

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

**January 21, 2020**

The regular meeting of the Indian Hill Planning Commission was held on Tuesday, January 21, 2020 at 7:00 p.m. in the Council Chambers of the Village Administration building.

Members Present: Paul Madden  
Richard Wiggers  
Joseph Rhodenbaugh  
Shayne Manning

Members Absent: Rita Stolper

Officials Present: Jonathan West, Assistant City Manager

Visitors Present: Bob Rothert, Abercrombie & Associates, Inc.  
Christine Hollatz, 7545 Demar Road  
Alan Hollatz, 7545 Demar Road  
Fred Fischer, 5875 Towhee Lane  
Doug Smith, McGill Smith Punshon, Inc.  
Brian Folke, 5875 Towhee Lane  
Patrick Zicka, Zicka Homes  
Graeme Daley, 5940 Towhee Lane  
Meredythe Daley, Daley Investment Company  
Mat Walker, WP Land Company

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 for the December 17, 2019 meeting: Chairman Madden asks for comments or corrections to the December 17, 2019 Planning Commission minutes. There being none, Mr. Wiggers made a motion to approve the minutes. Mr. Rhodenbaugh seconded, and the motion was approved by a unanimous voice vote.

**Item Number 2:** Case #20-001: Brian Folke, on behalf of property owners Frederick and Gail Fischer, is requesting Final Plat approval to subdivide Lot 3 of Stevens Estate Subdivision. The proposal will split the existing 2.847-acre parcel into two (2) separate parcels to create an additional single family residential building lot. The subject property is located at 5875 Towhee Lane.

Mr. Doug Smith, with McGill Smith Punshon, Inc., comes before the Commission and states that in addition to asking for Final Plat approval, they are also asking for a variance to reduce the private drive from 18' to 16'.

**Staff Report:** Mr. West reviews the previous actions related to the request as follows:

- August 20, 2019 – The Planning Commission conditionally approved the Concept Plan for the minor subdivision with the following conditions:
  1. Straighten lot lines.
  2. Show existing sewer for Lot 1 and place in an easement.
  3. Show details of existing and reconfigured storm water system.
  4. Provide joint maintenance agreement for pond. **(Mr. West notes that this item has not been received yet).**
  5. Construct hammerhead opposite the one on the east side of the drive per fire department.
  6. Upgrade private drive to 18' per fire department and the Village of Indian Hill Subdivision Ordinance. **(The applicant is requesting a variation from 18' to 16').**
  7. All utility extensions shall be underground.
  8. Provide vertical clearance of 11' for fire apparatus and cut back brush from edges of road.
  
- December 30, 2019 – The City Manager and Village Engineer conditionally approved the construction plans for the minor subdivision. The plans include widening the existing private drive, completing the T-turnaround, installing a catch basin and pipe extension, and trimming trees and honeysuckle for proper vertical and horizontal clearance.

The conditional approval is based on the applicant receiving a variation to reduce the pavement width to 16'.

Mr. West notes that the applicant, Village staff, and the fire department met on site to discuss the possibility of reducing the pavement width to 16' from the required 18' (existing pavement ranges from 10-15'). At a width of 16' it would still provide sufficient emergency access and also minimize the impact to the rural character of the existing neighborhood, drainage features, and natural environment. Based on this meeting and favorable response from the fire department, the applicant is applying for a variation to the Indian Hill Subdivision Ordinance as detailed below.

Per **Section 7.1 Variations** of the Indian Hill Subdivision Ordinance: “Where the Planning Commission finds that undue hardship or exceptional practical difficulties may result from strict compliance with these regulations, the Planning Commission may grant variations to the regulations so that substantial justice may be done and the public interest secured; provided, however, that such variations shall not have the effect of nullifying the intent and purpose of this Ordinance or the Zoning Ordinance.”

**Section 7.2 General Standards for Variations:** Mr. West notes that these standards and the applicant's response are listed in the staff report previously distributed to Planning Commission members.

The Final Plat review from staff has been completed. In following the specific procedures of the Indian Hill Subdivision Ordinance regarding Final Plat requirements, the following submissions have been received and reviewed:

- Metropolitan Sewer District: MSD has approved the sanitary sewer connection, subject to standard conditions.
- Comments from the Madeira Indian Hill Fire Department:
  1. The turnaround meets the requirements.
  2. The fire department recommends approval of reducing the private drive width from 18' to 16' due to the hardship created with the existing conditions, impact on the existing residents, and due to the fact that the existing layout permits appropriate emergency access, subject to removing and maintaining the vegetation for the vertical and horizontal clearance.
- Indian Hill Water Works: The Indian Hill Water Works had no comments.
- Village Engineer's Review: The Village Engineer indicates that all items required for the Final Plat review have been submitted and met; therefore, approval is recommended. A performance guarantee, per **Section 11** of the Indian Hill Subdivision Ordinance and the recorded pond joint maintenance agreement will be required prior to recording the Final Plat.
- HOA Covenants and Restrictions: A pond maintenance agreement shall be recorded and the instrument reference shall be made on the plat prior to recording the Final Plat.

