

**CITY OF GERMANTOWN PLANNING COMMISSION  
MINUTES OF WORK SESSION HELD JUNE 23, 2021**

The City of Germantown Planning Commission met on June 23, 2021 at 7:03 p.m. in person and via zoom.

**MEMBERS PRESENT:**

The following members were present at the Call to Order: Jeffrey Jones (via zoom), Larry Wiser, Rob Rettich, Whitney Izor, and Emily Berry.

**ALSO PRESENT:**

Kelli Novak, Clerk of Council; Chip Wirrig, Public Service Operations Manager; Keith Brane, City Planner; George Reinke, The Reinke Group, and Ron Smith, and Julie Able, representing Steve Rousch .

**WORK SESSION:**

Mr. Brane said this is a work session to talk about Bearcreek Estates on Dayton-Germantown Pike. It is a concept plan for 84 lots which is a modification of an existing planned unit development there are 96.8 acres overall and 23.7 acres open space which is 25%. Mr. Reinke is here to talk about the project.

Mr. Reinke from the Reinke Group said we are here to represent Steve Rousch who owns the property. Also here is Ron Smith and Julia Able representing Mr. Rousch. Mr. Reinke distributed copies of the plan of record which contained 40 lots and the revised plan containing 84 lots. The first plan had 2.5 acres lots, private streets, and swales. They were not getting any interest because of the costs for lots that size and the maintenance fees for private streets. We thought the PUD had expired and would revert to the underlying zoning which is R1AA which allows 16,000 square foot lots with 110 foot of frontage. We started planning it that way and got higher numbers of lots. We did some street changes because there are some creeks and some regulated water streams that have to be planned around. It became public streets with curb and gutter and an extension out to Cherry Drive. We have more streets and we decided to go with lots that are ½ acre or larger. The lots you are seeing on the revised plan average about 30,000 square feet.

Mr. Reinke said we have issues with water; there are two water pressure systems in the development which control how it has to be phased. To regulate the water we have open space where we will be putting in some ponds for water quality. Sewers have already been built from the road to the site and all other utilities are available.

Mr. Reinke said people have asked questions about the traffic and we have already done a study. You have an a.m. peak of 51 cars going out of the development in one hour with 38 of the cars going east and 13 going west. Coming home in the evening you would have 59 cars in an hour and going out 33.

Mr. Smith said we originally had a desire to do a gated community with 40 lots and private roads. A number of factors came together and we got almost no traction for that sort of development. It started with simple things like the gate; people are getting things delivered all the time and the gate was a non-starter. The size of the lots and how much those were going to cost got people shaking their heads. The builders were not enthused with that size lot either. We began to stall from the simple point of view of the costs they were going to incur vs, where we saw the market. Mr. Reinke presented 7 or 8 plans but this plan is more quality and market driven.

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Ms. Able said this is a more upscale, tailored development. He wants a nice development and something more upscale which is why he considered changing this. He feels it could be a draw for potential new employees to the area. We feel there are a lot of pluses to this new plan.

Chairman Jones said I don't remember the previous plan being finalized. Mr. Brane said only the first step was taken, the concept plan was approved. They would have had to return with a preliminary and then each section would have to have a final. Chairman Jones reviewed info from the original concept plan which included a leech field. Mr. Brane said this is a modification.

Mr. Reinke said we are going to propose a grinder pump system into the sanitary for 3 lots and the other 81 lots will be served by gravity sewer which is the more common way.

Chairman Jones asked about water pressure. Mr. Reinke said we have 2 pressure systems in the development; 50 lots will be served by a high pressure system and 34 lots can be service from the low pressure system. Water will come from 2 directions; 2 pressure systems and 2 water tanks.

Chairman Jones said you are going to have public streets that meet city engineering standards for residential subdivisions with curb, gutter, and sidewalk. Mr. Reinke said yes.

Chairman Jones said there are a number of areas for recreation; open areas for passive recreation. Mr. Reinke said correct. Chairman Jones said part of that will be for drainage. Mr. Reinke said yes, we have to have some ponds.

Mrs. Izor asked questions regarding the Cherry Street access on the previous plan. Mr. Brane said it was for emergency access. Ms. Able added that on the original plan they didn't want through traffic coming through the development but the fire department said they couldn't have just one entrance on the original plan.

Mrs. Izor said I have concerns about the grinder pumps with those being so close to a clean water shed; how reliable are the grinder pumps. Do those meet EPA standards? Mr. Reinke said there are large storage tanks to collect that water should the power go out. Mr. Brane asked if those were better than a leech field. Mr. Reinke said probably better than a leech field. Mr. Brane asked if this was a closed system and Mr. Reinke said yes.

