

CITY OF SHARONVILLE
RELIS REZONING PUBLIC HEARING
January 8, 2008

Taken by: Kimberly L. Wilson, CSR, RPR

Page 2

1 MEMBERS PRESENT:
 2 Virgil Lovitt, II
 3 Kevin Hardman
 4 Janey Kattelman
 5 Robert Duerler
 6 Vicki Hoppe
 7 Robert Tankersley
 8 Bill Breyer
 9 Mark Piepmeier
 10 Kerry Rabe
 11 Jim Dygert
 12 Greg Pugh
 13 Thomas Keating
 14 Paul Ledbetter
 15 Martha Cross Funk
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

Page 4

1 commission. We're going to ask for folks from
 2 Fischer Homes to present; then I believe Mr.
 3 Mara, who is with the Guardians of RELIS
 4 organization, will come forward and present on
 5 behalf of them, and then we will open the floor
 6 to anyone else who wishes to add additional
 7 comments to council on this particular hearing.
 8 When you do come up, we ask that you
 9 please give us your name, give us your address
 10 and then give us your comments. If we have
 11 questions, we will -- we may ask you to field
 12 some, but we're mostly going to ask for your
 13 comments. This is a public hearing to hear
 14 from you and your position with regard to this
 15 development.
 16 The other thing I am going to ask that's a
 17 little different from the planning commission
 18 is I'm going to ask that you please refrain
 19 from any type of applause or boos or anything
 20 along those lines. This is a public hearing
 21 and I don't want anyone to feel like they can't
 22 come forward and express their opinion because
 23 of who's here and who's here on what side and I
 24 don't want to foster that type of environment;
 25 so please refrain from applause, refrain from

Page 3

1 PROCEEDINGS
 2 MR. HARDMAN: I'll call to order the
 3 second public hearing, that being Ordinance
 4 2007-66 regarding Fischer Homes rezoning. I
 5 assume that most of you are probably here for
 6 that particular public hearing.
 7 The way we are going to function -- most
 8 of you were probably at the planning commission
 9 meeting when they also had one of these public
 10 hearings. I will let you know that I believe
 11 every one of the elected officials -- or at
 12 least every one of them that will be voting on
 13 this issue were also present at that planning
 14 commission meeting, so they heard all those
 15 comments that you made.
 16 We also have received the minutes from
 17 that public hearing and I am going to
 18 incorporate those minutes into tonight's public
 19 hearing, so please be mindful that we have
 20 heard all of that and we have seen that. Those
 21 will be made part of tonight's public hearing
 22 before council.
 23 The way we're going to proceed is pretty
 24 much very similar to the way that public
 25 hearing proceeded before the planning

Page 5

1 any signs of displeasure or disapproval. We
 2 will give you all an opportunity to raise your
 3 hands in favor or con so that we can get a
 4 sense of everybody who's out in the audience at
 5 some point in time, but please refrain from
 6 those verbal sharing of your enthusiasm or
 7 displeasure, whichever the case may be.
 8 With that said, I will turn to Fischer
 9 Homes and we'll begin our public hearing.
 10 MR. HAWKSLEY: Thank you, President
 11 Hardman. My name is Bob Hawksley. I'm the
 12 president of Fischer Group. I live at 10848
 13 Omaha Trace in Union, Kentucky, 41091. I'm
 14 just going to basically give you a short
 15 presentation. There's a couple of things that
 16 are different than our planning commission
 17 presentation, and then I'm going to be followed
 18 by Joe Trauth, and I think Aaron Mackey with
 19 the Princeton School Board would make a few
 20 statements as well.
 21 First of all, I'm going to highlight the
 22 various elements of La Mira and our plan for La
 23 Mira. And obviously the submission and the
 24 application has been submitted in great detail
 25 in the books and I hope you've had an

Page 6

1 opportunity to go through the submission.
 2 Our main objective for La Mira was to
 3 create a community that was both financially
 4 feasible, but that also could be professionally
 5 developed and delivered with a high level of
 6 service amenities, features and benefits that
 7 would appeal to both our customers as well as
 8 be desirable to the city of Sharonville.
 9 The overall number of homes in La Mira is
 10 285 and that consists of 89 single-family homes
 11 and 196 condominium homes of two different
 12 types. We further improved the preservation of
 13 the natural area by removing Grand Gallery over
 14 in this portion of the property to the west
 15 side and that reduces the impact on the site.
 16 It also improves the connectivity of the
 17 internal road configuration improving access
 18 for emergency vehicles and community service
 19 vehicles.
 20 With this plan one thing that I want to
 21 point out is all of the neighboring
 22 single-family homes, the ones over in this area
 23 here off Cottingham, and the ones to the north
 24 are all adjacent to single-family homes, so
 25 none of the multi-family makes contact with any

Page 7

1 of the single-family homes.
 2 In addition, the single-family homes are a
 3 minimum of 70-feet wide and a minimum of 9,800
 4 square feet in size. Additionally, we've
 5 divided the plan into two zones: the
 6 single-family zone, which is R1-B, and the
 7 multi-family or condo zone, which is RM-D, and
 8 we've put a PUD overlay on the entire site.
 9 We also took time to address the concerns
 10 that we heard from the city about the RM-D
 11 zoning classification by incorporating a
 12 special condition that allows for a specific
 13 definition of the RM-D zone to reflect that
 14 really the intent is the R2-C zoning
 15 classification, and that language was in Tab 13
 16 in the submission.
 17 In addition, another alternative, if that
 18 isn't acceptable, would be for the city council
 19 to add a condition to modify the product
 20 definition under the R2-C classification that
 21 would allow our Villa II and Grand Gallery
 22 product. In this case we would accept the R2-C
 23 zoning with a PUD overlay instead of the RM-D
 24 in that area. Either solution removes the
 25 concern over RM-D.

Page 8

1 There's also a logical transition from the
 2 commercial area over industrial, commercial and
 3 high-density apartment in this area transitions
 4 into the multi-family. So essentially where we
 5 have the multi-family uses, adjacent to those
 6 uses are industrial, commercial and
 7 high-density 12-unit to the acre apartment
 8 zoning.
 9 Likewise, where we transition into the
 10 single-family plan, there are single-family to
 11 the east and to the north; that is where our
 12 single-family home sites reside, so it's a
 13 logical transition.
 14 The overall price average for La Mira will
 15 be approximately \$226,000, substantially above
 16 the median price for a home in Sharonville of
 17 \$140,000.
 18 The main entry and the boulevard -- the
 19 main entry in the single-family streets in here
 20 will be public streets. The streets within the
 21 condominium section are private streets and
 22 private essentially means that the
 23 responsibility for maintenance, repair and snow
 24 removal of the street surface will be the
 25 responsibility of the homeowner's association.

