

HAMILTON TOWNSHIP ZONING COMMISSION MEETING
July 11, 2022

The meeting was called to order at 7:02 p.m.

Members present: Randy Kuvin
 Julie Perelman
 Brady Hood

Assistant Law Director, Mr. Brodi Conover, 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 being a Zoning Map Amendment for 6301 State Route 48, Maineville, OH 45039. *HTZC Chapter 3.7.4.* stipulates the review criteria for zoning map amendments before the Zoning Commission Board. The property owner is Mr. Matthew Bergantino. The applicant and spokesperson this evening is Ms. Anne McBride. Legal Notice was published in the June 26, 2022, edition of *The Journal News*. Notice was mailed to all property owners within 200 feet of the subject parcels.

The applicant is requesting a zoning amendment from R-1 Single Family Residence to B-2 General Business. This zone change is intended to allow the property to be included in the proposed Kroger development. This property will be utilized for the extension of Towne Center Boulevard, stormwater management areas, as well as landscaping and signage for the Kroger Marketplace development. The Warren County Thoroughfare Plan and the Hoptown Access Management Plan show that the extension of Towne Center Blvd. will align with the existing intersection of Towne Center Blvd. and State Route 48 to the west. There will also be a road connection from Grandin Road to the North. Current Zoning is R-1 single family. Surrounding Zoning consists of B-1 Neighborhood Business and B-2 General Business to the north, B-2 General Business and R-2 Two Family Residence, B-2 General Business to the south, and B-1 Neighborhood Business and B-2 General Business to the west. Our future land use plan does depict this general area as being the commercial corridor for Hamilton Township.

The Warren County Regional Planning Commission heard this zoning amendment at their June 23, 2022, Executive Committee meeting. With a vote of 11 yes, 0 no, and 1 abstention, the Regional Planning Commission is recommending approval of this zone change.

Staff is not aware of any additional comments from County partner organizations therefore staff is recommending approval of the Zoning Amendment from R-1 Single Family Residence to B-2 General Business subject to the conditions of being complaint with all Warren County Partner Organization requirements.

Mr. Kuvin invited the applicant to speak.

Ms. Anne McBride with McBride Dale Clarion is representing the applicant this evening. The property in question is approximately 6.4 acres. The primary focus of the property will be for the Towne Center Blvd. extension so the bulk of it will be Right-of-way for a public street. Included in that will be two detention basins for the Kroger development to the North as well as landscaping. The property itself is only about 200 feet wide so to develop it as a commercial piece by itself would be kind of hard. The applicant will be dedicating right-of-way on State Route 48 consistent with the Thoroughfare Plan and this proposal is also consistent with the Hamilton Township Comprehensive Plan that was recently passed.

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

Roll call as follows:	Brady Hood	Yes
	Randy Kuvin	Yes
	Julie Perelman	Yes

Mr. Hood commented that this follows the future plans for this area.

Mr. Hood made a motion to approve the Zoning Amendment as requested. There was a second from Ms. Perelman.

Roll call as follows:	Julie Perelman	Yes
	Randy Kuvin	Yes
	Brady Hood	Yes

Next, Ms. Gehring, Zoning Administrator, presented the staff report for the PUD Stage 2 Preliminary Plan Review for Kroger. The property owners are Ms. Maria Rombes and Mr. Terry Knecht. The applicant and spokesperson this evening is Ms. Anne McBride. Addresses to consider are as follows: Parcel ID: 16064000140- 6186 South State Route 48, Maineville, OH 45039, Parcel ID: 16064000170- 6216 South State Route 48, Maineville, OH 45039, Parcel ID: 16064000180- South State Route 48, Maineville, OH 45039, Parcel ID: 16052260011- 6274 South State Route 48, Maineville, OH 45039, and Parcel ID: 16052260012- South State Route 48, Maineville, OH 45039. Legal Notice was published in the June 26, 2022, edition of *The Journal News*. Notice was mailed to all property owners within 200 feet of the subject parcels.

Kroger has obtained an option to purchase 5 parcels totalling 22.6 acres, located on the east side of State Route 48, south of Grandin Road in Hamilton Township, Warren County, OH. The plans include a 123,722 square foot Kroger Marketplace Store as well as a Kroger Fuel Center with 9 pumps and 3 commercial outlots for future development. Access for the development would be from an extension of Grandin Road to the north as well as a proposed extension of Towne Center Blvd. to the South. The development would include a pharmacy drive-thru on the northern side of the building, with two service lanes and stacking for five cars. The drive-thru area is also planned for two lanes to serve a financial institution. A total of 15 online pickup spaces are proposed on the north side of the building. The Kroger store would be serviced by 611 parking spaces to include 20 handicap spaces, located at the front of the store.

