

**ANDERSON TOWNSHIP ZONING COMMISSION  
SEPTEMBER 23, 2024**

The Anderson Township Zoning Commission held a regular meeting, duly called, on September 23, 2024, at 5:30 P.M. Present were the following members:

**Jonathan Gothard, Acting Chair, Brian Elliff, Acting Vice Chair, Ben Henson, and Janet Baker**

Also, present when the meeting was called to order were Paul Drury, Director of Planning and Zoning and Sarah Donovan, Assistant Director of Planning and Zoning, Gary Powell, Legal Counsel, and Mallory Clapp, UC Co-op. A list of citizens in attendance is attached.

**Mr. Gothard** welcomed everyone and reminded all to sign in at the front of the doorway.

**Approval of Agenda**

**Mr. Elliff moved, Mr. Henson seconded**, to approve the agenda for tonight's meeting with no changes. **A unanimous vote was taken**

**Approval of Minutes**

**Mr. Gothard stated that we do not have quorum to approve the June 24, 2024 Zoning Commission minutes.**

Mr. Drury introduced Mallory Clapp, the Township's UC Co-op for the fall semester.

**CASE 1-2024 LUP ANDERSON**

**Mr. Drury** stated that this is a public hearing for Case 1-2024 LUP and read the staff report for an application filed by Anderson Township Planning and Zoning Staff, on behalf of the Anderson Township Board of Township Trustees.

**Mr. Drury** stated the staff is requesting the Zoning Commission to provide recommendation to the Anderson Township Board of Trustees for approval of amendments to Articles 3, 4 and 5 of the Anderson Township Zoning Resolution.

**Mr. Drury** stated adoption of the Resolution was initiated by the Board of Township Trustees on August 1, 2024. Hamilton County Regional Planning Commission heard the request on September 5, 2024, and recommended approval of the text amendments.

**Mr. Drury** stated Anderson Township adopted the existing Zoning Resolution in 1988. While components of the document date back to 1948 from the original Hamilton County Resolution, various text amendments and updates have been made over the years. In March 2015, the Zoning Resolution was reformatted for simplicity of use and provides illustrations. The most recent text amendments to the Zoning Resolution occurred in 2020 that included the addition of definitions for massage therapy, medical marijuana businesses, short term rentals, murals and noncommercial signage, and to amend the

regulations of the Planned Unit Development (PUD) overlay review procedures.

**Mr. Drury** stated that due to a number of cases in the past few years, staff felt that text amendments were necessary to ensure that the Zoning Resolution is held to a current standard. Township staff conducted research from around the region and state, and prepared the following amendments. The proposed amendments have been reviewed by Township Legal Counsel.

**Mr. Drury** stated that the amendment summaries are as follows:

**Exhibit A: "D and DD" Multi-family Residence Districts**

Proposed changes to Articles 3.8 and 3.9 correct numbering errors that were the result of a previous reformatting. In addition, it is proposed to remove the minimum of 1 acre requirement for rest homes, convalescent homes, day care center, nursery school, prekindergarten, kindergarten, or similar private schools. Lastly, the proposed changes add single-family residence district conditional uses to the multi-family residence district.

**Exhibit B: Planned Unit Development Overlay**

Proposed changes will permit the Zoning Commission to increase the density of a residential development in the "E" Retail zoning district only, greater than the underlying density requirements in the "E" zoning district.

**Exhibit C: Short Term Rentals**

Since the adoption of the conditional use requirement for short term rentals, two conditions have caused confusion during the review process. The intent of the conditions is to ensure that the short-term rentals take the appearance and activity of a single-family residence. The condition requiring parking outside the front yard setback is often unrealistic when properties may have a front-loaded garage, or in a zoning district with a smaller front yard setback, and the driveway is completely in the front yard setback. In addition, short term rentals are not required to be inspected by Fire & Rescue nor the building department, therefore, the condition requiring an emergency response plan is not needed.

**Exhibit D: Decks**

While the Building Code has specific setback requirements for decks, the Zoning Resolution only had a side yard setback requirement. Therefore, the proposed changes require a minimum of a 5' setback to the rear property line.

**Exhibit E: Office Zoning Districts**

The proposed changes include adding "Day Care Centers" as a permitted use in the "O" Office zoning district. Staff feels that this use is compatible with office uses, and provides the opportunity for childcare near places of employment.