Page 9

1 La Mira incorporates a substantial
 2 recreation facility complex in this area here,
 3 which consists of a themed clubhouse, exercise
 4 facilities and spa-type facilities, as well as
 5 a playground, off-street parking, to further
 6 enhance the liveability within La Mira. Our
 7 internal walking trails and sidewalk system
 8 will link the trails in the western portion of
 9 the site over in this area, which lead down to
 10 the fossil park, and pedestrian accessibility
 11 from Cottingham residents will become easier
 12 through La Mira.
 13 The open space in La Mira totals about 27
 14 acres reflecting about 40 percent of the total
 15 site. The plan also preserves a substantial
 16 amount of existing tree cover and vegetation in
 17 various areas throughout the site. In the
 18 western portion there's approximately 16.9
 19 acres and we're able to keep about 25 percent
 20 of that totally undisturbed.
 21 I've previously discussed the various home
 22 types and they were in the submission, both
 23 elevations, floor plans and detailed stuff
 24 behind Tab 19. These are for-sale,
 25 single-family and condominiums. We don't rent

Page 10

1 condos. At a gross density of about 4.25 homes
 2 per acre, La Mira would reflect the Fischer
 3 Groups lowest density ever for a combined
 4 single-family/condominium community in our
 5 area. Given the very low intensity and the --
 6 it will have a very open and spacious feeling
 7 when we get La Mira developed, especially
 8 considering the surrounding uses of industrial,
 9 commercial and the intense apartments to the
 10 other side.

11 What we'll see in the early stages of La
 12 Mira is the traffic that was generated by the
 13 school will disappear resulting in lower
 14 traffic impact to the surrounding area. Once
 15 we start development, it's probably going to
 16 take until about 2012 until traffic from the
 17 homeowners that live there will be -- will be
 18 similar to the traffic that's generated by the
 19 school. And even at full completion, the
 20 traffic generated is only slightly higher than
 21 the impact from the school.

22 In addition in our traffic study, we
 23 directed our traffic engineer to also look at a
 24 much broader perspective on the total area and
 25 we have offered suggestions for improvements

Page 11

1 that will improve that overall area. The
 2 internal street configuration, traffic controls
 3 throughout La Mira are designed to discourage
 4 cut-through traffic, yet provide safe access
 5 for fire and emergency vehicles.

6 In addition, from a marketing perspective
 7 and development perspective, we believe that
 8 this plan from circulation is the most
 9 desirable overall, but we did develop an
 10 alternative plan under Tab 15.

11 Based on the comments and questions during
 12 the entire La Mira approval process, it's
 13 understood that management controlled storm
 14 water runoff is an important element to the
 15 city. Our storm water system will
 16 substantially improve the runoff compared to
 17 what exists today. The system will detain
 18 water during a rainfall event and will slowly
 19 release that storm water that's being detained
 20 after the rainfall event has subsided.

21 The city of Sharonville's requirements for
 22 storm water management include reducing storm
 23 water discharge rates of a 50-year
 24 after-development storm to rates that are
 25 equivalent to a 25-year pre-development storm.

Page 12

1 Since the planning commission meeting we were
 2 also able to further enhance the storm water
 3 retention capacity such that a 100-year
 4 post-development storm will be discharged at a
 5 rate of a 25-year pre-development rate.

6 In addition, storm water runoff to the
 7 north in this area can be greatly improved by
 8 diverting that runoff into the system. This
 9 approach has been recommended and endorsed by
 10 the Butler County Engineer's Office.

11 In conclusion, La Mira represents a very
 12 high-quality, liveable community. The
 13 application that we've submitted is thorough
 14 and complete and I would respectfully request
 15 that the city council approve the zoning map
 16 amendment and application. I want to thank you
 17 for your time and attention and I'd like to
 18 turn it over to Joe Trauth for a few comments.
 19 Thank you.

20 MR. TRAUTH: Good evening, Mr. President,
 21 Mr. Mayor, members of council. My name is Joe
 22 Trauth. I'm an attorney with the law firm of
 23 Keating, Muething & Klekamp and I specialize in
 24 land use planning and development issues. I've
 25 been in the practice of law for, I hate to

Page 13

1 admit it, 35 years and I've specialized in that
 2 area most of that time.

3 What my job is when I'm hired by a client
 4 like Fischer is to advise them on proper land
 5 use planning techniques and compliance with
 6 zoning codes, such as the zoning regulations of
 7 the city of Sharonville, and what I always
 8 advise them is that if they comply with land
 9 use planning principles, they will indeed then
 10 comply with most codes and that's certainly the
 11 case here.

12 Fischer Homes, in my years of
 13 representation of them, is a premier home
 14 builder in the southern Ohio/northern Kentucky
 15 area and I'm very proud to represent them and
 16 I'm sure you will be very proud to have them as
 17 a member of your community.

18 What I wanted to address with you tonight
 19 is the current zoning of the school property.
 20 Currently the zoning is public facility
 21 district in which the 66-acre parcel known as
 22 La Mira Development is located, and that
 23 district allows only governmental, civic
 24 educational, welfare, recreational and general
 25 public facility uses.

1 The Princeton School Board has attempted
 2 to auction off the property and found no takers
 3 for any purpose included in the public facility
 4 zoning. And that to me means if you offer
 5 something to the open market the way it is
 6 currently zoned and there are no takers, that
 7 it is not properly zoned or, in the parlance of
 8 legal jargon, unconstitutionally zoned for
 9 purposes of a proper and reasonable use of the
 10 property.

11 The zoning is what entitles a person to
 12 develop and the only entities that eventually
 13 became interested in this property were two
 14 residential developers and a multi-family
 15 developer. The two residential developers were
 16 Hills Developers and Fischer and they plan on
 17 doing a for-sale, single-family development on
 18 the entire property, which is normally one of
 19 the most restrictive uses that any community
 20 has. Single-family zoning is usually the most
 21 restrictive. Sometimes agricultural districts
 22 are more restrictive, but single-family is the
 23 most restrictive.

24 The property, as you know, is surrounded
 25 on the south by commercial uses, on the west by

1 would in effect constitute the property
 2 unusable and could constitute a taking of the
 3 property.

4 I think a lot of you have recently read
 5 about the Crest Hills Golf Course case in
 6 Amberley Village in which I was involved. In
 7 that case the property no longer became usable
 8 for a golf course. Crest Hills couldn't make
 9 it work anymore. It was a country club and
 10 they merged with Losantiville Country Club and
 11 moved all of their golf facilities over to that
 12 club. In that case the property was zoned park
 13 so the only uses were similar to these public
 14 facilities uses; and someone came in with a
 15 very reasonable residential use that was turned
 16 down and the Ridge Club sued Amberley and they
 17 won at the trial court level and at appellate
 18 court level on the basis that the park zoning
 19 was an unconstitutional taking of that property
 20 because it couldn't be used for that purpose
 21 and they wouldn't allow them to use it for a
 22 reasonable residential use.

23 So again, we believe that case has
 24 similarities and we believe that the use
 25 proposed is immanently reasonable from a land

1 industrial uses, on most of the eastern border
 2 by multi-family uses with a density of
 3 approximately 12.8 units per acre, on the
 4 northeast with some single-family residential
 5 and on the north, in Butler County, with
 6 residential uses. The most logical land use
 7 for the property is that which is proposed by
 8 Fischer with a total of 285 single-family units
 9 with single-family homes abutting the north and
 10 the east in Sharonville and the north in Butler
 11 County; the condominiums abutting with a buffer
 12 the western most industrial use and the
 13 condominium development to the south, which
 14 buffers the abutting commercial density.

15 The overall project, as Bob mentioned, is
 16 a very low 4.3 units per acre. And given the
 17 industrial, commercial and multi-family
 18 developments surrounding the site on three
 19 sides, it's a very reasonable and, in my
 20 opinion, the absolute best type of development
 21 for this property, especially with the two
 22 entrance and exit points.

