

**MINUTES OF MEETING**  
**INDIAN HILL PLANNING COMMISSION**

**AUGUST 19, 2008**

The regular meeting of the Indian Hill Planning Commission was held on Tuesday, August 21, 2008 at 7:30 p.m. in the Council Chambers of the Village Administration building.

Members Present: Paul F. Madden  
David T. Ottenjohn  
Jane G. Koppenhoefer  
Richard C. Wiggers  
Charles E. Reynolds

Members Absent: None

Officials Present: Michael W. Burns, City Manager  
David M. Couch, Assistant City Manager

Visitors Present: Gary Beck, 8625 Blome Road  
Graham Parlin, 7800 Cooper Road  
Doug Herald, 7800 Cooper Road  
Stephen Hunt, Attorney for HPA Development  
Donald Klekamp, Attorney for R. T. Farmer  
Richard Fraser, 8535 Fox Cub Lane  
Mary Stewart, 8105 Keller Road

Chairman Madden called the meeting to order and asked for comments or corrections to the June 24, 2008 Planning Commission minutes. There being none, Mr. Ottenjohn made a motion to approve the minutes. Mr. Wiggers seconded, and the minutes were approved by a unanimous voice vote.

Mr. Madden asks for anyone planning to speak on behalf of the following case, to please stand, raise their right hand, and be sworn in prior to speaking.

**Item Number 1:** HPA Development Group is requesting Preliminary Plan approval for Ambleside Estates Subdivision. Ambleside Estates is located at Blome and Keller Roads.

Mr. Doug Herald comes before the Commission on behalf of HPA Development Group and states that he is there with his partner, Mr. Graham Parlin, to request Preliminary Plan approval for Ambleside Estates Subdivision. Mr. Herald comments that they have reviewed Mr. Couch's Staff Report and are in agreement with the recommendations that are made in the report. Mr. Herald states that they do not have any further comments at this time and will be glad to answer any questions after the Staff Report is presented.

**Staff Report:** Mr. Couch notes that the Concept Plan for Ambleside Estates was approved on June 24, 2008. HPA Development Group is now requesting Preliminary Plan approval for a ten (10) lot subdivision at Ambleside Estates.

Mr. Couch reviews the changes that have been made from the time of the approval of the Concept Plan to the Preliminary Plan that's now before the Commission. The changes include the following:

- The existing tennis court, pool, and pool pump house on lot #1 are to be razed, which will eliminate the need for a variance.
- Several changes have been made to the natural resource protection standards in order to allow for a 20' bridle trail easement along the common driveway.
- The existing private drive that serves lots #2, #3, and #10 has been widened from 12' to 14' and includes two pull off areas to accommodate two way traffic.
- A 20' wide bridle trail easement has been included along the existing private drive to Blome Road.

Mr. Couch notes that the Village has thirteen submission requirements for Preliminary Plan approval. He reviews each as follows:

**OEPA** – The Ohio Environmental Protection Agency approved the subdivision for on-site discharge systems, subject to the Hamilton County Health Department's design approval.

**OHD** – The Ohio State Health Department approved the site for on-site discharge systems.

**HCHD** – The Hamilton County Health Department approved the development for septic, subject to design and location review.

**Indian Hill Health Department** – The Health Department has approved the site for septic and will be responsible for inspection services once systems are in place.

**Indian Hill Water Works** – The Water Works has approved the Preliminary Plan showing an 8" water main to be looped and extended to the main house, meeting all of the Indian Hill Water Works standards.

**Madeira & Indian Hill Fire District** – The Fire Chief has voiced four areas of concern. These concerns are noted as follows:

- 1) Common driveways and the potential for blocked access – by widening the private drive to 14' and adding the two pull off areas, the Chief's concerns have been addressed.
- 2) Issuing addresses for the individual residences – The Village has been consistent with following the Hamilton County addressing system.
- 3) Water supply availability in the area – By looping the main, it allows for sufficient availability of water for fire fighting purposes.

- 4) Location of fire hydrants – The Indian Hill Zoning Ordinance requires that hydrants be located within 500' of a dwelling. The new state fire code requires that hydrants be located within 400' from a dwelling. The applicant has agreed to locate the hydrants within 400' of the dwelling.

**Indian Hill Police Department** – The Police Department approve of the plan as shown.

**Indian Hill Public Works Department** – The Public Works Department approve the subdivision layout.

**Bridle Trails** – A 20' wide bridle trail easement is shown along the common drive to Blome Road. Permission beyond the Ambleside Subdivision will be needed to connect the proposed trail.

**Resource Protection Standards** – Some minor adjustments were made to the resource protected areas in the subdivision. Mr. Couch points out that the developers had to protect 7.13 acres; however, the plan shows 7.36 acres to be protected.

**Storm Water Review** – Storm water calculations call for three areas of storm water detention within the subdivision. Detention basin design will be included as part of the final construction drawings.

**Village Engineer's Review** – The Village Engineer has noted the above minor changes and approves the Preliminary Plan as shown.

