Special Beavercreek Trustee's Meeting

Monday, August 5, 2013

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

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

Others: Mat Walker; Andrew Peed; Don Ehrhart; Mary Nutter; Bob Nutter; Mike Oxner; Jim Bauman; Steve Filer; Marilyn Filer; Chad Filer; Dawn Frick, Township Legal Counsel; Alex Zaharieff, Township Administrator; Ed Amrhein, Zoning Administrator; Laurie Brown, Zoning Clerk.

Case #671-7 – Claiborne Greens at Stonehill Village Specific Site Plan

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

Mr. Amrhein stated that this site plan was recommended for approval by the Zoning Commission. The approval included a couple of conditions, notably an update to the traffic plan, as required in the original PUD approval in 1993. That approval required an update for each section of the development.

The property is located on the west side of Trebein Road. The northern property line of the proposed subdivision is about 1000 ft. south of the intersection of Ankeney and Trebein Roads. It consists of 88.324 acres to be divided into 168 single family lots with a density of 1.9 units per acre.

The submittal has met or will soon meet all 13 criteria contained within article 17.07.12 of the zoning resolution. Mr. Amrhein noted that some of the criteria fall under other agencies and will be up to them to address.

Mr. Amrhein stated it was his determination that the plan, as submitted, substantially conforms to the original resolution of October 12, 1993, in all particulars with the exception of those criteria previously mentioned.

There have been some questions with regard to the overall density for the PUD. In the original master plan for the Stonehill Village PUD, based on a recommendation of the zoning administrator at the time, the PUD was subdivided into seven (7) areas. Densities were established based on what type of development was proposed for each area.

Mr. Amrhein referenced Attachment A in which he addressed the issue of density, noting that, of the parcels remaining to be developed, this parcel probably has the least impact on the approved densities from 1993 because what is going in is essentially what was approved in 1993. If anything, it is lower density than what was originally proposed. This area had been designated low and medium density residential; now it is all low density residential. There is minimal impact on other approved uses within the PUD and there is a slight increase in open space.

Mr. Amrhein said he would answer any questions the board might have.

Ms. Graff said they would like to hear from the applicant first.

Mat Walker, MI Homes, 9349 Waterstone Blvd., Ste. 100, Cincinnati, OH 45249 addressed the board.

Mr. Walker stated he was the vice president of land acquisition for MI Homes. He emphasized that MI Homes was excited to be moving back into the Dayton home

building market. A while back they were in the Springboro area; this will be their third community in the area.

Mr. Walker stated that MI Homes is a publicly traded company. They were established in 1976 by two brothers in Columbus, Ohio. In 37 years they have grown into the 15th largest builder in the U.S. and are in 15 different cities across the U.S. They build a range of products from attached multi-family homes to million dollar single-family homes.

Mr. Walker then distributed portfolios to the Trustees showing layouts of homes that have been built recently in the Cincinnati area, some of which they hope to build in the Stonehill community.

The plan encompasses 88 acres. It is a smaller parcel of a much larger master planned community. One of the reasons MI Homes chose to build here is because of the wonderful job Mr. Nutter has done with this community. Their intent is to continue the existing theme and feel of Stonehill Village.

On the 88 acres there will be 168 homes. As discussed previously, that is about 1.9 units to the acre, much less than what was approved for the original PUD. The reason they went with this density was to maintain the look and feel of Stonehill, specifically the interconnectivity provided by the walking trails.

Additionally, they have offered a little over 22 acres of open space, which works out to approximately 22% of the overall area.

Mr. Walker then addressed the lot sizes, noting that they are not only commensurate with what was originally approved for the PUD, but are a little larger than what is out there in today's market. The reason they did this was to appeal to the "move up" buyer who is looking for a little more house on a little more property.

Mr. Walker concluded that they are confident in their plan and anxious to get started.

The public input portion of the hearing was opened.

Chad Filer, formerly of 1370 Ankeney Road, addressed the board.

Mr. Filer stated the approximately 20 acres owned by his family is directly between the existing Stonehill Village to the north and the proposed new section to the south.