23 If the land cannot be developed in this
 24 manner, it would be economically infeasible to
 25 develop the property for any other use and

1 use perspective. It's immanently reasonable
 2 from a community perspective given the adverse
 3 influences that surround the property on three
 4 sides basically. And we believe that Fischer
 5 and their proposed development is one which
 6 Sharonville will be very proud, so we would ask
 7 that you approve the proposed development as
 8 modified and explained by Bob. And with that I
 9 would ask Aaron to come up and address you on a
 10 couple of other issues. Thank you.

11 MR. MACKEY: Thank you. Mr. President and
 12 Mr. Mayor and members of council, thanks for
 13 this opportunity to talk with you. I'm just
 14 here tonight representing the owners of the
 15 property, the Princeton Board of Education and
 16 the taxpayers of Princeton City School
 17 District.

18 Many of you may or may not know that --
 19 and I wanted to report that on Monday we opened
 20 our eighth and final brand-new building for the
 21 Princeton Schools and have completed the
 22 elementary project, but I bring that up because
 23 many of you don't know or don't remember but
 24 before we started all of that we had a lot of
 25 difficulty in rising prices. After the voters

Page 18

1 voted the bond issue to replace the elementary
2 buildings, we were hit with the obvious results
3 of Hurricane Katrina and what was being done in
4 China, building eight major cities over there
5 and steel leaving the country and so forth. So
6 we hit with about an 18 percent increase in
7 prices so we were scratching our heads how are
8 we going to fulfill the promise to the voters
9 and deliver the eight elementary buildings like
10 we wanted to do because we were going to be
11 about two buildings short with those increases
12 in prices.
13 One of the ways as we looked at -- looked
14 down the road when we were finished with the
15 RELIS property and we were no longer going to
16 be needing that for a school or a transition
17 location for students as they were having their
18 buildings built, we would rotate the kids up
19 there, that we would put the RELIS property on
20 the market, as is also true of the Lincoln
21 Heights Elementary building -- the old building
22 at Lincoln Heights because it sat on a piece of
23 property that was not big enough to build a new
24 building on such as what we did here in
25 Sharonville; we were able to use the existing

Page 19

1 property.
2 So the only two pieces that we had left to
3 work with to try to offset those increases in
4 prices had to do with disposing of the RELIS
5 property, putting it on the market, as well as
6 Lincoln Heights. And we have some things in
7 the works to sell Lincoln Heights as well.
8 It's \$3.2 million to the Princeton City Schools
9 toward the \$10 million debt that we incurred
10 with the increases in prices. And I just
11 wanted to make that point because I think it
12 was brought up in the earlier hearing that \$3.2
13 million is not very much money to Princeton
14 Schools, but I'm here to tell you it's a lot of
15 money to us.
16 I would like Fred Pensinger to have just a
17 moment to talk as well.
18 MR. PENSINGER: Mr. President, Mayor,
19 members of council, I'm Fred Pensinger. 25
20 West Sharon is the business address. Many of
21 you know me. I've worked with Sharonville for
22 many years and have had a fantastic working
23 relationship on all the projects that we've
24 worked with and I really appreciate everything
25 that Sharonville did when we were doing the new

Page 20

1 schools at Sharonville and Stewart Elementary.
2 It is always a pleasure working with everybody
3 here.
4 I'm just going to go through a little bit
5 of the process. School districts, like cities,
6 have to go through a definite process before
7 they sell real property. School districts have
8 an additional component in that we have to
9 offer it to a community school in the district,
10 if one exists. So first off, we have to do an
11 appraisal of the property, which we did. We
12 did an appraisal of the land only, which
13 appraised -- and that was in 19 -- in 2005
14 which appraised out at about \$2,700,000. That
15 was an appraisal for land only. Since school
16 districts have to offer to a community school,
17 we also got an appraisal on land plus a
18 building, assuming that that building then is
19 going to be used by that community school.
20 That appraisal came in higher because of the
21 buildings involved as well at \$3,600,000.
22 We checked with the Ohio Department of
23 Education. There are no community schools
24 listed in the Princeton School District, so we
25 can go to step two. Step two is to offer it at

Page 21

1 a public auction. Before we can offer it at a
2 public auction, we have to advertise it a month
3 in advance in a local newspaper. It was
4 advertised in February of 2007 three different
5 times and then a month later we had the auction
6 at central office and John Husk, the district
7 lawyer, was the one that actually did the --
8 was the auctioneer to speak for both the
9 RELIS property and the Lincoln Heights
10 property.
11 Although we had a number of people attend
12 that meeting -- that auction, nobody bid on
13 either building. At that point in time it then
14 became available for private sale and then we
15 had three different companies show some
16 interest, of which two companies actually came
17 to the board and in executive session --
18 because sale of property is something that you
19 can have in executive session with the Board of
20 Education under Sunshine Law -- and made
21 proposals at that Board of Education meeting;
22 one of them being Fischer Homes and one of them
23 was Hills Communities.
24 The Board looked at the different
25 proposals and thought the proposal by Fischer

1 Development for 66.9 acres at approximately
 2 \$48,000 per acre, which comes to around
 3 \$3,200,000, was the best deal for Princeton.
 4 It got a lot of new homes, new students -- you
 5 know, good quality students with good quality
 6 backgrounds and everything else that were going
 7 to add an awful lot to the Princeton School
 8 District. Thank you.

9 MR. HARDMAN: Thank you. I have one
 10 question because I think it's something that
 11 was brought up tonight that really wasn't
 12 touched on much at the public hearing and from
 13 previous planning commission meetings, I don't
 14 remember a whole lot of talk about it, but it's
 15 the one that the attorney, Mr. Trauth, brought
 16 up, because I did read the Ridge Club v.
 17 Amberley Village case from the First District
 18 Court of Appeals and so I know what you're
 19 talking about, as far as I think we're
 20 substantially different than that particular
 21 setting because our uses are a lot more than
 22 what they could have used for that property.
 23 But my question kind of goes along with
 24 Princeton: When a property becomes available
 25 to you for private sale, what, if any, efforts

1 single-family homes.
 2 MR. KEATING: Okay.
 3 MR. HARDMAN: Ms. Kattelman?
 4 MS. KATTELMAN: Tom, I have a question for
 5 you. Not understanding the legal stuff, okay,
 6 when he speaks and he talks about how they did
 7 this -- wherever that was, he makes it almost
 8 sound to me like it's very threatening that if
 9 we don't go along with it, that this is how it
 10 happened someplace else and that the court sees
 11 it this way. Is that how you see it?

12 MR. KEATING: Mr. Trauth is not trying to
 13 intimidate you with other court decisions. If
 14 he looked up 100 cases, he would find 50 that
 15 found in favor of the landowner and 50 that
 16 found in favor of the government. I think what
 17 he's saying is that in Amberley where they had
 18 this zone that only accommodated parks,
 19 Amberley tried to force parks on that abandoned
 20 golf course and the court said in the whole
 21 Village of Amberley there's only one park and
 22 that's owned by the city of Cincinnati, that's
 23 French Park, and there was no need for parks.
 24 So that's -- that's what he's saying.
 25 He's also saying that if you don't have

1 were made to market the property to an owner
 2 for public facility usage?

