

PLAN COMMISSION MINUTES

Monday, June 12, 2017
7:00pm

Andrew Baudendistel’s reading of Voluntary Title VI Public Involvement Survey—As a recipient of federal funds, and in support of Dearborn County’s efforts to ensure nondiscrimination and equal access to all citizens, the County gathers statistical data regarding participants in county activities. Therefore, we have provided a Voluntary Title VI public Involvement Survey at this meeting. You are not required to complete this survey. However, the form is anonymous and will be used solely for the purpose of monitoring our compliance with Title IV and ADA.

A. ROLL CALL

Members Present:

Dennis Kraus Jr.—President
Mark Lehmann—Vice President
Jim Thatcher
Russell Beiersdorfer
Art Little
Jake Hoog

Mark McCormack—Director of Planning & Zoning
Nicole Daily—Zoning Administrator
Andrew Baudendistel—Attorney

Members Absent: Eric Lang
Mrs. Beiersdorfer, Purdue Extension Office (temp. replacement member)
Dan Lansing

B. ACTION ON MINUTES—None

C. OLD BUSINESS SCHEDULED TO BE RE-OPENED—None

D. OLD BUSINESS TO REMAIN TABLED—

1. Request: Requesting 2 Waivers; (1) Create an access point which does not meet the minimum driveway spacing requirements. (2) Create a direct access point onto Jamison Road
Applicant/Owner: Judy Traynor
Site Location: 24140 Mayfield Lane / Jamison Road
Township: Harrison
Zoning: Agricultural (A) Size: 6.449 Acres

E. NEW BUSINESS

- 1. Request:** **Primary approval to re-plat Lot 156 of the Villages of Sugar Ridge, a proposal which involves the creation of 22 residential units as well as waiver request for: (1) a waiver to not construct sidewalks within the proposed development area; (2) a waiver to not install curbs and gutters for the proposed residential street, as required by Article 3 of the Dearborn County Subdivision Control Ordinance**
- Applicant/Owner:** **GMT Enterprises**
- Site Location:** **Augusta Drive, approx. 1000 feet from the northern Augusta Drive / Stateline Road intersection (on the eastern portion of Augusta)**
- Legal:** **Sec. 13, T6, R1, Parcel #15-06-13-400-037.000-020**
- Township:** **Miller** **Size: 7.013 acres**
- Zoning:** **Planned Unit Development (PUD) Residential—PUDR**

Mr. Mark McCormack presented the Board the staff report and slide presentation for the primary plat request for a 22 lot subdivision—which includes two waiver requests. The specific request is to re-plat Lot 156 of the Villages of Sugar Ridge Subdivision. The Applicant is also seeking two waivers: (1) a waiver to not construct sidewalks within the proposed development area; (2) a waiver to not install curbs and gutters for the proposed residential street. The PUD for the Villages of Sugar Ridge was approved in 2003, this request is considered a major change to the original plans, but it is still within the allowable density. The maximum approved density is 4.28 units / acre (*per a previously-approved plan by the Plan Commission in July, 2007). The Applicant is requesting the following items in reference to the approved (and revised) Concept Development Plan:

- Front Yard setbacks = 30 feet from the right-of-way / property line*
*A five foot (5') increased setback to match the nearby homes along Augusta Drive
- Side Yard setbacks = 10 feet total / 5 feet minimum*
*No minimum distance between buildings but setbacks are comparable to current, approved side yard setbacks
- Rear Yard setbacks = 25 feet from the property line*
*Same setbacks as current, defined setback
- Density = 3.14 units / acre (which is 1.14 units / acre less than the previous plan approved in July of 2007)

The first waiver is with respect to the installation of sidewalk improvements. In this case, the Applicant is seeking a full waiver to not install sidewalks within the proposed development of Lot 156. Mr. McCormack stated that in the original Concept Plan—and subsequent Improvement Plan—for the Villages of Sugar Ridge, there was a multi-use 8-foot-wide bike and pedestrian trail planned for the entire length of Augusta Drive. This trail improvement is currently not constructed and in place, but long-term trail (concept) plans for the County have identified Augusta Drive as an area of opportunity, with respect to the creation of a trail in this part of the County—eventually serving as a connector between Bright and Hidden Valley lake, Greendale, and the State of Ohio (and future Hamilton County trails). If a trail on Augusta Drive is created in the future, a sidewalk or trail connection from the development area of Lot 156 could benefit all of the residents on Muirfield Point (which could conceivably be extended in the future and also affect sidewalk / trail connectivity of Lots 157 and 181).

