

Minutes of

REGULAR

Meeting

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

Held

February 8, 2011

OPENING OF MEETING

Mr. Deters called the meeting to order at 5:02 PM. Mr. Ritter, Mr. Wolterman and Mrs. Harlow were in attendance.

EXECUTIVE SESSION

Mr. Reuter requested the Board enter Executive Session for the purpose of discussing pending litigation and employment of public employees and officials.

At 5:05 PM, Mr. Deters made a motion to enter Executive Session and Mr. Ritter offered the second. No discussion and the roll was called:

Mr. Deters. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

Mr. Deters reconvened the meeting at 7:06 PM. Mr. Reuter said no decisions or actions were made in Executive Session.

INVOCATION

Fire Chaplain Tyrone Patrick offered the invocation.

PLEDGE OF ALLEGIANCE

All recited the pledge of allegiance.

APPROVAL OF MINUTES

There were no minutes for approval.

POLICE REPORTS

Lt. Schoonover of the Hamilton County Sheriff's Office and Chief Meloy said the statistics will be presented at the next meeting.

TRUSTEE REPORTS**MR. RITTER**

No report.

MR. WOLTERMAN

Mr. Wolterman attended the Southwest Coalition meeting last night. It's a group of municipalities and townships. The meeting was to review the possibility of revocation of the estate tax and its effect on township and municipal government. He reported that 22.3% of Colerain Township's General Fund comes from the estate tax. Other townships are at 30%. The Ohio Senate is not too warm on the estate tax removal. Senator Bill Seitz understands the value of the estate tax and what it means to the Township. None of us like to pay taxes, but the estate tax is a good viable part of our ability to provide services. We use these funds to get matching grants for road repairs. It only affects about 6.5% percent of the residents in the State of Ohio. But its removal is going to affect many more citizens than that. The estate tax does not affect a living spouse, only when it goes to children or other relatives, etc.

Mr. Wolterman said the Southwest Coalition would like Colerain Township to join them in asking the legislature to not remove this. They are looking at hiring a lobby firm, and ask that we contribute to pay for lobbyists in letting the legislators

Held

February 8, 2011

know that this money helps build and maintain parks and roads. This new House wants to grab some low hanging fruit, get a victory right away and say we've cut taxes, without realizing the impact to local government.

Mr. Ritter said the estate tax is an inhibitor of growth in Ohio. He agrees that estate taxes are a huge portion of our General Fund, and the dependency our services have on it. Before he joins in a lobbying effort, he needs to think about it a little more. Maybe one path is to make sure local governments are held harmless. He heard one proposal that would delay implementation about two years.

Mr. Deters said it is a double tax and his philosophy is against it. He said many townships would face a frightening decrease in their budgets. No municipality was able to properly anticipate it. He would encourage us to continue the discussion as to how this is going to affect us. Right now the Townships aren't at the table at that discussion and that is a problem. He would in some sense be supportive of some efforts to get some open dialogue. He doesn't know the thrust of what our lobbyists would be arguing. Before he jumps into that support, he needs to get a sense of what we're looking at. How would this affect us? Would support open dialogue. What would lobbyists do for this? And what would the lobbyists be doing?

Mr. Wolterman said the person heading this committee is from Anderson Township (50% of General Fund Budget there). The estate tax has been enacted in the State of Ohio since 1893. There will be hearings which start tomorrow and on February 16. He said townships need to go up and give testimony about the impact on our community. There are 1300 townships in Ohio and 2200 jurisdictions total which will be affected by this. Mr. Wolterman said that another revenue stream would also be a tax. This in on a fast track, but it may not get past the Senate. Our Moody's rating of AA1 showed us to be very solvent, but what if we lose the 22% of our General Fund? Would we be building the parks or talking about the Streetscape? We might be philosophically against taxes, but we must support this Township. He recommends that we go up and let the legislators know that you can't just do this because it's a low-hanging fruit. They want to pat themselves on the back that they cut taxes. But, they didn't cut taxes; they cut the belly out of townships to provide services to their residents. We have to act now or be behind the eight ball.

