Special Beavercreek Township Trustee's Meeting

Monday, December 8, 2014

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

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

Others: Janina Griffin; Mitch Cosler; Dawn Frick, Legal Counsel; Alex Zaharieff, Township Administrator; Ed Amrhein, Zoning Administrator; Laurie Brown, Zoning Clerk.

Case #795 – Rezoning – Janina Griffin

Ms. Graff read the public hearing notice.

Mr. Amrhein gave the staff report.

This request for rezoning was recommended for approval by the Zoning Commission. Mr. Amrhein then referenced the overhead to show the location of the property in question. It is across the street from the Koogler Wetlands and just south of the intersection of Beaver Valley and New Germany-Trebein Roads. Ms. Griffin owns a total of approximately 14 acres, including the strip to the west that has access to New Germany-Trebein Road. The strip of property is thickly wooded and acts as a buffer between her property and the DP&L substation.

Ms. Griffin has met all criteria for presenting a rezoning request. This action tonight will zone the described parcels (1-B and 2-B) to the rural estate zoning district which has a 2.5 acre minimum lot size. The actual survey work will happen later and it will need to strictly comply with what the board approves at this meeting.

Public sewer runs in front of the properties on Beaver Valley Road. For the property on the north (2-B), the sewer line crosses from the east to the west side of the road. It will not require any cutting or digging under the road.

The thin strip of land to the south of 1-B is a gravel lane that provides access to Ms. Griffin's barn at the back of her property. Access to the barn from the main drive proved to be too difficult.

There is a tiny portion of the northeast corner of Parcel 2-B that is clipped by the floodplain. Mr. Amrhein considers this a minor consideration in that the Zoning Commission recommended language that forbids building in that area.

Mr. Amrhein emphasized that Ms. Griffin's goal is to be able to keep her house. Dividing the property and creating two additional lots should enable her to do that.

Janina Griffin addressed the board.

Ms. Griffin noted that if the board had concerns about sewer access for Parcel 1-B, the sewer line actually runs down her gravel drive on the south side of that parcel. She does not have any information regarding tap-in fees. She just wanted the board to be aware there is sewer access for that parcel.

Ms. Griffin noted that the blacktop driveway leading to her property will remain hers. Additionally, the remainder of her property, approximately 10 acres, will remain agricultural.

Ms. Graff asked if the 10 acres included the strip of land to the west. Ms. Griffin said it did, but noted that strip of land is zoned commercial.

Mr. Amrhein stated that, without that strip of land, Ms. Griffin's parcel is in excess of 10 acres. Making two new parcels will still leave her with enough land to remain agricultural.

Mr. Kretz asked if there was a cell tower on her property. Ms. Griffin said there was not and emphasized that strip of land is purely a buffer between her and DP&L.

Mr. Amrhein asked if she would consider trying to access New Germany-Trebein Road from the strip of land in the future. Ms. Griffin said it wasn't really feasible and would not meet the requirements, unless she was to give up some of her back yard property, and she is not willing to do that. She also noted that if you look at that strip of land from New Germany-Trebein Road it sits up really high.

It was verified that the asphalt driveway would remain Ms. Griffin's and that it had been recommended that the 2-B driveway should be directly across from the Koogler driveway.

With regard to driveways, Mr. Amrhein stated it would be up to Greene County to determine driveway placement. If the new parcels are unable to get driveway access to Beaver Valley Road, Ms. Griffin has indicated she would be willing to consider easements for all three parcels to use the existing driveway.

Ms. Griffin noted she was willing, but it is not something she would prefer.

Ms. Graff voiced her concern with the proliferation of accesses from driveways to main roads. It is unknown at this time what future plans are for Beaver Valley Road.

Mr. Kretz asked how to avoid issues with the gravel drive being used for purposes similar to what happened on Ludlow Road. Mr. Amrhein noted this plan would not transfer that and there would not be any joint occupancy either by ownership or easement. This would remain under the ownership and control of Ms. Griffin for access to her barn.

Mr. Kretz asked if there was any concern that the property would change hands and the new owner might decide to dump asphalt on the property. Mr. Amrhein said he was not concerned that would happen because you only have one property owner who will have access to that lane.

Ms. Graff emphasized this is not an easement situation.

Ms. Griffin verified the gravel lane is protected by a cattle gate. In addition to that, there is a row of trees that visually separate it from 1-B. Mr. Amrhein noted it is very easy to miss if you don't' know it's there.

There was some general discussion of driveways, the speed limit on Beaver Valley Road, and the proximity of the new lots to the traffic light at New Germany-Trebein Road.

Mr. Kretz asked if the new lots would be served by wells. Mr. Amrhein confirmed that they would. The nearest water connection is on New Germany-Trebein Road to the west of Beaver Valley Road. There was some general discussion of the proposed expansion of the public water system.

