

**CITY OF GERMANTOWN PLANNING COMMISSION
MINUTES OF MEETING HELD AUGUST 26, 2020**

The City of Germantown Planning Commission met on August 26, 2020 at 7:02 p.m. via Zoom.

MEMBERS PRESENT:

The following members were present at the Call to Order: Whitney Izor, Jeff Jones, Rob Rettich, Larry Wiser, and Andy Rohrbach.

ALSO PRESENT:

Members of Staff; Etta Reed, PE, representing JA Development; Joe Cristo of JA Development; and Members of the community.

CONSIDER APPROVAL OF THE MINUTES OF THE JULY 8, 2020 PLANNING COMMISSION MEETING:

A revised copy of the minutes were sent to the commission members before the meeting. Mr. Rohrbach's first name was in the minutes as Bob and was corrected to Andy. Chairman Jones asked Mr. Wirrig's title be corrected from City Engineer to Public Service Operations Manager.

On a motion by Mr. Jones, seconded by Mr. Rohrbach, it was moved to approve the minutes of the July 8, 2020 meeting as corrected. On call of the roll: Rettich, yes; Jones, yes; and Wiser, yes. Motion carried.

BUSINESS: Preliminary Plat PP20-01

Chairman Jones summarized Preliminary Plat Plan 20-10 which was tabled at the July 8, 2020 meeting. The commission asked the developer to look into the traffic count, the traffic circulation, and some other minor issues.

Ms. Etta Reed of Bayer Becker Engineering, 6900 Tylersville Road, Suite A, Mason, Ohio, 45040 on behalf of JA Development/Joe Cristo said the agenda says there are 38 lots and there are actually 37 single family home lots and 1 common area lot. The packet includes the letter requested from the Fire Chief which stated the hammerhead turnaround is acceptable. On August 4th we issued written responses to the perceived drainage/floodplain issues and traffic concerns.

In response to drainage, the storm sewer and detention basin will be designed in accordance with the City's standards and requirements. Construction cannot occur until City Staff and the Engineer have approved those items. At the last public hearing, Mr. Wirrig agreed he felt comfortable that the drainage issues could be addressed in the final plan. In regards to the floodplain, as was done with Maxwell Court in 2004, we intend to make the same application to FEMA for the removal of lots from the floodplain. Lastly, traffic, based on our analysis the additional 37 lots will not create a queuing issue on Strawberry Fields at Market Street and a traffic signal would not be warranted at that intersection.

Mr. Wiser asked if there was a certain length of time required once the lots are filled to remove them from the 100 year floodplain and the time they are considered buildable lots. Ms. Reed said we would work with a geo-tech engineer and the fill would be based on their recommendations. As long as it meets their guidelines, it does not have to sit for any length of time. Mr. Wiser said it has to be compacted. Ms. Reed said yes.

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Mr. Brane, City Planner, reviewed his staff report.

Chairman Jones asked how much additional width there is in a hammerhead. Mr. Brane said the hammerhead element 27' by 54' at a minimum, the turnaround area is based on a radius and which is 50'. There is less pavement in a hammerhead but just as much effective area.

Mrs. Izor asked if there was a landscape plan to screen from the other neighbors. Mr. Brane said typically like uses aren't required to screen themselves from each other.

Chairman Jones opened the public hearing at 7:18 p.m. and stated that approval of this preliminary plan would not permit the development to go forward until the final plan is approved by the Planning Commission and ultimately approved by City Council. He asked if there were any proponents wishing to provide comment other than the developer. Being none; Mr. Jones asked if there were any opponents to the proposal.

Mr. Gene Frame, 111 Strawberry Fields Drive, stated his main concern from the beginning the one and only entrance. With 37 new lots there could be more than 150 vehicles in and out.

Ms. Pam Preston, 28 Marshall, said she submitted many pictures of flooding and information regarding a pipe that was tied into our dilapidated drainage system from Strawberry Fields. I'm curious if you are aware of that. Mr. Wirrig said in reference to an email you sent for a property just south of Marshall on Pollyanna, that was for a water main connection to loop the water main. Ms. Preston said she is curious to know why since that was done it floods so badly.

Chairman Jones said just to be clear, any deficiencies or perceived deficiencies from the existing development done by another developer is now under the responsibility of the City to address and not the proposed developer who is with us today. Mr. Wirrig said correct. Chairman Jones said any proposed development can't increase that issue and any deficiencies or perceived deficiencies in existing development is not germane to this application.

Mr. Ed Chance, 245 Kemp St., said if this is going to be raised above the floodplain, what happens to people living on Kemp and where will the runoff water go. Chairman Jones said anything added on can't have an impact on existing development.

Ms. Gayla Ford, 1132 Maxwell Court, said we have 5 new homes built by Christo in the past year and there are times when the corner house has to park on Strawberry Fields and our whole cul-de-sac is lined with cars. My concern is emergency vehicles and school buses having trouble maneuvering around all these parked cars. Chairman Jones said if this preliminary plan is approved I would hope someone would reach out to the school district to see if they have concerns.