Open space is proposed at 37% of the site not including the 3 commercial outlots. This does

exceed the minimum requirement of 15% per *HTZC Chapter 5.6.3.B*. Each of the three outlots are approximately .95 acres and will require their own zoning certificates before occupancy. Signage sizing shall be established during the PUD review process but will be approved via a separate zoning certificate.

The site aerial was reviewed for the 22.6 acres. Current zoning is B-2 General Business with a PUD overlay. Surrounding zoning consists of B-1 Neighborhood Business and B-2 General Business to the north, B-2 General Business and R-2 Two Family Residence, B-2 General Business to the south, and B-1 Neighborhood Business and B-2 General Business to the west. Our Future Land Use plan does show this particular area as the commercial corridor for Hamilton Township. There are two access points: one from Grandin Road to the north as well as the extension of Towne Center Blvd. to the south. The PUD does encompass 3 additional commercial outlots. There are three total detention basins proposed for this development and proper landscaping scattered throughout as well. Building renderings were reviewed as well as the fuel center. Kroger has changed their signage package to reduce the number of signs installed on their buildings. Aside from one monument sign, there will be the large Kroger identifier on the front of the building as well as the pharmacy drive thru signage and Starbucks. The northern elevation will consist of signs for the drive-thru canopies as well as the click list pick-up. The eastern elevation will have clearance heights and directional signage for the loading dock and canopy.

HTZC Chapter 5.5.5 explains the Stage 2 PUD review criteria. Ms. Gehring did review the criteria for the record.

WCRPC heard this development proposal at their June 23, 2022, Executive Committee meeting. With a vote of 11 yes, 0 no, and 1 abstention, RPC recommends approval of the Kroger PUD Stage 2 Preliminary Plan subject to the following conditions:

1. The development shall comply with The Hamilton Township Zoning Code in the effect at the time of the adoption of PUD Stage 1 and the PUD Stage 1 resolution adopted by the Hamilton Township Trustees.
2. The internal vehicle circulation shall be reviewed and approved by the Warren County Engineer's Office.
3. Compliance with the Warren County Soil & Water Conservation District (SWCD) standards. Approval of the erosion and sediment control plan by the Warren County Soil (SWCD) prior to earth-moving activities.
4. A stormwater management plan shall be reviewed and approved by the Warren County Engineer's Office.
5. The Ohio Department of Transportation (ODOT) and the Warren County Engineer's Office shall review and approve the traffic impact analysis. Any road improvements

deemed necessary by ODOT and/or the Warren County Engineers shall be installed by the developer. The ODOT and the Warren County Engineer's Office shall determine the timing of improvements.

6. Compliance with the Warren County Thoroughfare Plan, Hoptown Plan, and the Hamilton Township Comprehensive Plan and comply with the below:
 - a. Towne Center Boulevard shall be extended to the east and south property lines.
 - b. Grandin Road shall be extended to the south property line.
 - c. A connector to the south.

This may be achieved through the dedication of public rights-of-way and utility easements.

7. Access to the PUD from Towne Center Boulevard shall be from an approved public roadway that complies with the Warren County Thoroughfare Plan.
8. Access for the outlots shall be limited to internal access and no additional curb cuts along State Route 48 are permitted. Cross access easements for each outlot shall be provided.
9. Compliance with the Warren County Water & Sewer Department standards and requirements. Any improvements or requirements deemed necessary to support the proposed uses shall be installed by the developer.
10. Compliance with the Warren County Health Department standards and requirements for the proposed plumbing and retail food establishments.
11. Verification from Hamilton Township that the proposed site lighting complies with the Hamilton Township Zoning Code.
12. Sidewalks shall be installed along all frontage roads, which include State Route 48, Towne Center Boulevard, and Grandin Road, and have a width of no less than 6 feet. The sidewalks shall connect to all internal sidewalk connections.
13. Dumpster locations shall be enclosed and screened in accordance with Section 8.5.5 of the Hamilton Township Zoning Code.

14. An association shall be established for the maintenance of the common open space, stormwater management facilities, and any other community amenities.
15. The southern parcel #16052260020 shall not be included in the overall PUD open space calculation. The applicant shall submit revised open space calculations for the PUD and shall establish that open space as the minimum required.

