Special Beavercreek Trustee's Meeting

Monday, February 3, 2014

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

Roll Call: Ms. Graff; Mr. Kretz; Mr. Paxson.

Others: Patrick Altvater; Rob Arnold; Chuck Brackenhoff; John Rhodehamel; John Brumbaugh; Kevin Nels; David Apple; Shafi Alam; Dawn Frick, Legal Counsel; Alex Zaharieff, Township Administrator; Ed Amrhein, Zoning Administrator; Laurie Brown, Zoning Clerk.

Ms. Graff gave a brief explanation of the hearing process.

Case #791 – Rezoning – Stephen Varner

Ms. Brown read the public hearing notice.

Mr. Amrhein was asked to give the staff report.

The parcel is zoned A-1/Agricultural. It is adjacent to parcels that are somewhat smaller and zoned R-1AA. The applicant is requesting the rezoning to R-1AA in preparation for a lot split.

Mr. Amrhein said he did not ask for detailed engineering drawings at this point because if the applicant splits the lot the way he intends to it will require one of the lots to hold a utility easement for the other one. At this time it is unsure how Greene County Combined Health District (GCCHD) will address this proposal. Mr. Amrhein stated the Zoning Commission approved the rezoning with conditions, including approval by GCCHD before final lot configuration.

Mr. Amrhein emphasized he would not sign off on the lot split until all the conditions have been met. He also noted that the parcel is large enough to move the proposed property line between the two parcels in a variety of ways that would meet the bulk size and lot requirements for R-1AA.

There being no one present to speak for the applicant, Ms. Graff opened the public portion of the hearing.

Charles Brackenhoff, chair of the Zoning Commission, addressed the board.

Mr. Brackenhoff stated that the Zoning Commission made the applicant increase the frontage on one of the lots to 175 ft. to meet resolution requirements. The Zoning Commission also urged him several times to seek approval from GCCHD prior to bringing the case forward to the Trustees.

Ms. Graff said the only thing the Trustees are being asked to do tonight is rezone this 5-acre agricultural parcel to R-1AA. She then asked what the frontage requirement was for R-1AA.

Mr. Amrhein stated it was 150 ft. Mr. Brackenhoff noted there was a discrepancy between Table 1, which shows 150 ft., and the language in Article 5.01 which says it is 175 ft.

Ms. Frick clarified that there is some ambiguity in the way the resolution is written. To err on the side of caution, the Zoning Commission went with the 175 ft. because the property owner stated that would not be a problem.

Mr. Kretz asked Mr. Amrhein what assurance the Township had that future owners of the adjacent property would not have problems installing a backup leach field.

Mr. Amrhein said the location of the lot split would be dictated by the GCCHD. New regulations have come into effect that require a soil test as well as other traditional factors that come into play in a lot split. The applicant's intention is to build a house on the new lot created from the split. He has no problem granting an easement to the other lot. Additionally, heirs and assigns to that property would be bound by the easement. Mr. Amrhein noted this does not mean that it would be appropriate with the GCCHD or that it necessarily meets all of the requirements in the zoning resolution.

Mr. Amrhein reiterated that he would not sign off on the lot split if the conditions had not been met, including prior approval from the GCCHD. A lot split cannot be recorded without his signature.

Mr. Kretz asked what the 2.5 acre minimum requirement was for a house on septic.

Mr. Amrhein stated that was a "soft" requirement. He is aware from discussions with GCCHD that they have approved lots smaller than that for on site sewage management. It is a much more in-depth analysis of the site conditions on an individual parcel than it is a rote list of requirements relying on arbitrary factors.

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

2014-049 Mr. Paxson moved to close the public portion of the hearing. Mr. Kretz seconded the motion. The Vote: Ms. Graff, yes; Mr. Kretz, yes; Mr. Paxson, yes. The motion carried.

There was some discussion of the Zoning Commission's recommendations.

2014-050 Mr. Kretz moved to approve the rezoning in Case #791 from A-1/Agricultural to R-1AA as presented with the stipulations recommended by the Zoning Commission and with clarification to the first and third stipulations such that the property will only be divided into a **maximum** of two (2) separate lots with a **minimum** 175 ft. of frontage. Mr. Paxson seconded the motion. The Vote: Mr. Kretz, yes; Mr. Paxson, yes; Ms. Graff, yes. The motion carried.

<u>Case #688-6 – PUD Zoning Modification – "River Reserve"</u>

Ms. Brown read the public hearing notice.

