

RECORD OF PROCEEDINGS

Minutes of **MIAMI TOWNSHIP BOARD OF TRUSTEES SPECIAL MEETING**

Meeting

BEAR GRAPHICS 800.325.8094 FORM NO 10148

Held JULY 12, 2021 _____ 20_____

The Miami Township Board of Trustees met in a special meeting, on Monday, July 12, 2021, for the purpose of hearing Case #580, Todd Property – Maronda Homes (a major R-PUD Amendment), and any other business to come before the Board. Ms. Wolff called the meeting to order and led the Pledge of Allegiance. Mr. Ferry called the roll and Mary Makley Wolff, Karl Schultz and Ken Tracy were in attendance.

The common rules of conduct were waived.

Public hearings: #580, Todd Property – Maronda Homes (a major R-PUD Amendment) 34.58 acres, located on Todd Farm Lane, parcels 182518C231 and 182518C104 was called and the notice of public hearing was read.

Township Planning & Zoning Administrator Brian Elliff informed the Board that the Clermont County Regional Planning Commission held a hearing on May 25, 2021, on this case and entered a recommendation for approval with four conditions, and Mr. Elliff provided the following summary of the County recommendation as follows:

1. The proposed development needs to conform to all standards and regulations under the Clermont County Subdivision Regulations.
2. All proposed public streets need to be designed with minimum rights of way width for residential streets per the County Engineer's office.
3. Geotechnical studies on lots that fall into sensitive development areas.
4. Buffering or a no-clear limit along the water treatment plant property nearby.

Mr. Elliff reported the Clermont County Community and Economic Development Department also suggested an option that could be considered as far as another subdivision route for the noncontiguous lots. Clermont County Engineer noted that this was subject to a prior impact study. Clermont County Water Resources Department commented on the importance of capacity for available water and sewer.

Mr. Elliff next reported on the recommendation from the Miami Township Zoning Commission from its hearing held June 3, 2021, whereby it was recommended for approval with seven proposed conditions, referenced as follows:

1. Sidewalk shall be installed along the portion of Loveland Miamiville Road consistent with the recommendation in the staff report and shall be in place by the time zoning certificates have been issued for 50% or more of the proposed single-family homes in the R-PUD subdivision.
2. Sidewalk shall be waived along the portion of Loveland Miamiville Road, consistent with the recommendation in the staff report.
3. The developer shall pay to Miami Township an "in lieu of sidewalk" fee in an amount approved by the Township Administrator for sidewalk waived along Loveland Miamiville Road. Such fee will be due at the time of application for the first zoning certificate for the development.
4. A Final Development Plan will be submitted containing these revisions:
 - a. Detail on the pedestrian trail and construction
 - b. Detail on the trail stream crossing and connection to Loveland Miamiville Road
 - c. Detail on installation of the sidewalk along Loveland Miamiville Road
 - d. Detail on the indicated open air community shelter.
5. Open space areas shown beyond the plan's grading limits shall remain undisturbed woodlands except as graded for detention facilities approved by Clermont County.
6. The proposed Woodland Trail shall be constructed and be in place no later than by the time zoning certificates have been issued for 50% or more of the proposed single-family homes in the R-PUD subdivision. Staff may approve an alternative pathway route if necessary and/or more feasible as determined by final engineering.

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7. ~~The lot typical illustration on Sheet 2/4 of the plan shall be revised to show a 25' rear yard setback.~~

Mr. Elliff informed the Board in their report an eighth condition was proposed in response to comments received at the Zoning Commission meeting related to satellite lots where there was potential for selling part of a lot to a neighboring property owner. The eighth condition referenced is as follows:

1. Regarding the "Property Note" on sheet 1 /4, if a portion of lot 55 is transferred to the adjoining property owner as indicated, the portion so transferred shall remain zoned "R-PUD", however, it may be used in accordance with the "R-1" regulations.

