

December 27, 2005

Held \_\_\_\_\_

Special Meeting of the Board of Trustees  
Minutes of December 27, 2005

Board President Mr Fiedeldey called the meeting to order at 4:40pm with Trustee Mr Corman in attendance.

Mr Corman made a motion to appoint Township Administrator David Foglesong as acting Fiscal Officer for the purpose of recording the minutes. Mr Fiedeldey seconded the motion.

Mr Corman "Aye"  
Mr Fiedeldey "Aye"

Mr Fiedeldey stated the purpose of the meeting was to discuss and hold the public hearing on Zoning Case ZA2005-07 Text Amendments - Open Space Development Regulations.

Mr James E. Reuter, Township Attorney, presented Zoning Case ZA2005-07.

Mr Fiedeldey questioned the reason for amending Article 11 – Open Space Development Regulations that were previously approved by the Board.

Mr Reuter stated that the amendments improved the document by incorporating essentially all of the suggested changes proposed by the Hamilton County Regional Planning Staff and RPC Executive Director Ron Miller. Mr Reuter went on to state that the Regional Planning Commission Staff had conducted two public hearings on this Article and the amendments, the last hearing having been had on December 1, 2005. During both of the public hearings Executive Director Ron Miller and Staff recommended approval of the Open Space Development regulations with modifications.

Mr Reuter summarized the corrections and amendments to Article 11.

Mr Corman questioned the reasons for deletions in sections 11 16 and section 11 17 from the previously approved Article 11. Mr Reuter stated these deletions resulted from comments made by Regional Planning Commission Executive Director and its Staff that the current language granted too much discretion to the Zoning Administrator. Since one of the purposes of these regulations is to afford an applicant the opportunity to secure approval of a plan as of right if the stated requirements of the article are met, it was unnecessary that the Zoning Administrator have the discretion which these sections may have given to him.

Mr Reuter gave the history of Zoning Case ZA2005-07. The case received a 3-3 vote during the December 1, 2005 Regional Planning Commission hearing. The vote was 4-0 in favor of the amendments at the conclusion of the Colerain Township Zoning Commission hearing on December 12, 2005. Zoning Case ZA2005-07 therefore comes to the Board of Trustees with the recommendation of approval from the Colerain Township Zoning Commission.

Mr Fiedeldey questioned the language of section 11 10, specifically, whether this required a literal interpretation, i.e. replacement of an unwanted plant species if that was what existed prior to being disturbed during construction. Mr Reuter stated he felt that the section should be interpreted to permit revegetation with plants with the same or similar characteristics, which would allow for replacement with a more desirable species.

**RECORD OF PROCEEDINGS**  
**SPECIAL**

Minutes of \_\_\_\_\_

Meeting \_\_\_\_\_

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

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Mr Fiedeldey opened the floor for public comments There were none

Mr Reuter gave a review of Regional Planning Commission's action regarding the Open Space Development Regulations The first proposal to Regional Planning Commission was approved by the RPC with a recommendation for modifications, some of which were included in the final resolution adopted by the Board in June 2005 The second proposal to Regional Planning Commission (which included modifications addressing the criticisms by Executive Director Ron Miller in his testimony before Judge Sweikert in the Ameritek suit against Colerain Township) was denied in a 3-3 vote during the December 1, 2005 Regional Planning Commission meeting. The amended text submitted to the Board in Case ZA2005-07 included essentially all of these suggested modifications

Mr Fiedeldey made a motion to close the public hearing, seconded by Mr Corman

Mr Fiedeldey "Aye"  
Mr Corman "Aye"

Mr Reuter read the text for Article 11 in its entirety, including the corrections and amendments He then read Resolution #54-05 "Resolution Adopting Technical Corrections to Open Space Development Regulations of Zoning Resolution"

Mr Corman made a motion to adopt Resolution #54-05, which was seconded by Mr Fiedeldey

Mr Corman "Aye"  
Mr Fiedeldey "Aye"

There being no further business to come before the Board Mr Corman made a motion to adjourn the meeting at 5:25pm, which was seconded by Mr Fiedeldey

Mr Corman "Aye"  
Mr Fiedeldey "Aye"

  
Fiscal Officer

  
President