Mr. Deters said he's encouraged they're having hearings. It didn't seem like that was going to happen.

Mr. Foglesong said Delhi and Green Townships will be testifying tomorrow. There was a letter of support and an indication of how much we would be contributing to the lobbying efforts. The mayor of Shaker Heights was a big organizer of the state group. And the big cities are having people speak as well.

Mr. Wolterman said that if we wait until the next meeting, that it could be too late.

Mr. Deters said that he has no objections to our administrator or any trustee going to Columbus, if they will have you, to testify relative to the impact on this Township when these funds are gone. But he is not inclined tonight to vote on committing funds to the lobbying efforts.

MR. DETERS

Mr. Deters congratulated the trustees who were on the board before him and the administration on the latest bond rating. That speaks volumes as to the responsibility of this Township with its taxpayers money.

Minutes of

REGULAR

Meeting

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

Held

February 8, 2011

CITIZEN ADDRESS

Mr. Don Hughett, president of Colerain Township Business Association, talked about the BP site. He talked about the condition of Northgate Mall and some areas. He said this is a sore subject with much frustration. Congratulations on the bond rating and on the BP acquisition. It was a crucial acquisition. It's a pivotal opportunity to reconstruct the center of Colerain Township. Business owners are shareholders just like the citizens, and there is a lot at stake here. There is a time to be frugal and a time to be opportunistic. The window of opportunity here is to turn the BP property into a centerpiece. Let's get it right.

Many local businesses on Colerain Avenue are investing significantly in infrastructure. What could happen if we had collaboration between government and business?

The second reason for his presence this evening is to recognize something that is too often overlooked -- the administration of our local government. We've had a consistency of sound administration here in Colerain Township. Frank Birkenhauer and David Foglesong have been the consistent face for many many years. They have provided open communication to the business association and have consistently conducted themselves in a professional manner demonstrating the highest standard of public service. We all hope that our elected officials will create a significant vision for our Township. It is, however, the Administration that must effectively execute on this mission. The sound financial state of this Township was not just created recently, and certainly some credit should be attributed to the experienced team that has been at the helm for many years. So, how can we succeed?

1. Collaborate with those in the township who can make a difference,
2. Timely execute when the opportunities present themselves, and
3. Leverage experience.

This township will be presented with many opportunities in the coming years largely triggered to what you have accomplished recently with the BP purchase. Let's leverage our experience and our resources, and be admired by surrounding communities for getting the job done right.

UNFINISHED BUSINESS**ZONING****Resolution Journalizing Land Use Plan Amendments**

Dr. Roschke read Resolution 16-11, "Journalizing Amendments to the Colerain Township Land Use Plan for the 2010 Update Cycle."

Mr. Wolterman made such motion and Mr. Ritter offered the second. The roll was called:

Mr. Deters. "Aye"
Mr. Ritter. "Aye"
Mr. Wolterman. "Aye"

Resolution Journalizing ZA2010-04 Vendor Markets

Dr. Roschke read Resolution 17-11, "Adopting Text Amendments to the Colerain Township Zoning Resolution Regarding Vendor Markets."

Held

February 8, 2011

Mr. Deters made such motion and Mr. Ritter offered the second. The roll was called:

Mr. Deters. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

Resolution Journalizing ZA2008-03 Text Amendment – H.B. 562

Dr. Roschke read Resolution 18-11, "Adopting Text Amendments to the Colerain Township Zoning Resolution to Conform with HB 562."