Mr. Elliff next gave a PowerPoint presentation of the Explanation by the Planning & Zoning Administrator for Case #580. He reported the applicant requested a major R-PUD modification from the Miami Township Zoning Regulations Chapter 15. Proposed is a single-family, 60-lot residential subdivision on approximately 34.5 acres. He referenced this was the balance of the property recently heard related to the Clover Apartments application.

Mr. Elliff provided and reviewed location maps of the surrounding zoning and land uses. He recalled for the Board that the 2005 case for the property was the existing rehabilitation facility at the front of the property. He also reviewed a past amendment application for the property where it was proposed to construct high-density apartments, which did not come to fruition. A map of the property illustrating the location of the Clover Apartment complex was shown and the subject property for Case #580 was highlighted.

Mr. Elliff reviewed that the overall R-PUD is approximately 48 acres. He stated that when the apartment units are added to the 60 single-family homes, it works out to about 3.8 units per acre. He noted that if it were to be viewed as the 60 on the balance of the 35 acres, then density is lower. He clarified it is viewed as an overall calculation and conforms to the underlying R-3 zoning. He highlighted there is approximately 22 acres of open space, which is important due to the topography and woodlands on the site.

Discussion was held as to how access is gained to the water treatment plant nearby.

Mr. Elliff next reviewed the amended PUD plan to the Board. He stated the Township's land use plans calls for a variety of development in this area, including residential. He commented staff's review considered the proposal (noting the existing underlying zoning) as compatible with the land use plan.

Mr. Elliff highlighted the potential for connectivity via Loveland-Miamiville for an eventual connect to the bike trail. He noted it was sketched into the proposed plan. He stated that staff is proposing conditions that would have sidewalk installed along a portion of frontage on Loveland-Miamiville as part of the subdivision, and ultimately a payment in kind to put towards connecting to the bike trail.

Mr. Elliff reviewed analysis on showing impact on steep slopes, the existing vegetation, and the grading limits.

Site photos of the subject property and surroundings were shown. Characteristics of the property were also reviewed.

Applicant Ron Roberts with Roberts Engineering, 602 Lila Avenue, Milford, Ohio, introduced himself and a representative for Maronda Homes, John Moses and the property owner David Todd. Mr. Roberts commented that he has been involved with the property for a long time and believes the proposed plan is the best-suited plan. He noted that suggestions from the County have been incorporated. He discussed the roadway alignment is to keep the road on the ridge

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with utilization of the hillsides for homes and yards. He stated the plan is also based on staying away from the treatment plant and noted there has been an adjustment so that the property line is at least 20 feet from the treatment plant property.

Mr. Roberts discussed the streams on the property. He clarified that the only stream that receives water from off site property is the stream along Woodland Trail. He stated the remaining streams receive water from the property itself. He commented the construction limits are well outside the streambank. He reviewed there may be adjustments to some of the proposed grading plans. Mr. Roberts commented that to get sanitary sewer there may be adjustments that cause them to lose one lot. He then stated some topography may also change up the lot arrangement. He discussed the hopeful plan of having a retention pond on the property that provides for a water feature, if possible. He highlighted the intent to add rough (not paved) woodland trails on the property utilizing a contractor that specializes in establishing such trails, potentially, and serve as a connection to the bike trail. Mr. Roberts concluded his presentation and offered to answer any questions.

Mr. Schultz held discussion with the applicant regarding concerns related to the stability of hillside construction. Mr. Roberts commented that the geotechnical report that was performed in 2006 and noted none of the soil has since changed. He stated they do have another company that can perform supplement information or explain the 2006 study information. Mr. Roberts clarified that a previous plan with use of the embankment has been eliminated. He stated there will not be much fill utilized as the homes will be constructed on contoured soils; and added walk-out basements are available. It was noted that the County is monitoring as it relates to geotechnical concerns.