The second waiver is with respect to the installation of curbs and gutters. In this case, the Applicant is seeking a full waiver to not install curbs and gutters within the proposed development of Lot 156. Mr. McCormack stated there are no other curb and gutter improvements for the public or private streets within the Villages of Sugar Ridge Subdivision. In this case, the Applicant's request is consistent with the development patterns of the rest of the subdivision.

Mr. McCormack continued that if this re-plat / primary plat of Lot 156 is approved, the Applicant must still receive a variance from the Dearborn County Board of Zoning Appeals for the front yard setback proposed on Lots 22 and 23 (to be reduced to 10 feet from the road right-of-way / property line)—as they can both be considered corner lots as they are presently conceived.

The major revisions to the original, approved concept development plan and primary plat are as follows: 1) change in PUD residential sub-classification, single family homes verses condos or townhomes; 2) density reduction; 3) the establishment of a public street; and 4) previous conditions of approval should be considered.

Mr. McCormack stated that the Technical Review Committee reviewed the Applicant's primary plat submittal on April 3, 2017 with the issues and/or questions noted hereafter with the current plan: 1) Lot #1, as it is currently labeled, is a non-buildable lot—so it must be transferred or retained by an adjoining property owner. 2) The lots of the proposed development area must be renumbered in accordance with the sequence / assigned approved by the Dearborn County Auditor's Office—and this area must be referenced as being within / part of the Villages of Sugar Ridge Subdivision. The Applicant has taken care of this comment. 3) The primary utility layout does not include electric and gas utilities—but service lines are anticipated to be within easements or right-of-way (and will be required to be shown on any subsequent Improvement Plan submittal for this property). 4) The width of the “existing golf cart easement” that is intended to remain on the property is approximately 20 feet wide—but this easement does not appear to be defined or recorded on a plat or deed at this time. The golf cart easement may be relocated more towards the rear / north of the northern proposed lots, if possible with the golf course ownership. 5) At this point, the existing joint access easement for Lots 156, 157 and 181 is slated to remain in its current, platted location—which was established between 2005 and 2006 and was evaluated during the Plan Commission's review of a project called “The Pointe at Sugar Ridge” in 2007.

Mr. McCormack received comments from the County Engineer, Todd Listerman, and noted that based on his letter, there were no significant issues with the proposed re-plat.

There were 6 letters sent out to adjoining property owners and all 6 were confirmed as delivered.

Mr. Lehmann asked about the overall density for the subdivision.

Mr. McCormack stated that there were 148 lots for a total of 315 dwelling units originally platted, (which includes the Villas of Sugar Glenn). Based on what has been re-platted and developed thus far, it doesn't appear that the development will ever reach a maximum build-out of 315 lots in the subdivision (unless a significant re-plat request is approved in the future by the Plan Commission).

Mr. Lehmann discussed the location of the golf course holes within the subdivision related to the easements as shown on the plan.

Mr. Lehmann asked about the 8-foot trail that was never built. Would this improvement now be in the County's hands since it took over the maintenance of August Drive?

Mr. McCormack stated that if 8-foot multi-use trail was ever completed, it would mostly likely be done by the County, probably with assistance from OKI monies; it is still far from being built at this time.

The Board had no further questions at this time for Mr. McCormack.

Ms. Christine Harlan, with Hrezo Engineering, spoke on behalf of the developer. She stated that in reference to the lots that will be reviewed by the Board of Zoning Appeals, the building setbacks restrict the locations of the proposed driveways. They will be intended to match adjoining lots in the area.

Mr. Lehmann asked if the existing cart path on the back / perimeter of the lots will stay. Ms. Harlan noted that the golf course is currently in discussions with the developer to decide which cart paths will remain and which will be removed. Therefore, the easements shown on the current plans may change.

Mr. Kendall Bales, with Hrezo Engineering, showed the Board the areas of the cart paths that are proposed to change (at this point).

Mr. Lehmann asked about the driveways for lots 22 and 23.

Ms. Harlan stated that there will be restrictions for the access to both of those lots. Lot 22 would be restricted to connect to the proposed Muirfield Pointe. Lot 23 would access Augusta Drive.

Mr. Lehmann asked about the design of the access easement—which is only one lot into the development.

Mr. Bales stated that they wanted to change the angle of the intersection, but they needed to get approval of the property owners of lots 157 and 181—but no one has been able to get a hold of the owners of lot 181 in order to change the easement. If contact is ever made (prior to the completion of the improvement plans), the lot configuration in this area may be changed.