Mr. Wolterman made such motion and Mr. Ritter offered the second. The roll was called:

Mr. Deters. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

ADMINISTRATION

TIF Service Agreement Amendment

Mr. Birkenhauer explained that at the last trustee meeting the trustees approved moving our TIF revenue backed bonds into general obligation bonds. That will result in a lower interest rate. We have a service agreement in place with our current Stone Creek TIF and Best Buy TIF that has a provision for a letter of credit. The letter of credit is pulled if the developer their tax revenue does not meet the debt service. And in addition they are unwilling to pay that debt service, then we revoke the letter of credit. There is a "burn off" provision letter of credit that says if the taxes in the TIF exceed 1 ¼% of the revenue then for two years in a row then that "burn off" will occur. Last year the revenue was at 1.34%. This upcoming year, since taxes are in arrears, it's 1.44%. Everyone has paid their taxes. They are all up-to-date. It's far exceeding even with the 4 ½% TIF revenue backed interest rate the debt service. For that reason this evening we would be recommending that the trustees pass the resolution authorizing the letter of credit provision to be waived. It's a costly thing. It normally runs \$60,000 to \$120,000 for a letter of credit, and they are reimbursed through the TIF. Based upon the 1.44% coverage it really would not be a good use of our TIF money at this time.

Mr. Birkenhauer read, by title, Resolution 19-11, "Authorizing the Waiver of Letter of Credit Provisions in Service Agreement for Stone Creek Development."

Mr. Ritter made such motion and Mr. Wolterman offered the second. The roll was called:

Mr. Deters. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

Mr. Ritter asked when we could use these excess funds for other purposes. Mr. Birkenhauer responded it would be 2012 or 2013. He will check with our bond counsel.

Mrs. Harlow said that these resolutions will be posted on the website by mid-day tomorrow.

Held

February 8, 2011

Mr. Foglesong updated the board on the following informational items.

Memorial Committee Meeting to be Set

The meeting invitations have gone out to new participants for the memorial committee. He will report back to the board on the new committee's position siting and design of the memorial.

Financial Advisory Committee Meeting

The inaugural meeting of the committee will be the first or third Wednesday in March, and he will send the date to the Board.

Estate Tax Update

Mr. Foglesong said this was covered by Mr. Wolterman and he had nothing else to add.

Bonds

We were notified by e-mail that the bonds were sold today at a net interest cost of 2.98% over the life. That was actually reduced, just before the meeting, to 2.95%. The savings on the refinancing which he sent to the board was \$420,000. It has actually been increased to \$424,610. That's what we'll save over the life of the new bonds. As soon as that becomes official, he will report it to the Board.

Time Warner

The Board had asked when we will go live with our Township meetings. Time Warner informed us that the channels will be activated on March 22.

Government	Channel 8
Education	Channel 4
Public	Channel 979

In the meantime, our Zoning and Trustee meetings are available on-line at <http://www.waycross.tv/ctvod>. These channels will be posted on our website.

NEW BUSINESS

POLICE DEPARTMENT

Donation Acceptance

The Police Department received a \$200 donation from Mr. Gary Sizemore. Mr. Wolterman made motion to accept the donation and Mr. Ritter offered the second. The roll was called:

- Mr. Deters. "Aye"
- Mr. Ritter. "Aye"
- Mr. Wolterman. "Aye"

Administrative Fees for Wrecker Service

Chief Meloy requested authorization to initiate a \$15 administrative fee for vehicles towed by the Colerain Police Department. Effective date is March 1, 2011.

Mr. Ritter made such motion and Mr. Wolterman offered the second.

RECORD OF PROCEEDINGS

Minutes of

REGULAR

Meeting

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

Held

February 8, 2011

Mr. Wolterman asked what happens when an individual wants a particular towing company. Chief Meloy responded that a person can make their own request for a particular towing company. This authorization is for when the vehicle is taken for police reasons (criminal arrests, evidence, OMVI, etc.).

The roll was called:

Mr. Deters. "Aye"
Mr. Ritter. "Aye"
Mr. Wolterman. "Aye"

FISCAL OFFICER REPORT

Mrs. Harlow said that all financial reports are available for viewing at the Administration Office weekdays during regular business hours. Many are posted on our website or you can call or e-mail her with any questions.

