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**CITY OF GERMANTOWN PLANNING COMMISSION
MINUTES OF MEETING HELD SEPTEMBER 27, 2017**

The City of Germantown Planning Commission met on September 27, 2017 at 6:30 p.m. in the City Building Council Chambers.

MEMBERS PRESENT:

The following members were present at the Call to Order: Mrs. Izor, Mr. Jones, Mr. Richter, and Mr. Rohrbach.

Mr. Rettich arrived at 6:43 p.m.

ALSO PRESENT:

Mr. Kurt Ziessler of Burkhardt Engineering; Mr. Ron Smith of HER Realty; Mr. Tom Silveril of HER Realty; Mr. Ryan Morris of Associate Construction; Mr. Chet Miles, HOA President in Carlisle; and Mr. Keith Brane, City Planner.

CONSIDER APPROVAL OF THE MINUTES OF THE AUGUST 23, 2017 PLANNING COMMISSION MEETING:

On a motion by Mr. Jones, seconded by Mr. Rohrbach, it was moved to approve the minutes of the August 23, 2017 meeting as written. On call of the roll: Mr. Jones, yes; Mr. Rohrbach, yes; Mrs. Izor, abstain; and Mr. Richter, yes. Motion carried.

BUSINESS:

1. Review of Application 17-06 – Dupps-Jernee Plat

Mr. Kurt Ziessler of Burkhardt Engineering, 28 N. Cherry Street, Germantown said the Dupps-Jernee Plat is for reestablishing property lines on the Dupps property and also the vacation of the Kelly Avenue right-of-way as it goes north from Warren Street.

Mr. Jones asked what the purpose was of vacating the right-of-way and creating the two lots. Mr. Ziessler said the road just goes back to the Dupps factory. The building that used to be there was the roller rink. Mr. Jones said so there's no use for the right-of-way anymore. Mr. Ziessler said correct.

Mr. Rohrbach asked if there was any intention of putting a road back to Lot #2. Mr. Ziessler said that was just to clean up the lot from a transfer in the northern portion.

Mr. Jones asked Mr. Brane if he had anything to add. Mr. Brane said no; the key words here are cleaning up. If we just did a lot split and combinations with this property, it would get awfully complicated. In terms of intent on the application, it was to remove interior lot lines in preparation for construction. For the vacation of Kelly Avenue, once this document is approved by Planning Commission, it will move forward to Council. There is a garage that without the benefit of a permit was built across a lot line; when the land was surveyed, the encroachment was discovered and they wanted to clean that up with that property owner. They also wanted to vacate the right-of-way and since those were so close and somewhat related, I suggested a record plan.

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On a motion by Mr. Jones, seconded by Mr. Richter, it was moved to forward to City Council a positive recommendation for the Dupps-Jernee Record Plan with the Kelly Avenue vacation of right-of-way with the following condition: Easement(s) sufficient to provide access to and provide for the maintenance of any existing public utilities remaining in the vacated portion of Kelly Avenue shall be provided and noted on the record plan document prior to its recording. On call of the roll: Mr. Jones, yes; Mr. Richter, yes; Mr. Rohrbach, yes; and Mr. Izor, yes. Motion carried.

2. Review of Application RZ17-01 – Bearcreek Rezoning

Mr. Ron Smith, Broker and Senior Partner of HER Realtors, 3390 Infirmary Road, Germantown, gave back-ground information on the Bearcreek Project and said Burkhardt Engineering has come back with 40 lots ranging from 1.3 acres up to 2.7 acres with a private road for a gated community of \$500,000 homes. We are at the point now where we can do the overlay. As far as where we are with this, Mr. Tom Silveril, will be the salesperson of the lots and he will work with what we hope to be about three custom builders who will offer their homes to prospective buyers. The preponderance of those builders we are talking to are currently working in Sugarcreek Township, Washington Township, and Warren County. Our initial reception has been that the idea of coming to the Valley View School District in Germantown is highly received. Other than giving them the taste for the opportunity until we have an agreement with the city on what we are going to do, we haven't really gone much beyond this gauge in interest and we think there is substantial interest. We believe the drawing speaks for itself but I would supplement that by saying we need a sanitary line run. We have identified two different routes we could take and we are focused on the longer of the two. I have sent letters to those five property owners we would need to get easements from showing them the drawing you are looking at now and have asked them to consider working with us on the easements. We have told them if they will work with us, we will pay for them to attach to the line or if they've already attached we will give them the equivalent in cash of that cost. We haven't gone beyond notifying those people that if this plan gets approved, we are going to pursue those easements.

