



Butler County Planning Commission

Government Services Center, Conference Room #1
315 High Street, Hamilton, Ohio

Special Meeting Minutes

MEETING: Tuesday, November 19, 2019, 3:00 p.m.

ROLL CALL:

Present: Bruce Jones, *Chair*
Bernard “Buck” Rumpke, *Vice-Chair*
Dave Baker
Steven Brown
Kevin Cooney
Lonnie Lewis
Beth Surber

Absent: Amy Updike

Staff Present: Peter Z. Acuff, Dept. of Development

Mr. Jones called the special meeting to order with roll call at 3:00 p.m.

FINAL PLATS

Legacy Ridge, Section One

Section 36, Town 3, Range 2

West Chester Township

Mr. Jones described the project and the reasoning as to why the issue was postponed at the last regularly scheduled meeting. He explained that some of the concerns were regarding the amount of excavation of soil that had taken place. He stated that the geotechnical studies that had been performed, as well as the comment made by staff to not disturb the area in the hundred year flood plain, as that area had a high slippage potential. He stated that there was nothing to protect future buyers at a later date if they are not informed.

Mr. Acuff stated this was a reconsideration of the final plat for Legacy Ridge, Section One, comprised of 23 new lots on just shy of 11.5 acres. He stated that the particular issue was regarding the stream that runs at the rear of lots 10-14.

He reviewed new staff comments, namely to provide the HOA declaration that provides language pertaining to the shared driveway for lots 15-17. He restated that the staff strongly recommends not to disturb the forested area within the hundred year flood zone. Mr. Acuff stated that he got word from the Soil & Water Conservation District the morning after the last scheduled meeting that they had looked at the geotechnical report and were happy with the recommendations included therein. Staff is recommending that notes about buildability in the rear of lots 10-14 be added to the plat and indicated by asterisk or other similar mark, which lots are subject to the new notes.

Ms. Surber asked if the asterisk would mean that those comments are on each individual plat affected by those notes.

Mr. Jones asked if the purchaser was going to be made aware of the notes on the plat and informed about the buildability. He proposed that terminology be provided to the purchasers that gives them the information regarding those lots affected by the flood plain. This information would serve as a disclaimer.

Mr. Rumpke asked if there is verbiage that can specify that the disclaimer be placed before the eyes of the purchasers of those lots. Mr. Acuff stated that this can be requested as part of the Planning Commission's approval recommendation, but the Planning Commission does not have recourse to enforce it.

Mr. Jones stated that he believes this information should be placed before the purchasers at time of purchase.

Mr. Cooney asked if this information could be included in an addendum to the HOA agreement.

Mr. Jones made a motion to approve the final plat for **Legacy Ridge, Section One** subject to staff comments, items 1-4, dated 10/31/2019 and revised 11/19/2019. Furthermore, the applicant is to provide purchasers of lots 10-14 with the following statement at the time of contract or immediately forthwith: "Grand Communities LLC has been advised to not disturb forested areas as of 11/19/2019 within the 100 year flood limits on lots 10-14". Mr. Lewis seconded this.

At this time, the applicant addressed the board through representation by Richard Arnold with McGill Smith Punshon (project engineer) and Dave Stroup of Grand Communities (construction manager).

Mr. Stroup stated that this stream was bone dry all through the months from June-September. He stated that Grand Communities has no issue with the language the board has requested be included. He stated that all customers are provided the plat at time of purchase, with all notes included. They have already updated the plats to include staff comments 4-5.

Mr. Arnold asked Mr. Jones to revise his motion to replace "100 year flood limit" with "private drainage easement". He states that the private drainage easement encroaches even closer onto the property than the 100 year flood limit.

Mr. Jones states that while the stream was dry this past year, due to the unusually dry weather conditions experienced, the board needs to also account for the years when the weather conditions are not quite so dry.

Mr. Cooney has more concern with the homes being sold and subsequent homeowners not being aware of the notes on the plat, and the messages not being transmitted when ownership of the home is transferred. He stated that he was in favor of the applicants request to change the terminology regarding the 100 year flood limit to say private drainage easement.

Mr. Jones retracted his motion, and made a new motion to approve the final plat for **Legacy Ridge, Section One**, subject to staff comments 1-4 dated 10/31/19, revised 11/19/19. Furthermore the applicant is to provide the purchaser of lots 10-14 the following statement at the time of contract or immediately forthwith: “Grand Communities LLC has been advised not to disturb forested areas as of 11/19/2019 within the private drainage easement of lots 10-14”. Motion was seconded by Mr. Lewis. Motion carries 7-0.

AYES: Jones, Lewis, Cooney, Brown, Surber, Baker, Rumpke

NAYES: None

ABSTAIN: None

RESOLUTION#: 19.80

ADJOURNMENT

Mr. Rumpke made a motion to adjourn, seconded by Mr. Brown. Meeting adjourned.

These minutes represent a summary of these proceedings and do not purport to be the entire record. A complete transcription of these proceedings was taken from an audio tape under supervision of the Secretary and may be obtained upon written request. Any charges associated with preparing such transcript shall be borne by the person requesting.

Hamilton, Ohio

November 19, 2019

Chair

Secretary