Mrs. Harlow asked for approval of payroll, purchase orders, and receipts. Mr. Ritter made such motion and Mr. Deters offered the second. The roll was called:

Mr. Deters. "Aye"
Mr. Ritter. "Aye"
Mr. Wolterman. "Aye"

The Fiscal Officer has recorded the following receipts:

<u>REC</u>	<u>VENDOR</u>	<u>FOR</u>	<u>AMOUNT</u>
40-2011	Fire & EMS Dept.	Reimbursement for Medic Class	\$1,500.00
41-2011	OTARMA	Damage to Sr. Center	5,687.12
42-2011	Public Works Dept.	Snow Removal	407.40
43-2011	Public Works Dept.	Snow Removal	2,625.90
44-2011	Police Dept.	Salaries	1,770.76
45-2011	Police Dept.	Immobilization Fees	665.00
46-2011	Police Dept.	Immobilization Fees	35.00
47-2011	Police Dept.	Donation	200.00
48-2011	Police Dept.	Court Reimbursement	6.00
49-2011	Police Dept.	Court Reimbursement	18.00
50-2011	Zoning Dept.	Certificates, BZA	1,610.00
51-2011	Parks & Services	Memorial Tree	400.00
52-2011	Police Dept.	Salaries	8,427.58
53-2011	Public Works Dept.	Snow Removal	4,790.38
54-2011	Kathy Mohr	Copies	7.00
55-2011	Police Dept.	Court Reimbursement	48.00
56-2011	Fire & EMS Dept.	EMS Billing	1,769.64
57-2011	Sr. & Community Ctr.	Membership \$330, Classes \$260, Lunch \$42	632.00
58-2011	Rumpke Sanitary Landfill	December Solid Waste Disposal Fee	60,927.88
59-2011	Fire & EMS Dept.	Plan Reviews	300.00
60-2011	Zoning Dept.	Certificates, BZA	610.00
61-2011	Sr. & Community Ctr.	Membership \$280, Classes \$30, Rent Event Dep. \$350, Rent Event Fee \$1200, Lunch \$28	1,888.00

Held

February 8, 2011

62-2011	Police Dept.	January Reports	7.05
		CTTC Rent, Open Credits, Inst. Class, Exam, Sign, Donation, Name Plate, Medic Reimbursement, Cell	
63-2011	Fire & EMS Dept.	calls	6,347.56

At 7:38 PM, Mr. Ritter made a motion to enter Executive Session for the purpose of discussing the appointment of public officials and Mr. Deters offered the second. No discussion and the roll was called:

- Mr. Deters. "Aye"
- Mr. Ritter. "Aye"
- Mr. Wolterman. "Aye"

Mr. Deters reconvened the meeting at 8:01 PM. Mr. Reuter said no decisions or actions were made in Executive Session.

PUBLIC HEARING

ZA2010-06 Liberty Health Care

Dr. Roschke presented the staff report. This is a zone amendment from R-5, Suburban-High Residential District, to PD-R, Planned District Residential, to allow for construction of a skilled nursing facility. The applicant is Jonathon Woche, AICP, of McBride Dale Clarion. The owner is Norbert E. Schwarz, c/o Ralph Meierjohan, Meierjohan Building Group.

Current zoning is R-5 Suburban-High Residential District, minimum lot size 10,500 sq. ft. Current land use designation is Residence Single Family with low density detached housing and related compatible uses.

The preliminary plan summary states it is a phased development including 60,000 square foot assisted nursing facility with 100 beds and an expansion area of 24,000 square feet with an additional 48 beds. This proposed development is located toward the rear of the property. A future development area is shown on the Preliminary Plan and located towards the front of the property.

The Landscape Advisory Board noted their appreciation for the thorough plans. Overall, they found the design well-thought-out and good. Some additional diversity might be desirable, but in general, they found the design complete and would recommend approval.

