DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held APRIL 12 20 06

The April 12, 2006 meeting of the Union Township Zoning Commission was called to order at 7:00 PM by Chairman Eric Louis with an invitation to the Pledge of Allegiance. Also in attendance were Vice Chairman Robert Obermeyer; members Don Grove, Bill Shannon and newly appointed member, Ken Sands, who has replaced Ms. Wiedenbein. Victoria Hensley, Assistant to the Zoning Director, represented the zoning department. The minutes of the March 8, 2006 meeting were unanimously approved. Case #17-86-Z was withdrawn prior to this hearing and will be re-submitted at a future date. Case #2-06-Z was heard.

Ms. Hensley summarized the request in Case #2-06-Z, filed by Bells Lane Baptist Church for their 19.32 acre property at 4596 Bells Lane. The application seeks the rezoning and formal plan approval from R-2 Single Family Residential to Planned Development. Constructed in the early seventies when churches were among the principal and permitted uses in the R-2, the congregation now wishes to raze the existing structure and build a new facility. They decided to follow staff recommendation to seek a zone change that would bring the property into an appropriate category for its intended use, as has been seen with other large church properties in recent years. This facility has operated in this location for nearly 35 years and the use of the property will not be of a different character under PD regulation. The Clermont County Planning Commission recommended approval with modifications. The submitted plans were somewhat incomplete. There was some inaccuracy in the lot lines and many of the requirements of Sections 684 and 687 were not demonstrated. Union Township Fire Department expressed concern regarding emergency access to the building. Other safety issues are typically part of the permitting process. With the exception of the safety concerns, the plan deficiencies appear to be mostly a matter of defining the use and labeling the development according to PD standards.

Donald Highlander, spoke on behalf of the application as architect on the project. Mr. Highlander submitted revised reductions to the Commission of the site plans to which some information had been added, including the proper boundaries of the parcel. Mr. Highlander stated that they had no disagreement with any of the staff comments, except regarding emergency access. He stated their hope was to add to the structure in future and that while they would prefer to limit the pavement to two sides, they would be happy to work with the staff on this issue. The current facility is at 50,000 square feet and they wish to replace it with 11,000 square feet. Mr. Highlander said they were trying to utilize a portion of the existing parking lot.

Mr. Louis asked about the County Engineer's comments regarding potential right-of-way for the extension of Daniel Court. Mr. Highlander stated that at the Planning Commission hearing it was stated that the exact location of that project is not yet defined and they have set back their structure to allow the roadway to line up with Tina Drive. He went on to say that now the plan will probably swing up from the south to enter the church property. Mr. Louis commented that although some items were added to the plan just submitted, significant requirements were still missing.

Ed Lassley, pastor of Bells Lane Baptist Church, explained that they have changed their name to Crosspointe Baptist Church since the project began. This congregation has been in the community for over fifty years and at this site for nearly 35. Rev. Lassley explained that there were so many problems with the original building that in order to move forward, they needed to rebuild. He stated that the original was constructed for a much larger congregation and the proposed structure would better serve the community today. Rev. Lassley stated that anything they could do to be in accord with the community and neighborhood will gladly be done to continue being a positive impact.

Alma Smith, 554 Anna Mae Drive, Cincinnati, Ohio asked about the church's intention for two residential lots adjacent to her property. Rev. Lassley stated that one lot

contained his home and the vacant lot would be reserved for future use. Ms. Hensley clarified that the two residential lots were in the R-2 District and were not part of the application seeking a zone change. Mrs. Smith asked what plan they had for the remainder of the nineteen acres. Mr. Louis explained that only that which is shown and approved by the Trustees may take place on a PD property. This request contains only the replacement of the church building and any other use would have to go back to the Trustees for major amendment.

Juanita Harmon asked what the impact was for residents of Fern Court. Ms. Hensley demonstrated on an aerial photograph the adjacency to the subject property, the woods that fill the western side of that lot and how the proposed structure would be further away. Virginia Mindrum, 567 Laurel Grove Court, Cincinnati, Ohio asked how the property along the northern boundary would be used. Mr. Obermeyer demonstrated the distance from the structure to her property line and that there was no use proposed behind the church at this time. Mrs. Mindrum stated that the trees along that boundary were all dying and she was inquiring about additional impact as she speculated that the construction of their homes led to their demise.

Mr. Shannon asked if the church intended to replace the ball field shown in the plans and was told there were no plans to do so at present. In closed discussion, the members were all in agreement that churches were a vital part of the community. Mr. Grove pointed out that having been established as a good neighbor and willing to work with the township, the township should reciprocate. All the members agreed, as long as the plan deficiencies were addressed.