Mr. Amrhein gave a brief history. The subdivision was originally rezoned to PUD-R in 1995. Specific site plan approvals were granted in 2005 and 2007. In September of 2013, an application was submitted to amend the approved zoning resolution as detailed in the plans before the board this evening. The original conditions of approval included:

- An increase in density, which would involve a change that the maximum number of sewered lots would be 173
- Total number of lots would be 186
- Minimum lot size would go from 16,000 sq. ft. to 9,100 sq. ft.
- Maximum density would be 1.4 units per acre

The Zoning Commission recommended the following replace language articulated in the original resolution from 1995, and added two (2) stipulations:

1. Minimum lot size is 9,100 sq. ft.
2. No more than 248 lots are to be developed with an overall density of 1.87 units per acre.
3. The verbiage in the original resolution pertaining to the number of lots to be developed with no access to central sewage is to be removed and replaced with a statement that the developer will meet the requirements of the Greene County Combined Health District.
4. It is the intent of the Zoning Commission that all other conditions of the original resolution remain in effect.
5. The developer will provide a letter to the Zoning Administrator rescinding all previous specific site plans prior to submission of this site plan to the Trustees.

When the original resolution was passed by the Trustees in 1995, they accepted all of the language of the Zoning Commission's recommendations, with the exception of altering condition #5. That condition has to do with the land that buffers the Narrow's Reserve from this development. There was never any contention that the buffer strip would be 50 ft. wide. What happened in that negotiation in 1995 was that the Trustees required that half of it be dedicated to the Greene County Parks District, with the remaining 25 ft. becoming an easement that would be maintained by the development.

At issue today is whether the Trustees wish to amend the conditions attached to the approval of the zoning resolution that rezoned this property to PUD-R. The zoning remains in force; it will remain PUD-R. What is being proposed are amendments to the original conditions.

Mr. Kretz asked if the 25 ft. to be dedicated to the park lands would be on an as developed basis, or is it already done.

It was clarified that it would be per phase of development. As each phase is completed it will be deeded over.

Ms. Graff asked if anyone wished to speak on behalf of the applicant.

Rob Arnold, the developer, addressed the board.

Mr. Arnold reiterated this was approved in 1995. It took a long time for the sewer to be installed. By the time the sewer issue was resolved, the housing market was going through a change. This is an attempt to update the plan to more appropriately address the needs of the current housing market. It is in line with what has previously been approved in Beavercreek Township.

Mr. Arnold emphasized the connectivity with the park land and how it would enhance the sense of community. The variation in product will add diversity.

Ms. Graff opened the public portion of the hearing.

Chuck Brackenhoff addressed the board on behalf of the Zoning Commission.

Mr. Brackenhoff stated this was a very complicated case. This came in as a major modification to the specific site plan. Review of the zoning resolution showed that the proposed changes affected more than 5% of the specific site plan. Comparisons were made between the original plan and this one. It was decided to present this as a PUD modification in the interest of keeping things as

simple as possible. Additionally, the specific site plan had been going through significant changes which prompted the Zoning Commission to add the condition that all previous site plans had to be rescinded.

Mr. Brackenhoff then gave a brief summary of the specifics from the Zoning Commission's hearing on this case, what their concerns were, and how those concerns were addressed.

Pat Altvater, of EDB International, asked to make a comment. Mr. Altvater noted that concern for the smaller lot sizes had been the focus of much discussion, but what wasn't discussed was that the public park land area had almost doubled in size. He emphasized that there is give and take in this type of process and felt that they were able to take a negative (smaller lots) and turn it into a positive (more open space.)

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

2014-051 Mr. Kretz moved to close the public portion of the hearing. Mr. Paxson seconded the motion. The Vote: Mr. Kretz, yes; Mr. Paxson, yes; Ms. Graff, yes. The motion carried.

At this time, Mr. Amrhein noted that the board is being asked to consider a legislative zoning action, not the specific site plan. The site plan will be worked out later with input from all the appropriate agencies.

Mr. Kretz asked if there was anything up for approval that, from the Zoning Commission's standpoint, would complicate drainage. Mr. Brackenhoff responded there was not, and then briefly recapped some of the items that had been discussed at the Zoning Commission's hearing.

There was some discussion between the applicant, the Zoning Administrator, and the board with regard to the lots that would not have sanitary sewer hookup and what options would be available for sanitary disposal on those lots. The applicant clarified that all the lots would have public water.

Ms. Graff asked why the lots were smaller, rather than extending to the edge of the green space. Mr. Arnold stated the green space would be built up as a buffer and confirmed that the maintenance for that area and the public space would fall under the home owners' association (HOA).

There was a question on where the drainage from the development would go.

Pat Altvater stated the drainage flows toward The Narrows, north to south, into approximately four (4) swales. There is also a retention pond in the public area. At Ms. Graff's request, the locations of the public sewers were pointed out on the plans.

There was discussion of the connectivity of the development to The Narrows, as well as density in the various phases.

Mr. Paxson asked what the average square footage would be. Mr. Arnold responded it would be around 2200-2600 sq. ft.