It was verified that the fire department has reviewed the application and does not have any issues with it.

Ms. Graff opened the hearing to public comment.

There was no public comment. Mr. Amrhein asked that the record show that the Zoning Department has received no comments on this application.

The public portion of the hearing was closed.

2014-481 Mr. Paxson moved to approve Case #795 as recommended by the Zoning Commission. Mr. Kretz seconded the motion. The Vote: Mr. Kretz, yes; Mr. Paxson, yes; Ms. Graff, yes. The motion carried.

Mr. Amrhein stated he would relay this information to Regional Planning and they would adjust the zoning map accordingly.

Mr. Cosler briefly explained some minor adjustments he would be making to the survey and assured the board it would not change anything they had approved.

Case #794 – Specific Site Plan – Robert Zimpfer

Ms. Graff read the public hearing notice.

Mr. Amrhein said he did not see the applicant in the room and noted he may have mistaken the beginning time of the meeting.

Ms. Graff asked if this was the original Rudd property. Mr. Amrhein said that part of it was.

Mr. Amrhein then gave the staff report.

He believes this property was the subject of rezoning in either 2007 or 2008, possibly 2006. At that time, a site plan was approved that called for much higher density than is being proposed. The previous applicants no longer have an interest in the property and Mr. Zimpfer, with the current owner's approval, has officially withdrawn the original site plan, although it automatically expired after five (5) years.

The applicant has exercised a fair amount of due diligence. He contacted the health department and they bored random test holes for soils testing. The testing indicated that individual septic systems would be suitable in this development. They did not do every lot; however, every lot will have to be tested eventually. There is a letter in the board packet from them indicating that these parcels will be suitable for private septic systems.

Water will be provided by the developer in the form of the extension of the 12" line that currently ends at the entrance to Windemere.

The packets also include architectural drawings to give an idea of what is planned. The intention is for this to be somewhat of a high end development.

Ms. Graff asked if they were planning to leave the original house. Mr. Amrhein said they were and noted that Mr. Zimpfer currently lives there.

The biggest part of discussion for the Zoning Commission was regarding emergency access. The engineer for the developer explained that with a wide boulevard entryway separated by a median, if one side is blocked emergency equipment would still be able to access the development. Because of the topography, a second access point would be very difficult. The applicant initially tried to negotiate with the property owner to the west on a joint development plan, or at least stubbing in an access point, but that did not go anywhere. The Zoning Commission considered requiring a street stub, but stopped short of that, instead requiring a utility stub for water as well as pedestrian access between both properties.

Mr. Kretz asked if there was going to be connection to the park. Mr. Amrhein stated the Zoning Commission directed the applicant to provide an access point to the park.

Mr. Amrhein apologized for the applicant's absence, noting that notices were sent out. With regard to the public notices, there has been no feedback from anyone regarding this application.

Because this site plan exceeds all the restrictions of the original rezoning, no adjustment to the zoning approval was necessary. This is not a legislative action.

Mr. Paxson referenced the water main being referred to as a dead end and questioned how it could be looped in. It was noted this was a request of the fire department. There was some discussion that there is currently no place to loop the main to. Mr. Zaharieff said that potentially there will be a future connection between this development and Country Club of the North.

Mr. Amrhein noted he had been asked what is going to happen with the property to the west of this development. At this time he does not know.

There was some discussion of possible future sanitary sewer connections with adjacent properties.

Mr. Amrhein stated that the applicant submitted these plans to Regional Planning for review. They determined that the plans were preliminary and did not provide enough engineering to approve at that time. Mr. Amrhein noted that the plans will be more closely scrutinized by various agencies prior to construction. He emphasized the Township will have ample opportunities to weigh in on this plan.

Mr. Amrhein clarified that the plan submitted met the requirements of the zoning resolution even though it was not as detailed as other submissions.

Mr. Cosler commented that he has submitted plans with much more detail this this one.

There being no one else wishing to speak, the public portion of the hearing was closed.

Mr. Amrhein verified there will be no street lighting, only pole lights on the driveways and a maximum 75 watts in the backyard to minimize light pollution. He also stated there will be no sidewalks or curbs; it will be estate streets and drainage swales. Mr. Amrhein said he prefers that model because it meets more comfortably with modern thinking about responsible drainage management. Additionally, the streets will meet county standards and will be public streets.

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2014-482 Mr. Kretz moved to approve Case #794 as recommended by the Zoning Commission. Mr. Paxson seconded the motion. The Vote: Mr. Kretz, yes; Mr. Paxson; yes; Ms. Graff, yes. The motion carried.

2014-483 Mr. Kretz moved to adjourn. Mr. Paxson seconded the motion. The Vote: Mr. Kretz, yes; Mr. Paxson; yes; Ms. Graff, yes. The motion carried.

The hearing adjourned at 7:46 p.m.

Trustee: _____

Fiscal Officer: _____