Mr. Gene Frame, 111 Strawberry Fields, said for a time I traveled along with the school bus drivers and saw the struggles they had at times turning around.

Mr. Brane said parking on the street is permitted. You can always go to Council and petition for no parking on the street. We can require a double-wide driveway but we can't make you park all your cars in it. As far as the access, there is no possibility of another way in. We've discussed St. Rt. 4 which is limited access; we discussed the way the properties are lined up; we've discussed how wide

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the streets are – Strawberry Fields is 90 feet wide and is built to be a residential connector, Maxwell Court is 60 feet wide where most residential subdivisions are only 50 feet wide which includes the right-of-way area from the sidewalk to the other sidewalk. The streets are wider than normal, there is no other access, and if there are parking problems, it can be addressed as an enforcement issue. Chairman Jones asked if that is a police issue. Mr. Brane said the police would probably go out to look at the issue and then we would probably need some kind of petition for Council to take action and consider it. Chairman Jones asked if the homeowner's association could place restrictions on parking. Mr. Brane said not once a street has been dedicated to the public.

Ms. Reed said we agreed at the last meeting that a traffic count might not be accurate because of Covid-19. We used an ODOT traffic count on Market Street from August 19, 2019 and calculations from the Institute of Transportation Engineers to generate proposed traffic in a non-Covid situation. We added that to the existing ODOT traffic and were able to run capacity analysis. This intersection rated very well and we were able to determine the delay at peak hours of the morning would 11.7 seconds and 14.5 seconds at peak hours in the evening. The level of service is a "B" which is highly acceptable for all industry standards. With regard to the drainage, it is state policy and common design policy that we are not allowed to increase the flow of water onto your property. We have to detain it and divert it. Our design will address that.

Chairman Jones asked Mr. Tom Schiff, City Attorney, if he saw any issues that needed to be addressed before the Planning Commission calls a vote. Mr. Schiff said no. You summarized it very well for a concept, and the reality is that the bar is set pretty low for preliminary approval. I can see no legal reason why this should not be approved at this time. Obviously there may need to be some additional planning or otherwise before next level of approval is requested or received.

Chairman Jones closed the public hearing at 7:41p.m.

Chairman Jones asked Ms. Reed if Cristo Homes would be the sole builder. Ms. Reed said that is her understanding.

Mr. Rettich asked if the backyards of the new homes would be lined up with the existing backyards and they won't be any closer to the creek. Ms. Reed said we are pulling the street north to get it further from the creek. Mr. Rettich said I just wondered if someone were kayaking on the creek if they would see these new homes.

Chairman Jones said I went to look at the creek and saw items that looked like they were tied to proposed storm drainage. Cement and metal that looks like they were dragged back behind the proposed lots and the creek. It may be on City property. I want to address whether staff or the developer can deal with those catch basins and PVC that's been back there a while. Mr. Wirrig said we can take a look at it. I'm not sure what the problem is; we will have to visually inspect it and see what's appropriate to do.

Mrs. Izor asked who is responsible for the land along the creek. Mr. Rettich said that's a good question. We had a tree down and multiple jurisdictions had authority.

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Mr. Wiser said I think all the concerns have been addressed and since the proposal meets the subdivision regulations, I don't see any reason why we could not recommend approval and I will make a motion to that effect.

On a motion by Chairman Jones, seconded by Mr. Rohrbach, it was moved to remove Preliminary Plat PP20-01 from the table. On call of the roll: Rettich, yes; Wiser, yes; Rohrbach, yes; Izor, yes; and Jones, yes. Motion carried.

On a motion by Mr. Wiser, seconded by Mr. Rohrbach, it was moved to approve Preliminary Plat PP20-01. On call of the roll: Wiser, yes; Rohrbach, yes; Izor, yes; Jones, yes; and Rettich, yes. Motion carried.

Mrs. Izor asked who will ensure the surrounding land and waterways will be protected during the construction process.

Chairman Jones said there will be a lot of information in the final and I would like for the commission members to see the info as it comes in so we have time to digest it.

Mr. Brane asked Mrs. Izor if she was talking about erosion control and keeping the quality of the stream. Mrs. Izor said yes. Also, I haven't seen the debris that was left there and I want to make sure we don't contribute to that. Mr. Brane said they will be required to give us a sediment control plan.

Chairman Jones suggested a letter from the Miami Conservancy District stating they reviewed it and the development won't have any further impact on the floodplain and the adjacent areas or something like that.

ADJOURNMENT:

Chairman Jones, seconded by Mr. Wiser, it was moved to adjourn. All were in favor; none were opposed. Meeting adjourned at 7:59 p.m.

Jeffrey Jones
Chairman, Planning Commission

Keith A. Brane
City Planner