3 MR. PENSINGER: The only thing I can reply
 4 to that is we offered it at an auction where it
 5 was open for anybody to come in and make any
 6 offer they wished to make and there was
 7 absolutely nobody at that auction that made an
 8 offer. That is the only way that I can say
 9 that we tried to do that and that was through
 10 the auction process.

11 MR. HARDMAN: Thank you. Any other
 12 questions before we move on? Mr. Keating?

13 MR. KEATING: Yeah. Fred, why was it that
 14 Princeton didn't negotiate with a home
 15 developer to build just single-family homes?

16 MR. PENSINGER: I was not involved with
 17 those negotiations. That was actually between
 18 the Board of Education and the builders and I
 19 was not a part of that negotiation process.

20 MR. KEATING: Well, the contract says it's
 21 a condo development, right? So the contract
 22 doesn't anticipate any homes necessarily.

23 MR. PENSINGER: The proposal, however,
 24 that is presented to Sharonville does, in fact,
 25 address the fact that there would be 89

1 any feasible economic use of your property,
 2 then the government zoning is very closely
 3 scrutinized, so having an economically feasible
 4 use is important. That's why I think the
 5 question is dealing with who did you try to
 6 sell it to, what's the feasibility of other
 7 uses there. Those are relevant questions.

8 MS. KATTELMAN: Okay. Thank you.
 9 MR. HARDMAN: Mr. Trauth, do you have a
 10 comment?

11 MR. TRAUTH: Thank you. That is what I
 12 was trying to address, the fact that if you
 13 can't use your property as it's zoned, then
 14 it's worthless and that is, in the legal
 15 parlance, what's known as a taking of property
 16 without compensation.

17 So in answer to Tom's question, the
 18 reason -- and again, this goes back to land use
 19 planning principles, is single-family homes
 20 don't normally sell next to industrial uses and
 21 single-family homes normally don't sell next to
 22 commercial uses. The gradient of uses normally
 23 is single-family, you know, condominium or
 24 multi-family, then office, then retail, then
 25 light industrial, then heavy industrial.

1 So in land use planning what they try to
2 do is buffer one use from another. So if you
3 try to put single-family, which is a fairly
4 restrictive use, next to industrial, a lot of
5 people don't want to buy that so that's why we
6 tried to phase in and put single-family next to
7 single-family, the condos next to the
8 multi-family and/or the industrial and/or the
9 commercial.

10 MR. HARDMAN: Mr. Mayor?

11 MR. LOVITT: Question for you, Mr. Trauth.
12 What you're saying makes sense. I mean, I've
13 heard this. Many of use have worked for zoning
14 in our area and we understand, but at the same
15 time there are some things that are different
16 than maybe the way it's maybe portrayed from
17 the standpoint that our public facility use
18 allows some for-profit uses. In addition to
19 government buildings and schools, it also
20 allows private schools. That could even
21 include a private college. It includes
22 hospitals. It includes retirement centers.
23 Those are for-profit. Churches are often
24 willing to pay a fair price for property.

25 I think that what I heard earlier was what

1 is the -- you know, what is the effort that has
2 been to market it as a public facility. You're
3 comparing this to a total rezoning to
4 single-family, but it's not zoned single-family
5 right now. We use, as a city -- and to the
6 credit of people long before me have artfully
7 used as a city three types of zoning as our
8 transitional zones: one of them being
9 multi-family, one of them being office and the
10 third one being public facility. And from my
11 standpoint, this really is not a question of
12 whether it's going to be single-family or some
13 of it multi-family; this is a question of are
14 we going to use some of this as multi-family as
15 a transition zone or is the current public
16 facility zoning that's been standing on it for
17 30-plus years an appropriate zoning and has it
18 been marketed properly to see if it can attract
19 a public facility use.

20 And there are viable uses in there as
21 opposed to a zoning for Amberley to be parks
22 only, and I think that is kind of the position
23 of administration is that to public facility is
24 a viable use to stand on it and keep it there.
25 If we don't have something that fits the

1 neighborhood better, what we have has fit the
2 neighborhood for many years, so let's see if we
3 can market it for that; and that's the
4 position, just so you understand, from the
5 administration.

6 MR. TRAUTH: I understand what you're
7 saying, but a seller of property has Fifth and
8 Fourteenth Amendment constitutional rights in
9 that property and the seller does not have to
10 go to the end of the earth to attempt to sell
11 it as a public facility. If you put it on the
12 open market in a public auction and there was
13 no interest whatsoever, that usually meets the
14 test that there is no interest. They don't
15 have to keep doing it over and over and over
16 again. That would be to the detriment of the
17 property rights of the owner and that's the
18 school board; they're the owner.

19 So in the -- again, in our parlance,
20 it's -- yeah, you might think that's a viable
21 use, but if nobody's buying it for that use,
22 it's not a viable use, so that's my position.
23 Thank you.

24 MR. HARDMAN: I don't want to beat a dead
25 horse, but if I'm selling something -- if I'm

1 selling a piece of property, I'm going to hire
2 someone to market my property to go out and try
3 to sell it and from what I've heard that's not
4 happened. Princeton's not done that. People
5 came to them -- they put a piece of property up
6 for auction, they didn't get any bids and then
7 some residential folks came to them saying
8 we're interested. I mean, I know there are
9 people out there that sell property for this
10 purpose. They go out and search people to buy
11 property for this purpose and I don't -- I
12 haven't seen where Princeton's gone to the ends
13 of the earth to try to sell the property for
14 what it's been zoned. That's just my comment,
15 I guess.

16 MR. TRAUTH: Since this is -- since the
17 Princeton School Board is a, you know, public
18 entity, they have to do what the statute says
19 and they did what the statute says. And as a
20 matter of fact, it was advertised in the paper
21 not only for the public auction, but it was
22 advertised in the paper I believe later, you
23 know, for general sale. And people who wanted
24 to use it for public facilities could have come
25 to the floor -- just like Fischer, just like

1 Hills, just like the apartment developer, could
2 have come and made an offer on it and they
3 could still come and make a backup offer, but I
4 have not heard that that's been done.

5 And what I'm saying is a creature of
6 statute like a school board doesn't have to
7 keep doing this over and over and over again
8 and try to market it for, you know, a couple of
9 years and lose money on it. Again, that goes
10 to their property rights, you know, again under
11 the Fifth and Fourteenth Amendments. So it
12 really boils down to a property rights issue
13 and use of reasonable efforts to sell the
14 property.

15 MR. HARDMAN: This property has been used
16 up until December, I think. Is that correct,
17 gentlemen? I think everybody's out now in
18 their brand-new facilities. I couldn't be
19 happier. I think the new buildings are great.
20 I think we have a great relationship with
21 Sharonville and Princeton. I'm sorry that
22 we're at this position and where will we end up
23 landing, but -- so they haven't been without
24 use of this building. It hasn't been a vacant
25 building for basically any period of time at

1 this point. Thank you. Other questions or
2 comments before we let Mr. Mara speak?

