

**Minutes – APPROVED****Bethel Township Zoning Commission****December 19, 2019 – 7:30 pm.****Regular Meeting****Township Meeting Room, 8735 S. Second Street – Brandt, Tipp City, Ohio**

**Zoning Commission Member(s) Present:** Lorna Furderer, Chair; Julie Reese, Vice Chair; Polly Turner, Bill Serra; John Berbach; Sherry Anderson (Alternate); Jess Underwood (Alternate)

**Zoning Commission Member(s) Absent:** None

Ms. Furderer called the meeting to order at 7:34 p.m.

ZC and staff introduced themselves.

**New Business**

**Case: ZA-01-19:** A request from Michael Gutmann, Trustee, PO Box 910, Piqua, OH 45756, to rezone 14.182 acres of 93.438 acres presently zoned A-2 on the northeast and northwest corners of Agenbroad and Dayton-Brandt Roads, New Carlisle, OH 45344, and Tipp City, OH 45371, from A-2 Domestic Agriculture to R-1AAA Single Family Residence. This will allow for up to six residential lots to be split. Miami County Parcel ID #A01-059300.

Mr. Caskey presented the case to the commission and asked if there were any questions.

None.

Mr. Gutmann presented his case to the commission and confirmed Mr. Caskey's report was accurate. He stated that this request is for six building lots, which is down for the eight he originally considered. He and his builder, Ian Bowman of Bowman Builders, believe the houses will be very high-end and present no problems with the surrounding area.

Ms. Turner asked Ian Bowman about the type of homes. He said they would be in the \$300 - \$350K range.

Ms. Reese asked about the water and costs.

Mr. Gutmann stated that water would be brought in from the Denlinger extension at the applicant's expense and usage costs are determined by the county.

Ms. Furderer asked if there were any attendees wishing to speak in favor of the rezoning.

None.

Ms. Furderer asked if there were any attendees wishing to speak against the rezoning.

Ms. MaryAnn Layton, New Carlisle Rd., asked about the impact on other parcels.

Mr. Gutmann stated that there should be little impact.

Mr. Kenny Hoskins, 7600 Agenbroad, asked about future development.

Mr. Gutmann said while that could be possible, the only development he is working on are these six parcels.

Mr. Jason Pickett, 7730 Ross Rd., asked about the remainder of the property.

Mr. Gutmann said the present plan is to continue farming that.

Mr. Randy Shoup, 7135 Agenbroad Rd., stated he was concerned about drainage.

Mr. Caskey noted that drainage was the purview of the county and would have to be addressed there.

Mr. Joel Harrah, 7785 Ross Rd., asked about frontage size.

There was a general discussion of requirements and that this request meets or exceeds those requirements.

Ms. Furderer closed the public comments and asked the commission if they had any additional questions.

None.

Ms. Turner moved to recommend approval of the rezoning.

Mr. Berbach seconded.

VOTE:

Ms. Furderer – Yes

Mr. Berbach – Yes

Mr. Serra – Yes

Ms. Turner – Yes

Ms. Reese – Yes

Recommended for approval 5 – 0

**Case: ZA-04-19:** A request from Craig and Kimberly Riviello, 5165 US 40, Tipp City, OH 45371, to rezone 2.908 acres out of 30.171 presently zoned A-2 to R-1AAA for the purpose of creating a building lot for a family home. The newly created parcel to be approved contingent on the approval of a frontage variance from the Bethel Township Board of Zoning Appeals. Miami County parcel ID: A01-043910. (TO BE TABLED)

Mr. Berbach moved to table this case.

Ms. Turner seconded.

Ms. Furderer – Yes

Mr. Berbach – Yes

Mr. Serra – Yes

Ms. Turner – Yes

Ms. Reese – Yes

Case tabled 5 – 0

**Case: ZA-07-19:** A request from Joyce Myers, 7085 S SR 202, Tipp City OH 45371, to rezone 5.001 acres from a 63.03-acre A-2, General Agriculture parcel to A-1, Domestic Agriculture, for the purpose of separating the existing house and barns from the agricultural use. The rezoning would be contingent on receiving a variance for front setback (50 feet required), and a square footage variance for the existing barns. There would be zero setback on the existing house and the barns total 4,156 sf where 3,200 sf between two buildings is permitted. The property is identified as Miami County Parcel ID #A01-077100.