In addition, edits to correct numbering errors that were the result of a previous reformatting are proposed.

**Mr. Elliff** asked if the PUD standard was just formalizing current practice. **Mr. Drury** replied yes.

**Mr. Elliff** asked how the short term rental cases are going for the Board of Zoning Appeals, if there are a decent amount of them. **Mr. Drury** replied that they have about one a month and so far all have been approved, but that the two changes proposed tonight are to clarify conditions that have caused confusion.

**Mr. Elliff** asked if the deck setback change is just saying that it cannot go closer than 5 feet. **Mr. Drury** replied correct, that this is for attached decks only, and that it still has to maintain side yard setbacks. He added that detached decks are considered accessory structures and attached decks with roofs are considered additions.

**Mr. Henson** asked if the conditional uses are existing in Exhibit A. **Mr. Drury** replied that with this text amendment, it would now be a conditional use in the multi family zoning district and they are not as of now.

**Mr. Gothard** asked if there are other restrictions for decks related to the front yard. **Mr. Drury** replied yes, there are existing front and side yard setbacks and that it is currently just unclear for the rear yard.

#### DECISION

**Mr. Elliff moved, Dr. Baker seconded to recommend approval of Case 1-2024 LUP Anderson for various text amendments to the Zoning Resolution as recommended by staff, including the correction in Exhibit A.**

**4 Yeas**

**Mr. Gothard swore in all those who wish to testify for Case 2-2024 PUD.**

#### CASE 2-2024 PUD

**Mr. Drury** stated that this is a public hearing for Case 2-2024 PUD and read the staff report for an application filed by Christopher (Kit) Houston of Taft Law, on behalf of Laura Kitzmiller, Debra Weigel, TR, Brian and Melissa Anderson, Jeffrey Ruby, Brandon Ruby, Thomas Eger, TR, Justin Evans, TR, and Coldstream Estates Development LLC, property owners, located at Waterfront Estates at Coldstream Subdivision (Book 500, Page 183, Parcels 15, 16, 17, 18, 19, 20, 21 and 22), zoned "AA" Residence District.

**Mr. Drury** stated that the applicant is requesting approval of a Planned Unit Development (PUD) for an existing subdivision for the purpose of having a gate placed across a private drive, in lieu of a public street.

**Mr. Drury** stated the tract is 35.545 acres total, 1.328 acres in lot 8 (private drive), and 13.069 acres to be in the conservation area, with approximately 150' of frontage on Ayers Road and approximately 598' of frontage on Kellogg Ave, the topography is a steep decrease in grade moving southwest, and the existing use is a subdivision under construction with two homes complete.

**Mr. Drury** stated that the applicant is proposing a PUD for an existing subdivision for the purpose of having a gate placed across a private drive, in lieu of a public street due to "heightened security concerns." The applicant is also proposing to place 13.069 acres into a conservation area, which would be maintained by the individual property owners.

**Mr. Drury** stated that there is an approved record plat through Hamilton County and the subdivision infrastructure is complete. There are 7 existing lots, which meet the standard for the "AA" Single Family Residence zoning designation. Two of the homes have already received certificates of occupancy, while the rest are near completion.

**Mr. Drury** stated that in early 2021, the concept plan for the same 7 lot subdivision was approved through Hamilton County Regional Planning Commission, subject to the County's Subdivision Regulations. However, due to the request for a gated private drive, Hamilton County could not approve the development and required it to be a PUD.

**Mr. Drury** stated that a PUD application was submitted to the Zoning Commission, however, at the January 2022 Zoning Commission public hearing, the applicant requested a continuation before the case was heard.

**Mr. Drury** stated that on February 28, 2022 the Zoning Commission approved a Planned Unit Development, in Case 1-2022 PUD, for the property known as the Views at Coldstream (now known as Waterfront Estates) for 7 single family lots with 7.18 acres of dedicated open space (a separate parcel) and a no clearing limit line (within each individual parcel).

**Mr. Drury** stated that the applicant submitted an application to be heard at the June 27, 2022 Zoning Commission hearing for a Major Adjustment to the approved PUD, in Case 1-2022 PUD. The applicant was proposing to modify the "no cut line" and increase the proposed open space parcel from 7 to 8 acres while moving the "no cut line" south. The applicant withdrew the case before it was heard.

