

The March 14, 2022 special meeting of the Delhi Township Board of Trustees to hold a public hearing was called to order at 6:00 p.m. by Chairperson Cheryl A. Sieve at the Rapid Run Middle School Auditorium, 6345 Rapid Run Road. Trustee Rosanne K. Stertz, Trustee Michael D. Davis, Fiscal Officer James J. Luebbe, Administrator Jack Cameron, and Law Director Bryan E. Pacheco were also present.

OPEN THE MEETING:

- The Board received certification that the rules adopted pursuant to Section 121.22 of the Ohio Revised Code were complied with for the meeting.
- The meeting began with the Pledge of Allegiance, followed by a moment of silence dedicated to the three million refugees in Ukraine.
- Also present were Mr. Don Brunner, President/CEO BRG Realty Group and Mr. Joe Thomas, Metro Development, LLC.

PUBLIC HEARING: Case ZC2022-04

Motion to Open public hearing to hear a request of a proposed zoning map amendment to rezone 98 and 134 Anderson Ferry Road (parcels 540-0033-0153-00 and 540-0033-0154-00) from “C” Residence District to “PUD” Planned Unit Development, filed by BRG Realty Group, LLC was moved by Trustee Davis and seconded by Trustee Stertz. Trustees Davis, Stertz and Sieve voted YES. Motion carried.

Report from Assistant Administrator Greg DeLong

Mr. DeLong reviewed details of the case and request to rezone approximately 6.691 acres of land from “C” Residence District to “PUD” Planned Unit Development and that the location of the subject properties are currently vacant and are part of the Indian Lookout Apartment Community; the complex is unique in that the existing buildings are within the City of Cincinnati and the subject vacant properties are within Delhi Township.

He advised that the proposed development, if approved, would contain four new walk-up buildings with two parking spaces per unit that will utilize the existing ingress/egress from Anderson Ferry, including landscaping and buffering to meet or exceed township zoning regulations.

He reviewed the setbacks of the current “C” Residence District for front, side and rear yards and the setbacks that were proposed to the Zoning Commission for the development: a north setback of 30’, south setback of 30’ and 40’ on the east, and zero on the west; advising that the developer has reconsidered the setbacks and have revised them.

He reviewed the amenities that already exist in the community, including a clubhouse, pool, basketball court, grilling station and a dog park.

He reminded the Board that the Township did a housing study in 2018, of which identified a need for one- and two-bedroom apartments in the township.

He addressed the density of the development, as compared to other similar developments, would be the second lowest in the township, reviewed the map of the parcel and identified the Hillside District Overlay in the center, as well as the portion of the complex located in the city limits.

He referenced the map of the proposed concept plan with the four units, and the location of the parcel in question of which the developer has modified and plans to address during the hearing.

Regarding the Planned Unit Development classification requirements to be considered by the Board when making their decision to appropriately zone the land and establish the setbacks, if the Board would approve the zoning and setbacks, he explained that the developer would be required to return at a later date to address the final development plan that would address in more detail the landscaping, lighting and building elevations. He reviewed other sections of the code to address the circulation, traffic and signage.

He confirmed that the Zoning Commission did hear the case on November 17th and voted 5 to 0 recommending denial.

Reporting for the Applicant:

Mr. Don Brunner, President/CEO BRG Realty Group

Mr. Brunner introduced his company, a locally owned real estate management company recognized as a top workplace over the past three years. He shared details about their history operating over the past 40 years, having 50% ownership of the Indian Lookout property and plans to continue management of the existing complex and new development if approved. He referenced their goal to retain residents, of which speaks to their 64.5% retention rate, compared to the industry's standard of 50%, offering attainable housing and rent between \$1,000 to \$1,300, based on income in this area that is affordable for the workers. Confirmed they are at 100% occupancy.

Mr. Joe Thomas, Metro Development, LLC

Mr. Thomas referenced his experience as a builder for 29 years, and the owner of Metro Development's experience dating back to 1964, reviewed the history of the company and its master portfolio of roughly 50,000 apartment units throughout central Ohio over the past 50+ years. He addressed their business relationship with BRG Realty Group, and reviewed the development that would consist of 90 units (72- 2-bedroom units, and 24-3-bedroom units), with buildings 1 and 3 having the 2 and 3 bedrooms (12 in one and 12 in three), and buildings 2 and 4 having all 2 bedrooms. Confirmed that the development would attract higher profile clientele who would pay the rent for the new apartments.

In response to Trustee Sieve's question concerning previous information shared that the development that it would have one-bedroom apartments, Mr. Thomas confirmed that they were all 2 and 3 bedrooms.