3 MR. MARA: Thank you, Mr. President, Mr.
4 Mayor, members of council. My name is Tim Mara
5 and I'm an attorney representing the Guardians
6 of the RELIS Nature Preserve, the organized
7 opposition to this zone change request. Just
8 so you know where I'm coming from, in addition
9 to being an attorney who like Mr. Trauth
10 practices primarily in the area of land use and
11 zoning, I'm also a certified city planner so I
12 understand the mechanisms of land use
13 relationships and so on and I'm convinced that
14 this particular zone change request is not a
15 good idea.

16 You've received from me a written
17 statement of our reasons for opposition and you
18 heard at the last public hearing at the
19 planning commission all of our reasons for
20 opposition so I'm just going to briefly recap
21 why we're opposed to this zone change.

22 This site is extremely special, both
23 because it is one of the last large undeveloped
24 properties in Sharonville and because of its
25 unique natural features. The wooded hills and

1 the streams which dominate the site have long
2 been recognized and appreciated by the people
3 of this community. Its use for environmental
4 education for school children over the last 30
5 years has earned it a special place in the
6 hearts of Sharonville residents. Its rich
7 Native American history -- and you'll hear from
8 Mr. Schomaker shortly on that subject -- and
9 its location immediately adjacent to the highly
10 regarded Trammel Fossil Park makes your
11 decision about its future use all the more
12 important.

13 Fischer's zone change request included a
14 planned united development overlay. In
15 evaluating Fischer's request, I urge you to be
16 guided by Section 1139.02A of your zoning code
17 which says in part that a primary objective of
18 a residential PUD is to preserve the natural
19 character of the site, including stands of
20 trees, brooks, hills and similar natural
21 assets. Ask yourself, does Fischer's site plan
22 preserve the trees, hills and other natural
23 assets? Fischer says it does, but I say to you
24 it does not even come close to doing that.
25 Less than 10 percent of the site has been left

1 undisturbed. The rest is bulldozed and there
2 is extensive earth moving. Most of the
3 existing trees would be removed and the
4 so-called open space is little more than what's
5 left over in between the buildings. And I
6 refer you to the pictures of my report and in
7 the slide presentation.

8 This site is, for the most part,
9 completely devastated and the largest stream on
10 the site, the one near Hauck Road, is going to
11 be mostly piped over or converted into a storm
12 water retention base, so this is not a site
13 plan which is sensitive to the natural features
14 on this site.

15 At the hearing in November I showed you
16 slides of similar Fischer developments where
17 the hillsides have been stripped and very
18 little remains of the natural features of the
19 site. And that might be good enough for other
20 not-so-special sites, but this is not good
21 enough for this location. It's not good enough
22 for Sharonville because this is a very special
23 piece of property.

24 I draw your attention to the fact that
25 most of the trees shown on this site plan as

Page 34

1 remaining are not even on the site, but on
2 adjacent properties. I point out to you again,
3 as I did in my written report, that the one
4 area where they made some attempt to preserve
5 trees on the western part of the site is an
6 overstatement of how many trees they're going
7 to be able to preserve because within the
8 middle of that they have to clear an area for a
9 storm water retention basin, and not even shown
10 on the map are the swaths that will be cut
11 through the woods to convey the water from the
12 parking lots and rooftops to get to the storm
13 water retention basins. So what you have is a
14 site plan that greatly overstates the amount of
15 preservation effort, which is minimal to begin
16 with.
17 This site cries out for either outright
18 preservation or at least conservation-minded
19 development; development which preserves a lot
20 more trees, requires much less earth moving and
21 does not destroy streams which traverse the
22 site. Instead of taking a chance on something
23 new and enlightened, which would do just that,
24 Fischer has taken the easy way out falling back
25 on the same type of plan they do everywhere

Page 35

1 else.
2 And because the issue of preserving the
3 site -- or pardon me. Beyond the issue of
4 preserving the site, Fischer has failed to
5 address in any detailed way the added storm
6 water problems. They just said we're going to
7 deal with it. We're going to convey it to the
8 storm water system. They don't provide you any
9 information. And they haven't addressed the
10 negative fiscal impact this project will
11 generate or the density issues raised by the
12 planning commission members.
13 I think Fischer's silence speaks volumes.
14 They know that more frequent and more severe
15 flooding will result and meeting the minimum
16 storm water detention standards just doesn't
17 cut it. There will be increased traffic
18 problems, which will be frustrating for
19 Sharonville residents. And they surely will
20 know that this project will generate more
21 demand for services, both for the school
22 district and the city, than will be generated
23 in additional tax revenue to meet those needs.
24 And that's why they've said very little about
25 those subjects.

Page 36

1 Now, I want to address one point that I
2 think -- I sense from your questions that you
3 understand this and that is the question of
4 marketing. They have done the minimum required
5 by state law. There is nothing to have stopped
6 them from doing more and I think Mr. President
7 and the mayor have also alluded to this. If we
8 had property -- it's common sense if we had
9 property worth \$3 million, we would want to
10 market it in an aggressive way. Common sense
11 says you do more than just put a legal notice
12 in the newspaper, the tiniest print that most
13 people can't even read and you wouldn't take
14 the time to read it if you noticed it; you
15 would put a large display ad in the real estate
16 section of the newspaper. You would send out
17 letters to churches and private schools and you
18 generate a lot of people to come to an auction
19 to bid against each other to get the maximum
20 amount of money. This clearly has not been
21 done. I appreciate the explanation Mr.
22 Pensinger gave about what was done because that
23 makes so clear that very little was done in
24 this particular case.
25 And I think if this matter does go to

Page 37

1 court, the court's going to be very interested
2 in the minimum effort that the school board
3 went to in this particular situation because
4 that effort does not prove in any way that this
5 property cannot feasibly be used under the
6 current zoning that's in effect today.
7 I should also point out to you as a
8 planner, Mr. Trauth has gone through this
9 discussion about the progression or hierarchy
10 of zoning categories, but zoning types -- the
11 types of zoning are not only -- they're not the
12 only way of transitioning from one use to
13 another. In this particular site, the
14 topography differences between this site and
15 the industrial uses down a Tramway and other
16 features, such as the trees and so on, provide
17 an effective buffer, so this site is very
18 desirable even if it is near to industrial or
19 commercial uses.
20 I would urge you to vote no on this
21 requested zone change and keep this property
22 zoned for public use. At least two schools --
23 two private schools have expressed interest.
24 They didn't know about this available property
25 until the zoning controversy got in the news

Page 38

1 and they've expressed interest. They're
 2 waiting to see, perhaps, how this is resolved
 3 to see whether the property is available.
 4 I'm convinced that if this property -- if
 5 you vote no and this property is made available
 6 and the school district goes out and does a
 7 better job of marketing it, there will be uses
 8 proposed, buyers who will want to use it for
 9 public uses as permitted under this particular
 10 law. Or in the alternative, there will be
 11 developers who will come forward who will
 12 appreciate the natural features of this site
 13 and will come up with a plan for its use which
 14 respects those natural features to the
 15 appreciation of the people of Sharonville.
 16 Again, I draw your attention to your own
 17 PUD ordinance and ask yourself does this
 18 particular site plan accomplish the objectives
 19 of preserving the natural features. I say it
 20 does not. And unless you have some questions
 21 for me, I'd like to suggest that you might call
 22 upon Mr. Schomaker, who's also working for the
 23 Guardians of the RELIS.
 24 MR. HARDMAN: What I'll do is we'll open
 25 the floor here in a second. I have what is

