



**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

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***C. MICHAEL KILBURN
PAT ARNOLD SOUTH
DAVID G. YOUNG***

**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

MINUTES: Regular Session -- December 22, 2005

The Board met in regular session pursuant to adjournment of the December 20, 2005, meeting.

Pat Arnold South - present

David G. Young - present

C. Michael Kilburn - present

Tina Davis, Clerk – present

- 05-2032 A resolution was adopted to approve Final Legislation and authorize County Engineer to execute Contract with the Ohio Department of Transportation for the US 22/SR 3 Widening Project between Fields-Ertel Road and the Foster Viaduct over the Little Miami State and National Scenic River as approved by the Transportation Review Advisory Council. Vote: Unanimous
- 05-2033 A resolution was adopted to approve Amendment to Management Operating Agreement with ARAMARK Correctional Services, Inc. Vote: Unanimous
- 05-2034 A resolution was adopted to Temporarily Terminate Bi-Monthly Sewer Billing to 8819 Franklin-Trenton Road in the Carlisle Sewer Improvement Area.
Vote: Unanimous
- 05-2035 A resolution was adopted to Advertise for Bids for Fire Hydrants.
Vote: Unanimous
- 05-2036 A resolution was adopted to Advertise for Bids for Water Meters.
Vote: Unanimous
- 05-2037 A resolution was adopted to Advertise for Bids for Meter Rings and Lids.
Vote: Unanimous

- 05-2038 A resolution was adopted to Post for Bid of the Sale of Various Scrap Metal for the Water and Sewer Department. Vote: Unanimous
- 05-2039 A resolution was adopted to Establish January 9, 2006, at 10:00 a.m. as the date and time for the Annual Organizational Meeting. Vote: Unanimous
- 05-2040 A resolution was adopted to enter into Sidewalk Security Agreement with Shaker Run Investment Company, LLC for installation of certain improvements in Shaker Run, Section One, Phase D, situated in Turtlecreek Township. Vote: Unanimous
- 05-2041 A resolution was adopted to enter into Street and Appurtenances Security Agreement with Shaker Run Investment Company, LLC for installation of certain improvements in Shaker Run, Section One, Phase D, situated in Turtlecreek Township. Vote: Unanimous
- 05-2042 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with Shaker Run Investment Company, LLC for installation of certain improvements in Shaker Run, Section One, Phase D, situated in Turtlecreek Township. Vote: Unanimous
- 05-2043 A resolution was adopted to enter into Sidewalk Security Agreement with Shaker Run Investment Company, LLC for installation of certain improvements in Shaker Run, Section One, Phase C, situated in Turtlecreek Township. Vote: Unanimous
- 05-2044 A resolution was adopted to enter into Street and Appurtenances Security Agreement with Shaker Run Investment Company, LLC for installation of certain improvements in Shaker Run, Section One, Phase C, situated in Turtlecreek Township. Vote: Unanimous
- 05-2045 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with Shaker Run Investment Company LLC for installation of certain improvements in Shaker Run, Section One, Phase C, situated in Turtlecreek Township. Vote: Unanimous
- 05-2046 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with Twenty Mile Green, LLC for installation of certain improvements in a Replat of Remainder of Lot 3 Twenty Mile Green, situated in Deerfield Township. Vote: Unanimous
- 05-2047 A resolution was adopted to enter into Sidewalk Security Agreement with Shaker Run Investments Company, LLC., for installation of certain improvements in Shaker Run, Section 1, Phase B, situated in Turtlecreek Township. Vote: Unanimous

- 05-2048 A resolution was adopted to enter into Street and Appurtenances Agreement with Shaker Run Investment Company, LLC for installation of certain improvements in Shaker Run, Section 1, Phase B, situated in Turtlecreek Township.
Vote: Unanimous
- 05-2049 A resolution was adopted to enter into Subdivision Public Improvement Performance and Maintenance Security Agreement with Shaker Run Investments in Shaker Run, Section 1, Phase B, situated in Turtlecreek Township.
Vote: Unanimous
- 05-2050 A resolution was adopted to enter into an Erosion Control Bond Agreement with Shaker Run Investment Company, LLC., for completion of certain improvements in Shaker Run, Section One, Phase B, situated in Turtlecreek Township.
Vote: Unanimous
- 05-2051 A resolution was adopted to approve following Record Plats. Vote: Unanimous
- 05-2052 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 05-2053 A resolution was adopted to approve Repayment of a Cash Advance from Step Grant Fund #292 into County General Fund #101. Vote: Unanimous
- 05-2054 A resolution was adopted to accept an Amended Certificate and approve Supplemental Appropriation into Common Pleas Court Computer Fund #280.
Vote: Unanimous
- 05-2055 A resolution was adopted to approve an Operational Transfer from Commissioners Fund #101 into Human Services Fund #203. Vote: Unanimous
- 05-2056 A resolution was adopted to approve Supplemental Appropriation into Benefits Fund #632. Vote: Unanimous
- 05-2057 A resolution was adopted to approve Supplemental Appropriation into Construction Fund #467. Vote: Unanimous
- 05-2058 A resolution was adopted to approve Supplemental Appropriation within Economic Development Construction Fund #467. Vote: Unanimous
- 05-2059 A resolution was adopted to approve an Expense Adjustment within the Workforce Investment Act Fund #258. Vote: Unanimous
- 05-2060 A resolution was adopted to approve Expense Adjustments within the One-Stop Business and Employment Center Fund #258. Vote: Unanimous