Conditions

1. That the number of beds permitted in this phase of development shall not exceed 148 beds;
2. That existing tree cover along Livingston Road shall be maintained to the greatest extent possible, especially along the area abutting the "future development area;"
3. That the front setback for the "future development area" shall be 50' minimum;
4. That the building setback to the south (side) and east (rear) property lines shall be no less than 120'. That the Final Development Plan shall comply in all other aspects with Colerain Township Zoning Resolution;

Held

February 8, 2011

- 5. Landscaping along the fire access road shall be extended to the southeastern corner; and
- 6. The Final Development Plan shall comply in all other respects with the Colerain Township Zoning Resolution.

Variances

- 1. 15.8.1 permanent On-Premises signs: To permit a second sign on-site not to exceed 10' heights and 72 sq. ft. per face.
- 2. 13.4.2(C) Walkway connections: To eliminate the required pedestrian connection.

They have also requested a waiver to put a sidewalk along Livingston Road. In this case it's 569 lineal feet x \$26 x 80% = \$11,835.20.

For the applicant, Jonathan Wocher, planner from McBride Dale Clarion, reviewed the application and described the project. The exterior is a combination of brick, glass windows, and hearty plank siding. 100 parking space. It exceeds landscaping requirements. Nursing home is on the eastern portion of the site. Northwest portion is a future development area with no plans, but would require township approval. 25% open space required; has 52%. Properties to the south, homes are about 20' higher than the site and sit back 300' from the site. He said they sited this location carefully, which is why this is the right zoning. Could have 50-60 houses on here as a subdivision, without a zone change. This is a low-impact project; low light levels, no noise related to the facility, and it is a low traffic impact. Traffic study done and submitted: 17 cars in morning peak, 8 leaving in morning. 11 in, 22 out during evening. Single family development would be 10 trips per house. Traffic is not the issue as this use will not create traffic. No signal improvements needed. \$10 million facility with 100 employees. Accepts conditions from Zoning commission.

Mr. Ritter asked what the setback is from Livingston Road once the area is developed. Mr. Wocher responded 50'. Looking 15 years down the road, perhaps some assisted living cottages, and board will have approval at that point.

Mr. Ritter asked the number of employees. Mr. Wocher answered approximately 100 with a \$4.1 million payroll.

Mr. Ritter asked if it was on a bus line. Mr. Wocher said the client had not asked them to extend a bus line, and they are not pursuing it.

Mr. Ritter asked about delivery traffic throughout the day. Mr. Bruce Carpenter, vice president of Liberty Health Care, responded it would not be constant semis coming in and out. Possibly one per day depending on the supplies needed.

Mr. Ritter asked what kind of traffic could we expect during the construction period, and what kinds of steps can be taken to prevent excessive mud on Livingston Road. Mr. Carpenter said it was his understanding they would have to submit a soil and sediment control plan with the county. They would work with the Township on the construction entrance and maintain a clean site.

Mr. Wolterman asked Dr. Roschke if a 50-60 homes development was in the ballpark. Yes, that is correct. It is a reasonable subdivision for this property. It would not require a zone change and there is no minimum home size.

Minutes of

REGULAR

Meeting

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 8101

Held

February 8, 2011

Mr. Deters asked if the bed count fit the zoning requirements. Dr. Roschke responded it is denser, but they are building a cluster. It's a better overall design, with flexible standards.

Mr. Ritter made a motion to open the floor for discussion. Mr. Wolterman offered a second. The roll was called:

Mr. Deters. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

Jason Tonne, 150 E. Fourth Street, Strauss & Troy, attorney representing Colerain Citizens for Strong Residential Neighborhoods, with Andrea Yang, associate and land use planner. Mr. Tonne reported that he had 60 letters from the group opposing the development, which he presented to the Board. They strongly oppose this development as it's inconsistent with the zoning resolution and land use plan. Current zoning is R-5; institutional use is not permitted in this zoning. This is an abuse of the PD-R designation. Scale of development is contrary to comprehensive plan. Economic benefits are too speculative at this time, with increased burden on the services and traffic. We don't know enough about the future development plans and he fears that it will be bigger than we have now. He said the traffic numbers do not include visitors. He urged the Board to look at this very closely and compare this to an office use. He said this is a residential area and they are using this PD-R designation to throw the zoning code out the window. This could set a precedent.