**Mr. Drury** stated that on July 25, 2022, the Zoning Commission approved the removal of the PUD overlay, Case 1-2022 PUD, from the property known as the Views at Coldstream (now known as Waterfront Estates), which reverted it back to the original "A-A" Single Family Zoning District. The applicant's reasoning for requesting removal of the PUD was that they had "encountered significant difficulties with the gate, a private street, utilities and water service."

**Mr. Drury** stated that On August 4, 2022, Hamilton County Regional Planning Commission reviewed and approved Waterfront Estates at Coldstream for a subdivision of 7 lots with a public street and sidewalk

on one side of the street.

**Mr. Drury** stated that the purpose of the Planned Unit Development (“PUD”) Overlay District is to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services, orderly improvement of property in accordance with community plans, and to encourage innovation in the planning and building of all types of development without detriment to neighboring properties. The PUD regulations are intended to permit property to be used in a manner or intensity not permitted as of-right by the underlying district regulations.

**Mr. Drury** stated that the application is being reviewed by the Zoning Commission due to the request for a private drive in the development in order to make it a gated community. The lots and homes within the subdivision are already recorded and are under construction, therefore compliant with the lot size and setbacks for the standard “A-A” zoning district. The PUD will be reviewed under the standards found in Article 4.1 of the Zoning Resolution. In addition to compliance with the Township’s Zoning Resolution, the development is being reviewed under the Anderson Township Comprehensive Plan. The application is also being contrasted with the previously approved and removed PUD in Case 1-2022 PUD.

**Mr. Drury** stated that the homes on the 7 lots within the subdivision are either occupied or are currently under construction and are compliant with the “A-A” Single Family zoning district. The subdivision is also compliant with the Hamilton County Subdivision Regulations.

**Mr. Drury** stated that the application is being considered for consistency with the following Goals and Initiatives of the Anderson Plan:

Mobility:

- *Anderson Township will be a community with a model sidewalk and bike trail system connecting residents to businesses, schools, recreation, entertainment and other public uses.*

During the subdivision review process, an agreement was made with the developer to construct a sidewalk on one side of the street, and provide funds in lieu of sidewalks to construct a walk on Ayers to connect to existing sidewalks to Coldstream Club Drive.

If a PUD is approved, staff recommends that the gate be located out of the Right of Way of Ayers Road so that a car entering the private drive will be completely off Ayers Road and onto Waterfront Way.

Land Use and Development

*When faced with land-use related decisions, decision-makers should consider the following guidelines (p.49):*

*If the overall proposed development is compatible with adjacent developments, flexibility should be given in the actual lot size and site layout when environmental resources (e.g. river conservation area, floodplains, and steep hillsides) are preserved. Flexibility should be given even if the preserved areas would otherwise be considered as “unusable” or “undevelopable” under standard development procedures.*

The previously approved PUD contained over 7 acres of open space within this 35-acre development. The area designated as open space was recommended to be a separate parcel, to be maintained by the HOA in perpetuity. There was also a no clearing zone identified on the plan, which based on staff calculation was approximately 11 acres, for a total of approximately 18 acres that was to remain undisturbed.

In this application, the applicant is proposing 13.069 acres to be under a conservation area, which includes a no clearing zone. This zone is vastly different from the no clearing zone in lots 2, 3, and 4 compared to the previous application and from staff inspection, the area has already been cleared. The no clearing zone will not be in a separate parcel, but rather on private property. Staff is concerned that a no clearing zone on private property would be incredibly difficult to enforce. In addition, the no clearing zone on lot 6 has moved closer to the property of 128 Asbury Road. During previous hearings for the former PUD, hillside stability and stormwater runoff was raised by adjacent owners, specifically downhill from this site.

There has also been a garden planted that appears to be in in the 30' landscape buffer which was a requirement of the Carriages of Coldstream PUD. This garden includes fencing that was not approved in their PUD, nor was a zoning certificate issued for the fence.

Natural and Environmental Resources

- *The vast natural and environmental resources of Anderson Township will be protected for future generations.*

Again, the applicant is declaring 13.069 acres in a no clearing zone. The applicant stated that this will be in a revised declaration of covenants, easements and restrictions, which has not been finalized. Staff is of the opinion that this would be very difficult to enforce. For example, there has been a garden planted in the 30' landscape buffer which was a requirement of the Carriages of Coldstream PUD. This garden includes fencing was not approved in their PUD.

