

**MINUTES OF MEETING**  
**INDIAN HILL PLANNING COMMISSION**

**April 16, 2019**

The regular meeting of the Indian Hill Planning Commission was held on Tuesday, April 16, 2019 at 7:00 p.m. in the Council Chambers of the Village Administration building.

Members Present: Paul F. Madden  
Richard C. Wiggers  
Abbot A. Thayer  
Joseph W. Rhodenbaugh  
Rita M. Stolper

Members Absent: None

Officials Present: Jonathan D. West, Assistant City Manager

Visitors Present: R. Bruce Bracken, 5955 Miami Road  
Nancy Ward, 5915 Miami Road  
Richard Ward, 5915 Miami Road  
Graeme Daley, Daley Design + Build, LLC  
Christine and Alan Hollatz, 7545 Demar Road  
Jim Eberle, 6569 Madeira Hills Drive  
Jacob Bleesing, 5830 Towhee Lane  
Zeynep Kucuk, 5830 Towhee Lane  
Brian Shaw, 5900 Towhee Lane  
Fred Fischer, 5875 Towhee Lane

Chairman Madden calls the meeting to order and asks for those in attendance to please stand, raise their right hand, and be sworn in prior to presentation of the case.

**Item Number 1:** Minutes and Findings of Fact for the March 12, 2019 meeting: Chairman Madden asks for comments or corrections to the March 12, 2019 Planning Commission minutes and Findings of Fact. There being none, Mr. Thayer made a motion to approve the minutes and Findings of Fact. Mr. Wiggers seconded, and the motion was approved by a unanimous voice vote.

**Item Number 2:** Case #19-004: Graeme Daley, with Daley Design + Build LLC, is requesting Concept Plan approval for the reconfiguration of Lot 2 in Stevens Estate Subdivision located at 5940 Towhee Lane. The proposal will reconfigure three (3) existing parcels which total 4.61 acres into two (2) single family building lots and includes a 1.62 acre green area parcel.

Mr. Graeme Daley, with Daley Design + Build, LLC, comes before the Commission and states that he also lives in the Village at 5990 Crabtree Lane.

Mr. Daley states that the subject property is currently three separate parcels and they would like to reconfigure the lots into two parcels and donate 1.62 acres to the green areas.

Mr. Daley notes that he plans to build two homes that look like they belong in the neighborhood and plant several trees on the lots.

**Staff Report:** Mr. West reviews the property history as follows:

- 1956: The house was built at 5940 Towhee Lane.
- 12/13/1972: The plat of survey creating Lots "A" and "B" was prepared.
- 10/24/1973: The deed for the cut ups was recorded. The deed was stamped by the Village approving the cut up.
- 08/01/1997: The agreement for the maintenance of the private drive was recorded and signed by all the property owners on Towhee Lane.

The approval process of the Concept Plan follows the Indian Hill Subdivision Ordinance, **Section 6. Specific Procedures, 6.1 Concept Plan.**

**6.1.1 Purpose.** The purpose of the concept plan is to provide the Village with sufficient information to evaluate a proposed minor subdivision ... at an early stage in the process so as to allow such alterations in plans as may be necessary prior to the applicant incurring large expenditures in the preparation of formal plats. The applicant shall provide written statements from MSD ..., indicating whether or not sanitary sewers are available to serve the proposed subdivision.

Mr. West describes the properties as being located in zoning District "C" (1 acre minimum) with the following setback standards:

- Minimum lot frontage width: 150 Ft.
- Minimum front yard depth: 75 Ft.
- Minimum rear yard depth: 75 Ft.
- Minimum side yard width: Equal to height of building within 40 Ft. of the side yard, but not less than 20 Ft.

The gross acreage of the property to be subdivided is 4.61 acres and includes three (3) separate parcels. The main parcel is a panhandle with an existing home that will be razed. The panhandle portion of the property contains the 40' ingress/egress access and utility easement that serves the other parcels along Towhee Lane, which is a private drive. The existing 40' easement extends north to the two (2) - one (1) acre parcels.

The portion of the property proposed to be developed (2.97 acres) is made up of slopes 20% or greater (1.01 acres) and young canopy forest (1.85 acres). The remaining acreage includes a green area gift parcel (1.62 acres) and land that does not qualify for resource protection. There is an existing creek that runs along the rear of the property that will be part of the green area gift parcel. The existing home on Lot 1 will be razed.

The Concept Plan calls for creating two (2) single family home building lots. Lot 1 with the existing home that will be razed will be 1.38 acres, and Lot 2 is proposed to be 1.58 acres. Included in the plan is also one green area parcel containing 1.62 acres. All lots follow the subdivision requirements per **Section 13.2 Lot Standards**.

