



# **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 -- January 19, 2006**

The Board met in regular session pursuant to adjournment of the January 17, 2006, meeting.

Pat Arnold South - present

David G. Young - absent

C. Michael Kilburn - present

Tina Davis, Clerk – present

- 06-125      A resolution was adopted to continue Public Hearing to consider the Adoption of Access Management Regulations in Warren County. Vote: Unanimous
- 06-126      A resolution was adopted to approve the Planned Unit Development Preliminary Site Plan (Stage 2) for Shaker Run Pod K Multi-Family (aka Shaker Run Golf Club, Inc. PUD) Vote: Unanimous
- 06-127      A resolution was adopted to approve Settlement Agreement and Release and Waiver of all Claims relative to Southern District of Ohio – Eastern Division Case No., 1:05CV089 (Burgess v. Powers, et al) and authorize Pat Arnold South, County Commissioner to sign documents relative thereto. Vote: Unanimous
- 06-128      A resolution was adopted to Cancel Regularly Scheduled Commissioners' Meetings of March 7, 2006 and March 9, 2006. Vote: Unanimous
- 06-129      A resolution was adopted to authorize Publication of Notice to Public of a Finding of No Significant Impact on the Environment and Notice to Public of Request for Release of Funds relative to the Fiscal Year 2005 Community Development Block Grant Formula Program. Vote: Unanimous
- 06-130      A resolution was adopted to approve Easement Agreement with Janet F. Fette.

Vote: Unanimous

- 06-131 A resolution was adopted to approve and enter into Agreement between the Warren County Commissioners and the City of Franklin, Ohio regarding Reimbursement for Public Defender Expenditures. Vote: Unanimous
- 06-132 A resolution was adopted to approve and enter into a Lease Agreement with the Warren County Soil & Water Conservation District. Vote: Unanimous
- 06-133 A resolution was adopted to Advertise for Bids for the Bardes Road Sanitary Sewer Extension Project. Vote: Unanimous
- 06-134 A resolution was adopted to approve following Record Plat. Vote: Unanimous
- 06-135 A resolution was adopted to approve Supplemental Appropriation within Construction Fund #467. Vote: Unanimous
- 06-136 A resolution was adopted to approve Supplemental Appropriation within Commissioners Fund #101-1112 and an Operational Transfer from Commissioners Fund #101-1112 into Common Pleas Community Corrections Fund #289. Vote: Unanimous
- 06-137 A resolution was adopted to approve Operational Transfers from Commissioners Fund #101 into Water and Sewer Funds #510 and #580. Vote: Unanimous
- 06-138 A resolution was adopted to approve an Appropriation Adjustment within Data Processing Fund #101-1401. Vote: Unanimous
- 06-139 A resolution was adopted to authorize payment of Bills. Vote: Unanimous

DISCUSSIONS

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PUBLIC HEARING #2

ADOPTION OF ACCESS MANAGEMENT REGULATIONS IN WARREN COUNTY

The second public hearing to consider adoption of Access Management Regulations in Warren County was convened this 19<sup>th</sup> day of January 2006, in the Commissioners' Meeting Room.

Neil Tunison, County Engineer, presented an executive summary of the rules and regulations that must be complied with if the Board chooses to adopt the regulations.

Commissioner Kilburn clarified that the regulations are mainly for safety purposes.

There was discussion relative to the ability to deny access to a property if there is no safe location for a curb cut.

Mr. Tunison stated that the law provides that access must be granted but the regulations allow the County to dictate where it is to be located.

There was discussion relative to what increased liability the County may have if they adopt the regulations.

Bruce McGary, Prosecutor's Office, stated that the County would have no more liability than they have now.

Bill Duning, Area Progress Council, stated that the Area Progress Council is not opposed to the adoption of these regulations.

Dennis Pickett, Clearcreek Township Administrator, stated that Clearcreek Township endorses the proposed regulations.

Jeff Ellison, Professional Land Surveyors of Ohio, stated their support of the regulations.

Mr. Tunison stated that the Ohio Valley Development Council of the Cincinnati Homebuilders Association supports the regulations.

There was discussion relative to the appeals process. The Board stated their desire to be the appeal authority.

There was discussion relative to what the appeal fee should be.

The Board stated their desire for the appeal fee to be no more than the actual cost to the County.

Upon further discussion, the Board resolved (Resolution #06-125) to continue the public hearing to February 2, 2006, at 5:05 p.m.

Bob Craig, Regional Planning Commission, was present for the continuation of the Shaker Run PUD in Turtlecreek Township.

Mr. Craig reviewed the events of the last two meetings. He stated that 764 acres of the property were rezoning in April 2007 from Rural Residence "R-1" to Rural Residence "R-1" as a Planned Unit Development. He stated that the proposal includes seven single family lots and 103 multi family units on 15.7 acres. He then stated that the maximum dwelling units per acre approved in the 1997 rezoning resolution is 8.

Alex Tarensenko, Rhein Development, reviewed the approved density vs. the actual overall density for the entire acreage. He then stated that the average of one child per ten homes in the multi-family section of the development.

Russ Beemer, Director of Marketing for Fischer Homes, presented a power point presentation of statistics of the last 18 month for their similar development. He stated that 97% of the development is occupied by 1 or 2 people.

Terry Banker, Turtlecreek Township resident, questioned if the development would change this section to single family rather than multi-family homes.

Mr. Tarensenko stated that the project was financed through the bank with the multi-family section included and they cannot change the financing.

Theresa Chaney, Jim Durken, Dan Hill and various other Greentree Road residents spoke in opposition to this proposed development.

There was discussion relative to the concern of this turning into rental development/apartments.

Commissioner South questioned if the developer would be willing to place a covenant and restriction on the property that limits the number of landlord owners permitted in the development.

The developer/builder requested a recess in order to get corporate approval for the restriction.

Steve Hunt, attorney for developer, stated that the President of Fischer Homes has stated his agreement to place the restriction on the development that states no more than 25% of the units will be able to become rental units. He also stated their willingness to give the Homeowner's Association as well as the Board of County Commissioners enforcement power.

Upon further discussion, the Board resolved (Resolution #06-126) to approve the preliminary site plan for Pod K Shaker Run PUD in Turtlecreek Township subject to 21 conditions.

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Upon motion the meeting was adjourned.

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Pat Arnold South, President

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C. Michael Kilburn

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David G. Young

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 January 19, 2006, in compliance with Section 121.22 O.R.C.

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