**Mr. Drury** stated that Staff findings based on the Planned Unit Development evaluation criteria (Article 4.1, G):

1. The proposed density for the development is consistent with the "A-A" district. Lots 1-7 zoning certificates have been issued for single family houses, which meet the zoning requirements.
2. Staff is of the opinion that the application is not consistent with the Vision and Goals of the Board of Trustees as outlined in the adopted Anderson Plan.
3. The use (single-family) is compatible with surrounding residential land uses. There is a similar private drive with gate on Ayers Road. However, this development was a minor subdivision which did not require approval through Hamilton County Subdivision review. As this is an already approved subdivision, it is compatible with the surrounding land use with or without the PUD approval.
4. There is a 30' landscaping buffer from the Carriages of Coldstream PUD, as well as previously proposed landscaping near the entrance of the Waterfront Estates Subdivision. There was not a

landscaping plan submitted with this application nor details of the proposed gate.

5. The proposed phasing and timeframe for completion of the development is unknown at this time. However, some of the residences are completed, others are under construction.
6. Since the applicant is requesting a private drive, more information is needed to determine if all utilities would become private, including water, sewer and stormwater. Anderson Township Fire and Rescue will require a 20' wide gate in order for equipment to properly enter. There is also concern from the Fire & Rescue Department and Hamilton County Sheriff's department over the Knox box. Fire & Rescue and the Sheriff's Department believe there will be a significant delay in response time, as well as concerns over the quick release or a physical way to defeat the mechanism.
7. There are no historical features on the site.
8. As the subdivision is already built and the conservation area will be located on private property, staff see no reason why modifications of the zoning or other regulations are warranted.
9. Sidewalks are existing within the development and are proposed to connect with Coldstream Club Drive along Ayers Road.
10. The development is single-family, consistent with surrounding properties; a landscaping plan/gate details for along Ayers Road were not submitted.
11. The 13.069 acres of conservation area will be on private property and therefore will not have public access.
12. The development is existing.
13. The subdivision has already been approved and recorded without a PUD. Township staff does not believe that the addition of a gate warrants a PUD overlay. It seems there are other methods of achieving the applicant's goal of security and a private drive without the PUD process, such as, replatting the subdivision to provide panhandle lots, fencing, and landscaping.
14. As the development is already existing without a PUD, it meets the vision and goals of the Comprehensive Plan as is.
15. This standard looks at whether the development provides adequate protection of natural features on the property, including land over 20% slope, flood-plain and wetland areas, areas permanently inundated by water, and areas protected by the Ohio Department of Natural Resources. The 13.069 acres proposed to go into a conservation area include very steep slopes. However, it will be under private ownership and will be a challenge for staff to enforce. The previous PUD had an open space parcel to be under the ownership of the HOA, which provided assurance that it will not be developed in the future, this application does not.

**Mr. Henson** asked if we have any other examples of this situation in the Township, with a private drive, public utilities and a gate. **Mr. Drury** replied no, we don't have an example of a subdivision going in reverse and being granted a PUD after the fact, however, we do have private drives with gates which all have private infrastructure. For example, the private drive at the end of Ayers came in as separate land divisions and were always planned to have a gate and private drive. They are not affiliated with a subdivision.

**Mr. Henson** asked about the residual land on lots 2, 3, and 6 that have frontage on Kellogg, and asked

what the impact would be of them trying to split their lots. **Mr. Drury** replied that it would get back to the declaration of covenants and how they determine it. He added that if part of the PUD, they would need a Major Adjustment to the approved plan.

**Mr. Elliff** asked if the original PUD was approved with a gate. **Mr. Drury** replied that yes it was originally approved with a gate.

**Mr. Elliff** asked if this plan is different because there was more clearing. **Mr. Drury** replied that the open space parcel was also a different lot, where as this open space is all on individual lots. **Mr. Powell** added that the other big issue is that the subdivision is now built. He stated that a PUD is really a bargaining chip for a developer to achieve what they normally would not be able to and the Township to condition specific things that they want to see. Its more about the future, instead of a development built and then coming back and asking for it.

