

## RECORD OF PROCEEDINGS

### Minutes of the Public Hearing of the Trustees of Sycamore Township Sycamore Township, Hamilton County, Ohio

March 9, 2021

**NOTE:** Due to the COVID-19 pandemic and the issuance of guidelines to limit public gatherings to ten people or less by Governor DeWine and the Director of the Ohio Department of Health, and due to enabling legislation (House Bill 404) which extended the ability of local governments in Ohio to meet remotely during this time, this hearing was held remotely via Zoom. Members of the public were given the opportunity to participate live in the meeting remotely via Zoom. Video of the meeting was live streamed to the public on the internet.

The public hearing was called to order at 4:30 p.m. by Mr. James.

Present for the hearing were Chairman James, Vice Chairman LaBarbara, Trustee Weidman, Administrator Warrick, and Attorney Scott Sollmann representing Sycamore Township.

Mr. James explained this public hearing to consider a proposed consent decree for Board of Zoning Appeals Case SYCB190013, Hamilton County Court of Common Pleas Case Number A1904001 (6100, 6331, 6341, 6491 and 6551 Kugler Mill Road).

Mr. James swore in those would be testifying at the hearing.

Mr. Sollmann, attorney for Sycamore Township, reported this hearing is to consider approval of a proposed consent decree is being conducted pursuant O.R.C. 505.07, which allows Townships to resolve a pending court actions via consent decree. He said the hearing was properly noticed and the consent decree has been finalized and securing the builder was the cherry on top of the sundae. He reported the consent decree was made available to the public for the entirety of this number of weeks.

Mr. Stephen Hunt, attorney for the Homeowners' Associations, said the consent decree and related documents have been reviewed and approved by the two Homeowners' Associations that he represents. He stated the builder chosen is Redknot Homes and the value of the homes will be in the \$700,000 plus range which makes his clients very happy.

Mr. Hunt said there are two issues he'd like to address. He stated the first is he would like to add to the consent decree that each individual address will have its own separate driveway; each of those driveways will have a turnaround to prevent cars from backing out onto Kugler Mill Road. Mr. Hunt said second, he wants the Township to stay on top of lighting and landscaping to ensure compliance. He noted Mr. Tepe's client would like to start site work once the consent decree is approved by the Trustees but before the court makes it official. Mr. Hunt said his clients are ok with that as long as there is a requirement that in the highly unlikely even the court doesn't approve the settlement, the developer must restore the site to its original condition.

Mr. Tepe, attorney for the developer, thanked Mr. Miller, Mr. Sollmann, and Mr. Hunt saying the process worked and produced a better plan. He stated the consent decree is very specific as to what is being approved. He noted there are very detailed landscaping requirements, and the last issue was selecting the builder. He said they are very excited to work with this type of high-end builder. He explained how he envisioned the driveways turnarounds. He stated his client would like to move forward with site work after the Trustees approve the consent decree but before court hearings noting his client does understand if there were a problem with the court, they would have to bring the site back to its existing condition.

Ms. Marie Fox, a representative of the builder, thanked everybody for their time and efforts saying she is happy to be at this point and get started.

Mr. James asked if there were any questions for Mr. Tepe or Ms. Fox.

No response.

Mr. Miller shared a preliminary plan on the screen and gave an overview of the zoning for the site per the consent decree. He noted the plan consists of the creation of 11 single family lots currently zoned B – Single Family which will be rezoned to B-2 Single Family to have slightly different setback requirements. He pointed out lot 12 which is to be rezoned to OO - Planned Office, the same zoning district that is to the south. He went on to discuss the berm, landscaping, and sidewalks.

Mr. Miller reviewed and addressed concerns expressed to him by homeowners close to the site which involved lighting, crosswalks, landscaping, terms of the TIF, the signage plan and reasonable design standards. He shared a document that could be added to the consent decree addressing PUD Exterior Design Criteria and reviewed the criteria listed.

Mr. Sollmann stated there is a specific clause in the consent decree that addresses sidewalks. He stated the design standards Mr. Miller presented would not jive with Redknot's plans and what has already been sent to the members of the HOA, noting there is a ranch design option included. He said it is late in the process to present that criteria. He stated the consent decree will be the PUD but pointed out the office building will have to go through the regular zoning process with Sycamore Township.

Mr. James stated the consent decree guarantees the residential character of Kugler Mill Road and, as to those design standards, there is a single-story plan in the Redknot brochure. He asked Ms. Fox and Mr. Tepe if they had concerns with the design standards presented.

Mr. Tepe stated they know their mission and he thinks they have delivered that pointing out 18 pages of the design options available through Redknot were sent to members of the Homeowners' Associations. He explained the sizes of the home designs and materials that will be used.

Mr. James commented the Redknot brochure will not be written into the consent decree.

Mr. Tepe stated his client has found a very high-quality builder and stated the design standards came out of nowhere. He pointed out paragraph eight of the consent decree and said the developer knows they have to do full photometric plan. He stated they would like to move forward with what has been negotiated over the last year or more.

Mr. James opened the floor to public comment.