Staff finds that the applicant has met all the requirements for Final Plat approval subject to Planning Commission approval of the variation to the street width, performance guarantee, and recorded pond maintenance agreement.

All adjacent property owners have been properly notified, and staff has not received any direct comments on the Final Plat. Previous meetings included comments to minimize disruption of the rural character of the neighborhood, and find ways to minimize the impact to existing homeowners with the widening of the private drive.

Chairman Madden asks why the private drive needs to be reduced from 18' to 16' in width.

Mr. West refers to the photographs distributed in the Planning Commission packets, noting the narrowing of the drive, the roadside ditch on the left side, and the area of natural trees and vegetation. Further down on the left side there are several large trees that would need to be removed. On the right side is the water main and utilities. There is also a curb to help direct storm water that would need to be addressed if the drive were to be widened to 18'.

Mr. Graeme Daley, of 5940 Towhee Lane, states that he is in favor of reducing the private drive to 16' in an effort to keep the rural nature of the drive and lessen the impact on the neighbors, while still addressing the fire department's concerns.

Mr. Wiggers expresses concern regarding the easement for the roadway and what the documentation states related to the legal implications of adding additional homes, as well as what rights the property owners have to the easement.

Mr. Brian Folke states that he believes the original easement allows the addition of up to five additional properties.

Mr. Daley notes that he has the easement language in his office. He states that he will email the language to Mr. West to share with the Planning Commission.

Mr. Rhodenbaugh made a motion to approve the Final Plat as submitted. Mr. Wiggers seconded, and the motion was approved with Mr. Rhodenbaugh, Mr. Wiggers, and Mr. Manning voting in favor of approval and Chairman Madden voting against approving the request.

**Item Number 3:** Case #20-002: Mat Walker, with WP Land Company, is requesting Concept Plan approval for the Drake Road Extension Subdivision to develop the property located at 5680 Drake Road. The proposal will split the existing 11.3-acre parcel into three (3) separate residential building lots served by a private drive.

Mr. Mat Walker, with WP Land Company, comes before the Commission on behalf of the owner Matthew Kelly. They would like to sub-divide the 11.3 acres into three building lots. Mr. Walker notes that he has met with adjacent neighbors to address any concerns.

Mr. Walker states that Josh Guttman, residing at 5650 Drake Road, expressed that he would like the wooded buffer between the properties to remain intact. Mr. Walker states that he agrees, as this ensures more privacy for both home owners.

Mr. Walker notes that all three lots are currently under contract, so they would like to start as soon as possible.

**Staff Report:** Mr. West notes that the home was constructed in 1880. The property is located in District “B” – 3 acre minimum. The portion of the property proposed to be developed is mostly wooded young canopy forest. There is an existing pond which is proposed to be used for storm water retention, as needed. The topography gently slopes from west (Drake Road) to east with slopes exceeding 20% at the back (east) end of the property. The existing home that was constructed in 1880 will be razed. The existing boat shelter on the lake is proposed to be restored for use as a boat house.

The Concept Plan calls for creating three (3) single family residential building lots. Lot 1 (3.378 acres) and Lot 3 (3.444 acres) will front on Drake Road and Lot 2 (4.533 acres) will be a rear lot sitting behind Lot 1.

All access to the development will come from an 18' wide private drive that will be constructed within the proposed 40' ingress/egress and utility easement per the Indian Hill Subdivision Ordinance. The extension is approximately 370' in length and will contain a water main extension and fire hydrant to serve the three lots per Indian Hill Water Works specifications. A turnaround will need to be constructed at the end of the private drive and approved by the fire department.

Storm Water – 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 to convert the existing pond into a retention basin.

Sewer and Water – Sanitary sewers are not available. Prior to approval of the Construction Plans, the applicant shall receive Hamilton County Health Department approval of on-site sewage treatment systems for each proposed lot.

The water main shall be extended from Drake Road to the end of the private drive and include a fire hydrant subject to Indian Hill Water Works specifications.

Utilities – All utilities shall be placed underground.

