Held JANUARY 13 20 03

Chairman Eric Louis called the January 13, 2003 meeting of the Union Township Zoning Commission to order at 7:00 PM. Also in attendance were Vice Chairman Robert Obermeyer, Bill Shannon, Don Grove and newly appointed member, Glen Wiedenbein. Ken Geis, Township Administrator and Zoning Director, represented the department. Mr. Louis led the assembly in the Pledge of Allegiance. Mr. Louis stated for the record that a typographical error in the minutes had been corrected. The minutes were approved as amended.

Leadership of the Commission for 2003 was discussed. Mr. Grove nominated Mr. Obermeyer for Chairman and Mr. Louis seconded the nomination. Mr. Shannon moved as such and Mr. Louis seconded the motion. With a unanimous roll call vote, Mr. Obermeyer was named Chairman. Mr. Obermeyer then asked for nominations for the position of Vice Chairman. Mr. Shannon nominated Mr. Grove. Mr. Louis stated that he would also be happy to do it, but would support Mr. Grove if he were interested. Mr. Louis moved that the Commission elect Mr. Grove as Vice Chairman, which was seconded by Mr. Obermeyer. Another unanimous roll call vote made Mr. Grove's selection official.

Mr. Geis gave a brief summary of the only case on the docket for the evening, Case #1-02-T. On December 10, 2002, the Board of Trustees moved to send for certification a resolution authorizing the initiation of zoning changes. The purpose of this step is for the Commission to authorize the initiation of the amendment process. The Commission will be free to amend, append, modify, accept or reject the proposed amendments. The only action at this stage is to initiate the process or decline to do so.

Mr. Obermeyer stated that many of the changes appear to be clarifications or grammatical changes, although he found a few to be significant, such as accessories on corner lots and the R-4 density. Mr. Grove asked whether or not issues could be debated at this stage. Mr. Geis said the Commission was free to discuss any matters they wished and he would offer clarification if he could, but that the present task at hand was simply to move to begin the process.

Mr. Louis stated that he was very concerned over leaving an unspecified density in one of the districts. He worried that any landowner who submits a plan could request an R-4 zoning, be approved if he met the standard, and dramatically increase the density in the open spaces of the township. Mr. Geis stated that he did not believe that all plans would be approved, that the Board and Commission give careful consideration to all aspects of the plan, including density. Mr. Louis explained that he was referencing his understanding of a section of the Ohio Revised Code. Mr. Geis said, that while he couldn't render a legal opinion, from a practical standpoint that would not be the case. Mr. Obermeyer pointed out that the courts could override anything the zoning code says anyway; case in point being the Miller Farm. Mr. Geis added that in that instance the legal battle lasted nine years, and while the courts granted certain aspects, the gross density in the case is very similar to that in the Gallenstein development. Mr. Geis believes that, in general, state courts have been very consistent with the decisions of the Board of Trustees, as those decisions are based on findings of fact and being well grounded in the community. Mr. Shannon observed that the less ground that is available, the higher the density that will be requested. Mr. Louis believed that a line has to be drawn. Mr. Obermeyer asked Mr. Geis what the thought behind the R-4 revision was. Mr. Geis explained that the Trustees had expressed the need to look at each individual overall plan and its overall impact to the immediate and general areas that will be affected. They wish to consider property appreciation, quality of life, amenities, etc. and not be restricted to a number that might shortchange the residents of the township. Yard sales and the permit process were also discussed.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held JANUARY 13 20 03

Mr. Louis moved that the Zoning Commission acknowledges receipt of proposed text changes to the Union Township Zoning Resolution as specified by the Township Trustees in case 1-02-T. The proposed text changes shall be forwarded to the Clermont County Planning Commission for review, comment and recommendation regarding the formal adoption of the proposed amendments to the zoning resolution. On February 10, 2003, this commission will hold a public hearing to review the recommendations of the county planning commission, solicit public comment and discuss the proposed text amendments.

Mr. Grove seconded the motion.

ROLL CALL: Mr. Shannon, aye; Mr. Grove, aye; Mr. Obermeyer, aye, Mr. Louis, aye, Mr. Wiedenbein, aye.

With no further business before the Commission, the meeting was adjourned at 7:20 PM.

Approved by:

Robert Obermeyer, Chairman

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held FEBRUARY 10 2003

Chairman Robert Obermeyer called the February 10, 2003 meeting of the Union Township Zoning Commission to order at 7:00 PM by leading the assembly in the Pledge of Allegiance. Also in attendance were Vice Chairman Don Grove, members Eric Louis, Bill Shannon and Glen Wiedenbein. Ken Geis, Township Administrator represented the department. The minutes of the January 13, 2003 meeting were approved as distributed. Cases #2-03-Z, #1-03-Z, #4-02-Z, and #1-02-T were heard.