Mr. Wiser asked what the size of the tanks are. Mr. Reinke said about 500 gallons but we will provide more information on that. Mr. Wiser said if there is a power outage for two days, the typical usage is 250 to 300 gallons per household per day. Mr. Reinke said we'll provide more information on that; as far as the review process goes, if you are more comfortable with 750 gallons, we will work with you on that.

Mrs. Izor asked if there were any site sections; there is a bit of terrain and I am trying to judge the streets and the lot orientations. Mr. Reinke discussed the contours and why the original plan was changed to raise lines.

Mr. Wiser asked if the ponds would be detention or retention. Mr. Reinke said detention.

Mrs. Izor asked if they had an estimate of the water going into the ponds. Mr. Reinke said not yet.

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Mrs. Izor said these will be single family homes. Mr. Reinke said we are going to change that much from the original plan, we are still looking at \$350,000 to \$400,000 homes, minimum size 2,700 square feet not including garages or basements. We are still looking at that type of home and marketability.

Mrs. Izor said in terms of what they are tying into, the city utilities can support the water and sewer. Mr. Wirrig said yes.

Mr. Rettich said I don't have any questions, however, you came to Planning Commission and I think you came to Council too and you sold this to us on 40 lots and a gated community. You were going to leave the trees up, it was going to be wooded, and you were going to try to preserve something. Now you are basically doubling the lots and cutting everything down. That was not how it was presented to us. I feel we were misled to approve your preliminary/concept plan and now you are changing it which I assume is over money and dollars. Germantown is the jewel of the Miami Valley. Once we cut all these woods down and you build these houses, that jewel can never be cut again, it's going to be there forever. I personally am very displeased about the change in plans.

Mr. Smith said the quality of the homes won't be changed. Is that what you are concerned about? Mr. Rettich said I'm concerned about the land. Once you cut everything down and build on it, it is there forever. We probably have 2 or 3 wooded areas left in our town and this is one of them. You sold it to us by saying you were going to preserve the trees. You are cutting a whole forest down and I feel misled.

Mr. Smith said again, this project was changed because the economics didn't work. There wasn't any interest. Mr. Rettich said we asked you those questions before, if there was a market, we were incredibly specific, and you told us otherwise. Mr. Smith said we were wrong. As we got deeper into it, describing the project to builders and potential buyers, there was just no interest. Simple things like the gate; you can't do a private gate when e-commerce is delivering things to people's homes almost every day. Mr. Rettich said we brought that up and you said told us you would have something set up. Mr. Smith said Unfortunately, I was wrong. I think it will still be wooded, these are half acre lots. Trees will have to come out for the streets, utility easements and ponds but they will still preserve trees.

Chairman Jones asked how they knew one development wasn't marketable and this new plan is. Mr. Smith said prior to coming to you with the 40 lot plan, we did research on other private developments in the Miami Valley, a lot of those developments in the Bellbrook and Sugarcreek area and we talked about trying to a development like that here. At the time we saw enough positives to go forward. After we had that approval and we took that out to the market to talk to people – contacting builders, doing some advertising, taking phone calls – we spent almost a year and a half and all we were being told by builders is the lots are way too big and they didn't want to get involved. We were talking about lot prices pushing \$180,000 to \$200,000 apiece and people weren't receptive to that. Then there were other changes; e-commerce was something different 3 or 4 years ago than it is today and in talking with the other communities, they have just opened the doors because the volume of activity is more than a gated community can handle. At that point we felt stuck, we didn't have a product being accepted in the market. We started talking to Mr. Reinke and that opened us up to some other developers and people who had an interest in Germantown. Going forward we found this size lot, half acre, sometimes acre, were selling at a brisk pace. Market trends in southwest Ohio show this is what people are buying. We have a list of 15 folks that are interested if this plan is approved. It was never our intention to deceive; maybe we interpreted things wrong, maybe the market changed, maybe all those things. We didn't just leave it; we weren't getting any reception or positive input so we had to change plans.

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Chairman Jones said I assume you are going to have a dedicated builder. Mr. Smith said no; we've had builders say if this is approved they will likely come in with buyers. At this moment we are anticipating working with multiple builders.

Mr. Wiser said if you sell a lot to a builder, there's no guarantee they will keep any of the trees. The buyer might want the trees removed. Mrs. Izor said it is one of the last beautiful sites in Germantown and I hate to see it turn into a subdivision where the land is scraped.