Page 39

1 Rejecting Plans to Develop the RELIS Nature
 2 Preserve. I believe this is the document you
 3 prepared; is that correct?
 4 MR. MARA: Yes.
 5 MR. HARDMAN: Revised November 9, 2007.
 6 Everyone has copies of that; is that correct?
 7 We'll make that part of our record of our
 8 proceedings tonight. Any questions for Mr.
 9 Mara before we proceed on from this point and
 10 open the floor? Thank you, sir.
 11 I will also note that I've got, and I
 12 assume all council has, a letter here from Dr.
 13 Brenda Hanke, curator of invertebrate
 14 paleontology regarding the importance of rocks
 15 and fossils. I believe this is pertaining to
 16 our issue tonight. We'll make that part of the
 17 record here this evening.
 18 MR. LOVITT: Is she here this evening?
 19 MR. HARDMAN: Is she here? I believe she
 20 was at the -- I think that was the same person
 21 that spoke at the public hearing before. We'll
 22 make that part of the public record.
 23 And then I also have a document prepared
 24 November 9th, 2007 entitled Rejecting Plans to
 25 Develop the RELIS Nature Preserve prepared by

Page 40

1 Joseph Schomaker. Is he here tonight? Okay.
 2 We will make that part of the record as well,
 3 that document, and we will open the floor to
 4 those wishing to speak at this time. Any other
 5 speakers? Mr. Schomaker, come forward.
 6 MR. SCHOMAKER: My name's Joe Schomaker.
 7 I reside at 2741 Blue Rock Road, Cincinnati,
 8 Ohio, 45239. I'm with Natural Resource
 9 Consulting. There's two issues with this
 10 property. There's a preliminary assessment.
 11 Two issues I'm very concerned about on the
 12 property. One is the Native American burials.
 13 We know there is at least one burial mound
 14 that's been built over a period of time,
 15 probably constructed about 2,000 years ago.
 16 Burial mounds in the state of Ohio are
 17 protected the same as cemeteries under a law
 18 that took effect seven years ago.
 19 Unfortunately in the state of Ohio
 20 building sites, small encampments, which should
 21 be in this area associated with the mound, are
 22 not protected and this is a concern to us.
 23 State of Kentucky, Indiana have all passed laws
 24 to protect the building site itself.
 25 Unfortunately, Ohio just protects the mounds.

Page 41

1 Doing the preliminary assessment I did
 2 some interviews with some people around the
 3 area and it's been reported to me that human
 4 remains have been washing out from the drainage
 5 areas telling me that we have a possibility of
 6 other burials being on this property. We
 7 know -- like I say, we know there is one mound
 8 for sure, but not all Native Americans buried
 9 in burial mounds. It depends on the culture.
 10 This culture 2,000 years ago, Hopewellian,
 11 Woodland and Adena people, did use the mounds.
 12 The other cultures before this did not use
 13 mounds. They will be located on high parts on
 14 the terraces itself.
 15 The only way you will come in contact or
 16 know if you have this is if you do a phase one
 17 cultural resource study that is not required
 18 under state law on a development like this.
 19 It's only required under federal law. That
 20 means until a bulldozer actually hits remains,
 21 the burials are not protected and the sites are
 22 not protected.
 23 One other issue I do have is the cultural
 24 resources -- excuse me, the threatened and
 25 endangered species, referred to as T&E. This

Page 42

1 has been used as a nature preserve for a number
 2 of years now and what has happened up here is
 3 we now have created wetlands. We've created a
 4 habitat. Under federal and state law we're
 5 responsible for this land now. We have the
 6 possibility of endangered species living on
 7 this property, endangered plants. Under
 8 federal and state law we just cannot go in and
 9 bulldoze this down without doing some type of
 10 mitigation/delineation on what we have up there
 11 and how we're going to compromise and remove
 12 what we have up there before the development,
 13 so this is a big concern.

14 Like I said, I did do a walk down, a
 15 pedestrian reconnaissance, of a small area west
 16 of the site where the mound is located. I did
 17 see the graded wetlands and the habitat. And
 18 we do have habitat in the area. If you read
 19 the report here, I've listed the species that
 20 has a large possibility of being on this site
 21 and that will need protection. Also, I listed
 22 all the state and federal laws that must be --
 23 you must comply to in a case like this before
 24 the property is sold.

25 One other thing, too, when we deal -- to

Page 43

1 kind of jump back to the cultural resources.
 2 Usually if federal money is involved in a
 3 project -- and a lot of schools do receive
 4 federal funding. If it can be traced back to
 5 federal funding, federal laws do kick in on
 6 cultural resources. I have not heard or had
 7 Princeton School Board come forward saying they
 8 have received federal money on this. If that
 9 would be the case, this whole program changes
 10 100 percent. Then all the federal laws -- the
 11 Native American Graves Protection and
 12 Repatriation Act kicks in, National Historic
 13 Preservation Act kicks in and a complete
 14 cultural resource survey has to be done on
 15 every -- every 15 meters a shovel test on that
 16 property to either prove there's cultural
 17 resources or disprove there's cultural
 18 resources on the property.

19 Is there any questions that I can answer
 20 maybe on the report?

21 MR. HARDMAN: Mr. Pugh.

22 MR. PUGH: In your report you mention --
 23 and I apologize if I mispronounce this --
 24 riparian zones. In your opinion, does that
 25 property qualify -- is that a large enough area

Page 44

1 to qualify as a riparian zone?

2 MR. SCHOMAKER: A riparian zone is a
 3 border between a stream. It's a wood lot
 4 boarding an open field, a plateau area, a
 5 meadow. We do have several riparian zones up
 6 there. My main concern, too, is the density
 7 not only for the T&E, but the riparian zones.
 8 We're not leaving much riparian zones for the
 9 T&E species that would be left on the site.

10 MR. HARDMAN: Thank you, sir. Other
 11 comments tonight?

12 MR. HUSS: Could I respond?

13 MR. HARDMAN: Well, you haven't spoken yet
 14 so come up here and state your name.

15 MR. HUSS: I didn't know if it was
 16 appropriate at this time. My name is Todd
 17 Huss. I'm the president of Fischer Development
 18 Company. I just wanted to respond to a couple
 19 of comments that Mr. Schomaker made. We are --
 20 as a developer we're well aware of the federal
 21 and state regulations regarding natural
 22 resources, including streams, wetlands, Indian
 23 mounds, endangered species, things of that
 24 nature. We have hired and have already
 25 conducted some work in that regard. We've done

Page 45

1 some preliminary investigations regarding
 2 streams, wetlands, as well as herbological
 3 impacts to the property.

4 Regarding the Indian mound in particular,
 5 we have located that mound. We know where it
 6 is and we are going to deal with that in our
 7 development. You can either avoid it, not
 8 disturb it, or you can remove it and there's a
 9 way that you can do that. Like he said, it's
 10 just like a cemetery. So we're prepared to
 11 deal with it and we've already taken steps to
 12 do that so he's not telling us anything that we
 13 don't already know and we're already down that
 14 road. Thank you.

15 MR. HARDMAN: Thank you.

16 MR. LOVITT: I think what I heard Mr.
 17 Huss just say if there's any Indian mounds,
 18 they will avoid it or they'll deal with it, but
 19 I think what I heard was this is a site of
 20 Indian village, which makes it different --
 21 maybe not under state regulation, but it's
 22 different than an Indian mound is what I just
 23 heard.

