide the control and there is an exemption for schools.

Joe Trauth, Esq., 1 East Fourth Street, Cincinnati, Ohio, presented on behalf of the applicant, introduced the donor of the property, Barry Rupert, Dave Byersdorfer of Moeller High School, Craig with Kleininger to answer any questions for sewer, lighting, etc. He stated that the proposed use to change the 13.5 acres from industrial use to "MU" Mixed Use Institutional District is going to be good for the community. He noted the back part of the property is zoned R-1 and the western portion of the property is zoned R-3.

Mr. Trauth stated that consolidating it into the "MU" Mixed Use Institutional District is important. He shared that in his early discussion with Township staff, it was discovered that the only place the proposed facility could fit was in the "MU" zoning. He stated that upon locating the 50-acre restriction in the code that is what brought about the suggestion of the text change. He stated that the trade is for a very part-time use. He noted the students would not arrive until 3 or 3:30 p.m. and the practice field is for soccer and lacrosse, etc. He stated that as it relates to access to the site, the largest most-attended baseball game would have about 250 people.

Ms. Wolff noted there currently is no activity on the property at this time. She stated the neighbors are not hearing any noise at all or activity occurring, or cars. Mr. Trauth clarified that the 250 people would be in the instance of the most-attended game.

Mr. Trauth concluded by stating that it is a non-profit institution so anything to be placed on the property has to be accomplished through fundraising. He stated they agree with the condition to consolidate the parcels. He commented that the tearing down of the house condition impacts the current property owners' tenants, the garage there stores maintenance equipment, and in the future could be a place for a caretaker or storing of equipment. He requested that condition be put on hold. He noted that tearing the house down would make it less residential and it is in keeping with the area with the house in place. He stated that as to the sewer condition, Moeller clearly intends to do a public sewer but did not want to get ahead of themselves. He stated they would like to start doing some grading, the baseball field and stands. He stated the engineers are talking with the water department about the sewer. He stated there is no TIF funding for a sewer but there may be assessment dollars on front footage of property for sewer access.

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Mr. Schultz expressed his concern for the property capacity line, and stated the cost was in tearing up the street. Mr. Trauth stated that they do want to make sure it is done right, and they are committed to the sewer, noting that they did not want to be required to put the entire sewer system in prior to building the baseball field.

Mr. Trauth stated that this is a good use for the property, and there is site review in place. If the applicant proposes a small building between the facilities for restrooms, changing, and showers, that plan would come back to Mr. Elliff for review. Mr. Trauth stated that is when the sewer will be necessary.

Ms. Wolff asked if it was being proposed to build a baseball field without a sewer for a period of time. Mr. Trauth stated it wouldn't be complete and once it is completed it would have to have the sewer. Ms. Wolff asked for clarification on the proposal being described as a stadium and a practice field. Mr. Trauth explained the practice field is on the left and the baseball field has stands. Ms. Wolff asked if port-o-lets would be used during the practice uses and Mr. Trauth stated that initially it would be necessary.

Mr. Tracy commented that the drawing does show a baseball field and a multi-purpose field which can be used for lacrosse or football. He stated as long as we approach it that way, he does not want something like this to be built and the current system is relied on which is not good and does not benefit anyone there. Mr. Trauth stated that port-o-lets would be very temporary.

The Board discussed a possible timeline for the project and asked if the applicant could anticipate it being one year, five years or ten years. Dave Byersdorfer introduced himself as the Director of Facilities at the school, an alumni, and returned to work there five years ago. He stated it is their intention to have a fully functional sewer prior to having any young people at the site. He stated the unknown is the fundraising portion. He stated they just completed a \$3 million renovation project of all of the existing 1960's classrooms and that was the most amount of money they have raised in decades. He stated there is one cafeteria that is next on their master plan. An auditorium is on the list for renovation as well. He stated with competing projects for the fundraising dollars, what is realistic is to find a home for the baseball field. He noted the multi-purpose field can be any of their sports including frisbee, rugby, and soccer.

Mr. Byersdorfer commented that for many years they have been in Lockland for football which has been a challenging site. He stated there is not clear parking for many kids. He stated this past year they moved to Princeton High School and that has been a great experience. He stated they feel they have a good solution for the football stadium and that is why baseball and multi-purpose field fit well on the site. He stated the timeline on the sewer would be to open it up on the day they begin to practice. He stated they would like to raise enough money between now and beginning of spring to start earthwork in the springtime. He stated the correct sequence would likely be technical exploration on the site this fall, the environmental study has been completed, and if that works out and funds are raised, they would begin clearing and earthwork in the spring.