Mr. Rettich said there are also a lot more variables coming into play if there is not going to be any dedicated builder and so there won't be anyone to hold accountable. Mr. Reinke said a development of this size, the only dedicated builder you would get would be Ryan Homes, MI Homes, or maybe Oberer. I've done a number of them and you have a builder group maybe 4 or 5 that are quality custom home builders. Then you have architectural control. These guys all do a good job and they'll get high quality clients. Sometimes when you get to the end of the project they'll go somewhere else but you'll still have other custom builders who will come in and fill the spots.

Chairman Jones said with a PUD you should have control of the trees. It sounds to me like you are talking about the underlying zoning district. Mr. Reinke said the PUD allows us to have this open space that is not developed. We aren't doing the underlying zoning, that's R1AA with 16,000 square foot lots. We could put twice as many lots in that development with the underlying zoning. Chairman Jones said density is not the only issue; control and design to me is more important than density. I also think the 3 lots that can't meet city standards for gravity based sewer shouldn't be built on and be used for recreation. Mr. Schiff said there are experts that have determined things about the sewer and the other utility systems and I'm not in a position to say they are wrong. If you are asking me a legal question I'm not sure I understand it. Chairman Jones said I'm asking if there is a precedent where a city has allowed part or all of a development to modify a sanitary sewer system where three or more lots don't meet the standards of every other lot. It concerns me that we have to modify a leech field and now we have to call in the EPA. Mr. Schiff said I don't think there has to be uniformity amongst the lots, there just has to work. I am not an engineer so again I will defer to the folks who know what they are talking about in that regard. What I will tell you is that the grinder is not unique to this city. Chairman Jones said I am just looking to the future where the city might have to take care of a problem and our employees don't know how to take care of it. Mr. Schiff said so your question is who is responsible for any issues that may result down the road with respect to those 3 grinders. Is that it? Chairman Jones said yes. Staff agreed the property owner would be responsible.

Mr. Reinke said this is a closed system instead of a leech field. We also submitted a draft of our covenants and restrictions which extensively lays out architectural controls, expectations of home owners, what they can and can't do on their property, and specifically those would be a part of the PUD. If those haven't been seen I think that would answer a whole lot of questions about our control. I'm hesitant to say which trees an owner can't cut down but we did present information on controls that would be imposed on someone when they bought a lot.

Mr. Rettich asked how much a grinder would cost if the homeowner is responsible. Mr. Smith said I don't know but we can bring that information with the formal submittal.

Mrs. Berry asked if there would be more lots in the next iteration. Mr. Reinke said no, it will be this plan. Mrs. Berry asked if they are confident in the marketing for this plan. Mr. Reinke said yes.

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Mr. Rettich asked if they could force a homeowner to replace a system that has 80 other home's waste running through it. Mr. Reinke said each home has its own system on the lots not served by gravity. Mr. Rettich asked if those people would know there is a problem ahead of a failure. Mr. Reinke said yes, there will be an alarm.

Mr. Reinke said one more thing about the trees, I've yet to find a buyer who wants the trees cut down. They want the trees just as much as you and once the homes are built you might not know what trees were taken out.

Mrs. Izor asked who maintained the ponds. Mr. Reinke said the Home Owners Association.

Chairman Jones said at this point I think it would be a good idea to meet with the City Manager and Staff regarding the utilities. Mr. Brane said the City Manager felt it would be best to get some public input up front so we could incorporate those comments into any review we might do. We do have some public who have questions.

Charles Easton, 826 Dayton-Germantown Pike, said he and his wife have both almost been hit because people fly coming down Dayton Pike. He said it is a busy thoroughfare and it's a major concern. Another question is how will you prevent this from becoming a cut through for Cherry Street. It is worrisome for children playing outside. Near the entrance of the development your plan is a drainage pond which is my backyard and I'm concerned that my leech field goes into that ravine. I have drainage tiles on my property that drain into the ravine where you are putting the pond. Mr. Smith said we would just pick those up so everybody drains to the pond.

Tyler Moore, 606 Dayton-Germantown Pike, I agree with Mr. Rettich, we were sold on 40 lots. Now it's more than doubled and it could double again. People are going to clear those lots and you aren't going to have many trees. The elephant is what is this final project going to look like and how many houses are we going to let be built there. I don't think the grinder pumps are a big issue but if you have you have a thoroughfare through there you will get a different clientele. People want privacy. They want to be part of a community but still feel they are in the country a little bit and I think those people were the target market.

**ADJOURNMENT:**

With no further business, the meeting adjourned at 8:21 p.m.

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Jeffrey Jones  
Chairman, Planning Commission

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Keith A. Brane  
City Planner