24 MR. HUSS: Whatever is present on the
 25 property will be revealed when we do the phase

1 one and the other investigations that we're
2 required to do in order to obtain the permits
3 we would need to obtain to develop the
4 property.

5 MR. LOVITT: So you're willing to do the
6 phase one cultural resource study that he was
7 talking about?

8 MR. HUSS: Well, I'm not sure exactly if
9 that's -- it's whatever we're required to do.
10 We don't know what the requirements would be,
11 but our consultant will tell us.

12 MR. LOVITT: I understand.

13 MR. HARDMAN: Ms. Kattelman,

14 MS. KATTELMAN: He also mentioned tracing
15 back to federal funding. Was there federal
16 funding when all of that was built, because I
17 talked to Mr. Taylor, who was principal of
18 RELIS at the time, he told me there was not.
19 Now, somebody from Princeton should know the
20 answer to that. You're shaking your head,
21 Aaron. Those people cannot hear you shake your
22 head.

23 MR. MACKEY: We have looked at all the
24 records as far back as way past even the
25 creation of RELIS and we found no links to any

1 There are railroad tracks there. We wait on
2 trains and now they want to add this
3 development. We can't handle this. Our
4 warehouse sales fell off significantly last
5 year and some of that has to be attributed to
6 this construction and traffic.

7 Also, our business abuts a residential
8 home and this summer we had an incident. We
9 had problems with teenagers unsupervised
10 roaming through our parking lot that culminated
11 in one of our employee's cars being vandalized
12 with paint balls. We are less than thrilled to
13 hear that right up the road from the only way
14 in and out of our business they're planning on
15 building a 200-unit development of families.

16 I would remind the council this is an
17 area -- this is a business/industrial area that
18 brings semi trucks in and out all day long.
19 It's close to railroad tracks. This is -- this
20 area is not suitable for residential. It is a
21 bad deal for the businesses located in that
22 area. It is a bad deal for the people that
23 would buy these condos. And I would also say
24 \$226,000, I'm not a real estate expert, but my
25 common sense tells me if I could afford that

1 federal funding on the property.

2 MS. KATTELMAN: Thank you.

3 MR. HARDMAN: Yes, ma'am. Sir, what I
4 would ask you to do is come forward, maybe sit
5 up front. That way as soon as she gets done,
6 you can step on up and we'll keep the process
7 rolling along that way.

8 MS. PELFREY: Hi. My name is Holly
9 Pelfrey. I live at 10026 Front Street. I did
10 find a newspaper article -- I forget the date.
11 It was right before the school was built --
12 where there was requests for federal funds. I
13 don't know if they got it, but I know they did
14 request it and I would be kind of shocked if
15 they requested it and didn't get it.

16 MR. HARDMAN: Thank you.

17 MR. KETTERER: My name is Richard
18 Ketterer. I live at 3287 Daytona Avenue in the
19 city of Cincinnati. I've worked for a
20 Sharonville business, Controlled Air, located
21 at 12009 Tramway Drive. Tramway Drive is a one
22 entrance/exit street. Our road is the only way
23 in and out of our business and the traffic on
24 that street is already terrible. We have had
25 constant construction this summer everywhere.

1 kind of home, I would not buy it half a mile
2 from the railroad tracks. I could afford most
3 of the neighborhoods in Cincinnati.

4 So in conclusion, this is a bad deal for
5 everyone. It's a bad deal for the businesses.
6 It's a bad deal for the people that would buy
7 those homes. That area is business/industrial.
8 It should stay that way. It is not and should
9 not be residential.

10 MR. HARDMAN: Thank you. Is there another
11 comment after this one? Come forward and if
12 you could, just step up as soon as he steps
13 down; you can step right up, sir, and keep
14 going that way.

15 MR. TRAUTMANN: My name is Don Trautmann.
16 I live at 10191 Summit Avenue. I'm a resident
17 of Sharonville and I live in the Princeton
18 School District. As for the federal funding,
19 I'm actively working right now with the Ohio
20 Department of Education. I received a letter
21 in the mail today from them. I need to get
22 back with them to verify that there is indeed
23 no federal funding, so that's in the works
24 there.

25 The gentleman behind me said that there's

1 no takers. I'm under the understanding that
2 this property was advertised in a local paper
3 like the Valley Courier or the Tristate Press,
4 one of the smaller ones. If I owned the
5 property, I'd want to stick it in the Enquirer
6 because it's a piece of property that the whole
7 city could be interested in, and I would also
8 want to put it online and maybe get a Realtor
9 or what, but it's my understanding it was
10 advertised in a small newspaper, not a major
11 newspaper so there was not a big effort to sell
12 it.

13 I think if they put a bigger effort into
14 trying to sell the property, I think you'll get
15 a lot of takers and I think you'll be in a
16 position where you can pick and choose -- or
17 Princeton Schools can pick and choose -- choose
18 exactly who they want and possibly get some
19 more money for it.

20 Lastly, I'd like to share -- read two
21 lines from a gal who can't be here tonight. I
22 get a number of e-mails from people and this is
23 a person that has some children in the
24 Princeton School District and she wrote me and
25 said because of the time being 6:00, she's

1 unable to make it. What she writes is -- and
2 again, she has kids in Princeton Schools. The
3 school that is teaching our children about
4 global warming and the demise of natural
5 resources is the same school that's pushing for
6 the clearing of some of those natural resources
7 they want us to save. Ironic, isn't it, she
8 says. So something to think about. Thank you.

9 MR. HARDMAN: Yes, sir. And whoever's
10 next, come on up front.

11 MR. BRADNER: My name is Jack Bradner and
12 I live at 10074 Fairview Avenue in Genoa.
13 We've talked about density for the last five
14 meetings here and one of the things that
15 Fischer Homes brought up was that the people
16 living there could be young executives, maybe a
17 single mom and kids, and they'll go in and out
18 at work at different times. And I started
19 thinking about my own situation. You know how
20 many times I run from Genoa to Kroger's and
21 then back home again and maybe up to the
22 library and maybe go pick up a video. It's a
23 lot more trips than just to and from work. And
24 we all know Hauck Road is obsolete. And I
25 just -- you know, this is going to make it

1 terrible. It isn't just one trip to work and
2 one trip home. That's all I wanted to say.

3 MR. HARDMAN: Yes, ma'am. And the next
4 one, come on forward. If nobody is in that
5 seat, we're going to cut things off. Yes,
6 ma'am.

7 MS. SAVERSON: My name is Sandy Saverson.
8 I live at 10184 Amberwood Court. Just a couple
9 of comments. The letter -- the note that you
10 have -- or the report from the paleontologist
11 at the museum center, she was here last time;
12 couldn't be here this time. But basically what
13 it's in there for is that fossil park that is
14 valuable to Sharonville, but also valuable to
15 the whole U.S. as far as exploring it and
16 pulling up fossils could be threatened by a lot
17 of construction on the hill up there. It could
18 wash it away, so that's part of the reason that
19 that is in there for you.