Mr. Byersdorfer stated that once summer arrives they would like to begin digging utilities. He stated they wouldn't be able to commit to building the sewer first because he believes the earthwork and other steps come first.

Ms. Wolff asked if there was a known approximate cost for the sewer and Mr. Byersdorfer estimated \$150,000-200,000.

Mr. Schultz asked if the intent was to keep the Princeton stadium as the homefield and Mr. Byersdorfer agreed. Mr. Tracy stated that it could not be promised but asked if it was favorable to have Moeller as the neighbor or an industrial site.

Mr. Elliff added that with the conditions being discussed, he would affirm that what Mr. Byersdorfer is stating is consistent with the condition that the sanitary service of sufficient

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capacity to be installed with the development. He stated that once there is a successful site plan review completed, and when they apply for the zoning certificate that the construction details of that sewer would be ready to go and in place so that when the baseball/multi-purpose field will have restrooms of some sort and the sewer will be constructed as part of that project.

Craig Honkomp with Kleininger explained the sewer would need to be designed and take time, permitting and reviewing the right of way and impact on properties. He stated it takes a substantial amount of time to go through those steps and have it built before opening day. He suggested approving a certain threshold of seating that would require the installation of the sewer upon exceeding the threshold.

Mr. Trauth stated there was discussion about access in and out of the property. He stated the entrance chosen was the only one available. He stated someone mentioned the cemetery and noted it could be down the road if it were necessary to have a secondary entrance. He stated the only problem with that entrance is you would be crossing the bike trail. Ms. Wolff stated she did not like the idea of using the cemetery.

Mr. Schultz called for correspondence. Mr. Ferry stated that two were received. One from John Good at 336 Front Street who expressed he was in favor of the project. The other was from Mark Hardin who expressed on behalf of a group of residents it was preferred to have more residential.

Mr. Schultz asked for any residents or concerned citizens who wished to speak.

Mark Hardin, 6110 Second Street, Miamiville, expressed support for the project and the residents have been holding group discussions. He stated they would like the traffic addressed prior the project design being finalized. He was pleased that the house would remain to help retain the residential character of the area. He expressed that the use of the field for athletics other than football was amenable.

Kyle Fleisch, resides on Timber Knoll, commented that most of the traffic related to the athletic facility would come from I-275 routing to East Poplar Road. He expressed his concern for increased traffic and turn radiuses for school buses. He suggested widening East Poplar.

Jeff Krueger, 357 Mill Street, Miamiville, was in support of the use and preferred the road by the cemetery for the main access to keep the increased traffic out of Miamiville. He stated that the large pine trees on the property would serve as a sound barrier and was in support of keeping the trees in place.

The Board held discussion regarding the road by the cemetery. It was clarified that the road does not belong to the Township.

Mr. Tracy made a motion to close the open portion of Case #567, seconded by Ms. Wolff with all voting "AYE".

Ms. Wolff stated that she did not hear residents concerned about lighting, the length of time the project may take, and that she hopes residents can tap into the sewer. She expressed her support for a use of this type that fits the community versus industrial. She commented that regulation of the caretaker building may be difficult.

Mr. Tracy stated he appreciated everyone's feedback and thought there were a lot of good ideas. He stated Moeller has a good track record of being good to the community. He noted that they engage students with the community and take pride in how they handle community relations. He expressed his support for the use, and only cautioned that stating "multi-purpose field" could, long term, mean a football field, and wanted that to be transparent for residents.

Mr. Tracy made a motion in Case #567 to approve the "MU" Mixed Use Institutional District for the 29.45+ acres as requested in the application for re-zoning and subject to including the three

RECORD OF PROCEEDINGS

Minutes of

MIAMI TOWNSHIP BOARD OF TRUSTEES SPECIAL MEETING

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

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conditions contained in the recommendation of the Zoning Commission as amended (shown below), seconded by Ms. Wolff with all voting "AYE".

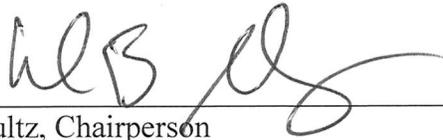
- 1. Lots will be consolidated prior to issuance of a zoning certificate;
- 2. Sanitary service of sufficient capacity to allow tap in by adjoining properties along the service route will be installed for this development, and as approved by the Water Resources Department; and
- 3. Final design will be subject to site plan review and staff approval pursuant to the Miami Township Zoning Resolution Section 61.05.

With no further business to come before the Board the meeting was adjourned at 8:35 p.m.

ATTEST:



Eric C. Ferry, Fiscal Officer



Karl Schultz, Chairperson