Mr. Ferry shared correspondence received for application #580 received from Daniel and Janine Melink-Huber. The letter identified the Hubers as owners of 30 acres at 355 Wards Corner Road expressing concern for increased water run-off to their property and that the zoning for Case 580 does not restrict or prohibit full use of their industrial zoned property.

Ms. Wolff called for persons present wishing to speak on the application.

Dan Huber, property owner at 355 and 415 Wards Corner Road, spoke about a total calculation of impervious surface and clarity to the water retention plan. His concerns were related to erosion as he has experienced three landslides on his property.

Bill Perin, 433 Wards Corner Road, expressed concern over safety of the increased traffic noting the speed limit is 45 mph.

The Board held discussion regarding lack of authority for townships to set the speed limit. It was noted the Board could write letters on behalf of concerned residents.

Mr. Elliff provided the recommendation of the Zoning & Planning Administrator. First, he discussed the applicant's comments related to the revisions underway. Mr. Elliff stated the revisions are different than the plan the Board is seeing in the slides, for example, pulling the lots farther from the treatment plant to include a buffer. He requested from the Board to provide staff discretion, understanding the difficulty of the site, that some detail adjustments to plan may need to be made by the applicant and to allow staff approval of such which would follow the County's subdivision review process. He stated if the changes were significant, it would be brought back to the Board.

Ms. Wolff was amenable to creating a condition to grant staff latitude to approve through the subdivision process some alignment modification and some lot placement modifications, with the acknowledgment if a change is deemed significant by staff the proposed change would come before the Board for consideration.

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Mr. Elliff continued with the staff recommendation in Case 580 to adopt a motion to approve the amended R-PUD including the eight (8) conditions stated in the staff report and adoption of the ninth condition above-referenced, and as follows:

1. Sidewalk shall be installed along the portion of Loveland Miamiville Road consistent with the recommendation in the staff report and shall be in place by the time zoning certificates have been issued for 50% or more of the proposed single family homes in the R-PUD subdivision.
2. Sidewalk shall be waived along the portion of Loveland Miamiville Road, consistent with the recommendation in the staff report.
3. The developer shall pay to Miami Township an "in lieu of sidewalk" fee in an amount approved by the Township Administrator for sidewalk waived along Loveland Miamiville Road. Such fee will be due at the time of application for the first zoning certificate for the development.
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5. Open space areas shown beyond the plan's grading limits shall remain undisturbed woodlands except as graded for detention facilities approved by Clermont County.
6. The proposed Woodland Trail shall be constructed and be in place no later than by the time zoning certificates have been issued for 50% or more of the proposed single family homes in the R-PUD subdivision. Staff may approve an alternative pathway route if necessary and/or more feasible as determined by final engineering.
7. The lot typical illustration on Sheet 2/4 of the plan shall be revised to show a 25' rear yard setback.
8. Regarding the "Property Note" on sheet 1 /4, if a portion of lot 55 is transferred to the adjoining property owner as indicated, the portion so transferred shall remain zoned "R-PUD", however, it may be used in accordance with the "R-1" regulations.
9. Staff is given latitude to make plan modifications such as to roads, road alignment and lots, but may also bring the case back for amendment if deemed necessary.

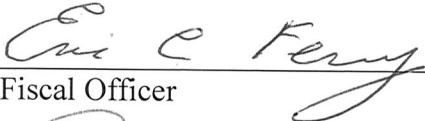
Mr. Tracy made a motion to close the open portion of the meeting, seconded by Mr. Schultz with all voting "AYE".

The Board held discussion. Mr. Tracy made a motion in Case 580 to approve the application with the eight conditions as outlined in the staff report and the addition of a ninth condition to provide staff latitude and, if staff deems necessary, the option to come back to the Board for lot and road alignment modifications, seconded by Mr. Schultz with all voting "AYE".

CASE 580 – APPROVED WITH CONDITIONS.

With no further business to come before the Board, the meeting was adjourned at 7:42 p.m.

ATTEST:


Eric Ferry, Fiscal Officer


Mary Makley Wolff, Chairperson