

HAMILTON TOWNSHIP ZONING COMMISSION MEETING  
October 17, 2022

The meeting was called to order at 7:00 p.m.

Members present:     Amanda Webb  
                              Brady Hood  
                              Dan Riegner

Mr. Dan Riegner explained the items before the board this evening and the meeting process. He also swore in all persons wishing to give testimony during this hearing.

Ms. Lindsey Gehring, Zoning Administrator, presented the staff report for the first agenda item for a zoning amendment, located at 5756 S. State Route 48, Maineville, OH 45039. The Property Owners are Ms. Claudia Brausch. The applicant is Shoppes at State Route 48. Our spokesperson this evening is Tim Grieve and/or Sam Echuri. Address is 5756 State Route 48 Maineville, OH 45039. Legal Notice was published in the October 9, 2022, edition of *The Pulse Journal*. Notice was mailed to all property owners within 200 feet of the subject parcels.

The applicant is requesting a zone change from R-1 Single Family Residence to B-2 General Business. This zone change is intended to allow for a retail shopping center. The site aerial was reviewed. Current zoning is R-1 Single Family Residence. Surrounding zoning consists of R-1 Single Family Residence to the north, B-2 General Business to the south, R-1 Single Family Residence to the east as well as some R-2 and B-1 Neighborhood Business to the west. The R-2 Multi-Family residence to the east is the Michel's Farm Subdivision. Our Future Land Use plan does show this particular area as a B-2 district corridor for Hamilton Township. Our review criteria for zoning text and map amendments is as follows, per section 3.7.4 of the Hamilton Township Zoning Code it states: A. the amendment is consistent with the Hamilton Township land use plan, other plans or developments and policies adopted by the Board of Trustees. B. the amendment is consistent with the purpose of the zoning code. C. more than one zoning district is available to implement the land use designation. The applicant must justify zoning being sought and show that it is best suited for the specific sight based upon the policies of the Township. D. any other substantial factor deemed appropriate by the Zoning Commission or Board of Township Trustees.

The Warren County Regional Planning Commission heard this zoning amendment at their September 22, 2022, Executive Committee meeting. With a vote of 13 yes, 0 no, and 1 abstention, the Regional Planning Commission is recommending approval of the zoning map amendment from R-1 Single Family Residence to B-2 General Business zone.

Staff is not aware of any additional comments from County partner organizations therefore staff is recommending approval subject to the following conditions which are compliance with the Warren County Regional Planning Commission conditions, compliance with all Warren County partnership organization conditions, compliance with ODOT conditions and compliance with any Ohio EPA conditions.

Mr. Riegner invited the applicant to speak.

Mr. Sam Echuri came forward to speak. He stated that he is the real estate developer and plans to open a shopping center. He mentioned that he did the Rivers Bend Plaza as well.

Mr. Riegner invited audience members for and against the proposal to speak. Hearing none, Mr. Hood made a motion with a second from Ms. Webb to close public comments.

Roll call as follows:	Brady Hood	Yes
	Amanda Webb	Yes
	Dan Riegner	Yes

Mr. Hood, Ms. Webb and Mr. Riegner all stated that he doesn't have any questions, and that it makes sense.

Mr. Riegner made a motion to approve the zone change subject to the following conditions, subject to the Warren County Regional Planning Commission conditions, any Warren County Partnership Conditions, ODOT conditions as well as Ohio EPA conditions. There was a second from Ms. Webb.

Roll call as follows:	Brady Hood	Yes
	Amanda Webb	Yes
	Dan Riegner	Yes

Next, Ms. Gehring, Zoning Administrator, presented the staff report for the PUD Stage 2 Preliminary Plan and Stage 3 Final Site Plan for Tribute Hamilton Township. The property owners are Walmart Stores East LP. The applicant is Mr. George Flynn and spokespersons this evening are George Flynn, Michael Copfer, Rick Evans and Jim Obert. Addresses to consider are as follows: Towne Center Blvd. Parcel ID: 1605251038 Parcel ID: 1605277016. Legal Notice was published in the October 9, 2022, edition of *The Pulse*. Notice was mailed to all property owners within 200 feet of the subject parcels.

Hamilton Township Pointe is a mixed use development that will include both commercial uses and residential multi-family. The commercial uses will be on four commercial lots located in the area of high visibility between SR 48 and Towne Center Blvd.