**Mr. Elliff** asked if its currently in a PUD and if there's any conditions on clearing currently. **Mr. Drury** replied that it is not and that the Township would have no authority to enforce anything.

**Mr. Elliff** asked if there are additional details or requirements from the Fire Department that need to be considered. **Mr. Drury** replied that there are additional requirements for the installation of the gate, such as the width of the gate, function of the knox box and overall concern of timing of service. **Mr. Drury** added that Chief Martin from the Anderson Township Fire and Rescue Department is present and can answer any specific questions.

**Mr. Elliff** asked if the main problem of enforcement of the open space is because it is located on individual properties. **Mr. Drury** replied that staff does not know if we can even enforce it with it being on private property rather than in a typical HOA.

**Dr. Baker** asked if there are any Fire & Safety differences between a gate on a private drive for a subdivision versus one house.

**Rick Martin, Fire Chief for Anderson Township Fire and Rescue**, stated that if a gate goes up on a private drive they are supposed to contact the Fire Department. He stated that in the 2017 Fire Code, the minimum width is 20 feet for the apparatus to get through. He stated that there are also guidelines for the Knox box in case they need to get through. He explained that the code is sent through the dispatch, however, if it doesn't work, there is a keyhole in the back and the keys are carried in every truck. He stated that gates never enhance response time. He stated that there is a problem with gates going up without prior knowledge from the Fire Department.

**Dr. Baker** clarified her question if it is a bigger issue for multiple houses rather than one. **Chief Martin** replied no.

**Dr. Baker** asked if details for stormwater and sewer had been clarified. **Mr. Drury** replied that the



applicant will have to speak on that as details were not provided to staff.

**Christopher (Kit) Houston, 425 Walnut St, attorney for the applicant,** stated that due to the property owners' high-profile nature and the need for safety a PUD would state that the Township is getting an obligation from the property owners that they will not be removing or clearing any additional trees. He stated that the Township will also not have the obligation of maintaining this road, one less to snowplow in the winter. He stated that the previous applicant was not the current applicant, and that the current property owners have spent thousands of dollars over the last year to get to the point where they could have a gate. He stated that the PUD allows for variances to the underlying zoning which would typically not be allowed, which is why they are here today. He stated that there might be a prior agreement with the developer regarding a sidewalk connection to Coldstream, but that its not the current applicant and they were not aware of it. He stated that while the no clearing line has moved back a bit, it is a significant amount of trees being left alone in the Township. He stated that they do not see the difference between the conservation easement being owned by individual property owners versus an HOA. He stated that the garden was built with consent of the adjacent property owner and can be removed and would be happy to be dealt with here to meet Township regulations.

**Mr. Houston** reviewed each PUD standard as the following:

Item 1- He stated that the only thing changing is a private gate, private road, nothing related to the underlying zoning district or the lots themselves.

Item 2- He stated that nowhere in the Comprehensive Plan does it state that gates are in violation of the Comprehensive Plan and believe they are in consistency.

Item 3- Ge stated that the gate will be constructed well, with nice landscaping in order to be consistent with surrounding neighbors.

Item 4- He stated that they would be happy to submit it as a condition of the PUD.

Item 5- He stated that the applicants are here and can give an update on the schedule of completion.

Item 6- He stated that they have worked with Cincinnati Water Works and Metropolitan Sewar District and the watermain will be public, everything else will be private.

Item 7- He stated that it is as noted.

Item 8- He stated that not every item of the code is met, and that this is not the average PUD application, but that's not a reason to deny it.

Item 9- He stated that he does not believe it should be a constraint

Item 10- He stated that they will provide.

Item 11- He stated that they feel the area being dedicated as a conservation area is more than sufficient and stated that they don't feel that others should be in the backyard area anyways

Item 12- He stated that there is one item missing in the development- the gate.

Item 13- He stated that the suggestion of the panhandle parcels does not work because many of the lots are mortgaged, and they could probably go through a 7/11 transfers but that it is not feasible for all of the lenders.

Item 14- He stated that this does not change by adding a gate.

Item 15- He stated that they can put a condition that staff can approve the declaration of covenants of this land area.

**Mr. Houston** stated that the Township lives and dies based on property land taxes and hopes that they can get a gate to benefit the high paying tax people.