Mr. Geis introduced the request for re-zoning in Case #2-03-Z, brought by the West Clermont Local School District for property at 4342 Glen Este-Withamsville Road extending to Bach Buxton Road, from "R-1" and "M-1" to Planned Development. More than fifty per cent of the subject property is currently owned and operated by the School District, as a school and bus garage. They have acquired property previously held by Ellis & Watts Corporation, longtime owners whose original plan was to expand their industrial use. Mr. Geis characterized this application as more of a concept plan rather than a detailed development plan. There is basically no change being requested for the existing school, other than the removal of the bus garage to the Elick Lane/Bach Buxton property. This would certainly enhance the overall traffic patterns in the area. The school district wishes to site an elementary school on the remainder of the newly acquired property. The current plan does not offer a lot of detail as to the precise location and construction of proposed structures. However, the zone change may be recommended contingent upon the submitted representation, with specific limitations deemed appropriate. Any zone change ultimately approved by the Trustees may be altered by either a minor or major amendment, the latter of which would require that the applicant return before the Board of Trustees with specific details of structures and location.

Angelo Santoro, Santoro Engineering Company, spoke as a representative of the West Clermont Local School Board. He described the setting as a critical location for the school district, with a plan for expansion and a crucial access to the east. This plan would connect the existing campus with the new site, greatly easing the bottleneck at Glen Este-Withamsville Road. Plans to mitigate wetlands and availability of utilities are important elements. The applicant has worked in concert with the Clermont County Engineer's office regarding a proposed connector between Bach Buxton Road and Clepper Lane. It has been determined that rights-of-way could be set aside along the boundary between the school property and Ellis & Watts parcels for such a street, and the district would continue to work with the county on such a project. Mr. Santoro summarized the request by stating that the present "R-1" and "M-1" zoning is inappropriate for a school site. By seeking a Planned Development it gives the township and school district the means of working out the growth of the school district, with the community taking part.

Mr. Obermeyer asked about the time frame. Mr. Santoro stated that the schedule was very hard to predict, but that a projection within the next five years would be reasonable. One of the first steps might be the creation of the access road to the east, to improve current traffic and safety service conditions.

Dr. Michael Ward, Superintendent of the West Clermont Local School District, stated that they seized the opportunity to acquire the forty-seven acres adjacent to their existing site, as they were land-locked. The current bus garage situation is extremely difficult and a solution is desperately needed. They are working with the Ohio School Facilities Commission and are through the first stages of that review. The next phase will be submitted in January 2004, to examine how the district will utilize current and proposed facilities. This project is only one part of the total plan. At best, Dr. Ward projects five years before ground would be broken. This is dependent on the requisite public processes, bond issues and support from the state. The district is very excited about the contiguous campus development and moving the garage.

Mark Pence, 4276 Wuebold Lane, Cincinnati, Ohio, spoke in opposition to the request. Although there are many positive aspects of the plan that he supports, Mr. Pence is against the zone change. He asked why they couldn't complete the project under the current zoning. Mr. Louis stated that Planned Development gives the township a lot more control over what takes place on that property. Mr. Pence is afraid that if the land is not developed as approved, it could be sold and developed in another fashion in the future. Mr. Geis clarified that conditional use approval could be requested to build or alter a school in the "R-1" District, but no conditional approval for schools is permitted in the "M-1" District. Mr. Geis stated that nothing may take place on that property without the school district coming back to the Trustees for approval of specific site details, because this type zoning gives the Trustees the power to strictly regulate every detail. Mr. Pence remained unconvinced that changing the "R-1" zoning would not open the door to some other type development near his home. Mr. Obermeyer stated that unifying the zoning would eliminate future zoning problems. Mr. Geis stated that current zoning practices move towards consolidation of parcels and zoning, to have a uniform application of the law throughout a development. Combining zones in this fashion creates problems in standard setback requirements and limits site usability, which could lead to even more impact to adjacent properties. Mr. Geis further clarified that while the current proposal does not include modifications to the existing facilities, other than the garage, he did not believe the applicant was claiming that no changes would take place. For example, alterations in traffic patterns, etc. might be required as the plans become finalized, which under "PD" regulations would be conducted in public hearings with the Trustees.

Richard Rettinger, 1033 Windsor Court, Cincinnati, Ohio, is generally in favor of the project, but is concerned for the lots adjacent immediately adjacent to the access road between the two sections, and foresees people using it as a shortcut. He would like to see it moved to the north side of the lot. Bill Girton, 4316 Wellington, Cincinnati, Ohio, agreed with Mr. Rettinger's comments, but did not think that the access road was as necessary as indicated and should be moved. He worries about students and buses leaving campus through the elementary school property. Rick Roth, 4319 Wellington, Cincinnati, Ohio, expressed the same concerns and would hate to see the 10-15 foot stand of trees currently existing on the subject property removed and totally exposing his yard to the proposed street.