The site aerial was reviewed for the 26.9524 acres. Current zoning is B-2 General Business with a PUD overlay. Surrounding zoning consists of B-2 General Business and M-1 Light Industry to the north, B-1 Neighborhood Business, B-2 General Business and R-3 Multi-Family Residence, to the south, B-2 General Business, R-1 Single Family residence to the east and M-1 Light Industry to the west. Our Future Land Use plan does show this particular area as a mixed use area. Our current Zoning Code does not currently have a mixed use designation. The PUD is a B-2 General Business PUD however, other zoning districts are allowed within the PUD. Commercial lots are to the east and residential will be to the west. The clubhouse will be located right when you drive in to complex. The building materials will consist of brick veneer and lap

siding and metal roofing over areas without awnings. The proposed signage consists of ground signs at each entrance, 62.5 sq. ft. each. There is a corner sign that is proposed along Towne Center Blvd. and Road A. Chapter 7 of our HTZC outlines rules on parking, loading and circulation that should be followed. Table 7-1 in the code sets the required number of parking spaces for multi-family dwellings at 2 spaces per unit. The applicant is proposing 649 total parking spaces which does exceed the minimum required. Chapter 7.7.1 States sidewalks along a public street. The applicant is proposing that a 8” wide public walk will be installed along the frontage on Towne Center Blvd. as well as Road A. The sidewalk will be extended along the frontage of each commercial out lot at the time they are developed. HTZC Chapter 8 reviews landscaping requirements for new developments. The minimum required open space is 20% for residential uses and 15% for commercial uses. The applicant is proposing to have 26.7% of open space for the apartments, comprised of walking paths, pocket parks, etc. The commercial lots will have approximately 18.8% of open space. The applicant is proposing to install more than the required amount of landscaping throughout the development with the intent to preserve as much of the existing trees and vegetation at the southern property line abutting the Indian Lakes Subdivision. A detailed lighting plan showing a photometric analysis throughout the site has been completed and meets Hamilton Township’s Zoning Requirements. The applicant will be installing LED lights throughout the site. Review Criteria is from Hamilton Township Zoning Code Chapter 5.5.6 D, it states the following criteria shall be used in decisions regarding all phases of PUD final site plans. 1.) The PUD final site plan shall substantially conform to the approved PUD preliminary plan including any revision or conditions of approval by a Board of Township Trustees. 2.) All necessary legal documentation related to the incorporation of a Homeowners or Property Owners Association for residential PUDs. Other similar associations for non-residential PUDs and copies of any restricted covenants or agreements that are to be recorded have them submitted and approved as part of the PUD final site plan. Such legal documentation shall demonstrate how the common open space will be maintained over the life of the development.

#### Our Partner Organizations:

WCRPC staff heard this development at their September 22, 2022, Executive Committee Meeting with a vote of 13 yes, 0 no and 1 abstention, to recommend approval of the PUD Stage 2 with the following conditions.

- 1.) All plans and proposals from the applicant shall be made conditions of approval, unless modified by one of the following conditions.
- 2.) Compliance with the Warren County Subdivision Regulations, The Hamilton Township Zoning Code, the Warren County Thoroughfare Plan, and the PUD Stage 1 conditions of approval ( Resolution 22-0907B ).
- 3.) Prior to Final Plat approval, the applicant receives approval for the extension of the sewer system from the Warren County Board of Commissioners and complies with the water and sewer system improvements and capacity requirements of the Warren County Water and Sewer Department.
- 4.) The applicant shall contact the Warren County Health District regarding plumbing permits prior to construction of the multi-family dwellings and the swimming pool should be reviewed by the Ohio Department of Health.

- 5.) Prior to the PUD stage 3 Final Plan approval, the applicant shall obtain access permits and preform a Traffic Impact Study (TIS) that is reviewed and approved by the Warren County Engineer's Office and ODOT. In addition, interior traffic circulation shall be subject to a written reviewed by the Hamilton Township Fire Department.
- 6.) Prior to PUD stage 2 review the Zoning Commission, the applicant submits a revised site plan with the following information
  - a. Residential building setbacks.
  - b. Stormwater management basins identified as either retention or detention ponds.
  - c. Sidewalks along both sides of the access drive (required to be built to county local or private road standards) in compliance with the Warren County Subdivision Regulations for residential development, Sec. 416.
  - d. The details of the [proposed roadway that will be used for access to the multi-family buildings, in terms of the width and cross section.
  - e. The exact number of the residential units and parking spaces instead of a range.
- 7.) At the time of PUD Stage 3 Final Plan submittal, the applicant provides the following:
  - a. An updated stormwater management plan approved by the Warren County Engineer's Office. The applicant should remove note #10 from the submitted plan and a stormwater management plan should be submitted in accordance with the proposed plan (Note 10: the existing stormwater management for this project was previously designed, approved and constructed.)
  - b. An erosion and sediment control plan by the Warren County Soil and Water Conservation District and compliance with the Warren County Erosion and Sediment Control Regulations.
  - c. A revised site plan that illustrates an internal access easement (not from St. Rt. 48) to the stormwater management basin that is located on open space lot (3).
- 8.) The Hamilton Township Zoning Commission provides a recommendation concerning:
  - a. Compliance with the 180 sq. ft. parking space size requirements of the HTZC, Sec 7.6.3 ( the application illustrates 162 sq. ft. parking spaces).
  - b. Requiring cross-access easements between commercial lots in compliance with the HTZC, Sec 7.6.2
  - c. Establishing a minimum dwelling unit size as required by the HTZC, sec 5.6.2
  - d. Maximum building height, building design and materials.
  - e. The buffer of conservation areas details,, including width, along the southern boundary adjacent to residential uses.
  - f. A phasing plan as required by HTZC 5.5.7
  - g. If the multi-family residential use is an allowable use.
- 9.) The applicant complies with the driveway spacing requirements by the Subdivision Regulations for commercial development on collector streets, Warren County Subdivision Regulations, sec 410.
- 10.) The applicant submits a landscaping plan for the commercial lots as typically required for PUD Stage 2 by the HTZC, Sec 5.5.5.