Mr. Caskey presented the case to the commission and asked if there were any questions.

None.

Ms. Jeri Seaton, applicant's daughter, was present representing Mrs. Myers. She presented the case to the commission and confirmed Mr. Caskey's report was accurate. She stated this request was to be able to sell the house, barns and silo and keep the remaining farm with their property to the north.

Ms. Furderer asked if there were any questions from the commission.

None.

Ms. Furderer asked if there were any attendees speaking in favor of the application.

None.

Ms. Furderer asked if there were any attendees opposed to the application.

None.

Ms. Furderer closed the public comments and asked the commission if they had any additional questions.

None.

Mr. Berbach moved to recommend approval of the rezoning contingent on the approval of the needed variances.

Ms. Turner seconded.

VOTE:

Ms. Furderer – Yes

Mr. Berbach – Yes

Mr. Serra – Yes

Ms. Turner – Yes

Ms. Reese – Yes

Recommended for approval 5 – 0

**Case: ZA-08-19:** A request from Trevor Bean, 5263 Summerset Dr., Tipp City OH 45371, to rezone 66.55 acres of 71.55 acres presently zoned A-2, General Agriculture, to R-1AAA, Single Family Residence, and 5.00 acres to B-2, Office/Residential District, for the purpose of developing residential lots and a business lot on the parcel located at the southeast corner of US 40 and Palmer Road. All lots and improvements must meet or exceed Township standards established in the Bethel Township Zoning Resolution. The property is identified as Miami County Parcel ID #A01-021100.

Mr. Caskey presented the case, including a bullet-point list of email questions and answers, to the commission. These bullet points were:

- The Bethel Land Use Plan calls for Office/Residential in this area.
- The rezoning request is for 66.5 acres at R-1AAA. This parcel, if rezoned, can be split any way that adheres to the Township and County requirements.
- A commercial building is not out of character for this intersection. Directly across US 40 from the proposed athletic business are two commercial properties.
- Property values – The Township has no control over this and cannot make decisions based on this data point. Actually, according to the new assessments from the County, property values are higher.
- Traffic – The Township has no jurisdiction over traffic and US 40 is a State road while Palmer is a County road.
- Light pollution – The Township does have restrictions on unshielded light fixtures.
- Bethel School concerns – The Township cannot make decisions about Township issues using Bethel Schools and any issues they may have as a data point. Bethel Township and Bethel Local Schools are separate entities.

- Annexation – this property is not contiguous to Huber Heights and cannot be annexed.

Mr. Caskey asked if there were any questions.

None.

Mr. Bean presented his case to the commission by reading Exhibit 2 into the record and confirmed Mr. Caskey's report was accurate. He stated that with sewer and water available, this was the perfect parcel for his friends and him to develop so they can enjoy the more rural character of Bethel Township. He said the plan is not final and would have to go through the county subdivision process and that the present plan would not pass that because of the length of the cul-du-sac. He also stated he is working with ODOT and Miami County about access as Palmer is a county road and US 40 is a state road.

Ms. Furderer asked if the commission had any questions for the applicant.

Ms. Reese asked if this property was in the flood plain.

Mr. Bean said no.

Ms. Anderson asked how many lots are "sold" today.

Mr. Bean said about seven.

Ms. Anderson asked if the tree line would be kept and if fencing would be put up.

Mr. Bean said the plan is to keep the natural features as much as possible.

Ms. Furderer asked if there were any attendees wishing to speak in favor of the rezoning. Mr. Nathan Terry, 8811 Watergate Dr., Huber Heights, said he is a potential owner and wants more land for his kids. He is also interested in building the sports facility, said he had experience with them, and wants one closer to his new home. This indoor facility would allow for year-round use. He noted that there is a plan for a \$75,000 sewer project for the lots so there will be a nice upgrade to the land there.

