

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148 MIAMI TOWNSHIP ZONING COMMISSION

Held _____, _____ (YEAR)
FEBRUARY 4, 2021

The Miami Township Zoning Commission met virtually in regular session on Thursday, February 4, 2021 at 7:00 p.m.

The meeting was called to order by Chair Mark Schulte.

The Pledge of Allegiance was given.

Upon roll call the following members were present: Jeff Baumgarth, Lasserre Bradley, Ed Marcin, John Rademacher, and Mark Schulte. Also present: Board Secretary Nicole Browder and Planning & Zoning Administrator Brian Elliff.

Mr. Bradley made a motion to include approval of minutes to the agenda, seconded by Mr. Rademacher and the motion carried unanimously with all voting "YES".

Mr. Baumgarth made a motion to approve the minutes as submitted for the meeting dates of October 1, 2020, December 3, 2020 and January 7, 2021, seconded by Mr. Bradley and the motion carried unanimously with all voting "YES".

There was no old business.

The Common Rules of Conduct were waived and there were no continued hearings.

Public hearings: Case #576, Todd Property – Clover Apartments (Major PUD Amendment), was called and the notice of public hearing was read. Mr. Elliff reported that on January 26, 2021 he attended the County Planning Commission hearing where approval was recommended with the staff conditions. The County Engineer's office referenced that previously a traffic impact study was conducted for this site with a prior PUD overlay and did not request any further traffic study. The County Water Resources Department noted water and sewer capacity. The Clermont County Community & Economic Development Department referenced the future subdividing of the property and to comply with the county regulations for pedestrian and traffic circulation.

Mr. Elliff advised the applicant has requested a major modification under Miami Township Zoning Resolution Section 15.06B4e. The amended R-PUD would occur in two phases, the first of which is a 128,342 square foot, three-story senior apartment building containing 122 units. The building would be placed on its own 13.57 acre parcel. In phase two, the balance of the property is proposed to be developed as single-family residential homes (35.53 acres). Mr. Elliff also shared and reviewed a location map. He stated the property has previously had two prior PUDs approved (in 2005 and 2015) and reviewed the attributes of those plans. Mr. Elliff reviewed the variety of zoning and land uses surrounding the subject property.

Mr. Elliff reviewed the proposal in Case #576, stating the overall gross site acreage just over 49 acres. He stated the R-PUD looks at density and noted this R-PUD was over an R-3 district which allows six units to the acre. He stated that with the residential component added to the apartments, it works out to three units per acre. He referenced phase one is comprised of 13.57 acres with a total of 122 apartment units and three-stories for the age-limited senior living. He stated that phase two is a total of 35.53 acres and is part of the R-PUD. He noted use and approval will change with Zoning Commission approval. Phase two is shown as 15 single family residential lots and will likely be updated later to a more traditional subdivision based on developer interest.

Mr. Elliff reviewed the applicant's site plan, focusing on the senior apartment building. He noted the location of a nearby water treatment plant and high power tension lines. He shared that the layout was changed to place the building closer to the road to eliminate an empty frontage area. He next reviewed the Miami Township Land Use Plan for this area which called out a variety of potential uses on the property and that the staff report states the proposal is in compliance with

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the Miami Township Land Use Plan. He noted that the property has already been approved previously by the Trustees for residential use.

Mr. Elliff commented that the property does have frontage on Loveland Miamiville Road and that the applicant could be required, in accordance with Miami Township zoning and land use planning documents, to install a sidewalk along that frontage. He stated this would be impractical and discussed an alternative by winding a pathway down to Loveland Miamiville Road as a valuable option for pedestrian connection.

Mr. Elliff shared aerial photos of the significant topography changes in the property and that would limit the options for how the property can be developed. He pointed out in a photo the slope drop-off as it meets the street to show the impracticality of a sidewalk installation along Loveland Miamiville Road. He discussed the zoning code characterizing natural resource preservation as wooded areas and the preservation thereof as well as trying to limit development on steep slopes. He shared that in his analysis, although the applicant would not be adhering strictly to woodland preservation, the amount of steep slope and wooded area being preserved is positive. Additional photos of the property, surrounding areas and building finishes were reviewed.

John Sines Clover Apartment, 348 Harris Hill Road, Williamsville, New York, 14221, gave a PowerPoint presentation on Clover as being the developer, owner and manager of 55 and older properties. He shared the closest of their properties to the proposed location is Ivy Point in Union Township. He described the units are independent living and each unit has a fully equipped kitchen and laundry room. Of the 122 units, 118 are two-bedrooms and typically single occupancy. He noted there no HUD funding and have not converted any projects to HUD. He amplified that Clover joins a community and has its own manager and maintenance personnel all under one umbrella.