Mr. Louis moved that in Case #2-06-Z, PD plan /Bells Lane Baptist Church, the Zoning Commission finds that the submitted PD application and zone change request is consistent with the Land Use Plan 20/20, but does not meet all the Planned Development District application requirements of the Zoning Resolution, therefore, this Commission recommends the zone change and PD plan be approved under the following conditions: 1. The significant PD plan requirements and details as specified in Section 684 and 687 of our Zoning Resolution are not shown on the proposed plan. Referencing page 2 of our Zoning Department's staff report dated March 30, 2006, these items shall be gathered and submitted to the Zoning Director no later than two weeks prior to the Trustees review of this plan. 2. The concerns of Asst. Fire Chief Jackson; emergency access is of a concern and possibly inadequate and additional data and detail needs to be provided to the Zoning Director two weeks prior to the Trustees review of this plan. Mr. Obermeyer seconded the motion.

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

The Commissions recommendations for approval as conditioned will be heard by the Trustees on May 9, 2006. Mr. Louis stressed to the applicants that because the process for PD approval was compressed to a "one step" process to save applicants' time and money, the inclusion of the required details for the Trustees was mandatory.

With no further business to come before the Commission, discussion was initiated by Mr. Obermeyer regarding the growing number of deficient submissions that have come before the Commission and asked how that problem could be addressed. Ms. Hensley promised to relay those concerns to Administrator Walker and elaborated about the current requirements of the Ohio Revised Code, as well as the Union Township Zoning Resolution. She explained that in required pre-application meetings and during further contacts, the process is spelled out and reference is made to the sections where requirements are specified. Mr. Grove stated that while the intent of changes to the code was to speed up the process, maybe we should return to a two step process because they

essentially are reviewing a sketchy concept plan in many cases. He understands that a developer may wish to spend as little as possible without knowing if their plan will be accepted and the concept phase better allowed for that. Mr. Louis asked why we changed. Ms. Hensley explained that the lengthier process turned away many projects. Mr. Louis stated that as a Commission, they could begin recommending denial when so many significant details are missing. Mr. Shannon leaned more towards an approval with conditions, so that the applicant can choose whether or not to comply or withdraw. Mr. Louis said he has always supported the idea of conditional approval but is dismayed at the lack of real information being submitted.

With no further discussion, the meeting was adjourned at 7:30 PM.

Approved by:

Eric Louis, Chairman

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held JANUARY 11 20 06

The January 11, 2006 meeting of the Union Township Zoning Commission was called to order at 7:00 PM by Chairman Bill Shannon with an invitation to the Pledge of Allegiance. Also in attendance were members Don Grove, Robert Obermeyer and Summer Wiedenbein, along with alternate Carol Pelfrey. Vice Chairman Eric Louis was absent. Ken Geis, Township Administrator, represented the zoning department. The first order of business was to determine the officers for 2006. In unanimous voting, Mr. Louis was chosen as Chairman and Mr. Obermeyer was selected as Vice Chairman. The minutes of the December 14, 2005 meeting were unanimously approved. Cases #7-05-Z and #8-05-Z were heard. Applicants were advised that these cases would be before the Board of Trustees on February 14, 2006.

Mr. Geis introduced the application in Case #7-05-Z, submitted by Michael and Heather Clark, for their property at 960 Shayler Road, seeking a zone change from ER to R-1 for this 2.49 acre property. The existing lot is a non-conforming lot of record based on the non-compliance of the front yard set-back. It also contains a pool, a detached garage and two other outbuildings. A service line and tower with a 100 foot easement further restrict the lot. This request is made to allow the split into two lots, so that the owner may construct a residential structure on the new lot. The Clermont County Planning Commission recommended approval. While the R-1 District is the foundation of the Comprehensive Land Use Plan and the request is consistent with the surrounding uses, the proposal seeks to retain the pool and outbuildings on the new lot. If approved, the property would be non-conforming from the outset based upon the lack of a principally approved use where accessories exist and the overage of outbuildings. Historically, the Board of Trustees has been reluctant to create non-conforming lots of record.

Michael Clark spoke on behalf of his application. Mr. Clark stated that having discussed the conditions with staff at great length, they would be willing to remove the outbuildings and pool within a specified period if required to do so. Mr. Clark conceded that the buildings were not in good shape, but stated that they would make very good storage during the new home construction period. After final surveying is completed, he may be forced to remove the pool in order to site the house. Mr. Clark summed it up by stating that once the new home is built, the only remaining non-conformity would be the previously existing front setback for the original house.

