

MINUTES OF MEETING

INDIAN HILL PLANNING COMMISSION

December 18, 2018

The regular meeting of the Indian Hill Planning Commission was held on Tuesday, December 18, 2018 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: Estella Hassan, 8725 Red Fox Lane
David Rhodenbaugh, 6385 Miami Road
Susan Hochbein, 7716 Ahwenasa Lane
Tom Donnellon, 7716 Ahwenasa Lane
Amy Mayfield, 8700 Old Indian Hill Road
Charles Stalzer, 7719 Shawnee Run Road
Mike Wentz, Wentz Design
Emily Hutchinson, Wentz Design
Doug Craig, 501 West Loveland Ave.
Tracy & Mike Ward, 7737 Shawnee Run Road
Dick Steuerwald, 7747 Shawnee Run Road
Joe Bobbitt, 7757 Shawnee Run Road
Sue Neumark, 7715 Shawnee Run Road
Christine & Alan Hollatz, 7545 Demar Road
Chris Nordloh, 8701 Old Indian Hill Road
Sarah Lewis, 674 Bennettwood Ct.
Ginger Warner, 8800 Old Indian Hill Road
Ann & John Kean, 6515 Miami Road
Lucy Joffe, 8750 Red Fox Lane
Janet Reynolds, 6400 Miami Road
Jon & Jessica Nielsen, 8760 Old Indian Hill Road
Todd Stegmann, 8748 Old Indian Hill Road
Paul Wenker
Jonathan Wood, Wood Architects
Ken & Donna McMurry, 7809 Shawnee Run Road
Tom Husted, 6340 Miami Road
Cari Ogg, 6340 Miami Road
Greg Tassone, Coldwell Banker West Shell
Evan Hunter, Wood Architects

Doug Smith, McGill Smith Punshon, Inc.
Craig Joffe, 8750 Red Fox Lane
Greg Walton, 7811 Shawnee Run Road
Mark Higgins, 6365 Miami Road

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 cases.

Item Number 1: Minutes and Findings of Fact for the November 20, 2018 meeting: Chairman Madden asks for comments or corrections to the November 20, 2018 Planning Commission minutes and Findings of Fact. There being none, Mr. Thayer made a motion to approve the minutes and Findings of Fact. Mr. Rhodenbaugh seconded, and the motion was approved by a unanimous voice vote.

Item Number 2: Case #18-015: Sarah Lewis, on behalf of the owner, GCL Development, LLC, is requesting a variance and expansion of a non-conforming home to construct a one-story addition attached to the rear of the home. The applicant is requesting a variance to the front yard setback. The property is located at 5815 Sentinel Ridge Lane.

Ms. Sarah Lewis comes before the Commission and states that they would like to add a roughly 836 SF one-story addition to the rear of the home.

Mr. Jonathan Wood, with Wood Architects, comes before the Commission and displays the plans, showing where the addition is being requested.

Staff Report: Mr. West notes the previous actions and history of the property as follows:

- August 26, 1958 – The Planning Commission approved the Final Plat for Thompson's Demar Road Acres Subdivision, which created the subject property.
- October 15, 1958 – A site clearance release permit was issued for a new single family dwelling on the subject property.

Staff notes that no records were found for the construction of the home in the Planning Commission meeting minutes and property files.

Mr. West describes the subject property as being located in District "C" – one acre minimum, and has an existing non-conforming home that does not meet the required front yard or right side yard setback.

The existing single family dwelling was built in 1958 just after the Planning Commission approved the Subdivision Plat. Staff did not find anything in the Planning Commission meeting minutes for this property. The existing home is located 20'-1" to the front lot

line where a 75' minimum front yard setback is required and 18'-3" to the right side lot line where a 20' minimum side yard setback is required. The entire home sits in front of the minimum 75' front building setback line.

The applicant is requesting approval of a variance to expand the existing non-conforming home by constructing an approximately 835 SF one-story addition to the rear of the existing 2396 SF one-story home. The addition will provide a master suite, kitchen, and courtyard space behind the home. The applicant is requesting a variance of 16'-6" from the required 75' front yard setback. The proposed addition will be located 58'-6" from the front lot line, which is the same distance from the front lot line to the rear of the existing home.