- 05-2061 A resolution was adopted to approve an Appropriation Adjustment within the Workforce Investment Act Fund 258. Vote: Unanimous
- 05-2062 A resolution was adopted to approve Supplemental Appropriation into Stormwater Tier I Fund #590. Vote: Unanimous
- 05-2063 A resolution was adopted to approve Appropriation Adjustments within Child Support Enforcement Agency Fund #263 and Veteran's Service Fund #101-5520. Vote: Unanimous
- 05-2064 A resolution was adopted to authorize payment of Bills. Vote: Unanimous

DISCUSSIONS

PUBLIC HEARING

REZONING APPLICATION OF SANMARGALE DEVELOPMENT CO. LLC

CASE # 05-06

The public hearing to consider the rezoning application of Sanmargale Development Co. LLC in Turtlecreek Township was convened this 22nd day of December 2005 in the Commissioners' Meeting Room.

Robert Craig, Regional Planning Commission (RPC), reviewed the amount of acreage within the rezoning application, the location, existing zoning and requested zoning (originally 53 parcels) which are all currently zoned Rural Residence "R-1". He then reviewed the land use plan which recommends the property be zoned Rural Residence "R-1" and recommends use of single family dwellings at a density of less than two dwelling units per acre, agriculture and vacant land. He then discussed the proposed concept plan and stated that the land use plan does not provide for sewers to be extended this far east in Turtlecreek Township. He then stated the key issues relative to the rezoning application including:

Schools – Lebanon schools have indicated they can handle the area. He stated that the applicant proposes to possibly set aside land for a new school.

- The developer will need to complete a traffic impact study
- Ownership of the sewage treatment improvements
- Water pressure is not sufficient from Western Water for fire protection
- Maintenance of the rural character of the area

Mr. Craig then stated the RPC Executive Committee's recommendation that the following four pre-conditions be met prior to Board of County Commissioners considerations:

1. Traffic Impact Study
2. Written commitment regarding ownership and maintenance of the Wastewater Treatment Plant
3. Written service allocation from The Western Water Company necessary for fire protection
4. Written letter from Lebanon City Schools stating capacity

Mr. Craig then stated that, upon the four conditions being met, the RPC Executive Committee recommended approval subject to 13 conditions.

David Kelch, N. Waynesville Road resident, questioned the portion of Wayne Township included in the concept plan was not included in this rezoning application.

Mr. Craig explained that Wayne Township does not fall under the authority of Warren County Zoning and therefore, would not be part of this rezoning application.

Barry Sullivan, Zoning Department, stated that the Rural Zoning Commission (RZC) met twice regarding this application. He then reviewed the events from the RZC meeting and stated the amendments to the original application subsequent to meeting with area residents. He then stated the RZC recommendation to approve the amended rezoning application subject to 19 conditions and stated that since that meeting, the Hasselbring property has been withdrawn from the application.

Dan Griffen, developer, read a letter to the Stolle family and presented a powerpoint presentation relative to the proposed new community. He then stated that the development has gone from 4800 dwelling units to 2400 with 1000 acres of green space. He stated the desire to develop a "community friendly" project.

There was discussion relative to the traffic impact study.

Mr. Griffen stated that the study is complete and he will make whatever improvements the County determines necessary as a result of the study.

Commissioner Kilburn stated his concern relative to the economy going bad and leaving the existing Sanmargale residents "out in the cold". He also stated a concern relative to the impact on the schools.

Mr. Griffen stated they are committed to closing on 106 acres per year for 30 years.

There was then discussion relative to the New Community Authority.

Greg Stipe, attorney for developer, stated there are ten new community districts in existence within the State of Ohio.

There was discussion relative to the economy of scale and what happens if the economy goes bad and Hines-Griffen and/or the new community authority goes bankrupt.

There was discussion relative to the proposed sanitary sewers for the area.

Commissioner Kilburn stated his opinion that the rezoning application is premature as the Board of Commissioners has not released the area for sanitary sewer service.