Mr. Obermeyer asked if they had a site plan for the new home. Mr. Clark replied that it was too preliminary for a final plan, but they were contemplating a Cape Cod style of about 2,000 square feet. Mr. Clark said they hoped to keep the pool, replace the garage and remove the rest. He stated that they had begun this project based on a FEMA buy-out of their previous home, but that funding may be on hold since Hurricane Katrina and that may force the sale of the lot. Mr. Clark confirmed that a 100 foot wide section was under CG&E and water easements, but stated that there was still a third of an acre buildable.

With no further testimony, Mr. Obermeyer asked about the non-conformity. Mr. Geis clarified that, in the past, zoning approvals could be conditioned upon the removal of accessory structures at the conclusion of the two-year construction. At the end of the day, the existing house would be the only non-conformity, achieved either by the construction of a conforming home on the new lot or the removal of all accessories.

Mr. Grove moved that in Case #7-05-Z the Zoning Commission recommends that the Trustees approve the requested zone change with the condition that the new lot be brought into compliance within two years of approval. Mr. Shannon seconded the motion.

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

Mr. Geis summarized the application submitted in Case #8-05-Z for eight parcels containing 99.76 acres located north of Clough Pike along Ferguson Drive. The present zoning is B-1, R-1 and PD with a request to rezone to PD filed by Cincinnati United Contractors (CUC) for a development to be known as Ivy Pointe Commerce Park. Recently the Board of Trustees approved a portion of this property for an assisted care facility. This concept is to establish office and accessory commercial facilities in this underutilized area of the township, with approximately 85% of the overall project site being reserved for office and supporting accessory commercial uses. Specific design elements will be tailored to the needs of the future individual clients. The applicant expects the combined building footprint area to be about 30 % of the total land area, or about 1.2 million square feet at ground level. Multi-story buildings could increase the square footage of buildings and potential requirements for parking and multi-story parking garages. While this application is in a preliminary development stage and many issues are unresolved, the overall concept is consistent with the Comprehensive Land Use Plan, which calls for a "Class A" office park. The development characteristics do show about 12 acres outside proposed detention/retention areas for open space. The applicant has agreed to cooperate with the Clermont County Engineer on access and right-of-way issues, including comments from the Planning Commission regarding internal and external walkways and bikeways. Discussions are ongoing with the applicant regarding participation in community incentive projects, such as tax increment financing and joint economic development districts. In accordance with Section 683 of the Zoning Resolution, the Zoning Commission is to enter a motion whether to approve, deny or modify the PD application and plan and to rezone the parcels to PD.

Angelo Santoro, Santoro Engineering, represented the applicants. Mr. Santoro began by referencing the commercial designation established in the zoning resolution for this area and the important potential for economic development. Because this project includes about 100 acres that would be developed over time, the applicant submitted a concept of what the development might look like. Mr. Santoro described the Ferguson Drive connection with Clough Pike as a boulevard with a landscaped island providing "Class A" access to "Class A" offices. From the engineering standpoint, Mr. Santoro stated that they had to look at the entire property to envision the appropriate grading, stormwater management, structure locations and the aesthetic of these features. He stated that the maximum exposure to the interstate is desired for the benefit of the users and to help motorists locate the site. Mr. Santoro described the project as being 5-6 acres in public right-of-way, about 12 acres in open space plus landscape requirements in parking areas, leaving about 82 acres for development. Mr. Santoro described the two stormwater installations as retention features that would include fountains. Actual building areas, parking, lighting, landscaping and signage will be determined for the individual user. Landscape buffering to the residential areas and along the boulevard would be provided under final plan approvals. Mr. Santoro pointed out the representations of similar buildings constructed by the applicant in the Cincinnati area that were included in the application. Final design for the public street is still being worked out with the county. Mr. Santoro characterized the proposal as a real asset to Union Township that fits the profile established in the township's plan.

Sean Callan, attorney with Dinsmore & Shohl, 1900 Chemed Building, 255 East Fifth Street, Cincinnati, Ohio, spoke on behalf of one of the property owners, Duane Ferguson, in describing his holdings. Mr. Callan gave some background, explaining that his client was approached by the county about selling his property to become part of a master development plan. Mr. Ferguson entered into a contract agreement to sell and granted CUC the right to apply for this approval on his property. In the interim, a lawsuit was filed seeking to prohibit Mr. Ferguson's sale of certain parcels. While they hope to prevail in this litigation, Mr. Callan stated the uncertain future of the contract could leave Mr. Ferguson with property rezoned from its current designations and approvals, and tied to the new PD. Mr. Callan supports approval for the plan, as he believes it good for