The variance application is based on exceptional practical difficulty and is complete. **Section 73.1** of the Indian Hill Zoning Ordinance refers to District "C" preventing buildings from being located less than 75' from the required front yard setback.

The request is based upon exceptional practical difficulty created by the existing non-conforming house. No change or alteration to the footprint of the house is permitted without the approval of a variance. The variance request will not worsen the prior non-conforming condition that existed with the original home. The topography of the lot is steep to the rear and left sides of the home, which is why the house is located where it is. The proposed addition will be constructed on the area behind the home that is flat to avoid constructing on the steep slope.

To help support the Commission's decision to approve or deny the requested variances, Staff has prepared written findings of fact per **Section 101.53 Standards for Variances** – The Commission shall not grant a variance as authorized in **Section 101.52** unless it shall, in each case, make specific written findings of fact directly based upon the particular evidence presented to it which supports written conclusions that:

(1) The variance request arises from physical conditions of the lot which are very unusual, that is, conditions which are rarely found in the same district, and the conditions are created by the provisions or requirements of this ordinance and not by an action or actions of the property owner or the applicant, such that the literal interpretations of the ordinance would deprive the property owner or the applicant of rights commonly enjoyed by other properties in the same district;

The variance request arises as a result of the non-conforming home built in 1958. The entire home sits in front of the 75' front building setback. The conditions are not by an action of the property owner who purchased the home in June 2018, and to not be able to make improvements to the home would deprive the property owner of rights commonly enjoyed by other properties in the same district.

Therefore the request meets Standard No. 1.

(2) The particular physical surroundings, shape, or topographical condition of the specific property involved would cause undue hardship or exceptional practical difficulty for the owner, lessee or occupant, as distinguished from a mere inconvenience, or would conflict with the Village's adopted land use objectives and policies, if the provisions of this ordinance were strictly enforced;

The entire house sits in front of the 75' front building setback, causing exceptional practical difficulty for the owner. Any addition to the home would require variance approval and authorization to expand an existing non-conforming home. The request would not conflict with the Village's adopted land use objectives and policies.

Therefore the request meets Standard No. 2.

(3) The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the Village streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the neighborhood; and

Granting the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood. The proposed one-story addition does not make the non-conforming front yard setback worse and will not impair an adequate supply of light or air to adjacent property, will not increase the congestion in the Village streets, will not increase the danger of fire, will not endanger the public safety, or diminish or impair property values within the neighborhood.

Therefore the request meets Standard No. 3.

(4) The variance desired will not conflict with the general purpose and intent of this ordinance.

The variance request does not make the existing non-conforming setback worse and will not conflict with the general purpose and intent of the ordinance.

Therefore the request meets Standard No. 4.

Staff posted the legal notice in the paper, the Village bulletin, and by direct mail thirty days prior to the hearing. Staff received calls from the two adjacent property owners.

Both property owners had interest in making sure their views were not blocked and that the addition would only be one-story. They have also asked if there is a need for 7 parking spaces in front of the home, as shown on the architect's site plan Z-02.

Chairman Madden comments that the plans are confusing, as they are not oriented in the same direction as the engineer's site plan, and asks that future plans be submitted in the same orientation.

Mr. Thayer made a motion to approve the request. Mr. Wiggers seconded, and the motion was approved by a unanimous voice vote.

Item Number 3: Case #18-016: Mike Wentz, on behalf of the owners, Jon and Jessica Nielson, is requesting a variance and expansion of a non-conforming home to construct several additions attached to the front, rear, and side of the home. The applicant is requesting variances to the front yard setback. The property is located at 8760 Old Indian Hill Road.

Mr. Mike Wentz, with Wentz Design, comes before the Commission as the architect for the owners. Mr. Wentz notes that the home sits almost entirely in front of the front yard setback and at an angle on the lot with one corner of the home being only 37.9' from the road.