Mr. Jones asked if the existing water lines and sanitary were pressure sufficient for the development. Mr. Smith said based on everything we know, yes for the water and we have to create the sanitary.

Mr. Jones asked if there would be any extension of the right-of-way on Dayton-Germantown Pike. Mr. Smith said no.

Mr. Jones said if this is approved, how will you handle the subdivision part of it? Mr. Smith said at this point we're asking for the overlay. These are large lots and they are likely to be fairly large homes so we would like to give the home builders as much leeway as possible. There is a lot of relief on that ground and finding where to place a home on each lot is going to be an interesting challenge. Setbacks are fine. You also spoke to the issue of trees and we'd like to remove as few trees as possible, but there is a boatload of honeysuckle that will have to be dealt with. They are intended to be very private lots and most of the homes will not be largely visible, one from the other.

Mr. Jones asked when they would like to break ground. Mr. Smith said the uniqueness of who I represent is that he will cut in all the roads and create all the water and sanitary line extensions. So our hope is to get to a point with the city and Steve could work the beginning of this into his normal work schedule for Steve Roush Inc., weather permitting, throughout the winter.

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Mrs. Izor asked if Mr. Smith would explain a little about the access road. Mr. Smith we know that every jurisdiction's police/fire department has to have two means of egress in the event there is a tragic accident or fire. It is basically an emergency entrance/exit and would only be used for that sort of thing. Mrs. Izor asked if it would be paved. Mr. Smith said we haven't gotten to that level of detail; I would think we would like to have crushed gravel or a hard surface. We do need to run it between a couple of lots so the more natural it can be but still support a fire truck, the better.

Mr. Rohrbach asked if he heard it said that the roadway would not be built to city standards. Mr. Smith said it's a private roadway so it won't be a roadway that could ever be dedicated as a public road; it is not going to be designed with curbs and gutters. Mr. Rohrbach said what happens if the HOA falls apart and goes away and all these people live there and say who is going to take care of our roads. Mr. Smith said I think they are going to have to deal with that; I don't think that's something they can just assume you guys are going to deal with. Mr. Jones said I think Mr. Brane will ensure there is proper assurance or guarantee that there are finances in place to take care of that. We'll make sure the legal instruments are in place so the city isn't left holding the bag. Mr. Smith said during the period of time Mr. Roush is the developer there is no doubt he will be responsible for those provisions but there is an anticipated date where the HOA takes over. Mr. Rohrbach said that's what I'm looking at, 20 years down the road.

Mr. Jones asked if there was going to be any guarantees with the construction of the road. Mr. Brane said since they are private roads, I would think it would be a private matter unless they want the city to come in and inspect them. Mr. Ziessler said the sanitary and water lines we have running through the site would be public lines so those would all be inside easements and the road would be an easement too. As far as the road construction, we would still use the same material section you would use on a road; the main thing we are looking for is to not have curb and gutters on the streets; it will be open ditch and that's really due to the size of the lots. We want it to have a more rural feel. Mr. Jones said I just don't want police or fire to say these roads won't handle the weight of our trucks. Mr. Ziessler said the section on the plans now is from Germantown's drawings of what a typical section is; it would be in our worst interest to build a cheap road.

