

COLERAIN TOWNSHIP ZONING COMMISSION
Regular Meeting Minutes
Tuesday, March 16, 2021- 6:00 p.m.

Colerain Township Government Complex
4200 Springdale Road - Cincinnati, OH 45251

Meeting called to order: 6:00 pm.

The Pledge of Allegiance was led by Mr. Grote.

Roll Call: Mr. Fehring – aye, Mr. Grote - aye, Ms. Smith – aye, Ms. McMullin – aye and Mr. Gehring – aye.

Also present was staff member Michael Ionna.

Approval of Minutes: No minutes were available for approval.

Public Address: none

Final Development Plan:

ZA2021-03 - Dunlap Woods Subdivision

Mr. Ionna presented the case and noted the location of the project, surrounding development and surrounding zoning. The project is located at 3431 Springdale Road and is proposed to contain 66 residential condominium units on 8.6 acres located on the south side of Springdale Road east of Colerain Avenue. In late 2020 a Preliminary Development Plan (PDP) was approved by Zoning Commission and the Colerain Township Trustees for this project. This proposal is for the final development plan and the Zoning Commission is the final step in the development plan process.

Mr. Ionna showed a location map and street level photos of the site. He also showed a zoning map of the property and surrounding property. He showed the proposed Final Development Plan noting that there is a difference to the location of the off-street parking area. There was a variance request regarding parking with the PDP which was denied by both the Zoning Commission and the Board of Trustees. Mr. Ionna reviewed the conditions of the PDP and noted how the conditions were met on the FDP. He reviewed the proposed landscape plan, entry feature and architectural facades of the buildings.

Staff finds the proposed Development Plan and submitted application materials to be consistent with the conditions outlined for approval of the Preliminary Development Plan.

Staff recommends APPROVAL of the proposed Final Development Plan to allow for the development of 66 townhome units located on the site in question subject to the following condition:

That a street lighting district be set up for this development in accordance with the standards of Colerain Township.

Mr. Scott Huber, the site engineer with Abercrombie Associates, noted that he agreed with the staff presentation. Ms. McMullin asked about the type of fence proposed to be along Springdale Road. Mr. Ionna responded that it would be a vinyl split rail. Ms. McMullin asked if the proposed fence could connect with the fence of the adjacent property following the property line away from Springdale Road. Mr. Huber said that this would involve cutting vegetation. Ms. McMullin noted that the vegetation is not of good quality. Mr. Ionna said that this could be a part of his final plan review.

Mr. Craig Rassi with Ryan Homes said that the said that the property on which the suggested fence was located would be on the property of individual condominium owners. Mr. Huber showed where much of the entry landscaping is on lot number 51. The homeowner's association (HOA) will be responsible for maintenance of the landscape features.

Mr. Fehring asked Mr. Rassi how the limitations on the number of rentals could be enforced once the developer leaves. Mr. Ionna said that the Township could enforce this if complaints are brought to the Township's attention. Mr. Fehring expressed concern that it would be difficult to draw the line as to who could or could not rent. Mr. Grote suggested that the homeowner members of the HOA and property manager could help enforce this provision. Mr. Ionna said that he would review this provision of the HOA documents once they are submitted.

Since an adjacent neighbor was in attendance a motion was made by Mr. Fehring and seconded by Ms. McMullin to open a public hearing.

Roll Call: Mr. Fehring – aye, Mr. Grote - no, Ms. Smith – aye, Ms. McMullin – aye and Mr. Gehring – no.

Saren King said that some things have occurred since the last hearing that she wanted to bring to the Commission's attention. She is concerned about work being done on the property and that trees are being left in a dangerous condition. Her fence has been damaged by the developer. She is concerned by the HOA and thinks that there should be a public oversight of the association. She has contacted residents of other developments by this developer who are dissatisfied with the management of communities with respect to property maintenance and the swimming pool.

With no further people to speak from the public a motion was made by Ms. Smith and seconded by Ms. McMullin to close the public hearing.

Roll Call: Mr. Fehring – aye, Mr. Grote - aye, Ms. Smith – aye, Ms. McMullin – aye and Mr. Gehring – aye.

Mr. Ionna noted that this development does not have a swimming pool and that property maintenance is monitored by the Township. The HOA documents will be reviewed by staff but Hamilton County does the final approval of the HOA documents. Ms. Smith asked why a HOA is necessary. Mr. Ionna said that they are in charge of collecting fees from the homeowners for maintenance of the common space, landscape features and storm water detention pond.

Mr. Grote asked Mr. Rassi if he was familiar with the situation of tree cutting on the property. Mr. Rassi said that HBA went on the property to do soil samples. He said that the situation was resolved within two days of them finding out about the situation. He was not aware of any fence damage. Mr. Grote asked about when the residents would take control of the HOA after the developer gets it started. Mr. Rassi said that when there is a certain percent of units sold, typically eighty five percent, that the HOA is turned over to the residents.

Mr. Fehring asked if the HOA did anything regarding the maintenance of the actual structures. Mr. Rassi said that the individual homeowners would be responsible for exterior maintenance of the units. Ms. McMullin asked about who would take responsibility for the damage to the adjacent property fences if this occurs during construction. Mr. Rassi said that he would follow up on this as soon as possible. HBA would take responsibility for any damage occurring construction. Mr. Rassi noted that Ryan Homes would not take possession of the property until after HBA finished the construction of the infrastructure on the site. Ms. McMullin is concerned that HBA has not taken responsibility for damage that has occurred so far. Mr. Gehring noted that the property has been vacant for many years and the location of the fences may have moved since installed.

Mr. Grote asked if HBA had purchased the property. Mr. Rassi said that the church still owns the property. Mr. Grote asked if HBA could “walk away” from purchasing the property. Mr. Rassi said that they could. Mr. Grote expressed concern about what would happen if HBA did not purchase the property, who would fix the damage to the fence and trees. Mr. Rassi said that HBA has a contract with the church to buy the property.

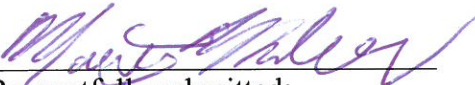
A motion was made by Ms. McMullin to approve the Final Development Plan in accordance with staff recommendation. The motion was seconded by Ms. Smith. Mr. Grote asked if there are any additional items to be addressed in the motion. An amendment was made by Ms. McMullin to extend the front fence along the side diagonal property line as far back as possible. Ms. Smith accepted the amendment.

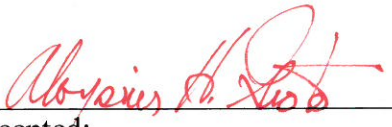
Mr. Fehring – no, Mr. Grote - aye, Ms. Smith – aye, Ms. McMullin – aye and Mr. Gehring – aye.

The next meeting will be on April 20 if applications are submitted.

Mr. Gehring noted that he appreciates public input but thinks that the process for input needs to be managed. If people arrive late or are not signed in they should not be allowed to speak. Mr. Grote expressed agreement.

Mr. Gehring made a motion to adjourn the meeting and Mr. Fehring seconded the motion at about 7:00 p.m. All were in favor.
Meeting adjourned.


Respectfully submitted:
Marty Kohler, Interim Planner


Accepted:
Aloysius Grote, Chairman