Mr. Wentz notes that the home is a historical farmhouse. They would like to maintain the character of the historic home, but update it by adding a small front porch, garage, and rear covered porch. All of the updates sit well behind where the house sits closest to the road.

On the second floor of the home a master bath will be added above the existing first floor study. On the outside of the home, the shutters and roof will be updated with materials that are compliant with the current code.

Staff Report: Mr. West notes the previous actions and history of the property as follows:

- 1900 – The house was built per the Hamilton County Auditor.
- April 20, 1964 – A site clearance release was issued for an “addition”.
- April 19, 1984 – A site clearance release was issued for a “swimming pool”.
- June 18, 1991 – The Planning Commission approved a front yard setback variance for the construction of a kitchen addition attached to the front of the home. The Commission noted that the addition did not worsen the non-conforming front yard setback.
- July 2, 1991 – A site clearance release was issued for a “kitchen addition”.
- December 16, 1996 – The property owners donated 1.499 acres to the Green Areas Trust at the rear of the property and retained 3.72 acres.

- July 10, 1997 – A site clearance release was issued for a “new attached garage”.
- March 19, 1999 – A site clearance release was issued for a “pool house”.

The subject property is located in District “B” – three acre minimum and has an existing non-conforming home. The existing single family dwelling was built in 1900 and is located 37.9' from the front property line where a 100' minimum front yard setback is required. Nearly all of the existing home sits in front of the minimum 100' front building setback line.

The applicant is requesting approval of several variances to expand the existing non-conforming home for the construction of five additions, including:

1. An approximately 360 SF second floor addition over the existing one story portion of the southernmost room. The existing and proposed setback for this addition is 37.9' from the front property line. The applicant is requesting a 62.1' variance to the front yard setback. The addition does not worsen the non-conforming front yard setback of 37.9'.
2. An approximately 117 SF front portico addition at the front door which projects out 9' from the front wall of the home. The applicant is requesting a 54.83' variance to the front yard setback (setback of 45.17'). Front portico additions are permitted to encroach 5' into a front yard setback (this makes the variance request 49.83') per **Section 57.222** of the Indian Hill Zoning Ordinance; however, the request does not worsen the non-conforming front yard setback of 37.9'.
3. An approximately 119 SF front portico addition at the existing courtyard entry which projects out 7' from the front wall of the home. The applicant is requesting a 19' variance to the front yard setback (setback of 81'). Front portico additions are permitted to encroach 5' into a front yard setback (this makes the variance request 14') per **Section 57.222** of the Indian Hill Zoning Ordinance; however, the request does not worsen the non-conforming front yard setback of 37.9'.
4. A 776 SF garage addition. The proposed setback is 88' from the front property line. The applicant is requesting a 12' variance to the front yard setback. The addition does not worsen the non-conforming front yard setback of 37.9'.
5. An approximately 187 SF covered patio addition to the rear of the home. The addition to the rear of the home is located 92' from the required front yard setback. The applicant is requesting an 8' variance to the front yard setback. The addition does not worsen the non-conforming front yard setback of 37.9'.

Mr. West states that the variance application is based on exceptional practical difficulty and is complete. **Section 63.1** of the Indian Hill Zoning Ordinance refers to District “B” preventing buildings from being located less than 100' from the required front yard setback.

Section 57.222 of the Indian Hill Zoning Ordinance refers to exceptions for porticos, which states, “In cases of porticos being attached to existing structures, where in such cases the portico must be constructed with certain proportions in order to preserve the aesthetic character of the existing structure, the portico may extend into the required yard no more than five (5) feet...”

To help support the Commission’s decision to approve or deny the requested variances, Staff has prepared written findings of fact per **Section 101.53** Standards for Variances – The Commission shall not grant a variance as authorized in **Section 101.52** unless it shall, in each case, make specific written findings of fact directly based upon the particular evidence presented to it which supports written conclusions that:

(1) The variance request arises from physical conditions of the lot which are very unusual, that is, conditions which are rarely found in the same district, and the conditions are created by the provisions or requirements of this ordinance and not by an action or actions of the property owner or the applicant, such that the literal interpretations of the ordinance would deprive the property owner or the applicant of rights commonly enjoyed by other properties in the same district;

The variance request arises as a result of the non-conforming home. Nearly all of the existing home sits in front of the 100' front building setback. The conditions are not by an action of the property owner who purchased the home in November 2018, and to not be able to make improvements to the home would deprive the property owner of rights commonly enjoyed by other properties in the same district.