Mr. West states that the plan is to construct a private drive extension meeting the requirements of the Indian Hill Subdivision Ordinance and will also provide a T-turnaround to accommodate emergency vehicles. The T-turnaround design will be subject to fire department review and approval. The right-of-way on Demar Road (30' half width) will need to be dedicated with the Final Plat.

Storm water calculations were provided by McGill Smith Punshon, Inc. and reviewed by the City Engineer. The storm water calculations are below the threshold for requiring on-site detention.

The applicant has submitted a letter from the Metropolitan Sewer District stating that the request for public sewers has been processed and approved subject to several standard conditions outlined in the letter. Clearable land credits shall be used over the existing sanitary sewer lateral on Lot 1. The sanitary sewer main is located in an easement in the proposed green area gift parcel.

Utilities are available at the property. Any proposed utility extensions will be placed underground.

The developer has provided the existing recorded "Agreement for Maintenance of Private Drive". This document also covers additional residences to be constructed on Towhee Lane.

The Resource Protection Analysis has been submitted and meets the required standards per **Section 14. Natural Resource Protection Standards** of the Village of Indian Hill Subdivision Ordinance.

Below is a breakdown and totals of the resource analysis as shown on the Concept Plan:

**Natural Resources**

Floodplain & Kope (100% protected):	0.00 acres
Slopes 20% or Greater (80% protected):	0.85 acres

Mature Canopy Forest (70% protected):	0.00 acres
Young Canopy Forest (40% protected):	1.05 acres
<b>Total required to be protected</b>	<b>1.90 acres</b>

Note: Some resources overlap (Ex: 20% Slopes and Young Canopy Forest)

**Amount of Resources to be protected (Plan): 3.52 (1.90+1.62 green area)**

Resource protection areas shall be reviewed in detail in the field as part of the Construction Plan review process when survey stakes are provided in the field marking the location of streets and resource protection area boundaries. Minor adjustments may be made as part of the Final Plat to ensure protection of the entire tree canopy. The clearable land area shall be adjusted to include the portion of the sanitary sewer lateral on Lot 1.

There is one 1.62 acre parcel shown as a green area gift. An access easement has been provided from the end of the private drive to the green area parcel. There shall be a note added to the final plat that provides access to the Village along the entire private drive. The green area gift parcel contains slopes greater than 20% (0.70 acres), young canopy forest (1.62 acres), and the creek.

The Green Areas Advisory Committee reviewed the green area gift and Resource Protection Analysis and has made a recommendation to approve the proposed gift and resource protection analysis.

Mr. West reviews comments by various Village departments as follows:

- Police Department – No comments
- Fire Department – Requests the following:
  - Will need to provide an effective T-turnaround.
  - Existing hydrant needs raised and LDH discharge ground clearance needs to be improved.
- Public Works Department – Will require right-of-way dedication along Demar Road.
- Water Works Department – Must meet Indian Hill Water Works specifications. A detailed review will be completed during the construction plan stage. Coordinate with Fire Department.
- Health Department – N/A. Will be tied into public sanitary sewer.
- MSD – A letter has been received from MSD stating that the request for public sewers has been processed and approved subject to several standard conditions outlined in the letter.
- Village Engineer – Details are outlined in the Engineering Review Report dated April 11, 2019.

Mr. West summarizes by stating that Staff and the Village Engineer have reviewed the proposed Concept Plan and the private drive. The proposed plan as shown meets the Village of Indian Hill Subdivision Ordinance, **Section 6.1 Concept Plan Approval** and **Section 14 Natural Resource Protection Standards** subject to the items outlined in this Staff Report and Village Engineer Report.

Staff properly notified all adjacent property owners, and no comments have been received other than inquiries related to the location.

**6.1.5 Planning Commission Review and Action.** ...The Planning Commission shall... approve, conditionally approve or disapprove the Concept Plan.

Should the Planning Commission choose to conditionally approve the request, Staff would recommend that the approval be subject to the information contained in the Staff Report, the Engineering Review Report, as well as the comments provided by the various Village departments and any additional comments that are discussed during the public hearing.

Mr. Bruce Bracken, residing at 5955 Miami Road, comes before the Commission and asks if there will be adequate fire protection during the construction of the homes.

Mr. West states that there is already a fire hydrant within 450' of where both homes will be constructed which will provide adequate fire protection.

Mr. Jacob Bleesing, at 5830 Towhee Lane, expresses concern regarding the condition of the water line and the street and how heavy construction traffic may impact the deterioration of both which will result in an added expense to homeowners on Towhee Lane.

Mr. West notes that the water line, hydrant, and drive are private and are required to be maintained by the homeowners. The Village does test the hydrant to make sure it's working properly and has appropriate water pressure.