Mr. Richter said the HOA would be plowing and taking care of those roads, correct? Mr. Smith said at some point in the future when the developer is out of the picture and all the lots are sold. Mr. Richter said there is about a dozen really old Model-T cars and stuff like that right in the middle of where you are building the houses; will there be any soil testing required? Mr. Smith said no one knows for sure where those are but when the title passes on the lots, they will want environmental tests. I was first asked about that by Mr. Roush who heard a comment from one of the Dupps family and apparently there was a car dealership in Germantown and Mr. Shafer allowed them to drive cars they couldn't get rid of back onto the property and park them up there. Mr. Jones said so you are going to do soil tests. Mr. Smith said I think on every single lot the builder will do soil tests for what they need to do to build a house. As far as us platting the property and identifying this issue we've been told about regarding the cars, Mr. Roush's intention is when he's working on the roads, he will find them and get rid of them. Mr. Richter said looking at the map, it would be between lots 33 and 34. Mr. Smith said it's pretty dense up there but when Mr. Roush has his equipment in there it will be a better opportunity to inspect that issue.

Mrs. Izor said I don't see anything on this drawings but I imagine it's been taken into account about flood plains, setbacks, anything like this? Mr. Smith said I would imagine anything having to do with

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the flood plains would be down by the creek which we have identified as open area with no expectation of development there. Mr. Jones said they use the federal maps and more than likely they will just stay out of those flood plain areas. Mrs. Izor asked if in the open areas there was any intention of a public easement or pedestrian/bike path. Mr. Smith said we talked about that at length and ultimately it will be the responsibility of the HOA. Along the other side of the creek there is a lot of cement to keep it from eroding and it's not very attractive. Mrs. Izor asked if Mr. Smith could summarize why the overlay is needed instead of it staying R1AA. Mr. Smith said when we started talking private road and gated community, it became more appropriate to come in and let Germantown know what we are doing. Staff said it was more appropriate and we agreed. Mrs. Izor asked if someone were to buy a lot would they be limited to one of the three builders. Mr. Smith said time will tell; someone could come in with a builder but we would have to approve what they want to do. More than likely we would look to each builder to put down money and commit to three to five lots; be committed to the long term future and advertising of this development. At this point we want custom homes.

The board reviewed examples of the entryway and homes.

Mrs. Izor asked if there was any intention for the homes to meet some sort of energy efficiency level or LEED certification. Mr. Smith said we'll work with the builders on that; it tends to be a market driven thing. Mrs. Izor asked if the power and cable lines would be above ground. Mr. Smith said anything that goes in here is going to be buried.

Mr. Rettich asked if one on the residents has a code enforcement complaint, how code enforcement would access the development. Mr. Jones said there will be provisions to have access for whatever utility or public service need to have access. Mr. Brane said if you have a gate and only certain people are allowed to get in, I don't think code enforcement could get in. Mr. Jones said hold all those questions for the preliminary and final plan. Mr. Smith said Mr. Roush has hired Dave Reed to be the Counsel for this project and he has done a number of these Covenants and HOA rules which are normally more restrictive than zoning.

Mr. Richter asked if this would affect the property values around the development. Mr. Jones said when we put public improvements in, theoretically it adds value because now they tie in instead of having septic systems and a well. Mr. Brane said they are also going for a lesser density than what they would be permitted to build tomorrow.

On a motion by Mr. Jones; seconded by Mr. Richter, it was moved to approve the recommendation that the rezoning request be forwarded to City Council. On call of the roll: Mr. Jones, yes; Mr. Richter, yes; Mrs. Izor, yes; Mr. Rettich, yes; and Mr. Rohrbach, yes. Motion carried.

3. Review of Application LC17-01 – Bunger Plat

Mr. Kurt Ziessler of Burkhardt Engineering, 28 N. Cherry Street, Germantown said this is on Dayton Pike just up the hill from what we were just discussing. The Bungers have frontage on Dayton Pike and this is a combination to add four acres behind his property.

Mr. Jones said we are decreasing the nonconformity. Mr. Brane said yes; also you have a 1.3 acre lot and a 4 acre parcel that's not platted, so you would be issuing a lot number for that newly created lot.