Mr. Peter Mallow, of 4940 Kugler Mill Road, addressed the board thanking the three Trustees and former Trustee Mr. Denny Connor for their efforts throughout this process. He stated significant accommodations have been made to the proposal and thanked Mr. Hunt for working tirelessly on behalf of HOAs. Mr. Mallow noted the most important objective was to preserve the residential character on Kugler Mill Road. He said he agreed with Mr. Tepe that it is time to move forward.

Mr. Steve Ginn, of the Sturbridge Homeowners Association, thanked Mr. Miller for bringing up the points that were the most concerning to people at the beginning of the process. He stated the main concern is the height of the future office building, therefore the height of the houses is important.

Ms. Fox said the renderings the HOAs were shown included a ranch option or two-story option, but it will be up to the homeowner to choose. She said it is possible they could all choose two-story homes.

Mr. Ginn said that the two-story option would be his preference and suggested the developer pick trees that will grow fast and tall for buffer. He said he hopes there will be two crosswalks to make Kugler Mill Road pedestrian friendly. He stated he is very happy to see this move along and he is confident Redknot will do a great job. Mr. Ginn thanked the Trustees, Mr. Miller, Mr. Warrick, Mr. Sollmann, Mr. Hunt, Mr. Tepe, Mr. Mallow, and Mr. Sicking, and praised the Township environment that seriously considers residents' concerns.

Mr. Tom Brockman, of 8685 Sturbridge Drive, thanked everyone involved with the long process and said Mr. Ginn covered most of what he had wanted to say.

Mr. Patrick Ashcraft, of 6518 Westover Circle, addressed the Board saying he sent his comments to Mr. Miller. He stated his concerns about adding 11 driveways and 11 curb cuts at the crest of the hill and also questioned if there would be mail trucks stopping at 11 mailboxes. He asked about a parallel access road being constructed as opposed to adding 11 driveways on to Kugler Mill Road.

Mr. James asked someone to address Mr. Ashcraft's concerns.

Mr. Miller stated Kugler Mill is a county road and noted there were previously three homes there so there is a net gain of eight which is a drop in the bucket.

There was some discussion about the access road, and all agreed that would not work due to the confines of the available space.

Mr. Ginn asked about grading and if the sites would be level with the road.

Ms. Fox answered the elevation will be brought up so the sites will be more level to start with noting Redknot will determine the final elevation.

Mr. Ginn pointed out grading is both an aesthetic and a safety concern.

Mr. Miller shared his screen noting the topography of the site north south grade pretty flat terrain and in line with Kugler Mill Road. He reported he did look at the grading plan and did not see any concerns.

Mr. James asked if there was anything else the applicant wished to add.

Mr. Tepe stated the plan has evolved into something they are proud of and asked that the consent decree be approved with the addition that the driveways include a turnaround.

Mr. Weidman thanked everyone for coming together noting this is a great conclusion and that he is looking forward to the development starting.

Mr. LaBarbara thanked Mr. Ginn, Mr. Hunt, Mr. Tepe, Mr. Sollmann, Mr. Warrick, and Mr. Miller saying this is a long time coming and we are now rounding third heading for home.

Mr. James agreed it had been a long process involving lots of people and moving parts. He said it is great to see how everyone has come together and developed a plan everyone is mostly happy with and that ensures Kugler Mill Road's character remains residential.

Mr. Miller asked Mr. Tepe about having the design firm incorporate the driveway turnarounds into the preliminary plans.

Mr. Tepe and Ms. Fox said that would be done.

Mr. James made a motion to adjourn the public hearing saying since a special meeting was not called, the Trustees will have to vote at their next regular meeting.

Mr. Sollmann said it is his understanding the Trustees may vote at the hearing.

The other two attorneys agreed.

Mr. James asked if there was an issue with waiting until the Tuesday, March 16<sup>th</sup> meeting to allow time for others to chime in since today's hearing was held so early in the day.

Mr. Tepe said his client would like to move forward. He said he can appreciate Mr. James' position, but the hearing was properly noticed, and the Trustees could vote at the hearing.

Mr. Ginn asked if the HOA would sign off on the consent decree.

Mr. Tepe answered yes.

Mr. Ginn suggested adding the driveway turnaround and having it signed and ready before the official vote.

Mr. James suggested the Board wait to vote until Tuesday.

Mr. Weidman stated he thinks the Board should take it up tonight as the parties involved have resolved all issues, notification was given to members of both HOAs, therefore, there is no reason to wait another week. He noted we have been doing this for a year and we should accommodate the applicant and allow them to move forward.

Mr. LaBarbara stated another six days will not make a difference and he will go along with Mr. James.

Mr. James asked if there was any strong objection to that and then suggested the Board wait to vote until the Tuesday, March 16<sup>th</sup> meeting noting then the HOAs can sign off on the consent decree.

There was a discussion about the obtaining the necessary signatures.

Mr. Weidman made a motion to adjourn, seconded by Mr. James.

The hearing adjourned at 5:33 p.m.

/s/ Thomas C. James, Jr.

Thomas C. James, Jr., Chairman

/s/ Jim LaBarbara

Jim LaBarbara, Vice Chairman

/s/ Thomas J. Weidman

Thomas J. Weidman, Trustee

/s/ Robert C. Porter III

Robert C. Porter III, Fiscal Officer

Public Hearing 03/09/2021