Therefore the request meets Standard No. 1.

(2) The particular physical surroundings, shape, or topographical condition of the specific property involved would cause undue hardship or exceptional practical difficulty for the owner, lessee or occupant, as distinguished from a mere inconvenience, or would conflict with the Village’s adopted land use objectives and policies, if the provisions of this ordinance were strictly enforced;

Nearly the entire house sits in front of the 100' front building setback, causing exceptional practical difficulty for the owner. Almost any addition to the home would require variance approval and authorization to expand an existing non-

conforming home. The request would not conflict with the Village's adopted land use objectives and policies.

Therefore the request meets Standard No. 2.

(3) The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the Village streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the neighborhood; and

Granting the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood. The proposed additions will not worsen the non-conforming front yard setback. The proposed front portico additions are being constructed with certain proportions in order to preserve the aesthetic character of the existing structure, and the zoning ordinance may permit a portico to extend into the required yard no more than five (5) feet. The applicant has submitted a request to extend the front portico additions 9' and 7' into the front building setback; however, the additions will not worsen the existing non-conforming front yard setback. The proposed improvements will not impair an adequate supply of light or air to adjacent property, will not increase the congestion in the Village streets, will not increase the danger of fire, will not endanger public safety or diminish or impair property values within the neighborhood.

Therefore the request meets Standard No. 3.

(4) The variance desired will not conflict with the general purpose and intent of this ordinance.

The variances requested do not make the existing non-conforming setback worse and will not conflict with the general purpose and intent of the ordinance.

Therefore the request meets Standard No. 4.

Mr. West states that Staff posted the legal notice in the paper, Village bulletin, and by direct mail thirty days prior to the hearing. He notes that he spoke with Mr. and Mrs. Hassan prior to the meeting to review details of the improvements.

Mrs. Hassan, who resides at 8725 Red Fox Lane, asks if any of the improvements would change the location of the driveway.

Mr. West explains that the driveway entrance will be in the same location and will be modified to attach to the new garage. The applicant is also proposing to extend the driveway across the front of the home and back out to Old Indian Hill Road.

Mrs. Ginger Warner, residing at 8800 Old Indian Hill Road, questions what was stated in the Staff Report relating to the additions not being any closer to the street. She notes that according to the plans she has it does appear to be closer.

Mr. West replies that there is an updated site plan that confirms what was stated in the Staff Report and provides Mrs. Warner with a copy.

Mr. Chris Nordloh, at 8701 Old Indian Hill Road, states that he feels that adding another 40' to the front of the house (from left to right) is too much for that location. He feels any additions should be added to the back of the house.

Chairman Madden replies that the structure will be 10' wider than what currently exists due to the new garage being tucked into the "L" shaped area and because the new master bath is a second story addition.

Mr. Craig Joffe, residing at 8750 Red Fox Lane, comments that since it was mentioned that they are trying to maintain the historic character of the home, were there other renditions that were considered that might be more consistent with the current appearance of the home.

Chairman Madden displays a rendition of what's currently proposed and comments that the additions are in keeping with the historic character of the home and only minimally changes the appearance.

After brief discussion, Mr. Thayer made a motion to approve the request. Mr. Rhodenbaugh seconded, and the motion was approved by a unanimous voice vote.

Item Number 4: Case #18-017: Cari Ogg is requesting Concept Plan approval for the Midnight Station Subdivision. The proposal will subdivide 6.41 acres into 5 single family building lots and a 0.32 acre green area parcel. The property is located at 6340 Miami Road and also includes the adjacent 3.38 acre vacant parcel owned by Don and Susan Wenker.

Ms. Cari Ogg, residing at 6340 Miami Road, comes before the Commission and states that she has Doug Smith, with McGill Smith Punshon, Inc. and Greg Tassone, with Coldwell Banker West Shell with her to present the case.