Commissioner South clarified the language in the zoning code relative to a sanitary sewer system verses centralized sanitary service.

Commissioner Young stated that the current zoning is Rural Residence "R-1" and outside of any Warren County sewer improvement area. He then requested the developers to explain to him how they can claim this to be sewer land.

Mr. Griffen stated they have the ability to build the sanitary sewers and the County has the option to operate the plant. He stated he will present the legal authority prior to the next meeting. He then stated that, if for some reason, they are deemed to not have sewers within the courts, they would develop the property at two acre lots.

Commissioner Kilburn stated his biggest concern is density.

Mr. Griffen stated that all RPC conditions have been met or are in process of being address.

Commission Young questioned if there is a condition that would prevent a big box retailer from locating within the proposed development.

Mr. Griffen stated that the rezoning application was modified from General Business "B-2" to request Neighborhood Business "B-1" which doesn't allow those types of businesses.

Commissioner South then requested Mr. Sullivan to read aloud the uses within Neighborhood Business "B-1".

Michael Fite, architect, stated the Board may specify restricts such as height of buildings, lighting and landscaping that the Stage 2 portion of the PUD.

Commissioner South questioned if the developer is proposing to pay a voluntary impact fee to the schools.

Commission Young then explained the benefit of the impact fee.

There was discussion relative to the new community authority having authority to help the schools in lieu of a voluntary impact fee.

Mike Torino, Turtlecreek Township resident, stated his opinion that the sky is not falling because this development wants to go in.

Steve Gratarti, River's Bend resident, spoke relative to the outstanding work Hines-Griffen has done in developing.

Mike Detkus, River's Bend resident, stated his satisfaction with the Hines-Griffen development in which he resides in Hamilton Township.

Randall Vesecker, Deer Run Trail resident, stated he was initially strongly opposed to the subdivision. He stated that, after meeting with the developer, he is not necessarily opposed but is not in favor of the project either. He stated that the Board needs to do what is right for the entire county. He also stated his concern that Hines-Griffen may get zoning approval and then abandon the project and stick the residents with a poorly run develop.

Dr. Douglas Gaker, Oregonia Road resident, spoke in favor of the project. He stated his opinion that the developer cares about and desires to protect the land.

Erin Campbell, Hamilton County resident, stated she has been attending meetings to observe Hines-Griffen as they are considering them for a project. She stated they have met all promises to the residents and spoke highly of the developer.

Ann Torino, Turtlecreek Township resident, stated she is impressed with how the developer has worked with the existing residents of Oregonia.

Brad Norris, property owner, stated there are seven people who own the property now. He then stated a decision will be made relative to how the property will develop in this generation because the next will include a total of 15 people.

Thomas Oliver, Corwin Road resident, stated he is originally opposed to the project but believes the developer is doing everything possible to accommodate residents.

Virgin Holmes, environmental consultant and area resident, stated his opinion that the developer should be permitted to include enough homes within the project to allow sanitary sewers for the betterment of the environment. He also suggested that the homes be clustered with consideration of open space for the area.

Matt Layer, Harlan Township resident, spoke in favor of the development.

Joel Thrash, environmental engineer, spoke in favor of the project.

Joe Thrauth, attorney for the developer, spoke in favor of the development stating he has never seen a project this well planned and thought out like this one.

Frank Marsachi, Wilmington Road resident, stated his concern with 100 homes proposed next to him. He stated he does not have a problem with developing the property in 2 to 5 acre parcels. He also discussed his concerns relative to school capacity.

Keith Marcum, Oregonia Road resident, stated his understanding of growth being inevitable. He stated that when he constructed his home, he had to observe the rules of zoning and stated his opinion that this developer should also. He then questioned why the developer felt it necessary to have apartments at the "city center" of the development.

Christie Johnson, N. Nixon Camp Road resident, stated her opposition to the rezoning application. She stated she does not feel the need to create a "city center" when there is an actual city (Lebanon) 4 miles away. She stated that she had to abide by the 2 acre lot rule and so should they. She also stated her concerns relative to traffic.

Ed Beheimer, Wilmington Road resident, stated his desire to control growth. He stated his opinion that if this Board approves the rezoning, they will lose control over growth. He also stated his concern that if Hines-Griffen were to fold, the area would have a big mess.

Upon further discussion, the Board resolved (Resolution #05-2065) to continue the public hearing to January 26, 2006, at 6:00 p.m.

Upon motion the meeting was adjourned.

Pat Arnold South, President

C. Michael Kilburn

David G. Young

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I hereby certify that the foregoing is a true and correct copy of the minutes of the meeting of the Board of County Commissioners held on December 22, 2005, in compliance with Section 121.22 O.R.C.

Tina Davis, Clerk
Board of County Commissioners
Warren County, Ohio