When the original Stonehill PUD was proposed, Mr. Filer's father, now deceased, had concerns about water runoff from the development. He was told by Mitch Cosler that there would be no water runoff to the Filer property. A few months after Stonehill Village was built, they noticed a large amount of water coming onto their land. Mr. Filer used the specific site plan map to point out the area on the Filer property that contains a small pond where water collects as it runs off the Stonehill property to the north.

Mr. Filer then stated that a month after Mitch Cosler told his father they would fix this, he denied saying they would fix it. As such, Mr. Filer wonders what promises will be made that will not be followed through with this new property.

There being no one else wishing to speak, Ms. Graff called for a motion to close the public portion of the hearing.

2013-239 Mrs. Prystaloski moved to close the public input portion of the hearing. Mr. Paxson seconded the motion. The vote: Mrs. Prystaloski, yes; Mr. Paxson, yes; Ms. Graff, yes. The motion carried.

At this time, Ms. Graff asked if anyone would like to address Mr. Filer's concerns regarding runoff, noting that she remembered the runoff concerns with the previous Stonehill development. She elaborated that runoff is always a concern with new development.

Ms. Graff then asked Mr. Walker to discuss the drainage for the new site. Using the site plan, Mr. Walker showed that the water typically drains from the north to the south. He pointed out and briefly discussed the detention basins, showing how runoff would be routed to the basins. Mr. Walker emphasized that the basins were of adequate size to manage new and currently existing drainage.

Ms. Graff asked for clarification that there would be no drainage from the proposed building site to the property to the north; it would all drain to the south. Mr. Walker stated the majority of this site drains from north to south.

Mrs. Prystaloski asked Mr. Filer if he was satisfied with that answer. Mr. Filer said he was fine with it, and then reiterated that they were told before Stonehill Village was built that drainage would not be an issue; now there are rocks and buildup, which is proof that every time there is a huge downfall a stream runs through their property.

Ms. Graff explained that the Trustees were dealing with the site plan before them, not what happened previously. She reiterated that she wanted to make sure this specific site plan did not impact his family's property.

Mr. Filer asked how they could trust that this would not impact them. He questioned why they can't fix the first problem before more properties are built out there.

Ms. Graff explained that this is the way the process works. Maybe the other issue has to be addressed, but not as a condition of approval for the one before the board this evening. The Trustees do not have the authority to make that a condition for approval. This was confirmed by Ms. Frick.

At this Ms. Graff recognized Mr. Nutter, the developer of Stonehill Village. Mr. Nutter stated he is sensitive to others' problems that he may have caused. He has never been made aware of any runoff issues toward the Filer property. He is aware of one catch basin on Ankeney Road that goes across the road toward their property and which takes in water that comes around the corner from Dayton-Xenia Road and down Ankeney Road. The majority of all the water from the acreage to the north of the Filer's property goes out in two spots to the west to the Beaver Creek Wetlands where the water flowed originally. Mr. Nutter stated he would be happy to look into it, but reiterated that he was never made aware of the drainage issue either by his neighbors or his civil engineer.

Ms. Graff suggested that Mr. Nutter and Mr. Filer get together to look into the issue.

Mr. Filer stated he would love to take Mr. Nutter over to look at the area, but expressed doubts as to the outcome if it is the same engineer they had spoken to twice before about the drainage issue.

Ms. Graff stated that what the Trustees can do with this case is assure that drainage is going away from Mr. Filer's property or being contained on its own property, but they cannot, at this hearing, solve anything that happened prior to this case.

Mr. Filer asked if there was a law that once you build property you are not supposed to have runoff onto another owner's land.

Ms. Graff stated there was not. From what she understands the law to have been since before the 90's is that you are not supposed to permit any more water, at any point in time, to run off the property than was running off before it was developed. It doesn't say you can't have the water run off longer or a greater amount afterwards. It has to do with the rate of runoff at any given time and also says you have to follow where the water went before. If it was a natural drainage, that is permitted.

Mr. Filer again reiterated there are rocks and buildup that were not there when he was growing up.

Ms. Graff said she understood that, but that would be something to work out with Mr. Nutter and that the Trustees could not address it at this time.