He referenced their first draft of the development plan that was shared with the neighborhood directly to the east of the development prior to meeting with the Zoning Commission, and also shared with the Zoning Commission at their meeting on November 17th, presenting the following changes to address the residents' concerns:

- Building setbacks for buildings 1 and 3, moved farther west closer to the existing Indian Lookout property – establishing a new setback of 70' from the original setback of 40';
- Adding a 6' black chain link vinyl coated fence to the east property line; and
- Addition of 8' tall spruce trees on that property line as well (original plan stated 6' spruce trees).

He addressed the new development as being a continuation of the existing Indian Lookout complex and main entrance on Anderson Ferry Road.

In response to Trustee Davis' question regarding how the residents of the new development will access the complex, Mr. Thomas confirmed that the residents of the new development would use the current driveway on Anderson Ferry into the complex.

Trustee Sieve brought up a concern regarding increased traffic from the development entering and leaving the complex from the main entrance.

Mr. Thomas referenced the slides addressing details about the landscape features and the materials that will be used on buildings one and three, on the sides that face the existing neighborhood to the east; as well as the topography of the development and reasons for the locations of the buildings.

He identified the site as being a challenge, with the highest point roughly 50' higher in the center compared to perimeter of the parcel, that will come with a site development cost to move the earth and install the retaining walls that will be located in the northwest and southwest corners.

He identified the location of one of the retaining walls that would completely wrap the southeast corner of the development at the bottom of building 4 and to the side of building 3; and a larger engineered retaining wall (20' to 30' in height) that will be installed at the most western and northern ends of buildings 1 and 2.

He identified the distance of the adjustment for the buildings to the closet neighbors to the east (identified on the slide as homes 1 through 5 and building numbers 1 through 4); and reviewed the obstructed views between the houses and the buildings and the distances from the houses to the buildings, as well as the distances between building 4 and the existing homes from 428' at the closest proximity to roughly 625'.

In response to Trustee Sieve's question regarding the measurements, Mr. Thomas confirmed the 70' distance is measured from the corners of buildings 1 and 3 being from the property line, and the measurement of building 4 being a farther distance than 70'; when addressing the Zoning Commission the setbacks were 40'.

He addressed another adjustment regarding the height of the retaining walls on the north end of the property being increased, of which comes with a greater cost to move the building an additional 30' away.

He reviewed the conceptual building elevation and the materials that will be used on ends of buildings one and three closest to the single-family homes.

He reviewed the layout and interior design and materials used in the 2- and 3-bedroom apartments.

He reviewed the positioning of buildings 1 and 3 in such a manner that the ends of the buildings have no windows, the sides that would face the residents in the neighborhood to the east.

In response to Trustee Davis' question to address the concern about the view overlooking the neighbors, Referring to building one (most eastern end of the building), Mr. Thomas stated that there would be no windows on the shortest end that would face the neighborhood.

In response to Trustee Sieve's question regarding the chain link fence, would it be visible to the residents, Mr. Thomas confirmed that the fence is depicted off of the property line in the interior of the trees. He stated that they picked the black fencing because it is known to fade into the background, and that they plan to bring it in a couple feet off of the property line, and will also maintain the existing vegetation that will act as a buffer along the property line.

Trustee Sieve stated that she would prefer to see what the fence will look like and would not want the fence marking the property line. Mr. Thomas confirmed the reason for the location of the fence is due to their commitment to maintaining the trees and shrubs located within the 40' setback.

In response to Trustee Sieve's concern regarding the look of the retaining walls, Mr. Thomas described what the landscaped retaining walls would look like and that they would be located at various ends of the development. He explained the retaining walls are needed due to the amount of earth removed to level off the site.

Trustee Sieve stated that she would like to see what the retaining walls would look like.

In response to Trustee Sieve's question regarding the engineers opinion about the topography, stormwater and drainage of the site, Mr. Thomas confirmed that they would engage with an engineering firm to design those aspects of the project after the zoning is approved. He confirmed that they have to maintain the outflow of water as it exists today and that they are aware of the concerns regarding the topography of the site, existing problems related to flooding and stormwater drainage, of which will be addressed with the engineer.

In response to a question from Trustee Stertz regarding maintenance of the existing trees and shrubs located within the 40' setback, Mr. Thomas confirmed that the existing vegetation within the 40' setback to the west of the existing buildings will be maintained by BRP Realty Group. In addition, as part of the landscape plan, they are adding shrubs and spruce trees at those locations to provide buffering in the colder months when the leaves fall off of the existing trees.

In response to Trustee Stertz' question does the pond serve a purpose; Mr. Thomas confirmed that the pond is for stormwater management. He described the process of waterflow collected in the catch basin and how it is released off site. He confirmed that the pond will be a regular maintenance item for BRG Realty Group.