Mr. Doug Smith comes before the Commission and states that they are requesting approval of the Concept Plan for a single family residential subdivision located off Miami Road.

Mr. Smith displays a plat of the proposed subdivision and explains that it includes five lots served by a private street and conforms with the current subdivision regulations and zoning ordinance.

Mr. Smith notes that there's a natural drainage swale that runs down along the southern portion of the property and then breaks and goes to the west and then to the north. There's also another smaller drainage swale that runs across the north side of the development.

The street and houses will be located on the flatter ridgetop areas of the property which will not affect the streams to the south or east. Storm water detention is planned in the area of the small stream to the north which will be designed to Village and Hamilton County standards.

A .32 acre green area donation is proposed at the eastern portion of the development which will provide a buffer for an existing home. The proposed gift has been approved by the Green Areas Advisory Committee.

A 20' access easement is provided across Lot 5 to allow the Village to maintain the green area.

Staff Report: Mr. West notes that there are no past actions by the Planning Commission on the subject property.

Mr. West references 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 states that the properties are located in District "C" – minimum 1 acre, with the following setback standards:

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

The portion of the property proposed to be developed is made up of slopes 20% or greater (0.43 acres), young canopy forest (1.58 acres), and mature canopy forest (1.51 acres). The remaining acreage includes a green area gift parcel (0.32 acres) and land made up of scrubby woods or grass that do not qualify for resource protection. There are two existing drainage ways on the property. One runs from west to east along the northern property lines (north of the proposed private drive) and includes the area proposed for the storm water detention area. The second drainage way runs from the south side of proposed Lot 3, heads east and then turns north on the east side of Lot 5 (in the proposed resource protection area) and into the proposed green area gift parcel. The existing home on Lot 1 will remain.

The Concept Plan calls for creating five (5) residential building lots. Lot 1 with the existing home will be 1.82 acres and Lots 2-5 are proposed to be 1.00 acre and one green area parcel containing 0.32 acres. All lots follow the subdivision requirements per **Section 13.2 Lot Standards**.

All access to the development will come from a private drive off of Miami Road. The private drive is 710' in length and will be an 18' wide pavement section built to Indian Hill standards with open ditch and storm sewer system. A T-turnaround is proposed for the end of the private drive to accommodate emergency vehicles. The private drive will be located in a 40' access and utility easement and shall be named with street addresses being assigned on the private drive. The additional right-of-way on Miami Road (40' half width) will need to be dedicated.

Storm water calculations will be provided as part of the Construction Plan review stage and shall comply with the Hamilton County storm water regulations. The Concept Plan proposes a storm water detention basin located in the center of the development on the north side of the private drive and Lots 3 and 4. The storm water study shall also account for the capacity of the existing drainage swales, drive pipes, and culverts located downstream of the development. The basin shall be designed to account for 25% impervious surface on each lot.

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.

Mr. West notes that the developer will coordinate with Duke Energy to see if all utilities can be located in a joint trench. Details will be reviewed at the time of Construction Plan review.

The developer will provide copies of any covenants and restrictions and/or HOA documentation at the time of Construction Plan review that outlines the maintenance responsibilities for the private drive and storm water system.

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:

<u>Natural Resources</u>	
Floodplain & Kope (100% protected):	0.00 acres
Slopes 20% or greater (80% protected):	0.34 acres
Mature Canopy Forest (70% protected):	1.06 acres
Young Canopy Forest (40% protected):	0.63 acres
Total to be protected	2.03 acres

Note: Some resources overlap (Ex: 20% Slopes and Mature and Young Canopy Forest, etc.)

Amount of resources to be protected (Plan): 2.06 Acres

Resource protection areas will 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.

There is one 0.32-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 private drive. The green area gift parcel contains slopes greater than 20%, young canopy forest, and the drainage way.