Ms. Graff asked if there were any more questions. She then recognized John Rhodehamel, even though the public portion of the hearing had been closed.

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John Rhodehamel, 252 Sperling Lane, Xenia, OH addressed the board.

Mr. Rhodehamel asked if part of the 50' easement was going to be deeded to the State of Ohio and how that part would be identified.

Ms. Graff showed a letter to Mr. Rhodehamel in which it was stated that 25' of the 50' easement would be deeded to the Greene County Parks District. That 25' section, in addition to the 25' maintained by the HOA, cannot be developed. It is to be protected.

Mr. Rhodehamel questioned whether a fence would be put up to separate the Park District's land from the land maintained by the HOA. Mr. Arnold responded that it is more of a do not disturb area; he did not believe either party would be able to put up a fence.

Mr. Rhodehamel then questioned how the homeowners would know where their property ends. He feels a fence should be put up with access points to the park land. If a fence is not put up, people will expand into areas that don't belong to them.

Ms. Graff stated she did not believe Greene County wanted to put up a fence. This has been done in other places and stakes have been used to mark the property lines.

Mr. Rhodehamel responded that he knew of one property owner who had moved the stakes to make room for a Jacuzzi. The property owner was made to re-survey his property and put the stakes back where they belonged.

Mr. Rhodehamel then noted that he had 175 ft. of property adjacent to this development and asked if he would have the same 50' buffer for his property. He has a fence along this area and needs access to both sides to maintain it.

Ms. Graff stated that the fence was not part of this process; it would be discussed as part of the specific site plan process. She then deferred to Mr. Brackenhoff for comment.

Mr. Brackenhoff referenced a provision in the ORC that addresses fencing and assured Mr. Rhodehamel it would be worked out when the specific site plan comes to the Zoning Commission.

For clarity, Mr. Kretz asked if there was a fence that runs along The Narrows' property now. Mr. Rhodehamel stated there was and further clarified that there is a fence between his property and the proposed development.

Mr. Kretz asked if the existing fence for the park property was on the property line. Mr. Brackenhoff stated that wherever the existing fence is it will stay and will be shown on the specific site plan.

There was some discussion of the easement, its purpose and whether adjacent property owners would have the right to enter the easement area to perform maintenance on their property. Mr. Brackenhoff reiterated this would be addressed in the specific site plan process.

Mr. Rhodehamel emphasized that the park land is very prone to erosion. In the original hearing, the parks district had asked for specific access points in an effort to control erosion and other damage to the park land.

Mr. Zaharieff referenced the original site plan and noted that changes have been implemented with regard to site plan reviews. In an effort to take some of the burden off the Zoning Commission, staff gathers input from all the agencies involved. With regard to this easement, it is actually owned by ODNR, but is maintained and operated by the Greene County Parks District. Once a site plan is brought to the Zoning Administrator, the needs of all agencies involved will be addressed. Those approvals and recommendations will then be brought before the Zoning Commission.

Mr. Rhodehamel asked again if the 50 ft. buffer applied to where his property adjoined the development. He emphasized that he needed access to both sides of the fence to provide maintenance.

Ms. Graff reiterated that whatever fence is there remains. South of this property nothing changes. It is only on this property that the 50 ft. do not disturb easements applies. Mr. Rhodehamel's property will have to be discussed separately during the site plan process.

2014-052 Mr. Paxson moved to approve the proposed amendments to the PUD zoning in Case #688 as recommended by zoning resolution in Case #688-6, dated January 9, 2013, with the following conditions:

1. The minimum size of any lot is now 9100 square feet.
2. There shall be no more than 248 lots developed for an overall density of 1.87 units per acre.
3. The verbiage in the original resolution pertaining to the number of lots to be developed without access to central sewage is to be removed and replaced with a statement that the developer will meet the requirements of the Greene County Combined Health District.
4. It is the intent of the Beavercreek Township Trustees that all remaining conditions of the original resolution remain in effect.

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

<u>Case #671-88 – Specific Site Plan – "Hyde Park" in Stonehill Village</u>

Ms. Brown read the public hearing notice.

Mr. Amrhein noted this subdivision would be located on the east side of Trebein Road, just south of Turfland Boulevard, and north of an existing multi-use path.

The master plan for Stonehill Village was put in place, with the assistance of RPCC, and articulated densities by zone. There were eight (8) zones in the original master plan which called out specific parcels for various kinds of development consisting of low, medium and high density. This particular parcel was zoned for high density residential development under the calculations used at the time to distinguish among low, medium and high density.

The proposal before the board now offers medium density, approximately 3.1 units per acre, which is less density than was originally approved. It is worth noting that Mr. Nutter has begun the process of revising the master plan, knowing that with the changes that have been made to individual parcels within Stonehill Village, specifically the severance of the school parcel and the adjustments made to the Claiborne Greens development, that the master plan needs serious revision if they are going to proceed and not lose the opportunity to put high density residential and/or commercial development elsewhere within Stonehill Village.