**Rich Arnold of MSP on behalf of the applicant**, stated that for this project MSP has been involved in some way or another since 2004. He stated that as Cincinnati Water Works is concerned, it will remain public and that they have worked that out through them, with all provisions that they will require. He stated that this is a private sewer, but it will be maintained by the Ayers Road Sewer association which currently serves 150 residents. He stated that the storm sewer will be maintained privately by these property owners and under the same covenants. He stated that these applicants are prepared to meet the Fire Code and that the pavers put in place for Water Works emergency access will also serve the Fire Department and hold the weight of a fire truck.

**Christopher Hamant, 2869 Linwood Ave, Geo Tech Engineer for the applicant**, stated that he has worked for previous property owners in this area. He stated that there are concerns over the hillside stability. He stated that it is shallow bedrock and that he has also worked for homeowners below this development. He stated that due to the shallow nature of the bedrock, any slide would be minor. He stated that he doesn't have any concern of the clearing and does not believe it will cause any issues, especially with them placing it in a conservation area.

**Mr. Elliff** asked what mechanism is in place to maintain the road and keeping the water public. **Mr. Arnold** replied that the entire parcel that will be created for the street plus 15' on the north side of the drive that will go around the lot 6 and 7 will be in an easement dedicated to water works for them to maintain the line.

**Mr. Elliff** asked if the property owners are aware that they will be required to maintain this road, including repairs and snowplowing, even though they will be paying their taxes to the Township. **Mr. Houston** replied that they are aware that they will not receive public works services.

**Mr. Elliff** asked what other solutions are possible besides the PUD. **Mr. Houston** replied that it would be to create panhandles and would require mortgage lenders to re-approve everything.

**Mr. Gothard** asked if the turn analysis has been provided to the Anderson Township Fire Department. **Mr. Arnold** replied that once it is approved, they will provide the analysis to the Fire Department for both entry and exit.

**Mr. Gothard** asked about the gate and landscaping detailing. **Mr. Houston** replied that they would be happy to submit gate plans and landscaping to the Township.

**Mr. Gothard** asked if the 15' mentioned would actually be 30' into the landscaping easement that is actually in the Carriages of Coldstream. **Mr. Arnold** replied yes. **Mr. Gothard** asked if there will be landscaping replacement requirements. **Mr. Arnold** replied that the easement overlaps with the sewer

association easement.

**Mr. Gothard** asked if there have been any soil borings done. **Mr. Hamant** replied that general familiarity with the site and the understanding of the local geology. **Mr. Gothard** asked if erosion is going hand in hand with the clearing. **Mr. Hamant** replied that erosion is controlled with lower plants, not taller trees.

**Mr. Powell** asked if the hillsides are impacted by the clearing. **Mr. Hamant** replied that he is stating that the clearing of trees does not create erosion and are irrelevant to the slope problem.

**Mr. Gothard** asked why the clearing line was mowed. **Mr. Arnold** replied that the applicant wanted the best view of the Ohio River. **Mr. Gothard** clarified to ask why the conservation area and the no clearing line don't match. **Mr. Houston** replied that Ms. Ruby Miller would be the best to speak to that.

**Mr. Jeff Ruby, 160 Waterfront Way**, stated that the most important thing to him is the life safety aspect and safety for his children. He stated that they have and will cooperate with every requirement. He stated that every aspect brought up has been a no brainer. He stated that they were under the impression when they purchased these homes, they were guaranteed the gate and that is why they invested millions of dollars in this community. He stated that his kids grew up on Sunny Acres and they had a fire in that house which the Anderson Township Fire and Rescue saved his family and dog. He stated that he has been involved in a number of large fires at hotels and restaurants, so this issue is incredibly important to him and his family. He stated that on July 21<sup>st</sup>, 2024, his son had an emergency that the Anderson paramedics saved him within 4 minutes. He stated that this is not a privacy gate, this is a security gate due to the number of serious death threats he has received. He stated that they've had a series of stalking and attempted murder of his next-door neighbor, being a contract hit. He stated that he was the intended target of that and happened to be out of town and they got the wrong house. He stated that the antisemitism is horrible right now and that his family are massive public figures that want to protect themselves.