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Mr. Jones asked why the right-of-way is being extended. Mr. Brane said I'm going to guess when it was a parcel, it typically goes to the center of the road and then there's a perpetual easement. This just cleans it up with a record plan. Mr. Jones asked if this was a minor subdivision. Mr. Brane said it involves the dedication of right-of-way which is why it had to be a record plan. You are also joining a parcel to a lot, so that had to be a record plan too. As you said, it doesn't meet lot creation standards but it does create a less nonconforming situation.

On a motion by Mr. Jones, seconded by Mr. Rettich, it was moved to approve the Bunger Plat record plan as submitted including the dedication of additional right-of-way. On call on the roll: Mr. Jones, yes; Mr. Rettich, yes; Mrs. Izor, yes; Mr. Richter, yes; and Mr. Rohrbach, yes. Motion carried.

4. Preliminary Review of Villa of Hickory Pointe

Mr. Ryan Morris of Associate Construction, 31 Eagle Ct., Carlisle, Ohio reviewed a map of the parcel where they want to locate some affordable housing for seniors. We came in with the idea in 2007 but we had problems with cost. We have a demand for more affordable housing and there is a successful development in Carlisle. The key has been price point and in Carlisle we've had to stay under \$200,000 to make the project work. We kept tabling this project because we did not have enough lots to make the numbers work. Last month I brought up the idea of going to smaller lots which will keep the number down as well as keep the HOA dues down for mowing and maintenance. We've also had younger folks interested because of the affordable houses and the HOA. It is a condo concept for single family homes. We are asking for 41 parcels with a gazebo area. Mr. Chet Miles who is here this evening was one of our early residents in Carlisle that created the HOA as it is today. He budgeted the funds and structured the HOA for the Carlisle development and we have hired Mr. Miles to structure the HOA for the Germantown development and manage it until it gets to the point where it can manage itself.

Mr. Jones said so they will not only own the home but they will own the land too. Mr. Morris said yes; they are single family homes and we are pushing for this because it works in Carlisle, it works as long as you don't get too high on your price, and housing costs are up. The reason for the density is to get the costs down. So we are looking for whether it is worth investing with our engineer to start pushing forward with this. Mr. Jones asked if there was an overlay on the property now. Mr. Brane said yes. Mr. Morris said there is an age-restricted overlay. Mr. Jones asked if they were coming back on a new overlay. Mr. Morris said yes, we are looking for advice on that and to get rid of the age restriction.

Mr. Jones said at the back of the property, is that land going to be used to control drainage. Mr. Morris said there will be drainage to deal with and the engineer put this on as a potential area to control some of the water. It will be a smaller lot subdivision with city lots, city utilities, underground gas and electric; basically more of what a production builder would do with this number of lots but having it controlled with an HOA. Mr. Jones said you will be doing the building. Mr. Morris said yes; the best thing we've learned is to build 2 or 3 market houses and when people start walking through them, the business starts coming. We've had people come to Carlisle from Germantown because there is nothing here affordable. At our Hickory Pointe development an entry level house is \$300,000. Mr. Jones said my okay with the density as long as it's a quality product and the public improvements are fine. It would be nice to see pavers to delineate the walk across the street to the gazebo.

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Mr. Jones asked if there would be street lights. Mr. Morris said that would be handled with the electric company and they would have to have some kind of contract with the city. It would be the same as what we are doing at Hickory Pointe.

Mrs. Izor asked if the street was one way loop around or two way. Mr. Morris said it is two way, a 50 foot right-of-way. Mr. Jones said I assume there would be no parking on the streets. Mr. Morris said right; it would be in the covenants and restrictions. There is an example of those in the packet.

Mr. Jones said in the home plan examples you only have one where the garage is recessed and I personally like that better where the garage doesn't stick out. Mr. Morris said these are plans we are using in Carlisle right now but these lots are not real deep so we may have to revise some of the plans.