Mr. Lehmann asked about the cul-de-sac at the end of the proposed street. Would access to lot 157 be restricted (from Muirfield Pointe, as currently conceived)?

Ms. Harlan stated that a temporary turn around has been designed and therefore this, coupled with the road right-of-way to be dedicated in the future, would allow for the continuance of the street into lot 157.

Mr. Bales stated that the golf course owns lot 157 and acknowledged that there are current discussions to continue the development of the street.

Mr. Lehmann asked if it were necessary to install a sidewalk within the development, as it is currently conceived, would the preference be for the location to be on the east or west side of the proposed road.

Mr. Bales stated that with the topography considered, it would be best for a sidewalk to be placed on the east side.

There were no further questions for the Applicant.

Mr. Beiersdorfer made a motion to open public discussion. Mr. Lehmann seconded the motion. All in favor. None opposed. Motion carried.

Mr. Carl Stoecklin, resident of the Villages of Sugar Ridge, lives across the proposed development area off of Augusta Drive. He questions the expected number of homes and traffic expected from the proposed street, now and in the future. He believes there needs to be some sort of sidewalk system. The problem he sees in the Villages of Sugar Ridge is that there is no uniformity in the development.

Mr. Beiersdorfer made a motion to close public discussion. Mr. Lehmann seconded the motion. All in favor. None opposed. Motion carried.

Board Discussion:

Mr. Thatcher asked if Mr. McCormack could explain the existing and the proposed setbacks of the subdivision.

Mr. McCormack stated that the side yard that is currently proposed is 10 feet total, with a 5-foot minimum setback. The existing side yard setback is 20 feet total (between buildings)—but there is no minimum setback from lot lines, which can cause problems for lots in the middle of two developed properties, where buildings have been situated closer than 10 feet to property lines. The proposed setback does not allow for any 0-foot side yard setback.

Mr. Thatcher asked if this is the current regulations in this situation.

Mr. McCormack stated the proposed setbacks are an improvement to the existing setbacks for the PUD. The proposed side yard setback would be consistent with Parcel C in the P.U.D. for the Villages of Sugar Ridge—which is also closer to the County’s side yard setback requirements within Residential zoning districts.

Mr. Lehmann stated that he believes there needs to be something put into place with respect to sidewalks, or an alternative. He doesn’t feel the Board should approve this request for development with no sidewalks. There needs to be some sort of pedestrian path or trail of some sort, even if it requires some thinking outside the box.

Mr. Dennis Kraus asked where the 8-foot trail originated, in terms of the previous plans.

Mr. McCormack stated the trail system for the Villages of Sugar Ridge showed up on the original Improvement Plan.

Mr. Thatcher stated that at some point, the Board needs to make the development a development; the County will not be able to install sidewalks (after the fact) if we don't make the developer install them.

Mr. Hoog stated that he believes that sidewalks should be installed in the subdivision, but maybe not on both sides of the street.

Mr. Beiersdorfer stated that he agrees with everyone's comments on the sidewalks.

Mr. Lehmann made a motion to approve the waiver to not require the installation of curbs and gutters within the proposed development of Lot 156. Mr. Beiersdorfer seconded the motion. Mr. Little, Mr. Hoog, Mr. Lehmann, Mr. Beiersdorfer, and Mr. Kraus voted in favor. Mr. Thatcher opposed. Vote is 5 in favor and 1 opposed. Motion passes.

Mr. Lehmann made a motion to deny the waiver request to not require sidewalks to be installed on both sides of the street within the proposed development of Lot 156. Mr. Hoog seconded the motion. All in favor. None opposed. Motion passes.

Mr. Lehmann made a motion to approve the Primary Plat for Re-Plat of Lot 156 of the Villages of Sugar Ridge, Augusta Pointe Subdivision, located off of Augusta Drive to the maximum number of 22 lots with the following conditions: 1) to allow the proposed setbacks as listed in the staff report; 2) to install sidewalks on only one side of the proposed street or an equivalent, other alternative as allowed in Article 3, Section 305R (e), which allows a subdivider to propose paths as substitutes for conventional sidewalks if the alternative system provides the same or better level of pedestrian access. Mr. Beiersdorfer seconded the motion. All in favor. None opposed. Motion passes.

Mr. Little made a motion to adjourn the meeting. Mr. Beiersdorfer seconded the motion. All in favor. None opposed. Motion carried.

Meeting adjourned at 9:02 PM

President

Mark McCormack, Planning Director