Mark Grossman, 1017 Windsor Court, Cincinnati, Ohio, generally supports the school district. He asked a procedural question regarding notification of adjacent property owners as the project moves forward. Mr. Geis explained that adjacent properties are listed in the application and notices mailed. Mr. Obermeyer said they would check into why Mr. Grossman had not received a notice and encouraged him to call the zoning office at any time to check on the status of the case. Mr. Louis asked when notices are mailed, prior to Zoning Commission or Board of Trustees hearings. Mr. Geis stated that they are mailed prior to the Zoning Commission hearing, and that he would send them again before the Trustees meet. Mr. Geis further clarified that once a property is rezoned, the legislative act is complete, further modifications become an administrative act and there is no specific requirement to mail adjacent property owner notification. The Zoning Commission may recommend that such notices be mailed in future to allow public testimony and participation, if they wish to do so.

John Rowe, 4247 English Oaks Court, Batavia, Ohio, stated that the ramifications for traffic on Bach Buxton Road at Shayler and State Route 32 would be very negative. He would request traffic studies be done at the appropriate time to determine what would be needed to accommodate the huge increase in traffic. Mr. Obermeyer stated that traffic studies are typically an integral part of a Planned Development.

Mr. Obermeyer closed the floor to public comment. Mr. Louis asked Mr. Santoro if he anticipated much bus traffic crossing between the two segments of the campus. Dr. Ward responded that the busses would leave and return to the terminal when making the drop-offs at the eastern campus. Mr. Louis wondered how many trips would be alleviated from the current access point. Mr. Santoro estimated that one third of the trips head west, north and south, with the rest heading east, north and south.

Mr. Louis stated that he believes the "PD" makes the most sense and allows the greatest control in protecting the adjacent property owners, but commented that there wasn't enough detail to recommend the change. Mr. Obermeyer said it would fall to the Trustees for final approvals. Mr. Geis stated that the Commission would have to determine whether the application is adequate; however, he felt that they could stipulate that the applicant would have to return to the Trustees for any improvements to the sight. Discussion continued regarding what conditions the Commission might need to incorporate into any recommendation. Mr. Geis reiterated that even if the Trustees approved this zone change, the submitted plan is deficient for development purposes and no actual improvements could take place without the detailed submission of a major amendment to the Trustees. In essence, the Commission is being asked to approve a concept, whether it is consistent with the Land Use Plan and is appropriate for the school district, and the consolidation and zone change is appropriate. Mr. Grove agreed that the Planned Development District was the best alternative for the entire facility to afford better control over how the property would be developed. The necessity for conditions was discussed.

Mr. Louis moved that the Zoning Commission finds that the submitted "PD" application and zone change request in Case #2-03-Z is consistent with the land Use Plan 20/20 but does not meet the Planned Development application and district requirements of Sections 680-687 of the Zoning Resolution and therefore recommends the zone change and "PD" plan be approved with the following conditions: The Zoning Commission finds the Plan Concept to be appropriate and of benefit to the community and therefore recommends approval of the requested zone change to "PD." The overall plan content is insufficient for this commission to recommend approval without major amendments being made to the plan. This commission therefore recommends that the Board of Trustees require a final plan which includes all required details as specified in Sections 685-687 of the Zoning Resolution prior to any construction, modification or alteration to the land. Mr. Grove seconded the motion.

ROLL CALL: Mr. Shannon, aye; Mr. Grove, aye; Mr. Louis, aye; Mr. Obermeyer, aye; Mr. Wiedenbein, aye.

Mr. Obermeyer thanked the audience for their participation and it was announced that the Trustees would hear this case on Tuesday, March 11, 2003.

Mr. Geis introduced the request for re-zoning in Case #1-03-Z for four parcels from "R-1" to "R-4" Single Family Variable Structures. Located in the west central region, this property is vacant for the most part. This property is associated with a consistent development plan currently in the rezoning process in adjacent Anderson Township, Hamilton County. The 42.7 acres within Union Township are designated for clustered single-family homes. The overall gross density is 1.87 units per acre, less than the maximum permitted in an "R-1" development. They plan 80 single-family detached homes with the primary access off Ravenwood Court and a secondary access off Eight Mile Road in Anderson Township. The Clermont County Planning Commission reviewed the case on January 30, where it was approved unanimously. Mr. Geis has met numerous times with the development team and the submitted plan is consistent with the Comprehensive Land Use Plan 20/20 and meets its major requirements. The outstanding issues include the need for a traffic study, presently being conducted, which would be a