The Zoning Commission saw the first draft of the revised master plan at their last meeting.

This 9+ acres slightly lowers the density in Area B on the original master plan, a change of less than one percent. Mr. White has indicated that the homes for this parcel would mirror what he has already built in the adjacent subdivision. There may possibly be a slight adjustment down in size.

The plans have been reviewed with the Fire Department as well as the Road Department. Revisions have been made to comply with changes in the county's subdivision regulations and the note on the bottom left of the plans was clarified.

What the note refers to is when the original rezoning took place in 1993, according to an approved master plan, with all those densities, the open space was also approved on a zone-by-zone basis, not a parcel-by-parcel basis. The green space is already carved out and will not come out of the 9.864 acres.

Since the Zoning Commission meeting the developer has conferred with Sanitary Engineering and made some alterations in connection details and placement of water lines. Mr. Amrhein noted that he is satisfied with the developer's process of cooperation with county agencies.

Mr. Amrhein emphasized the Fire Department is satisfied and the only comments from the Road Department were in regard to the cross-section details. As site plans go, this is a fairly straightforward one.

John Brumbaugh, 1105 S. Miami St, West Milton, OH addressed the board.

Mr. Brumbaugh is the engineer and surveyor for the developer. They are looking to do 31 lots of single-family patio homes on slabs; however, the design will allow for some basements. The homes will be of the same quality as Liberty Hill, only slightly smaller. Mr. Brumbaugh said he has been meeting with Sanitary Engineering regarding the water and sewer connections, as well as other agencies involved in the process.

There was a comment on the small lot size. Mr. Brumbaugh noted that Mr. White has a certain house footprint for the patio homes and the lots are large enough to accommodate that.

Ms. Graff asked if the footprint for this subdivision was the same size as Liberty Hill. Mr. Brumbaugh stated they were a little smaller.

Ms. Graff asked if the smaller lots in Liberty Hill were selling. Mr. Brumbaugh said that approximately 75% of the lots in Liberty Hill are sold. He's not sure if it's the larger lots or the smaller ones that are selling. As the engineer, he's not in a position to respond to that.

Mr. Paxson asked if this product was targeted toward the baby-boomers. Mr. Brumbaugh noted it seemed to be popular with that demographic, but was not specifically targeted toward them. It is family-oriented.

Mr. Kretz asked if the turning radii were sufficient for the Fire Department. Mr. Brumbaugh confirmed that they had met with the Fire Department and have their approval. He pointed out the emergency access to Turfland Boulevard North from the western cul-de-sac.

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There was some discussion of the emergency access and the ability to support heavy fire equipment. Mr. Brumbaugh noted there will be a curb cut, but the access will be grass. It will be maintained by Stonehill Village.

Mr. Kretz asked if there was a traffic circle where Highland and Turfland intersect. Mr. Brumbaugh said that would be a standard intersection. It will line up with Highland Lane on the other side.

Chuck Brackenhoff explained that the note the Zoning Commission requested be put on the front of the site plan was for clarification of how the open space was calculated for this development.

Mr. Brackenhoff also briefly discussed the emergency access road. This is the third recent development that has utilized an emergency access road. Mr. Brackenhoff elaborated that the Fire Department provided a letter detailing hydrant location, water pressure, location of the turning radius for equipment, as well as spelling out the materials to be used in the construction of the emergency access road. This has proven to be a savings in cost and time for the developer and has become somewhat of the norm for site plans.

Mr. Brackenhoff then pointed out the variation in lot sizes in this development compared to the last one before the board. This variation is something the Zoning Commission encourages in developers.

There was some discussion of whether language needed to be added to the resolution stating that the Zoning Administrator has authority to approve incidental changes to the site plan. It was determined by legal counsel that the language in Article 17 of the zoning resolution covered this and it did not need to be added to the Trustees' resolution.

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

2014-053 Mr. Paxson moved to close the public portion of the hearing. The motion was seconded by Mr. Kretz. The Vote: Mr. Kretz, yes; Mr. Paxson, yes; Ms. Graff, yes. The motion carried.

2014-054 Mr. Kretz moved to approve Case #671-8 as presented. Mr. Paxson seconded the motion. The Vote: Mr. Kretz, yes; Mr. Paxson, yes; Ms. Graff, yes. The motion carried.

2014-055 Mr. Paxson moved to adjourn. Mr. Kretz seconded the motion. The Vote: Mr. Paxson, yes; Mr. Kretz; yes; Ms. Graff, yes. The motion carried.

The hearing adjourned at 8:40 p.m.

Trustee: _____

Fiscal Officer: _____