Mr. Filer asked why and Ms. Graff responded because it is not part of this particular case.

Mr. Filer: "Okay, but earlier you said 'we have to fix' or 'we get to build both properties before we're going to fix anything.'"

Ms. Graff: "No, I didn't say anything like that. I didn't say that. Do you know—"

Mr. Filer: "Something like that, we have it on tape, we heard you say 'we're going to build both and then we're going to fix' whatever."

Ms. Graff: "I didn't say that."

Mr. Filer: "Something like that."

Ms. Graff: "I did not—I didn't say that.

Mr. Filer: "I would just like for you guys to address the situation."

Ms. Graff: "In any case, our attorney, who is sitting here, has told us that we have to focus on this particular site plan and not anything else, so that's where we are. (To Mrs. Prystaloski) You have another question?"

Mrs. Prystaloski: "No, I don't have a question, I have a statement. Mr. Nutter has said that he will meet with you or talk to you about it as he was not aware of that situation. So, even though we can't address it here, please get together with him and see."

Mr. Filer: "Is that my only option that I have? Because I don't have—"

Mrs. Prystaloski: "Under law, yes, sir, it is."

Ms. Graff: "As far as we know."

Mr. Filer: "Okay."

Ms. Graff addressed Mr. Paxson and asked if he had any more questions.

Mr. Paxson stated he did not, but commented that Mr. Nutter was not aware of the situation and offered to talk to Mr. Filer and look at the problem.

Mr. Filer: "Well, Ms. Graff said that she had heard from my father in the past about this issue."

Ms. Graff: "No I didn't."

Mr. Filer: "You said that you heard about the water runoff before."

Ms. Graff: "I've heard of running off the property, but I never said anything about your father, or what your father—"

Mr. Filer: "You said you heard about the water runoff."

Ms. Graff: "I knew there was a concern about runoff. Okay? We've heard it—"

Mr. Filer: "On this property—"

Ms. Graff: "On to Ankeney Road. And, it wasn't any specific one. And it had to do with Ankeney Road. It did not have to do with a particular property. And, it doesn't have to do with this particular site at this particular time. So, we have to follow a recommendation from our—guidance from our legal counsel and deal with the problem that we have, the site plan in front of us, and he's assured us—and that is on tape—that all the runoff from this property is either taken care of on this property or south and does not impact the property to the north.

Ms. Graff asked if that was an accurate reflection of what Mr. Walker said.

Mr. Walker responded with a caveat "that there may be two foot that goes on there, or it will not be increased any more than is currently flowing today."

Mr. Walker briefly discussed the stringent EPA standards that are enforced with regard to erecting silt barriers and other preventive devices to prevent infiltration of silt or debris onto neighboring properties.

Mr. Paxson told Mr. Filer that he understood his concern, but this is a different builder than the previous section.

An unidentified citizen from the audience stated that Mr. Filer was correct, noting that the drainage goes across several properties, including his, and finally across Ankeney Road. He noted the Township put in a catch basin and the drainage still runs across Ankeney Road.

Mrs. Prystaloski asked Mr. Zaharieff if the Township has a catch basin there.

Mr. Zaharieff responded there is a catch basin on Ankeney Road that the Township maintains. The road crews maintain all the catch basins. They are

regularly inspected and debris is cleared so that they function the way they were intended.

Special Beavercreek Trustee's Meeting

Monday, August 5, 2013

Mrs. Prystaloski asked the audience to call the Trustees if there is a problem with the catch basins.

Several voices from the audience said that they have been calling and that they wished the Trustees would respond.

Mrs. Prystaloski asked Mr. Zaharieff if these calls had been answered.

Mr. Zaharieff responded that he is not aware of any calls since he's been Administrator, but stated he would be happy to look into the situation.

2013-240 Mr. Paxson moved to approve the specific site plan for Claiborne Greens as submitted. Mrs. Prystaloski seconded the motion. The Vote: Mrs. Prystaloski, yes; Mr. Paxson; yes; Ms. Graff, yes. The motion carried.

2013-241 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: _____