Mr. Bleesing asks that future repairs to the water line be addressed now, as the construction traffic will be impacting future repair costs. He would like to know how this construction impacts who may have to share in the cost of the repairs.

Chairman Madden suggests that Mr. Daley meet with the homeowners to discuss their concerns related to the construction traffic and repair costs, etc., as these concerns are a private matter not under the jurisdiction of the Planning Commission.

Mr. Daley states that he spoke to Indian Hill Water Works concerning the water line and was told it was not in the best condition and needs repairs. Mr. Daley notes that he can replace the water line out to the street if the homeowners want it replaced, but the cost

will be shared between all the homeowners. Mr. Daley states that he would be happy to meet with the homeowners to review the project and discuss their concerns.

Mr. Bleasing expresses that he does not necessarily want the water line replaced, but feels that due to the construction and heavy traffic it may end up having to be replaced, and he doesn't feel the homeowners should have to pay those costs.

Mr. Wiggers suggests that Mr. Daley and the homeowners meet and come up with some type of agreement beforehand so that things go as those involved expect.

Mr. Brian Shaw, residing at 5900 Towhee Lane, comes before the Commission and asks that all construction materials and equipment be positioned north of existing homes as not to block driveways, etc. and that homeowners be given some type of timeframe as to how long the construction process will last.

Mr. Shaw asks that the home next to him be designed and directed in a way to maximize the privacy of both homeowners and that there be some type of plantings to help ensure privacy. He prefers that the garage of the new home be placed on the side facing his home.

Mr. Shaw states that he believes there are currently not any plans to replace the water main from Demar Road to the proposed project, but asks that homeowners have an option to upgrade to an 8" water line if the line will be replaced.

Mr. Shaw adds that he would like the drive to at least be restored to the current condition after the construction process is complete.

Mr. Shaw also asks what requirements are in place to protect surrounding neighbors from any hazardous materials that may be exposed while razing the home next to his in order to ensure air quality safety.

Mr. Daley explains that he has no problem with keeping construction materials and parking to the north and on the 4 acre property rather than on the street. He also has no issues with placing the garage of the new home on the side facing Mr. Shaw's home.

In regards to timeline, Mr. Daley notes that he does not want to be disrupting the neighborhood any longer than the residents want it disrupted. There is a possibility of both houses being built at the same time. If there is not a buyer for the second home once construction is set to start on the first home, there is consideration for a market home to be built in order to construct both homes at the same time.

As part of the demo procedure, a crew would go in for an inspection and remove any asbestos from the house before any demolition occurs. In addition, a sprinkler system

will be in place prior to any demolition that creates dust, which is part of the Ohio EPA regulations.

In regards to the water line improvement and street resurfacing, Mr. Daley states that he has some money set aside to go towards improvements on both. The intention is to leave the street as good, if not better than what currently exists.

Mr. West notes that the Indian Hill Subdivision Ordinance requires a nuisance bond that covers 5% in repairs to any existing infrastructure, which would include the existing road and water line.

Mr. Wiggers suggests that both parties take a video or pictures of the existing roadway so that there's something to refer back to should there be any issues.

Mr. Blessing inquires again about the timeline of the project. Mr. Daley responds by stating that although he has two years to complete the project, he feels rather confident that the whole program will be wrapped up within a year, possibly less.

After some discussion regarding maintenance, Mr. West suggests that the homeowners consider making some improvements to the current recorded agreement in regards to maintenance, as it does not address situations where if one property owner damages the road, they are responsible for those damages. The current agreement states that the expense for all repairs are shared equally.

Mr. Fred Fischer, residing at 5875 Towhee Lane, notes that his attorney drew up the agreement in 1997. Mr. Fischer agrees that it needs to be updated. In 1997 they never envisioned one property owner or developer causing damage to the road.

Mr. Fischer adds that he feels it's important for the parties to meet and come to an agreement prior to final approval of the project because once final approval is received, the existing property owners lose any leverage they have prior to approval from the Planning Commission.

Chairman Madden urges the parties involved to reach some type of agreement prior to the time the applicant comes before the Commission for Final Plat approval.

After brief discussion, Mr. Wiggers made a motion to approve the Concept Plan subject to the information contained in the Staff Report, Engineering Review Report, as well as comments made by various Village departments. Mr. Wiggers includes a suggestion that the parties involved meet to reach an agreement on the concerns mentioned regarding the drive, water line, parking, and construction methods. Mr. Thayer seconded, and the motion was approved by a unanimous voice vote.

There being no further business to come before the Commission, Mr. Rhodenbaugh made a motion to adjourn. Mr. Thayer seconded, and the motion was approved by a unanimous voice vote.

Respectfully submitted,

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Paul F. Madden, Chairman

ATTEST:

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Jonathan D. West, Secretary Pro-tem