Special Beavercreek Trustee's Meeting

Tuesday, June 11, 2013

Ms. Graff brought the meeting to order at 7:00 p.m.

Roll Call: Ms. Graff; Mr. Paxson; Mrs. Prystaloski.

Others: Chuck Brackenhoff from the Zoning Commission; George Oberer; Mitch Cosler; Dawn Frick, Township Legal Counsel; Alex Zaharieff, Township Administrator; Ed Amrhein, Zoning Administrator; Laurie Brown, Clerk III/Zoning.

Case #767-3 – Spring Ridge, Phase 3 Specific Site Plan

Ms. Graff gave a brief explanation of the hearing procedure and then asked Mr., Brackenhoff to give the staff report.

Mr. Brackenhoff gave a summary of the Spring Ridge development, including the recent amendments to the consent decree, and briefly recapped the Zoning Commission's in-depth review of the specific site plan. He then deferred to Ms. Frick to discuss the filled in ponds.

Ms. Frick stated that the filled in ponds were something that should be addressed between the landowner and the subsequent purchaser of the property. The Township has no recourse to mandate disclosure language be put in the deed and, as such, bears no responsibility for the disclosure.

Mrs. Prystaloski stated this was how she understood it to be from her experience as a realtor.

Mr. Brackenhoff then addressed Lot 116, noting that the Zoning Commission had asked the developer to move the property line between Lots 116 and 138 farther south to pre-empt possible annexation to Fairborn by the owner of Lot 138. The Zoning Commission was concerned annexation could become an issue because of the proposed conservation easement on Lot 138. With regard to this, the Zoning Commission asked Ms. Frick to address whether language needed to be put in the deed to protect the wetlands, as well as provide clarification of whether the Township has a responsibility to maintain the wetlands.

Ms. Frick stated the ORC does permit the Township to accept the easement. What this does is allow for oversight rather than actual maintenance—if gives the Township the right to enforce the terms of a conservation easement to ensure that it is being maintained in its natural state.

Mr. Zaharieff noted that the Township has done this before with Mr. Oberer to allow Township equipment access to deal with drainage and other issues. He emphasized that the Township is not going to maintain the easement on a regular basis; accepting the easement allows the Township to go on to the easement should it become necessary.

Ms. Frick clarified that the easement would actually be part of Lot 138 in perpetuity, meaning that should the property change hands, all subsequent owners of that lot would be prohibited from doing anything to alter the natural state of the easement.

Ms. Graff noted that there are currently two easements that have been deeded to the Township: the Siebenthaler easement and the Koogler easement. The Township has contracted with the Tecumseh Land Trust to monitor the Koogler easement; however, nothing has been put in place to monitor the Siebenthaler

easement. She would like staff to work with the Tecumseh Land Trust with regard to setting up monitoring for all easements accepted by the Trustees.

Ms. Frick said that oversight could be included in the terms of the easement.

Ms. Graff emphasized the need to have monitoring in place because development would be taking place in proximity to the easements and they need to be protected.

Mr. Brackenhoff then continued with the staff report by stating that the last item to be addressed was the placement of the driveway for Lot 138. The developer was not asked to put a driveway on Lot 138 because the Zoning Commission felt it would limit the property owner as to the placement of a house. Mr. Brackenhoff noted that since the owner would have the option of having access to the cul-de-sac, there would need to be language in the conservation easement deed that would permit access across the easement to the cul-de-sac.

There was some discussion of the fire department's requirements. Mr. Brackenhoff stated that originally the cul-de-sac had been too small. The developer made changes to the lot sizes to enlarge it. There also will be an emergency access from Trebein Road.

Mr. Brackenhoff stated the Zoning Commission had requested acceleration/deceleration lanes in addition to a left turn lane. Mr. Oberer met with the County Engineer who determined that acceleration/deceleration lanes were not necessary in this area; however, there will be a middle left turn lane into the development.

Mr. Brackenhoff noted that during the public comment section of the March and April meetings, a couple of homeowners whose properties were adjacent to the new phase had told the commission members that they had concerns regarding privacy, since the new development would be on higher ground. There is nothing that can be done about the privacy issue, but Mr. Oberer and his staff have made adjustments to the plan to prevent drainage from becoming a problem.

Another item that was brought up was rear yard lighting. This was put in the Zoning Commission's resolution and Mr. Oberer provided an updated version of the HOA covenants which addresses this issue and limits lighting to 75 watts.

Mr. Brackenhoff stated there is some vegetation on the property line adjacent to Fawn Ridge that acts as a natural buffer. A property owner from that development had asked if it would remain. Mr. Oberer told the homeowner he plans to leave it.

Mrs. Prystaloski asked Mr. Brackenhoff for verification that, in the fire department's letter, they did not say a gate had to be put on the emergency access; it says they will determine if one is needed. Mr. Brackenhoff confirmed that is what was said.

Mr. Paxson expressed concern that the access road was too narrow for fire equipment to use. He also commented that the left turn angle from the south appeared too sharp for fire equipment to safely make the turn onto the road. Mr. Cosler stated that the road looks much narrower on the site plan than it really is. He then verified that it meets fire department and county engineer standards.

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Mr. Zaharieff briefly reviewed the Zoning Commission's conditions and recommendations to the Trustees, noting how they had been addressed by Mr. Oberer.

Mr. Paxson asked if the Township would be responsible for managing the wetlands. Mr. Zaharieff clarified that it would be the responsibility of the landowner of Lot 138. When plans are submitted to build on that lot they will be reviewed by the Zoning Administrator to ensure that nothing encroaches into the easement; however, the owner is permitted to put a driveway across the easement to access the cul-de sac.

Mr. Brackenhoff used the laser pointer to outline Lot 138 for easier visibility. There was some discussion of various placements for the driveway and what type of permissions would be required.

Mr. Oberer addressed the board and thanked the Trustees and staff for their assistance in this process. He believes that he and the Zoning Commission are on the same page with the exception of the request for the acceleration/deceleration lanes as included in the resolution. He has met with the county engineer who does not see that acceleration/deceleration lanes are necessary. As such, Mr. Oberer asked the Trustees not to include that as part of their approval.

Mr. Cosler noted that, from an engineering standpoint, he could not justify putting in an acceleration lane for such a small traffic count area.

Mr. Zaharieff said that staff met with Mr. Geyer today and the only recommendation he made was to put in a left turn lane. He also noted that Item 6 of the Zoning Commission's resolution had not been discussed. It says that minor changes to the specific site plan are permitted at the discretion of the Zoning Inspector/Administrator. Mr. Zaharieff stated the Zoning Commission, Mr. Oberer, and he as Township Administrator, are comfortable with that.

2013-179 Mr. Paxson moved to approve Zoning Resolution 13-001, Case #767-3, the Specific Site Plan for Spring Ridge, Phase 3 as recommended by the Zoning Commission.

There was a brief discussion regarding Item 2 from the Zoning Commission's resolution. It was determined it was a recommendation, not a condition, and that it was up to the County Engineer, not the Trustees, to address.

Mrs. Prystaloski seconded the motion. The Vote: Mrs. Prystaloski, yes; Mr. Paxson; yes; Ms. Graff, yes. The motion carried.

2013-180 Ms. Prystaloski moved to adjourn. Mr. Paxson seconded the motion. The Vote: Mrs. Prystaloski, yes; Mr. Paxson; yes; Ms. Graff, yes. The motion carried.

The hearing adjourned at 7:30 p.m.

Trustee: _____

Fiscal Officer: _____