Trustee Sieve stated her desire to get the opinion of a civil engineer on the appropriate drainage of the site, knowing of residents who are already experiencing flooding; as well as addressing any issues with the topography being located in the Hillside District, referring to issues that have occurred on Hillside Avenue; how these concerns will be addressed now and in the future.

Mr. Thomas confirmed that the development plan would go through a very intense process with the engineer throughout all phases of the project, including the review and monitoring of the site to ensure everything is done correctly.

Addressing a concern about the main entrance being able to handle the increased traffic going in and out of the complex, Mr. Thomas reported on the Traffic Engineer's findings and distributed a memo about the traffic impact adding 53 trips in the morning and 62 trips in the evening.

Regarding signage, Mr. Thomas confirmed as they get further into the engineering process, they will have a full traffic study that will determine if there would be a need for mitigation efforts.

In response to Trustee Davis' question for clarification regarding the topography issues and the view into the homeowners' yards, Mr. Thomas confirmed that they are committed to maintaining all of the vegetation currently located within the 40' setbacks and adding 8' spruce trees to create a more impactful buffer; in addition to adding spruce trees along the western border where the setbacks will be pushed by 70'.

Trustee Davis stated that he would prefer a wall instead of the chain link fence.

Mr. Thomas confirmed that the chain link fence addresses concerns related to people trespassing from Indian Lookout complex, stating that they would consider a privacy fence in its place if the Board would prefer. Confirmed that they used the chain link fencing in other developments and that it would be installed to the interior of the trees so it should not be visible by the residents.

Public Comments:

Nicholas Smith, 5180 Clareridge Court, identified the drainage line for stormwater coming off of Clareridge Court and the adjacent road as running through his property and the property behind him. Having seen the volume of water that runs through his yard after a significant rainfall and having had water backup issues in the past, expressed his concern about the excessive amount of land that will have to be removed from the site and the impact that could have on stormwater drainage for the neighborhood.

Katie Meese, 5146 Clareridge Court, resident for 30 years, communicated reasons for purchasing the home because of the wooded lot, wildlife and privacy. She expressed a concern related to privacy and that she disagrees with the statement that no one will be looking into their back yards and windows; and how the additional stormwater drainage coming off of the new development would impact their neighborhood.

Joyce Lockwood, 5176 Clareridge Court in the cul-de-sac and residents for 35 years, stated that the development will be directly behind her property. Communicated concerns related to the look of the development being very unpleasant; the balconies that will have a direct view into their back yards and homes due to the elevation; the view from her yard of the parking lot and dumpster that they will smell and also attract a variety of pests, in addition to noise pollution from the car stereos; safety regarding people trespassing from the parking lot; the impact of the extra traffic on Anderson Ferry during rush hours, and decreased property values.

Jim Schroeder, lives at 5167 Clareridge Court with his wife and 3 small children, expressed concern that the development would destroy a major part of the 6-acre forest and the wildlife, and that it will dramatically alter the fabric of their neighborhood.

Dayad Veldhaus, resident of Delhi 31 years, living in the neighborhood at 100 Clarebluff Court for 14 years at the end of the street adjacent to the drainage problem, communicated his concerns about the stormwater drainage having witnessed a backup a few years ago in his side yard; traffic control on Anderson Ferry, and potential decreased property values.

Andrew Jacobs, lifetime resident of Delhi moved to 118 Clarebluff Court two years ago with his wife and young child. Expressed concerns that the neighborhood he and his family fell in love with would drastically change (neighbors who are unhappy will be moving); the scenic view of the woods and wildlife will no longer exist; it will negatively affect property values especially the properties that border the development; people who rent don't care as much about their neighborhood and you never know who your neighbors area going to be; the variation of the elevation of the buildings and issue with people looking into their neighbors houses.

Mark Wainscott, 5160 Clareridge Court (house number five on the map), having experienced a home invasion several years ago and the police tracked it back to the existing apartments, communicated his concern about safety and that they will have a large population living in close proximity who they won't know.

Janet Rosenthal, 836 Allenwood Court, asked if the developer will be responsive to what the neighborhood is saying.

Adam Niemeyer, 106 Clarebluff Court, expressed a concern about privacy, that he disagrees with the builder that people won't be looking into the back yards and windows of the homes closet to the development; and safety, regarding the fence that will not prevent people from accessing the adjacent properties.

Todd Lingren, 4953 Alvernovalley Court, enjoys the neighborhood because it is quiet and safe, surrounded by nature and wildlife. He expressed his concern that the development would adversely affect the families in the neighborhood, referring to studies that have found that time spent in greenspace both enhances and preserves long term cognition and learning potential for both adults and children.

Joe Barker, 4905 Riverwatch, communicated concerns about the 40' setbacks; the elevation issue and view into the neighbors back yards and windows; the value the woods add to the neighborhood that would be lost, and added traffic.