Mrs. Izor said I'm kind of curious about these very large front yard setbacks and the reason behind that. I sort of look at the natural character of the town center and people don't have these gigantic setbacks but they have more useable private space behind the house. Mr. Morris said we are asking for 25 feet and typically its 35 feet. If you are having people come over, you want to get their vehicles off the street and you should be able to park a couple cars in the driveway.

There was a discussion regarding restrictions in the covenants that prohibit on-street parking.

Mr. Jones asked if there might be other open space besides the gazebo area. Mr. Morris said we originally planned a walking trail around the perimeter of property but there are now more lots which are 97 feet deep and we were just able to squeeze all this on. Mr. Rohrbach added there will be sidewalks for them to walk on.

Mrs. Izor asked if there was a plan for street trees. Mr. Morris said there will be a landscape package with each house and there will be a tree in each front yard.

Mrs. Izor asked if the houses will be slab on grade. Mr. Morris said no; they will be on crawl spaces.

Mr. Rohrbach asked if there would be aprons at the end of the driveways. Mr. Morris said yes; a normal roll back curb.

Mr. Brane asked if they were looking at materials yet. Mr. Morris said most the homes in Carlisle are brick front with vinyl sides and back and dimensional shingles. We are still looking at price point; there are brick wraps but you will see vinyl, it's the only way to get the homes under \$200,000.

Mr. Jones asked what the HOA fees might be. Mr. Miles said in Carlisle it is \$75/month. I have all the vendors in place and they are willing to come over here and do the same thing.

Mrs. Izor said we have a lot of development in that area of town; do we have a plan in place to sort of knit this together so people can walk to the restaurants or shopping if they wanted to. Mr. Rettich said there has been a discussion on Council; we have problems with sidewalks, especially on Hillcrest and then down Dayton Pike. We've been getting quotes to do some connections but with the income we currently have, it doesn't seem to be feasible. Mr. Morris pointed out a path of sidewalk that would access those areas.

The board further discussed the parking and covenant restrictions.

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Mr. Jones suggested they should do an overlay and shortly thereafter a preliminary plan. Then they can break the final down into phases. He said I assume the gazebo will be built sooner rather than later. Mr. Morris said the intention is 20 lots for phase 1 and 20 lots for phase 2; the market tells you how fast they are going to sell. Mr. Jones said if you get the gazebo in, that's a selling point.

Mr. Brane asked what the minimum lot area was. Mr. Morris said 60 feet wide and roughly 100 feet deep; 6,000 square feet. Mr. Brane said so we will come back with a PUD overlay. Mr. Jones said yes. Mr. Brane said technically we need to rezone it; the minimum lot area for age restricted zoning is 7,200 square feet, so right away we have to rezone it from this to something else. Mr. Jones said well I don't call it rezoning; it's an overlay on the existing district.

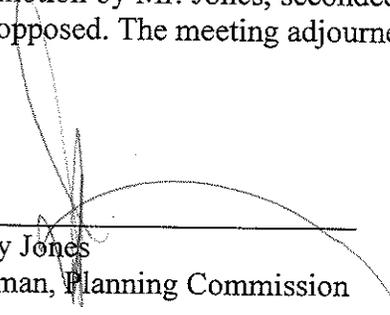
Mr. Morris said our timeline is to get all this paperwork done over the winter and break ground on the road in the spring.

OTHER BUSINESS:

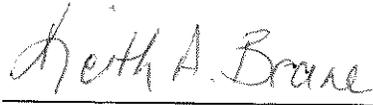
Mr. Jones gave the board an update on his presentation of the sign code to City Council and the Economic Development Committee. The board also discussed utilizing MVRPC's land use plan to leverage future community improvements for increased connectivity among developments.

ADJOURNMENT:

On a motion by Mr. Jones, seconded by Mr. Rettich, it was moved to adjourn. All were in favor; none were opposed. The meeting adjourned at 8:21 p.m.



Jeffrey Jones
Chairman, Planning Commission



Keith A. Brane
City Planner