Staff has properly notified all adjacent property owners, and did receive a letter from Mr. Gary Beck, residing at 8625 Blome Road. Mr. Beck is requesting the vacation of a 15' wide utility easement running along the east property line of lot #3 and the Beck property. Mr. Beck would like a resource protection area to be shown on the approved subdivision plan encompassing the utility easement area up to his property line, but with a note or provision stating that the resource protection area is subject to a prior easement until such easement is vacated.

In response to Mr. Beck's letter, Staff finds that the resource protection requirements have been met, and that Mr. Beck's request falls outside the subdivision ordinance. However, HPA Development in cooperation with Mr. Beck, submitted a letter agreeing to Mr. Beck's request.

Staff also met with Mr. Donald Klekamp, attorney for Mr. Richard Farmer, residing on Fox Cub Lane. Mr. Farmer's concern involves the 50' ingress/egress easement that runs across his property. Staff has advised HPA Development to meet with Mr. Klekamp to resolve any issues related to the ingress/egress easement that runs through Mr. Farmer's property.

The Village also recommended that the developer get a written maintenance agreement for the common driveway in the ingress/egress easement for maintenance along with a written

notation stating that emergency vehicles would have access through Fox Cub Lane across the 50' easement only for emergency purposes.

Staff also recommends that construction traffic for lots #2, #3, and #10 use the Blome Road common drive only and not Fox Cub Lane. Construction traffic for all other lots shall access the frontage of each individual lot within the Ambleside Estates Subdivision.

Mr. Couch summarizes by stating that the Preliminary Plan does meet the Indian Hill Zoning Ordinance and recommends the above mentioned conditions be placed on approval.

Mr. Burns clarifies that one of the conditions would be for the applicant and Mr. Klekamp, as Mr. Farmer's representative, to work out the details of the ingress/egress easement as far as which lots may or may not use it.

Mr. Gary Beck, of 8625 Blome Road, comes before the Commission and states that he wants to make sure that an agreement that he and the developer have will show on the final plans. Mr. Beck states that it's his understanding that there would be the vacation of a 15' wide utility easement running along the east property line of lot #3 and his property. He would like the plans to show a resource protection area encompassing the utility easement area up to his property line, but with a note or provision stating that the resource protection area is subject to a prior easement until such easement is vacated.

Mr. Beck also mentions that the developer will be razing the two houses on lot #3 and have agreed to remove the utility poles located along the property line. Mr. Beck requests that the Commission make this a condition for approval.

Mr. Burns states that if the developer wants to agree to the above or place restrictions on the plat, they may do so. However, he feels the Commission should not make Mr. Beck's requests part of their review and a requirement for this development because it goes beyond what the subdivision ordinance requires.

Mr. Donald Klekamp comes before the Commission on behalf of Mr. Farmer. Mr. Klekamp comments that he does not want to involve the Planning Commission in Mr. Farmer's legal issues as to whether or not an easement exists. Basically, it is Mr. Farmer's position that he does not want traffic coming across this 50' portion of his roadway. However, if this preliminary approval is subject to a resolution between the developers and Mr. Farmer, they are not opposed to the Commission approving the request.

Mrs. Mary Stewart, residing at 8105 Keller Road asks how many lots will be facing Keller Road. Mr. Burns replies that there are three lots that look as though they will face Keller Road.

Mr. Beck asks if it's possible to show the above mentioned 15' wide utility easement that runs along the east property line of lot #3 and his property on the final plans.

Mr. Burns replies that he is reluctant to show this area as “resource protected”. He mentions that if the developer chooses to, they can show this area as a protection easement or a conservation easement.

Mr. Parlin comments that HPA Development and Mr. Beck have agreed to label this area as resource protection on the final plat, subject to Duke Energy vacating the easement. Mr. Burns states that if this is a private agreement and it's encumbered into the plat, then that is between HPA Development and Mr. Beck. The Commission does not have the authority to make it a condition for approval of the plat.

After further discussion, Mrs. Koppenhoefer made a motion to approve the Preliminary Plan for Ambleside Estates Subdivision with the following conditions:

- 1) That there is a resolution concerning the easement rights between the development and Mr. Richard T. Farmer at 8525 Fox Cub Lane.
- 2) A written maintenance agreement related to the common driveway and the 50' wide ingress/egress easement with a notation providing emergency access through the 50' wide ingress/egress easement.
- 3) Construction traffic for lots 2, 3, and 10 shall access Blome Road only and not Fox Cub Lane; all other lots of the development shall access individual lot frontages.

Mr. Ottenjohn seconded, and the motion was approved by a unanimous voice vote.

Mr. Burns announces that Mr. Reynolds has expressed an interest in resigning from the Planning Commission after many years of valuable service. Mr. Burns states that Mr. Abbott Thayer will be joining the Commission in September as a new member. Mr. Burns thanks Mr. Reynolds for the many years of service he has given the Village, both as a Council representative and Planning Commission member.

There being no further business to come before the Commission, Mr. Wiggers made a motion to adjourn. Mr. Reynolds seconded, and the motion was approved by a unanimous voice vote.

Respectfully submitted,

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Paul F. Madden, Chairman

ATTEST:

Michael W. Burns, Secretary