**Britney Ruby Miller, 130 Waterfront Way**, stated that she and the other neighbors are here and apologized that there was a convoluted way of getting here. She stated that they were not part of the first application and were guaranteed the gate. She stated that they moved for the gate and the beautiful views. She stated that their family loves the Township and this is their family compound. She stated that her previous home was broken into and robbed. She stated that they are averaging 5 people an hour to spectate and look at their homes on Waterfront Way. She stated that they are no different than their neighbors here today, but that they are outspoken in their restaurants and what they do for the community. She stated that she loves the trees and apologizes for the garden and that they were given verbal approval. She stated that they bought lot 14 in the Villas for their private security team to live in. She again apologized for the back and forth of this case and are hoping that it can get resolved in any manner that they can.

**Mike Weigel, 180 Waterfront Way**, stated that he has lived on the street for about three months now.

He stated that they are well aware that they will have to clear snow and maintain the street. He stated that the constant stream of cars is ridiculous and he has confronted a number of people who have gotten out of their cars and walked into his yard.

**Mr. Gothard** asked which lot he is. **Mr. Weigel** replied Lot 2.

**Jeremy Haden, Taft Law, Outside General Counsel for the Ruby Family**, thanked staff and the Zoning Commission and apologized for the misconceptions associated with this case. He stated that the Ruby Family is outspoken and that they do what is right, which is why they are there tonight to ask for permission for the gate. He stated that in the staff report, heightened security is in quotes, but that it is a real situation for this family and their kids. He stated that in his view this is a win win for the Township, both in property value and protecting trees that they currently cannot protect. He stated that even if it is a psychological feeling.

**Brian Anderson, 170 Waterfront Way**, stated that this is all about security and that he is about three months from finishing the property and wants to move in with the most sense of security possible. He stated that he has found multiple people in his backyard and they don't want people in their neighborhood with bad intentions.

No one spoke in opposition.

**Mr. Elliff** asked if when clear cutting takes place, is anything is done to the land so the hillside is not bare. **Mr. Arnold** replied that the Soil & Water Conservation District requires specific seeding and stabilization on bare areas. **Mr. Elliff** asked if there is a review process to ensure this has happened. **Mr. Arnold** replied that review of this is under the land development review process through Hamilton County. He stated that water runoff and the hillside concerns are addressed in the plans so that the Soil and Water Conservation District has input. **Mr. Hamant** added that the underbrush remains when the trees were cut and that they are probably thicker now than when the trees were in place.

#### DECISION

**Mr. Henson** moved to continue Case 2-2024 PUD, **Mr. Elliff** seconded with the request for the following additional information regarding to the Deed for Covenants and Restrictions, details of the gate and how it functions with the Knox box, an ingress and egress maneuverability study for emergency services to bypass the gate, landscaping plans for the entrance, clarification of the red line (the conservation area) and the blue line (the existing clearing) on the PUD site plan, clarification on the public/private responsibility of infrastructure and utilities if the drive becomes private.

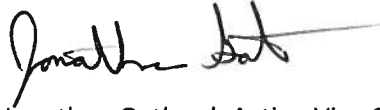
4 Yeas

**Mr. Powell** stated that if info is pertinent to the case, the public hearing can be open again next month.

Zoning Commission  
September 23, 2024  
Page 13

The next regular meeting would be held on October 28, 2024, at 5:30 p.m. at Anderson Center.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jonathan Gothard", with a long horizontal flourish extending to the right.

Jonathan Gothard, Acting Vice Chair

**ANDERSON TOWNSHIP ZONING COMMISSION  
SIGN-IN SHEET  
MONDAY, SEPTEMBER 23, 2024 AT 5:30 P.M.  
ANDERSON CENTER, 7850 FIVE MILE ROAD**

**PLEASE PRINT - THANK YOU**

NAME:	ADDRESS:
CRIS HAMANT	2869 LINWOOD AVE
Kit House	485 Walnut St.
BRITNEY RUBY MILLER	130 WATERFRONT WAY 45255
Mike Weigel	18 Waterfront Way
Richard Arnold	MSR 3700 Park 42 Dr 45241
Dillon Ruby	140 WATERFRONT WAY 45255
Brian + Melissa Anderson	170 Waterfront Way 45255
Darcie Kristin	
Coco Milk	130 Waterfront Way 45255
Jeremy A. Hayden	301 Summit Ft. Mitchell Ky 40076
Brad Smith	170 Asbury Rd
Dan Fawc	701 1st
DOUG LIENING	1618 MUSKEGON DRIVE