

RECORD OF PROCEEDINGS

Minutes of

SPECIAL

Meeting

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

Held

May 19, 2003

This special meeting of the Colerain Township Board of Trustees was called to order at 4:37 PM, Monday, May 4, 2003 by President Keith Corman to reconvene Zoning Case #2003-02, Hunter's Ridge. The Board was in full attendance.

Mrs. Rielage motioned to appoint David Foglesong acting clerk for the purpose of recording the minutes. Mr. Fiedeldey seconded the motion.

Mrs. Rielage "Aye"
Mr. Fiedeldey "Aye"
Mr. Corman "Aye"

At 4:40 p.m., Mr. Tim Gary requested an executive session to discuss pending litigation.

Mrs. Rielage motioned to adjourn into executive session. Mr. Fiedeldey seconded the motion.

Mrs. Rielage "Aye"
Mr. Fiedeldey "Aye"
Mr. Corman "Aye"

The meeting reconvened at 5:00 p.m.

PUBLIC HEARING

Zoning Case 2003-02, Hunter's Ridge

C. Francis Barrett stated a desire to address the board.

Mr. Gary, of Wood & Lamping and attorney for the Board, explained the process following the court ruling.

Mr. Gary suggested the Board consider A-2 Zoning based on information presented by the professionals hired to review the project.

Those in attendance to address the Board regarding the case:

**Fran Barrett of Barrett-Weber, 105 East Fourth Street, attorney for owners
Mr. & Mrs. Decker, owners
David Schoster, P.E. from JMA**

Mr. Barrett stated that they concur with the findings of Mr. Gary that development under A Zoning not economically feasible. They urged the Board to approve the proposed A-CUP in the court order. Also, the court ordered 40 feet of landscaping buffer at the west.

There is no provision for landscaping buffer for straight A or A-2 Zoning.

Mr. Barrett commented on the recommendation of Mr. Gary to A-2. A recommendation of A-2 was not considered by the Zoning Commission nor has the Board been presented a plan.

The number of units per acre in A-2 are approximately 3 per acre with a gross of 189 units less than 20% for R of W 150 units possible.

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Mr. Barrett stated there has been no study for A-2. Eighty foot lots are not feasible or appropriate for this project, and he suggested A-2 will result in going back in court and subject to mandatory damages.

Mr. Barrett continued stating the Schemo case awarded significant monetary damages.

The applicant could seek a A-2 CUP resulting in clustering and higher density.

Mr. Barrett is willing to review a plan for A-2.

Mrs. Rielage asked Mr. Gary if the Township was required to provide a plan for the developer.

Mr. Gary stated no time requirement restrictions but to do only an A zoning review was accomplished.

Mr. Corman stated that Abercrombie information admissible. Abercrombie prepared a drawing but no cost estimate. Abercrombie presented to the Zoning Commission, not to the Board.

Mr. Barrett stated that Mr. Abercrombie called him.

The Township appeared in court for an extension for review of A, and the opinion is that the court would not look favorably on an A-2 Zoning.

Mr. Gary rebutted by statements on Mr. Abercrombie.

The Township did a study and found it to be economically unfeasible, therefore alternate zoning was needed to be studied. Mr. Barrett said court only to study A.

Mr. Fiedeldey stated it is reasonable to assume that with all of the information available that A-2 would be feasible.

Mr. Barrett stated that they cannot look at A-2 without an analysis. He stated this is spite Zoning and the court stated A-Cup is reasonable. He respects the Board members but felt A-2 improper.

Mr. Fiedeldey stated that a reasonable person could reasonably believe A-2 is feasible.

Mr. Corman asked Mr. Barrett if A-2 would his client apply A-2 CUP, would they apply for 189 lots and lose the 40' buffer.

Mr. Gary asked what is spiteful.

Mr. Barrett said no appeal by the Township of the unconstitutionality of AA or reasonableness of A-CUP at 129 units.

Mr. Barrett stated it appeared as if the Board was playing games.

Mr. Rielage disagrees with C. Francis Barrett playing games.

Mr. Barrett is not accusing the Board of playing games.

Mr. Corman stated the Board needs to protect the entire community.

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Mr. Barrett said the court cannot rezone property. Property owners have the right of economic viability of property.

The court reserves the right to review the rezoning.

Mr. Barrett presented to the court the AA & A does not work. It is time to study. No analysis of A-2.

Mr. Gary stated issues before the court, was AA constitutional, reasonable use of land A-CUP.

Mr. Gary stated there are a number of reasonable uses.

Mr. Fran Barrett said A did not work. A-CUP professional opinion was workable.

I don't think it appropriate to rezone it A-2 without public review.

Mostly appropriate is to allow the A-CUP to go forward.

Mr. Gary said the developer could place a buffer if he chose.

Mr. Barrett said cosmetic was the purpose of the buffer.

Mr. Fiedeldey said the study at A Zone, led to his own questions.

The judge could rule that A is unconstitutional, but A-2 reasonable.

Mr. Barrett asked how many lots would be put on the site.

Mr. Fiedeldey said approximately 150 units, but it may not be possible.

Mr. Barrett said the best use of the property, by Hamilton County Regional Planning Commission staff, is clustering of multi family higher quality and higher number of units.

A-2 is not desirable and would not have the open space.

No more questions.

Charles Schuler, 7370 East Miami River Road – is interested in privacy and wants written requirements on buffer.

Mrs. Rielage motioned to close the public hearing. Mr. Fiedeldey seconded the motion.

Mrs. Rielage	"Aye"
Mr. Fiedeldey	"Aye"
Mr. Corman	"Aye"

Board Discussion.

Mr. Fiedeldey said the Board advised that there are questions on A zone.

A-2 zone possible and doable has problem with 70 foot lots, 80 foot lots on Austin Ridge.

Mrs. Rielage had no additional questions or comments.

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Mr. Corman said the matter before the Board for 2003-02 by the Zoning Commission is A zoning.

Resolutions prepared by Mr. Gary to change the zoning from AA to A-2 and A-A to A.

If the Board doesn't act, A-CUP will be the result of the court ruling.

Mrs. Rielage stated the procedure to be followed.

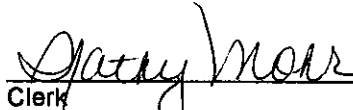
Mr. Gary read Resolution #30-03 amending Zoning from A-A to A-2.

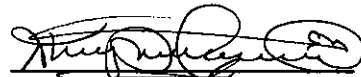
Mrs. Rielage motioned to approve Resolution #30-03. Mr. Fiedeldey seconded the motion.

Mrs. Rielage	"Aye"
Mr. Fiedeldey	"Aye"
Mr. Corman	"Aye"

There being no further business to be brought before the Board, a motion to adjourn the meeting at 6:55 PM was made by Mrs. Rielage and seconded by Mr. Fiedeldey.

Mrs. Rielage	"Aye"
Mr. Fiedeldey	"Aye"
Mr. Corman	"Aye"


 Clerk


 President