Mr. Reuter stated the vote needs only be a majority of the Board.

Tom Walters, 4428 Blue Rock Road. He stated this is the 180th year that his home has sat on Blue Rock Road. He and Suzanne, his wife, have lived in the home for 15 years, and they have seen much change with more homes and more traffic, but with the same rural feel. Deep concerns: Traffic. Entrance is at the bottom of two steep hills, and intersection of Blue Rock and Livingston is difficult. Traffic from visitors will include elderly. Largest concern: Any zone change will be a foothold for more zoning changes in the future. We just don't need that. The last nursing home had a wide range of staff, including some entry-level employees who present a different element. We don't need that in their back yards.

John Hoff, Millies Court. Zone changes bring more change. He's concerned about more changes in the future.

John Sexton, 8631 Livingston Road. He stated that he does not approve of the development right now. It will create traffic and a lot of problems, like dirt and rocks on the roadway. He would rather see this project turned into a park and given to the citizens of Colerain Township.

Jerry Schneider, 4249 Millies Court. He won't know who lives behind him in the nursing home. What about the south side? The property is 35' from his back door. At the first meeting green space was promised. But he was later told that might not happen. He feels that a home developer could not get 60 homes on the property.

Vi Daniels, 4470 Blue Rock Road. She has been walking and meeting neighbors talking about this project, and she has collected 67 signatures against the proposal. She is against the density and that it will over ride what has been done with the land use plan. Traffic problems are a concern of 40 residents who live and drive in this area. 26 see this as a loss of residential character. 25 are

Minutes of

REGULAR

Meeting

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

Held

February 8, 2011

concerned about property values going down. 16 feel that there will be lighting problems. 19 don't want a zoning change period. They want to live in a semi-rural area. 20 feel it will open doors for future business development. 13 feel loss of lifestyle. 12 have safety concerns. 10 feel this is a loss of green space and a loss of barrier to the highway. 8 residents say it is an illegal zone change. 7 worry about the noise, especially from life squads, highway, delivery and garbage trucks. 5 are concerned that future plans for the third development are unknown. 5 feel this should go to Colerain Ave. 5 are concerned that the business may fail or the developer may go bankrupt. 2 residents said a nursing home was struck down before in another part of the township. There are already open beds at nursing homes in this area, so this is not needed. Residents are also concerned about water run-off. R-5 zoning is meant to protect the older neighborhoods, but this isn't protecting us tonight. She had invited Mr. Wocher to her home to discuss this issue, but he has not done this.

Dorothy Lewis, 4450 Blue Rock Road. She asked Mr. Wocher about visitors to the nursing home – yes. Medical teams – yes. Mr. Wocher said that traffic count is based on trip rates. She said that no one came to her property to see it and how this will affect them. Is this a business? Once you start this, who will stop it?

Mr. Wocher said that traffic impact studies are based on trip generation rated by land use. Information presented to the Board was peak-hour traffic, morning peak hour and afternoon peak hour. These are the times with the most impact. Numbers earlier are peak, and he estimated 222 trips in the day total. Use does not warrant a traffic impact study. Residents typically do not drive as this is skilled care. He promised to work with the Township on the construction traffic. He does take offense to the statement that workers at nursing homes are more criminal than those in other industries. Residents are projected to come from Colerain Township and he does see a demand for this. Comprehensive plan doesn't recommend the locations of nursing homes. Nursing homes are part of the neighborhood fabric. The plan also doesn't designate the locations of churches, schools or parks. This is a residential use with a business component.

He said that Ms. Daniels has invited him to her home and he apologized if he had offended her. He said they are proposing a 150' set-back for the east side, but they do not support a conservation easement for the Township.

Lisa Bedack, 8296 Livingston Road. They put a lot of value into their home and they keep having to fight for their residential area. She is concerned about the bus traffic going to the schools, and she said the traffic in the morning is atrocious. She hopes the board puts themselves in her position to keep their area residential.