Natural Resource Protection Analysis – 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):	1.62 acres (1.3 acres)
Mature Canopy Forest (70% protected):	0.00 acres
<u>Young Canopy Forest (40% protected):</u>	<u>7.93 acres (3.17 acres)</u>
<b>Total</b>	<b>9.55 acres (4.47 acres)</b>

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

Mr. West states that the applicant is proposing to protect 1.62 acres of Slopes 20% or greater and 3.216 acres of Young Canopy Forest for a total of 4.836 acres to be protected. The Green Areas Advisory Committee has reviewed and recommends approval of the Resource Protection Area analysis.

Mr. West reviews comments from Village departments as follows:

- Police Department – The police department had no comments.
- Fire Department – The fire department recommends approval subject to:
  - Fire hydrant spacing to be reviewed during construction plan submittal.
  - Maintain 11' overhead clearance and 18' wide clearance along private drive.
  - A turnaround that accommodates emergency vehicles at the end of the private drive will be required with a turning radius of 45+ feet.
  - Driveway gates, pillars, columns, structures, and monuments will be reviewed for proper access of fire equipment and personnel.
- Public Works Department – The Public Works Department recommends approval subject to Drake Road right-of-way dedication.
- Water Works Department – Must meet Indian Hill Water Works specifications. A detailed review of the water main extension and hydrant location will be completed during construction plan review.
- Health Department – Hamilton County Health Department approval of on-site sewage treatment systems is required for each lot.
- Village Engineer – Details of the requirements from the Village Engineer are noted in the engineering review report dated January 10, 2020.

Staff and the Village Engineer have reviewed the proposed Concept Plan and 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 conditions listed in this staff report and the engineering review report.

Staff has properly notified all adjacent property owners through first class mail and has received one call from the neighbor to the south, Josh Guttman, at 5650 Drake Road. Mr. Guttman stated that he met with the applicant and is ok with the project. He just

wanted to note that it is very important to maintain the existing wooded privacy between the new lots and his property to the south.

After brief discussion, Mr. Wiggers made a motion to approve the Concept Plan subject to the conditions listed in this staff report and the engineering review report. Mr. Manning seconded, and the motion was approved by a unanimous voice vote of the members present.

**Item Number 4:** Case #20-003: Erik & Michelle Mueller are requesting a resource protection area swap for the property located at 9 Stirrup Cup Drive (Lot 34 of Twin Fences at Peterloon Farm, Phase 2A). The request is to relocate 1068 SF of resource protection area for 1114 SF to accommodate construction plans for a new single family residence.

Mr. Patrick Zicka, with Zicka Homes, comes before the Commission on behalf of the applicant. Mr. Zicka explains that they are requesting the swap so that the applicant will have a better turning radius for pulling into their garage.

**Staff Report:** Mr. West states that the Final Plat was approved by the Planning Commission on November 17, 2015.

The area to be relocated = 0.0245 acres (1068 SF) of Mature Canopy Forest. There are currently 7 trees in this area which include an 18", 12", 12", 7", 7", 6", and 5" DBH trees.

The applicant is proposing a resource protection area of 0.0256 acres (1114 SF). The relocated area does not contain any resources; it is currently grass. The applicant is proposing to plant 7 trees in the relocated area to make up for the loss of the 7 trees in the existing resource protection area. The applicant has submitted a landscape plan which contains 2 Sugar Maple (3½" - 4" DBH), 2 Frontier Elm (3½" - 4" DBH) and 3 Autumn Blaze Maples (2½" DBH) to be planted in March 2020.

Staff notes that the Planning Commission has been favorable to resource protection area swap requests when:

1. The Village ends up with more resource protection area; and
2. The Village receives higher quality protected resources.

Should the Planning Commission choose to approve the request, it should be based on the proposed (or modified) landscaping plan, the size (DBH) and species of trees, and the timing of planting.

Chairman Madden inquires about the easement on the property.

Mr. West explains that there is a private landscape buffer easement between the owner to the west and the applicant.

After further discussion, Mr. Rhodenbaugh made a motion to approve the resource protection area swap with the following conditions:

1. The new resource protection area must be at least 1.5 times the area that is being removed (at least 1602 SF).
2. The applicant must add an additional three "oak" trees of a similar caliper to the landscape plan in the new resource protection area. The applicant should have the landscaper lay this out first so that the three additional oak trees will be located in the new resource protection area.
3. On the plat, there will need to be a note added that the property owner, their heirs, assigns, successors, etc. will properly care for and maintain the trees for a period of five years from the date they are planted to make sure the trees remain healthy. The owner of the property is required to replace any tree that dies within the five year period with the same size and species as when initially planted.

Mr. Manning seconded, and the motion was approved by a unanimous voice vote of the members present.

There being no further business to come before the Commission, Mr. Manning made a motion to adjourn. Mr. Rhodenbaugh 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