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

Below is a review by Village departments:

- Police Department – No comments
- Fire Department – Recommends approval subject to:
 - Street name and addressing plan review, and
 - Review of fire hydrant location and spacing
- Public Works Department – Recommends approval subject to meeting site distance and right-of-way dedication on Miami Road.
- Water Works Department – Must meet Indian Hill Water Works specifications. A detailed review will be completed during the

construction plan review stage. Coordinate fire hydrant location and spacing with Fire Dept.

- 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 – See Engineering Review Report dated December 12, 2018.

Staff and the Village Engineer have reviewed the proposed Concept Plan and the private drive. We find 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 the Village Engineer Report.

Staff has properly notified all adjacent property owners through first class mail and has received several requests for copies of the Concept Plan. General concerns for the property being developed have been raised. The downstream property owner (7777 Shawnee Run Road) has also raised concerns with the amount of storm water runoff that will be created from the development of this property and submitted a photo showing flooding in the area of his daughter's playhouse after a 3" storm event.

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 this 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. Wiggers notes that the color rendering that the applicant presented to the Commission at the meeting does not accurately represent the resource protection area boundaries shown on the plans submitted to Staff with the application.

Mr. Smith replies that what was presented tonight is just a color rendering, and that the applicant would go by the plan that was submitted to Staff if the Concept Plan is approved by the Commission.

Mr. Wiggers comments that with the way the lots are laid out, nothing keeps a property owner from building right up against the private drive, as no setback requirement applies.

Mr. Smith notes that there will be utilities that extend along the south side of the drive as well as utility easements. The topography of the lots will dictate where the houses need to be built, which will also keep them away from being constructed right up against the private drive.

Chairman Madden expresses concern with the sweeping of headlights onto adjacent homes surrounding the subdivision due to the placement of the proposed street.

Mr. Smith replies that the roadway was placed where shown in an effort to keep as much separation from existing homes as possible while also dealing with the topography of the area. Some mounding and buffering is planned for certain areas. In addition, the applicant would be open to meeting with affected neighbors to discuss the possibility of adding screening if needed.

Mr. Wiggers comments that the private drive also decreases the amount of allowable impervious surface for these homeowners which will result in smaller homes.

Ms. Sue Neumark, residing at 7715 Shawnee Run Road, states that if this subdivision is approved she will have a street both in front of and behind her house. She feels this is not in keeping with the integrity of Indian Hill.

Mr. Joe Bobbitt comes before the Commission and states that he is representing his mother who resides at 7757 Shawnee Run Road. Mr. Bobbitt asks if setback requirements apply to the retaining wall at the end of the drive.

Mr. West replies that retaining walls do not have setback requirements.

Mr. Bobbitt expresses concern regarding the ability of the retention pond to be able to handle the significant amount of water that comes off the hill during a substantial rainfall.

Mr. Bobbitt comments that the Staff Report states that there has been no previous activity on this property. He recalls that there have been several attempts to make this a viable project.

Mr. Tom Donnellon notes that he is here with Ms. Susan Hochbein who resides at 7716 Ahwenasa Lane. Mr. Donnellon states that he was also surprised to hear during the Staff Report that there had been no previous actions on this property. He recalls Mr. Wenker attempting to develop this property a number of times over the years.

Mr. Donnellon states that the 3 acre tract of land owned by the Wenkers is made up of 7-10 different tracts that were purchased over the years, and may not have received Planning Commission approval as required. He feels that this should be reviewed as well as other subdivision and residential restrictions that may apply. Mr. Donnellon questions whether the applicant has done an ALTA survey that might reveal more

history on the property. He displays an old plat from about twenty-five years ago that shows eleven pieces of property that now make up the area proposed for development.

Mr. Smith replies that all the separate parcels shown on the older plat have been consolidated into one parcel. There has not been an ALTA survey done, but there was a title search done on the Wenker property and all easement locations are shown on the plat.

Mr. Donnellon asks if there is any landscaping proposed to protect the privacy of the homes on Ahwenasa Lane.

Chairman Madden asks for confirmation from Staff regarding if all the parcels referred to by Mr. Donnellon have been consolidated into one.

Mr. West replies that they have been consolidated into one piece of property.