Peggy Sheits, 8745 Livingston Road. She has lived in the area for 42 years. This will change the entire neighborhood. She enjoys the rural but city-type character. Feels care is better for the person by having help come to their own home, and she feels that's the way government is leading the people to do. She is concerned about the future development area. The traffic will increase. Blue Rock and Livingston has needed a light for years; even that wouldn't help this. There is a better use of the area other than a business.

Mr. Tonne stated he is not against development, but this is not appropriate here. He said that the PD-R still doesn't allow this development. It is directly contrary to the zoning code.

RECORD OF PROCEEDINGS

Minutes of

REGULAR

Meeting

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

Held

February 8, 2011

Mr. Ritter made a motion to close the public hearing. Mr. Wolterman offered a second. The roll was called:

Mr. Deters. "Aye"
Mr. Ritter. "Aye"
Mr. Wolterman. "Aye"

Mr. Ritter stated that he studied the plans and listened intently tonight. He agreed that building 50-60 homes could create a strain on the schools. He also sees the a need for the quality, skilled care in the Township. Comprehensive plan provides a frame work only. Will the development plan change the character of the area? He feels it won't change the character with setbacks. The process is designed for human judgment and reasonable judgment. He is inclined to support it.

Mr. Wolterman asked Mr. Reuter about the Zoning Code and if this is an illegal zoning application. Mr. Reuter respectfully disagreed. The task of the Board is to evaluate the merits of the plan. Use itself is not a prohibited use on the zoning resolution. Is this an appropriate plan for the site? Use of site is not illegal.

Mr. Wolterman has his mother-in-law and aunt living with him who have caregivers coming into their home. Others don't have that family support. This is a residence for those who can't care for themselves and don't have others to care for them 24/7. We must embrace the fact that many of us are getting older and we'll need to make the decision to stay in our own home or go to an assisted-care facility.

Mr. Deters said that he takes this decision very seriously and there are a number of important considerations. We all have a Constitution right to our property. Township has a very unique character to this area; rural district like this without business. Must consider this. Comprehensive plan is meant to maintain those areas. He commended everyone who has worked on this project to make it work in the residential area. He is inclined to feel that the nature should be preserved. He is pro-development, but he wants to preserve the character of the area. This is a business in a residential area. He won't support this.

Mr. Ritter made a motion to support the Zoning Commission's recommendation with their additional conditions. Mr. Wolterman offered a second. The roll was called:

Mr. Deters. "Nay"
Mr. Ritter. "Aye"
Mr. Wolterman. "Aye"

Mr. Ritter made a motion to approve the applicant's sidewalk waiver program application. Mr. Wolterman offered a second.

Mr. Ritter asked if they have reviewed the finances. The answer is, "Yes." The roll was called:

Mr. Deters. "Abstain"
Mr. Ritter. "Aye"
Mr. Wolterman. "Aye"

Mr. Wolterman motioned for a five-minute recess at 9:37 PM. Mr. Ritter offered a second. Without discussion, the roll was called:

Mr. Deters. "Aye"
Mr. Ritter. "Aye"
Mr. Wolterman. "Aye"

Held

February 8, 2011

The Board reconvened at 9:52 PM.

ZA2001-04 Forevergreen Landscaping Preliminary Plan

Dr. Roschke presented the staff report. The action requested is review and approval of the revised Preliminary Development Plan. The owner is Stephen Loeb, Forevergreen Landscaping Company.

The parcel size is 2.13 gross acres (1.94 net acres). It is located on the northeast corner of Harrison Avenue and East Miami River Road. It is a level building lot that sits nearly 20 feet higher than the street elevation.

It is currently zoned PD-B Planned District-Business. The current land use designation is Planned Mixed Use Employment.

Conditions

1. That outdoor storage shall be limited to nursery/landscaping materials;
2. That the Final Development Plan shall comply in all other respects with the Colerain Township Zoning Resolution.