Mr. Sines shared photos of the interior of the apartment units, amenities and the common areas of the proposed three-story building. He noted there is no commercial kitchen. There is a beauty salon (contracted service twice a week, not fully staffed), library, family room and game room. Exterior patio areas will be available. He reviewed units have stainless steel appliances, carpet, and walk-in showers.

Mr. Sines reviewed maps of the R-PUD zoning and a proposed lot split to begin dividing the property. He shared a grading plan and proposed detention pond located on the down slope of the project. He stated there would be typical landscaping with full foundation plantings. He stated he worked with the Township to verify and will amend a few of the species of trees in response to the comments on the street trees to match what the Township has required in the past and longevity of the species and commonality throughout the Township. Every patio will have full landscaping and noted every unit does have either a patio or balcony. He stated a photometric plan was also provided. He added there is indoor storage available on every floor for occupants.

Mr. Sines reviewed the elevations and stated that more stone and hardie plank was included on all sides of the building. He showed a sample of the siding being the color of Plum Creek to compliment the stone. He next reviewed a parking ratio table as the site plan shows a reduction in parking. He stated the parking ratio for their properties is about 1:1. He noted residents either maintain one car or zero cars. He stated the reduction allows Clover to be more sensitive to the environmental impact. Increasing the parking ratio would impede the ability to preserve natural resources on the property and create parking that would go unused.

Mr. Sines stated their residents enjoy a single utility bill. He shared that the difference in independent living versus multifamily apartments is the average stay is 18-24 months in multifamily and their residents tend to stay from 4-6 years. He stated their product allows the residents of Miami Township to age in place and stay in the community. Mr. Sines shared video tours of the interior of the proposed building.

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Mr. Schulte called for any adjoining property owners to speak.

William Roark, 432 Loveland Mamiville Road, expressed that phase one is not going to impact him since it is on top of the hill. He referenced the access trail that may go on the side of his house. He pointed that he is getting ready to a major renovation on his property. He noted he has been there for 30 years. He shared part of his plan is to open his house up with more windows to pull in the forestry view. He asked if the forestry was going to be disturbed near his property and asked about whether a road would be installed on either side of his property when phase two occurs. He stated he has spoke with Mr. Todd. He also noted he would need a variance for his home improvement plans.

Mr. Roark discussed the option of placing a connector trail closer to Wards Corner for the safety of trail goers to avoid being placed on a busy road. He stated his frontage stays cut back for line of sight due to the busy road traffic in order to exist his driveway. He next referenced his desire to purchase some of the land on either side of his property for his home improvement project.

Mr. Schulte invited Mr. Sines to respond to the questions and concerns expressed by Mr. Roark.

Mr. Sines stated that he believes the intention is to have a walking path, but exact placement would be part of the phase two discussion when a residential developer would propose a plan for building the sites. He referred to Mr. Elliff's report where the trail would be placed in lieu of a sidewalk.

Mr. Elliff shared that he did walk the road and stated there is a lot of traffic, it is hard to see and difficult for walking along. He displayed his previous presentation slides and stated that as to the number of homes there would be parcels on either side of Mr. Roark. He next stated that from the 2005 plan, there were higher density homes proposed. The 2015 plan had multi-family units and included a pathway going down the hill and coming out on the western-most part of the property. He stated purchasing the property may be impeded when an approved PUD exists. Mr. Elliff also discussed the pedestrian access and what is practical on this road. He reviewed possible scenarios for pathway placement in lieu of a sidewalk.

Mr. Roark commented that he may need a variance if purchasing is not an option. He expressed he would like to purchase the entire parcel adjacent (western side) to his property but only needs 20 feet for his project and stay within code. He inquired as to whether the walking pathway would come through by his fence line.

Mr. Elliff clarified that the exact pathway placement was not known since it has not been engineered, but the western location is where it was originally drawn.

Mr. Roark then asked if a sidewalk would take his frontage and three other neighboring properties as he did not see alternatives. Mr. Elliff reviewed pathway scenarios and stated the pathway could potentially terminate near Mr. Roark's property. Mr. Elliff directed Mr. Roark for further discussion of options through Board of Zoning Appeals as an avenue to check into potentially.

Mr. Roark stated his concerns were associated with the phase two development. He asked if the apartments would be in his viewpoint from his property and whether a wooded buffer would remain. Mr. Elliff commented that he did not believe the apartments would be seen from the Roark property due to the topography change and it would be more possible that houses would be in view (phase two development).