Mr. Mark Higgins, residing at 6365 Miami Road, expresses concern with increased traffic congestion.

Ms. Janet Reynolds, at 6400 Miami Road, expresses concern regarding the clearing of trees that currently serve as a buffer for her property. She also inquires about setbacks, placement of the water line, additional storm water that may be directed to her property as a result of the development, and the possibility of her lot being considered a corner lot after development of the subdivision.

Mr. West replies that with the way the subdivision is designed her lot would not be considered a corner lot.

Mr. Mike Ward, residing at 7737 Shawnee Run Road, states that he lives behind Lot #4 and already deals with wet areas on his property. He has concerns that this development will greatly increase the amount of water directed to his property.

Mr. Ward also expresses concern with the structural integrity of the new homes, especially with the clearing of so much land, and comments that adding a subdivision in this area would not be in keeping with the natural beauty and character of the Village and would negatively impact his property value.

Mr. Ward adds that he would also be affected by the sweeping of headlights from traffic generated by this subdivision.

Mr. Ward refers to areas of the Indian Hill Zoning Ordinance related to special exception requirements. Mr. West replies that the case before the Commission is not a special exception.

Mr. Charles Stalzer, at 7719 Shawnee Run Road, states that he feels this development will negatively affect his property value and will create an "alley" behind his house which is not something he ever expected would happen in Indian Hill.

Mrs. Donna McMurry, residing at 7809 Shawnee Run Road, states that her home sits behind Lot #5. She expresses concern with the increased flow of water onto her property, sweeping of headlights, structural integrity of the hillside, and maintenance of the proposed green area.

Chairman Madden explains that the new property owner will have to meet certain engineering guidelines when building a home to ensure the structural integrity. The homeowner will also have to manage storm water so it does not increase the amount of water that flows onto other properties.

Mr. West responds to the question of green area maintenance by stating that green space is left in its natural state, but if a tree falls onto an adjacent property the Village will remove it. However, the Village does not maintain natural resource protected areas.

Mr. David Rhodenbaugh, residing at 6385 Miami Road, states that he also owns 6345 Miami Road. Mr. Rhodenbaugh states that he would be most affected by headlights shining onto his property. He adds that he agrees with most of the concerns already mentioned, including the increased congestion this development will add to the area.

Mr. Greg Walton, at 7811 Shawnee Run Road, expresses concern regarding potential conflict that may arise between property owners over a shared easement. He also shares the concerns related to drainage issues.

Mr. Walton makes reference to the comment that there are no previous actions related to this property. He states that since 1998 there have been numerous law suits involving this property, some of which included the Village.

Chairman Madden states that he has a problem with the private drive and the fact that a large oak tree will be removed so that the drive can be located where proposed. He also has issues with the drive being directly across the street from an opposing house which will greatly impact the homeowner due to sweeping of headlights.

Mr. Thayer expresses concern regarding the management of storm water, especially when residents are stating that they already have issues managing the current flow of water.

Mr. Wiggers notes his concern with setbacks on the private drive and how the placement of new homes will impact existing homeowners. He feels this plan doesn't maintain the character of Indian Hill.

After brief discussion, Chairman Madden asks the applicant if they would like for the Commission to vote on the proposed plan or if they would like to ask that the case be tabled in order to address concerns mentioned during the meeting.

Mr. Smith replies that the plan meets the current zoning and subdivision regulations and asks that the Commission vote on the proposed Concept Plan.

Mr. Thayer made a motion to approve the proposed Concept Plan as submitted, but subject to the conditions in the Staff Report. Mr. Rhodenbaugh seconded, and the motion was brought to a roll call vote with Mr. Thayer, Mrs. Stolper, Mr. Wiggers, and Chairman Madden voting against the request and Mr. Rhodenbaugh voting in favor of approval. Therefore, the request was denied.

Mr. West notes that Council has approved the 2019 budget which includes funds to have a consultant review the subdivision ordinance as well as the zoning code and make recommendations based on industry standards, etc.

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

Respectfully submitted,

Paul F. Madden, Chairman

ATTEST:

Jonathan D. West, Secretary Pro-tem