Variances

1. 13.4.2 sidewalks (eliminating public sidewalks, with the condition that a fee in lieu be paid to the Colerain Township Sidewalk Fund)
2. 12.8.2 Fences (allowing 5 ft. tall fence in front yard)
3. 8.3.1 Site Development Standards (to allow impervious surface coverage greater than 75%)

Stephen Loeb, with Forevergreen Landscaping, discussed the plan with the Board. He said this could be a gateway for Colerain Township, to show it off. He showed the plan and described the architectural and landscape plans. They will provide cover and buffering for their property as they are 15' or more above the road. There is a section of ground owned by the county between the road and their parcel. They will maintain this section and are in the process of acquiring this. There is no outdoor truck parking in this zoning; he asked for a variance for this to park delivery trucks. With the buffering and screening, this will not be visible. He asked to have a sidewalk waiver. Dr. Roschke said this must go before the Board of Zoning Appeals. He said that if they would be required to pay the fee-in-lieu, he would put in the sidewalks.

Mr. Ritter thanked him for wanting to do business in Colerain Township. He asked about lighting. Mr. Loeb said they meet the specifications and it is low illumination and is unobtrusive. Dr. Roschke said the light poles are 20'. Mr. Ritter asked about 15'. Mr. Wolterman doesn't see it as a problem and if it's a shorter pole, they will need more of them. Mr. Ritter asked about traffic noise from trucks. Dr. Roschke said there are no residents nearby. Mr. Ritter said he was hoping the applicant would participate in the sidewalk fund. Mr. Loeb said they will have to put them in at some point and would do it now. Mr. Wolterman said that the property that is currently owned by the county would benefit from the sidewalks.

Mr. Wolterman said it's a good plan and he's glad he's doing business here.

Held

February 8, 2011

Mr. Deters also appreciates his investment in the community. Mr. Loeb said they plan to do the landscaping buffering first. He assured the Board that they will keep up this property as it's their home.

Mr. Ritter made a motion to open the floor for discussion. Mr. Deters offered a second. The roll was called:

- Mr. Deters. "Aye"
- Mr. Ritter. "Aye"
- Mr. Wolterman. "Aye"

No one wished to speak.

Mr. Wolterman made a motion to close the floor. Mr. Deters offered a second. The roll was called:

- Mr. Deters. "Aye"
- Mr. Ritter. "Aye"
- Mr. Wolterman. "Aye"

Mr. Wolterman said that Mr. Loeb requested we allow outside parking. Dr. Roschke suggested this be part of the final development plan, which would be reviewed by the Zoning commission. Mr. Loeb said there would three delivery trucks parked outside. He suggested a spot behind the aggregate bins. Mr. Reuter suggested that the Board specify the number and type of vehicle.

Mr. Ritter made a motion to approve the recommendation of the Zoning Commission, to allow not more than three delivery trucks (used in the delivery of goods sold) stored on site with single axle at the north property line, and that they must put in sidewalks. Mr. Wolterman offered a second. The roll was called:

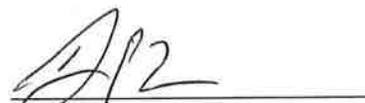
- Mr. Deters. "Aye"
- Mr. Ritter. "Aye"
- Mr. Wolterman. "Aye"

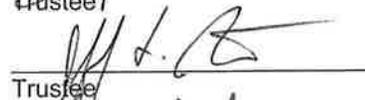
ADJOURNMENT

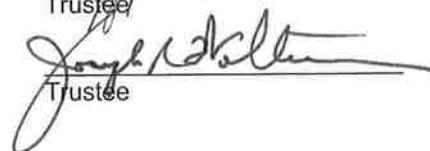
With no further business to come before the Board, at 10:34 PM, Mr. Wolterman motioned for adjournment. Mr. Ritter offered a second.

- Mr. Deters. "Aye"
- Mr. Ritter. "Aye"
- Mr. Wolterman. "Aye"


Fiscal Officer


Trustee


Trustee


Trustee