- 11.) Road A shall comply with road cross-section and width for collector roads, as required in the Warren County Thoroughfare Plan.
- 12.) Sidewalks, pool, clubhouse and community amenities should be constructed prior to 50% of the residential units being developed.
- 13.) Open space is established at a minimum of 25% of the residential area and a minimum of 18% of commercial areas.

Warren County Engineers office:

- 1.) Pedestrian crossings will be required on Towne Center Blvd. anticipating sidewalk on both sides of Towne Center per Hamilton Township Zoning regulations.
- 2.) The prior developer deferred a portion of the Towne Center Blvd improvements until this area now considered could be developed. These improvements will be required with this proposed development phase including i.) Road A to the west property line were shown. ii) curb and gutter (with catch basins) on the west side of Towne Center Blvd. between Road A and River Bend Drive. iii) the top course of asphalt and final striping on existing Towne Center Blvd. and west of SR 48. iv) a second outfall from the existing detention/retention basin located along the north line of the Indian Lake Section 6 Subdivision outletting east of the retention basin acceptable to the Warren County Engineer.
- 3.) The access plan for the outlots located on the east side of Towne Center Blvd will include restricted access and/or combined driveways as determined by the Warren County Engineer's Office. The driveway access plan will also include a shared ingress for the parcel located south of the proposed development shown as Parcel 16-05-277-015 on the Stage 3 Plan ( Kid's R Kids)
- 4.) Street lighting on both sides of Towne Center Blvd is required.
- 5.) Storm drainage and erosion control plans are required acceptable to the Warren County Engineer and Warren County Soil and Water District.

Staff is not aware of any additional comments from other Warren County Partner Organizations at this time.

**Staff is recommending approval subject to the following conditions:**

1. Compliance with the Hamilton Township Zoning Code except otherwise modified through this PUD process.
2. Compliance with recommendations from Warren County Regional Planning Commission (RPC) with the exception to the following conditions:
  - a. Conditions 3, 6.B and 7.A. – plans are being reviewed and worked through. A letter of approval will be required before we can sign off on the actual zoning certificates for the buildings for the project and before any construction can begin.
  - b. Condition 5- The fire department has commented that the fire code requires a minimum of 26 feet in width for the main access into the development to allow for proper apparatus accessibility. They have requested that the geo-tile emergency only access point proposed between buildings 2 and 5 be marked

with reflective identifiers to allow all emergency crews to be aware of that access point.

- c. Condition 8.a – while our zoning code does require a standard 10 x 18 parking space, this development is a PUD and therefore has the plausibility to waiver from the requirements of the zoning code. The average parking space in new age developments is 9 x 18 which is what the applicant is proposing.
- d. Conditions 8.c – the smallest unit size will be roughly 700 sq. ft.
- e. Conditions 10 – each commercial outlot will have to come back for their own revised Stage 2 pre-liminary plans. At that time a landscaping plan will be required.
- f. Condition 12- The Warren County Building Department addressed this during the WCRPC meeting stating that they would be fine to review certificates of occupancy based on each buildings construction.

3. Compliance with all Warren County Partner Organization requirements.

Mr. Riegner asked if the Township would not order a zoning certificate until the stormwater drainage was complete.

Ms. Gehring said correct.

Mr. Riegner invited the applicant to speak.