Mr. Rademacher held discussion regarding whether Mr. Roark could buy the land he is interested in once the R-PUD is approved. Mr. Elliff stated that it would be correct that the purchase would be limited because of the R-PUD, although adjustments may be made through the Board of Zoning Appeals.

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Mr. Baumgarth discussed clarifying whether the Todd's could sell the parcel and that it would remain part the PUD. Mr. Elliff referred to an existing lot line and suggested the Board consider whether it is to be included or not because that piece of property is important to the overall PUD and connecting it to Loveland Miamiville Road. He stated there would be no control if it were sold. Mr. Schulte interjected as to the intent for the parcel to remain by itself or was it

inadvertently left on the drawing. Mr. Elliff stated that he believed the intent was for it to be its own parcel.

Mr. Sines added it would be lot 14 of the 15 and remain in the PUD. Mr. Elliff commented that if the PUD were to be approved as written the lot could be sold and if the lot is an important connector piece to the future subdivision then the opportunity would be cut off. He also added the subdivision is a placeholder for something else.

Mr. Schulte next asked if there were any other adjoining property owners to speak.

Angie Caldwell, 416 Loveland Miamiville Road, spoke about the potential pathway of phase two and her concern of the increased foot traffic near her home. She expressed that would change the peaceful quietness of their property.

Mr. Schulte stated that the questions brought up were not for Mr. Sines to answer. Mr. Sines agreed and stated the ideas are good and to be addressed by the developer of phase two. He stated he was not in a position to speak to the detail or progress of that phase. Mr. Elliff added that if the Board approves the plan, he would recommend erasing the separate lot because for now unless it is determined to be impractical to put a pathway through that location that option should remain and not be parceled off.

Mr. Schulte stated that is something we can discuss as a Board. Mr. Marcin commented that he noticed on the auditor's website that the parcel is owned by a separate company, and asked if there was an issue with multiple parties dealing with that property. Mr. Elliff stated that was correct the parcel is owned by separate entity which is also an applicant in case.

Mr. Schulte asked if there were any other adjoining property owners present that wished to speak. There were none.

Mr. Schulte asked if any correspondence was received for Case #576. Mr. Elliff confirmed no correspondence was received.

There being no concerned citizens presented who wished to speak, Mr. Schulte closed the public portion of the meeting and called for the recommendation of the Planning & Zoning Administrator.

Mr. Elliff reported that in Case#576, Major R-PUD Amendment, staff recommends a motion to recommend adoption of the amended R-PUD plan, including the four conditions stated in the staff report on page eight. He stated based on the discussion he would suggest a fifth condition that at this point the R-PUD plan not include the parcel 14 and 15 being separated and that those parcels not be created and remain connected to the overall larger piece.

Mr. Schulte stated the public portion was closed and the Board held discussion on case #576.

Mr. Bradley inquired as to whether the single family development would be a public or private road. Mr. Elliff stated that is not known and could be either. It was clarified that Todd Farm Lane was a public road. Mr. Elliff explained that the large lot subdivision could be a private road but if it were higher density it would be suited for a public road.

Mr. Bradley commented that as currently platted any path would have to go across private property anyway to include easement arrangements. He stated lot 13 was a fee simple lot and 14

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and 15 really does not complicate it any further. He expressed support of not putting further restrictions on lots 14 and 15 since lot 13 is required to get from the paved roadway to the public street at the bottom. Mr. Elliff stated the only risk for lot 14 is if it is sold, which could result in a higher density subdivision. Mr. Baumgarth added that it would remain part of the PUD. Mr. Marcin added that lot 14 is already a separate parcel and asked if the intent was to force consolidation into the main lot. Mr. Elliff stated while it could be required, he did not believe that was the intent.

Mr. Baumgarth stated to be cognizant of the fact that any future development on the residual property has to be considered in totality and not piece meal.

Mr. Bradley stated that it sounds like the larger 15 lot development is uncertain right now, it could increase in density or be something completely different. With the developer ready to move forward with the Clover senior living, he proposed to take the original PUD and modify it to approve a phase one and that there is a phase two, with phase one being specific to its current design. And that phase two would show no platting, and in order to develop something there would result in a major amendment. This would effectively require it to return for zoning approval.

Mr. Baumgarth discussed this already being a PUD with the latest iteration is the multi-family apartment buildings. Mr. Elliff added that the key for phase two is to have a blank slate whether it is the large lot subdivision or nothing as Mr. Bradley suggested. Mr. Elliff then clarified that the lot 14 condition would not be necessary as the risk of it being sold exists the same today since it is separately parceled, although it still part of the PUD.