Several spouses in the audience also supported Mr. Terry's comments but did not show up on the recording because they were too far away.

Jason Pickett noted that the present plan is much better than a lot of smaller parcels.

Carolyn Workman, Stephanie Newman, Rebecca Arnold, Dan Arnold supported Jason Pickett's comments and Dan Arnold asked how the soccer complex would be used.

Ms. Natalie Pickett thought a development like this ruins the rural feel of the Township.

Mr. Caskey noted that the request is in line with the approved Comprehensive Land Use Plan.

Ms. Michele Pfrogner, 7105 Palmer Rd., expressed concerns about this extremely "contrived" arrangement by the group of friends. She also thought a development like this negatively impacts the quality of life in the Township.

Ms. Lisa Bird, 8767 Palmer, thought a development like this would have negative impacts on traffic, the intersection, and the tree lines.

Ms. Bird's husband Todd asked whether the plan was final.

Mr. Bean stated it could certainly change.

Ms. Beth Houston, 6650 Palmer Rd., stated that she is against the development and most especially the sports center. She feels traffic will be very bad and unsafe.

Mr. Dan Shaver, 7930 Scarff Rd., thought a complex like this was outrageous but since the Trustees approved medical marijuana, they can't be trusted to look out for the Township.

Several other comments were made in the audience but did not show up on the recording because they were too far away.

Mr. Caskey stated that the Trustees have only acted in the best interest of the Township and have a proven record of deep caring for Township issues.

There was a general cross-talking by residents in the audience and no testimony came from that.

Note: the residents opposed to the development, mostly because of the B-2 part, outnumbered those in support.

There was a general discussion of requirements and that this request meets or exceeds those requirements.

Ms. Furderer closed the public comments and asked the commission if they had any additional questions.

Mr. Berbach said he was ambivalent on the project but did wonder about drainage.

Mr. Caskey said drainage is the purview of the county engineer and they had checked it out.

Ms. Reese thought the lot sizes could be changed, but if they conformed to the Township resolution, then they had little choice but to approve it. She did think the sports complex was not a rural business and not consistent with the neighborhood.

Ms. Furderer asked if the sewer hookups were a must.

Mr. Bean said the county has insisted on that and the system was checked and can handle the new tap-ins.

Ms. Anderson thought there were too many “what ifs” and wished there was a way to have the applicant commit to a plan.

Mr. Caskey said that is not a requirement for a straight rezoning application and that any development must meet or exceed Township and county regulations.

Ms. Turner moved to recommend approval of the rezoning.

Mr. Serra seconded.

VOTE:

Ms. Furderer – No  
 Mr. Berbach – Yes  
 Mr. Serra – Yes  
 Ms. Turner – Yes  
 Ms. Reese – Yes

Recommended for approval 4 – 1

Approval of Minutes: September 2019

Motion to approved the minutes by Mr. Berbach.

Seconded by Ms. Turner.

VOTE:

Ms. Furderer – Yes  
 Mr. Berbach – Yes  
 Mr. Serra – Yes  
 Ms. Turner – Yes  
 Ms. Reese – Yes

### **Public Comments**

None.

**Staff Comments**

Mr. Caskey noted Ms. Reese attended the MVRPC zoning seminar and would give the commission an overview at a future meeting.

**Zoning Commission Comments**

Mr. Berbach thanked Mr. Caskey for preparing all the necessary document for the cases in an easy-to-understand way.

**Adjourn meeting**

Ms. Furderer called for a motion to adjourn.

Ms. Reese moved to adjourn.

Mr. Berbach seconded.

VOTE:

Ms. Furderer – Yes

Mr. Berbach – Yes

Mr. Serra – Yes

Ms. Turner – Yes

Ms. Reese – Yes

Meeting Adjourned 10:30 p.m.