Catherine Barker, 4905 Riverwatch Drive, communicated concerns about the topography and the hillside being unstable, sensitive, and problematic. She shared a conversation that she had with someone with the Hillside Trust who suggested that the hillside could become problematic with the new development.

Andrew Cervelli, moved to 5041 Clarevalley Drive three years ago with his wife and baby, expressed concern about the increase in population and the current lack of access to daycare and goods and services (limited goods and long lines at Kroger).

Jennifer Trennepohl, 5166 Clareridge Court, identified her property as being house number 2 and in closest proximity to building number 1. Expressed her concerns about the elevation issue and people looking down into their back yards and windows; it will be a huge eyesore; additional traffic on Anderson Ferry; the increase in population from the new development and Delhi Towne Square impacting the accessibility to groceries and other goods and services, and stormwater drainage with the already existing drainage problems in their back yards.

Closing Remarks:

Trustee Davis asked the builder if he could address the concerns of the residents.

Mr. Thomas stated that they hear the concerns of the neighbors and understand that they would not like to see the project move forward. He identifying the current need for housing and shortage of apartments, and their product that will be attainable for a large percentage of the working-class population. He addressed the following issues:

- Option to build single-family homes - feasibility on this site would require them to remove all of the existing trees on the east property line, compared to their product that would allow them keep the existing tree line and maintain it within the larger setback.
- Stormwater runoff - the current 30" corrugated pipe would be removed and new drainage installed to maintain the existing drainage for the neighborhoods to the east (cul-de-sac and the back yards).
- Retaining walls – would be engineered for the property. The height of the retaining walls would need to be 20 to 30' tall because of the location being along the hillside that extends 20' to 30' lower than the site, located at the top and the bottom of the property so the residents would not see them.
- Elevation – based on the site being 50' higher in the center, explained that they will need to remove a substantial amount of dirt to properly level the site to build the concrete pads. He described the walk in of the finished product as being at the same level as the homes adjacent to the site.
- Privacy – view of the back yards and windows – the positioning of the buildings would not provide a direct view of the back yards and homes in the adjacent neighborhood.
- Clientele – the people they rent to are good people, not criminals, who stay in their apartment on the average five to ten years.
- Property maintenance -performed by BRG.
- Safety - Cincinnati Police Department has made 12 runs to the current Indian Lookout complex, of which 10 were issues related to parking.

Trustee Stertz stated that she would like to see the elevation drawings before voting on the zone change.

In response to a question if you have had opposition to any of your other projects, Mr. Brunner confirmed that they are working on their first project in Hebron, Kentucky and were not met with any complaints. Regarding a different project in Kentucky, confirmed that they did receive denial because of the density; and that Metro Development is the owner of the property for this project.

Mr. Thomas confirmed that they will address all of the concerns and report back with their responses.

Closing Comments

Mr. DeLong reviewed the following items:

- Benefits of the Planned Unit Development zoning classification, to give the property owner a little more creativity and allow for negotiations between the Zoning Commission, the Board of Trustees and the developer on the final development plan.
- Regarding the Hillside District, he confirmed that the Township would require the submittal of a Geotechnical report.
- He described the process if the property would be developed under its current zoning classification that the Township would have little control and no opportunity for input.

Trustee Davis stated his concerns and desire to continue the discussion and review the issues that were brought up by the neighbors.

Trustee Stertz stated that she is not ready to vote and would like to have more time to review the legalities of what the Township can, and can't do. She would also like to hear more about the lighting plan.

Trustee Sieve stated a concern that the Board would be relinquishing their control of the development of the site if they did not approve the request to re-zone the property to a Planned Unit Development. She is also in favor of delaying the decision to give the builder an opportunity to make it right.

She suggested the earliest the Board could meet would be March 31st, confirming that the Township would give proper notice of the date, time and location of the continuation of the hearing by mail to the adjacent property owners; in addition, the meeting details will be posted on the Township's website and shared on Facebook.

ACTION BY THE BOARD:

Motion to Continue Public Hearing

Motion to continue the public hearing for Case ZC2022-04, was moved by Trustee Davis and seconded by Trustee Stertz. Trustees Davis, Stertz and Sieve voted YES. Motion carried.

ADJOURN MEETING:

With no further business to come before the Board, a motion to adjourn was moved by Trustee Davis and seconded by Trustee Stertz. Trustees Davis, Stertz and Sieve voted YES. Motion carried.

Approved: _____, Fiscal Officer
_____, Chair
_____, Trustee
_____, Trustee

I hereby certify that the amounts needed to meet the above obligations have been lawfully appropriated and are in the treasury or the process of collection free from any and all obligations.

James J. Luebbe, Fiscal Officer