Mr. George Flynn stated that she is representing Hamilton Township Pointe. He explained this is not a small endeavor to bring forth a 40 million dollar project, we have a whole team. Most of which are here tonight. He mentioned they are okay with staff's recommendation and will comply with them moving forward. He made a couple notations, he stated they did change the plan to accommodate some of the residents. He mentioned they changed the ingress and egress and have also eliminated the proposed walking path.

Ms. Webb asked if the storm water pond wanted to know if they were landscaping the pond.

Mr. Flynn stated they may have some aeration in there. He that they are going to keep it as natural as they can.

Mr. Hood asked if the outfall from the retention pond would only be to the east.

Mr. Flynn responded by saying it will go in both directions.

Mr. Riegner opened public comments for anyone in favor.

Ms. Sharon Jansen came forward to speak. She mentioned she is excited for the project. She mentioned she has worked on 15 storm water rehabs. She mentioned that the watersheds are her concern, she would appreciate their consideration. She wanted to know if the developer has a Warren County/Hamilton Township assessment for this property. She believes that the current basin is inadequate for the proposed development. She gave a few ideas on what she believes would be helpful for this potential issue.

Mr. Sam Echuri came forward he wanted to know if Road A would connect to Grandin Road.

Ms. Gehring said yes it will extend west to Grandin Rd.

Mr. Riegner opened the floor for public comments for anyone against the proposed development.

Ms. Courtney Frock came forward to speak. She asked what kind of landscaping will be put near the basin. She said as the road gets developed the headlights that come through will shine on their houses.

Ms. Gehring explained that they proposed to leave all the existing vegetation however, there is no additional vegetation proposed.

Mr. Luke Frock came forward to speak. He wanted to request that landscape be added to the south side of "Road A" so the headlights do not become a nuisance to them. He also asked if the business coming up on 48 that if it would be possible to put the business that closes down earliest closest to the residence that already exist there.

Mr. Riegner invited the applicant to come up and speak.

Mr. Flynn came forward. He stated that they do not want Road A however, it is required by Warren County and Hamilton Township. He mentioned that if it is a requirement for shrubbery they will add that. He also mentioned that the water runoff hasn't been touched or maintained for 27 years, he said they will improve that as part of the regulations they need to abide by. He stated he doesn't know what the regulations are for protection of wildlife.

Ms. Webb asked if the detached garages will have a pitched roof or a flat roof and if the materials will be complimentary to the building.

Mr. Kaufer responded by saying a pitched roof and that it will be very similar to the apartment complex.

Ms. Webb asked if it is their preference to exceed the parking.

Mr. Flynn stated that they have more parking because of extra parking at the club house for visitors and workers.

Mr. Riegner asked if the pool house will be open and operational at the time the first building will be completed.

Mr. Kaufer stated that they start the first building and clubhouse at the same time. They stager the other buildings. He said the goal is to have the leasing office open in that clubhouse as soon as possible. He also stated they plan to notch the trash into the hill so it won't be as noticeable.

Mr. Riegner asked if there will only be crosswalks or if there will also be the button where you can hit the button.

Mr. Flynn said as of now we are just talking crosswalks but as Road A is completed their maybe more discussed on that. That will most likely come out of traffic study.

Mr. Obert stated that they have done studies on the wildlife and there are no endangered animals on state. He also mention they are working with Warren County to figure out the storm water issue.

Ms. Webb about the emergency vehicles getting access with the landscaped island.

Mr. Flynn said they will do an analysis to make sure they will be able to do the landscaping in the front. They will work with Hamilton Township Fire Department.

Mr. Hood made a motion to close the public comments with a second from Mr. Riegner.

Roll call as follows:	Brady Hood	Yes
	Dan Riegner	Yes
	Amanda Webb	Yes

Mr. Hood mentioned that with the RPC requirements and Hamilton Township Staff requirements, he doesn't have any questions or anything to add.

Ms. Riegner made a motion to recommend approval of combined PUD Stage 2 Preliminary Plan and PUD stage 3 final site plan. Subject to the compliance with all Warren County Regional Planning commissions 1-13, and all four staff conditions including all subsections There was a second from Ms. Webb.

Roll call as follows:	Brady Hood	Yes
	Amanda Webb	Yes
	Dan Riegner	Yes

Mr. Hood made a motion to table the September 19, 2022 meeting minutes with a second from Ms. Webb

Roll call as follows:	Brady Hood	Yes
	Amanda Webb	Yes
	Dan Riegner	Yes

Ms. Perelman made a motion to approve the June 13, 2022 meeting minutes with a second from Ms. Webb.

Roll call as follows:	Brady Hood	Yes
	Amanda Webb	Yes
	Dan Riegner	Yes

With no further business to discuss, Mr. Hood made a motion to adjourn with a second from Mr. Riegner.

All in favor, Aye.