Mr. Baumgarth asked if Clover purchasing their parcel with the residual remaining the Todd's property. Mr. Elliff confirmed that was accurate.

Mr. Sines highlighted that the developer will be triggering a major amendment in whatever plan comes forward which will be brought to the Commission in detail for review and pointed the discussion toward a refocus on phase one. Mr. Elliff commented that is not exactly correct and gave the example that if a developer proposed a large lot subdivision as shown, it would likely be approved.

Mr. Schulte stated that while discussion is being held on phase two as it relates to past decisions on the property, the wooded areas are attractive to residents, and this is an interesting case that where the Board would like to ensure they protect existing and adjoining property owners, including Mr. Todd and his investment and ability to sell the property.

Mr. Baumgarth expressed his concern to avoid piecemeal approval, and for staff's point of the density per acre has to be taken into account for the entire development. He stated that if we just approve the apartment portion phase one with no parameters on phase two, there is a chance that collectively it could exceed the density per acre. He stated that he agreed with Mr. Schulte that phase one is a good use of the land and is a nice project. He pointed out that he does not oppose phase one and would like to ensure action on it also works for the future.

Mr. Elliff stated that the Commission would be safe in approving the plan as shown and that a worst case scenario would be the large lot residential and recommended it be approved as shown versus removing the lines in phase two.

Mr. Rademacher commented on how the Clover building was situated, pointing out that he is not saying it does not meet zoning, and noted his personal concern with scale. He stated that except for the office buildings up the street and far away there is nothing this tall there. He stated he does believe the building has a scale problem. He commented that the Commission's role is to answer whether it meets zoning and it is difficult to remove his designer hat. He stated that he does believe it is an appropriate use.

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Mr. Marcin discussed possible similarities with Pinebrook and there being no traffic issues generated by the use, adding this use would be by less mobile individuals. He stated he thought it was a great building and liked it a lot.

Mr. Baumgarth discussed Mr. Rademacher's point relative to the building height. He stated that the building is no closer to the road, as shown on the slide, and is further off the road than the surrounding buildings. He stated he did not think it would be noticed once built.

Mr. Sines added that the previous approved PUD for the property was a 288 unit apartment building at three stories, 45 feet. He stated the proposed building was three story, 35 feet. He highlighted the significant reduction in units and height.

Mr. Baumgarth revisited the parking ratio count that the applicant provided. He stated that he agreed that two and a half spaces were not needed, although is concerned about only have 122 spaces for 122 units which does not account for visitor or staff parking. He suggested adding another 10-15 parking spaces.

Mr. Sines stated that he understood the comment and concern. He highlighted that they want their residents to be happy and having parking spots and noted that all buildings they have built have a 1:1 parking ratio, and across their portfolio speaks for itself with this request being very specific to them for it being appropriate. He stated only about 70% of their residents own a car.

Mr. Schulte reviewed the scenario of removing the lines and that impact of not having the control of the phase two land development. He stated that phase one was a good addition to the area. He commented there has been good dialogue and staff has provided parameters. He referred to the staff conditions and asked if there were any other comments, edits or addition to the conditions.

Mr. Baumgarth noted that Mr. Elliff rescinded his recommendation of condition five. Mr. Sines affirmed that he is in agreement with the four conditions.

The four conditions were display on-screen and read by Mr. Schulte.

Mr. Bradley made a motion to approve the major amendment to the PUD for Case #576 with the four conditions as follows:

1. For the single family area, "R-3" setbacks for single family residential will apply.
2. A Final Development Plan will be submitted containing these revisions:
 - a. Removing references to New York statutes
 - b. Adding a schedule of development
 - c. Including sidewalks along Todd Farm Lane
 - d. providing additional lighting detail as described within this report
3. Preserved open space areas shall remain undisturbed woodlands.
4. The developer shall install sidewalks along wards Corner road and Loveland Miamiville Road, or alternatively, pay an "in lieu" of fee to Miami Township in a reasonable amount acceptable to the Township Administrator in consideration of factors.

The motion was seconded by Mr. Marcin that carried unanimously with all voting "AYE".

New business: None.

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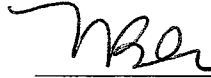
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With no further business to come before the Commission, Mr. Rademacher made a motion to adjourn the meeting, seconded by Mr. Schulte with all voting "AYE".

Respectfully submitted,



Mark Schulte, Chair



Nicole Browder, Secretary

Sound reference

C: Zoning Commission
Planning & Zoning Administrator
File