20 The second thing I want to bring up as far
21 as marketing this property by Princeton
22 Schools, I've lived -- I've been their neighbor
23 for 23 years. We have -- I mean, I'm in West
24 Chester. There's a whole bunch of us who are
25 their neighbors. There's a lot of Sharonville

1 residents that are their neighbors and none of
2 us were aware that this had been offered at
3 public auction or for private sale. So where
4 this was advertised, I don't believe it was
5 anything that was to be made very apparent to
6 people who might be buying this property.

7 And we do have reason to believe in a
8 document request that we made of Princeton
9 Schools that Princeton actually has had contact
10 with Fischer Homes since 2005, so they weren't
11 just someone who appeared all of a sudden
12 that -- we have reason to believe that that's
13 been out there for some number of years. I
14 don't know what they're doing, but there has
15 been some contact with them. That's all I want
16 to say.

17 MR. HARDMAN: Thank you. Yes, sir.

18 MR. IKELER: My name is Jim Ikeler. I
19 live at 6999 Sprucewood Court, Cincinnati.
20 It's in Butler County. I'm a northern abutting
21 neighbor. I've lived there since 1978. Most
22 of the points I had, I've covered to you in
23 writing and you have in your minutes, but just
24 as a little bit of a highlight on the drainage
25 issue, as I said before, I'm always getting a

1 lot of water. It's the first I've heard that
 2 they have met Butler County's requirements for
 3 drainage. I have not seen any specs on that.
 4 Of course, I'm just kind of a farm boy from
 5 Pennsylvania. I probably wouldn't understand
 6 them if I saw them, but I have not seen any
 7 reports from Butler County that indicates that
 8 they have met the drainage issues and the least
 9 little bit of rainfall, we get flooded back
 10 there. So if you do approve this measure -- or
 11 this zoning request, I request that you make,
 12 you know, really sure that -- or do what you
 13 can to make sure that we get some alleviation
 14 from the drainage problems that we have.

15 Also, I'd mentioned before about lighting.
 16 The lots are so small and so close together,
 17 houses all crammed in there, the elevation that
 18 they're building on is above our elevation.
 19 The lights are going to shine right into our
 20 back yards, right into our bedrooms. You know,
 21 if there's anything that you can do to restrict
 22 their lighting that they put in the rears of
 23 their houses or possibly have them enforce some
 24 sort of buffer. You know, nice, high trees
 25 would be wonderful that grow rapidly because

1 they should be able to sell it. I'm an
 2 advocate of that, by the way. I really think
 3 we should be able to do with our property what
 4 we would like to do, but there are restrictions
 5 on that. I know that the area I was born and
 6 raised, the farming country, they're having a
 7 lot of controversy right now about pig farms.
 8 There may be farms all around there, but the
 9 farmers will not allow pig farms for a good
 10 reason. For those of you who have ever been
 11 around a pig pen, you can imagine, you know, a
 12 big pig farm, it gets kind of bad.

13 One subdivision that I was in had -- was
 14 in a very similar -- one town I was in -- a
 15 very similar circumstance to what you guys
 16 currently have in that they had a mountainside
 17 and a swamp, by the way, which they -- this was
 18 in Mendham, New Jersey where they were
 19 considered one of the few remaining gems of
 20 properties that were left in the community and
 21 they were dealing with how do you handle this
 22 gem of a property. Well, their solution was to
 23 zone the mountainside single-family, five acres
 24 minimum; zone the swamp single-family -- and it
 25 was a swamp. There was water in this thing 12

1 the houses will probably be there before that
 2 takes place.

3 But as an addition, though, I would like
 4 to add a concern about security. Every
 5 location that we've lived in we have observed
 6 that when construction starts, crime increases.
 7 Not the fault of the developer. The --
 8 apparently the subcontractors have a tendency
 9 to hire people that are not quite what people
 10 would like to have and crime increases in the
 11 surrounding area. If there would be something
 12 that could possibly be done that would -- in
 13 case there is an increase in crime that would
 14 help us ferret out the bad folks, it would be
 15 great. I'm thinking along the lines of maybe
 16 requiring the developer to maintain a list of
 17 those people that are on site every day. And
 18 that, of course, would be -- could possibly be
 19 subject to audit by the planning commission and
 20 if they were found to be in violation of it,
 21 maybe you could suspend construction
 22 activities.

23 There's been a lot of comments about and
 24 concerns about people's rights to use their
 25 property like, you know, it's their property,

1 months a year. Zone the swamp single-family,
 2 one acre.

3 So you know, maybe -- by the way,
 4 people -- developers did buy the swamp. So you
 5 know, maybe it's time to -- maybe it would be a
 6 good thing to relook at your overall plan and
 7 maybe rezone this thing to single-family or
 8 something that would at least give people the
 9 idea that it is a gem. The Mendham folks told
 10 people if you want to use it for something
 11 other than single-family, five acres, come to
 12 us and, you know, tell us what you want to do,
 13 but we're telling you it's got to be compatible
 14 with what we think single-family, five acres,
 15 should look like. So, you know, come to us
 16 with a nice, neat plan and we'll do that.

17 One of the concerns that's been mentioned
 18 here tonight is about the fossil park. I have
 19 a concern about the fossil park. I lived in a
 20 subdivision in Naperville, Illinois. Those of
 21 you who are familiar with that territory know
 22 that there's probably a foot or so of nice,
 23 black, rich soil. The developer came in and
 24 scraped all of that soil right down to the
 25 clay, built his houses, came back and spread an

1 inch of that soil so he could put grass on top
 2 of it when the houses were done. I would think
 3 if you -- there's a possibility that if you
 4 disturb that soil -- that topsoil too much up
 5 in that area that you could end up leaching
 6 water into the fossil field, which will end up
 7 destroying your fossil field. Things to keep
 8 in mind and I certainly hope that you can do so
 9 and will take the appropriate action --
 10 whatever you consider to be the appropriate
 11 action for this zoning in front of you.

12 Fischer Homes, by the way, does build a
 13 nice looking home. I have taken the
 14 opportunity that they have given to us to go
 15 look at their homes and I compliment them on
 16 their homes. They build a nice home. So, you
 17 know, fix up the density, the drainage, the
 18 buffer zones, watch out for the fossil park and
 19 we'll be happy campers. Thank you.

20 MR. HARDMAN: Thank you. There's nobody
 21 sitting in that chair. I did say at the
 22 beginning that I'd give everyone the
 23 opportunity to show what side they were on if
 24 they're here on this issue. So if you are here
 25 for this issue and you are for the development,

1 CERTIFICATE
 2 I, Kimberly L. Wilson, CSR, RPR, the
 3 undersigned, a court reporter for Warren County,
 4 Ohio, do hereby certify that at the time and place
 5 stated herein, I recorded in stenotypy and thereafter
 6 had transcribed into typewriting under my supervision
 7 the foregoing pages, and that the foregoing is a
 8 true, complete and accurate report of my said
 9 stenotype notes.

10
 11
 12
 13
 14
 15 _____
 16 Kimberly L. Wilson, CSR, RPR
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 go ahead and raise your hand so we can get a
 2 sense of that. And those who are here that are
 3 against the development raise your hand.

4 Thank you all very much. This public
 5 hearing will be closed. In about three
 6 minutes, we'll start our regular council
 7 meeting. Thank you all.
 8
 9
 10
 11

PROCEEDINGS CONCLUDED AT 7:12 P.M.

12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25