Partner Organization comments are as follows:

Warren County Engineer's Office requirements

1. Access permits are required from both the Ohio Department of Transportation (ODOT) for the proposed Towne Center Blvd connection to SR 48 and Warren County Engineer's Office for the Grandin Road and the internal streets.
2. Additional lanes are necessary between SR 48 and the west drive for the Kroger's and outlots as shown on the site plan. The typical street section in the Warren County Thoroughfare Plan includes R/W to 9.5-foot minimum behind the curb and gutter and a 15-foot public utility easement both sides of the street. The final right-of-way width required in this section to accommodate future utilities, roadside signage, and grading will be determined after consultation with the design engineer.
3. The Warren County Engineer's Office considered and agreed to modifications in the proposed roadway network shown in the Warren County Thoroughfare Plan and Hoptown 2010 Plan to balance public transportation needs with the associated benefits/impacts to the proposed development. Modifications included i) the elimination of the Grandin Road extension to Towne Center Boulevard, and ii) deferring Owner's construction of the segment of Towne Center Boulevard between the east site drive to the east line of the development. To facilitate the future construction of the remaining portion of Towne Center Boulevard (by others), the Owner will provide the construction plans for Towne Center Boulevard construction from SR 48 to the east property line, right-of-way and cross-access easements in conformance with the 2010 Hoptown Plan, and associated grading and drainage easements necessary for the proposed construction of Towne Center Boulevard in this phase and the future phase. Notably, a tax increment financing agreement between the Owner and Hamilton Township is anticipated to fund the majority, if not all, of the design and improvements described herein.
4. Grading behind the curb and gutter to meet the clear zone recommendations that are recommended in the ODOT Location & Design manual.
5. Sidewalk may be extended along SR 48 with each outlot provided that the site grading plan will include enough detail in the design of the future walk to ensure that the walk will be constructed with each outlot so that the finished walk is constructed along a location and profile meeting ADA standards. The minimum sidewalk width is 6-ft where the proposed walk is situated closer than 2-feet from the back of curb/gutter.
6. Final design of the storm water facilities to meet the Warren County Storm Water Management design standards.

Ohio Department of Transportation

- Staff is not aware of any conditions at this time. Prior to PUD Stage 3 Trustee approval, staff will contact ODOT to notify of the proposed change in use and two access points for the site.

Warren County Soil & Water Conservation District

- An Earth Disturbing Permit will be required before ground is broken. If there are any existing streams or ponds on site, an environmental assessment will be required to determine jurisdictional authority and necessary permitting.

Warren County Water & Sewer Department

- The Layout Plan and the Utility Plan do not show a utility easement along State Route 48. An easement will likely be needed to extend gravity sewer and water to the outlots.

Warren County Health Department and/or Ohio EPA

- The proposal indicates that the properties will be served by both public sewer and public water and is therefore not under the health districts jurisdiction for those utilities. The property owners, or their designee, must contact the Warren County Health District regarding plumbing permits and plan review for the food facilities.

Staff is recommending approval of the Kroger PUD Stage 2 Preliminary Plan subject to the following conditions:

1. Compliance with the Warren County Regional Planning Commission conditions or as stipulated on the Stage 2 Preliminary Development Plan as provided for by Section 5.5.5 (F) (7).
2. Compliance with all Warren County partner organization conditions.
3. Compliance with ODOT conditions.
4. Compliance with any Ohio EPA conditions.

Ms. Perelman asked about the location of the fuel center and the extension of Grandin Road.

Ms. Gehring explained that the fuel center will sit out front along State Route 48 in line with the other 3 commercial outlots. Grandin Road is currently stubbed to the east. There is an existing building that the road will curve past.

Mr. Kuvin asked if there has been a Traffic Impact Analysis. Ms. Gehring explained that there has. ODOT did not provide any additional comments on the TIS however they will make sure that all requirements will be met before we can sign off on an official zoning certificate for the Kroger building.

Mr. Kuvin invited the applicant to speak.

Ms. Anne McBride stated that she is representing Kroger this evening however there are several members from Kroger present in the event that there are certain questions she cannot answer. They are seeking approval a Stage 2 PUD Preliminary Plan application for 22.6 acres. The store will be 123,722 square feet. The fuel center will be the first of 4 outlots and will have 9 pumps and an employee kiosk. The other 3 outlots will have to come before this commission once they are ready for development. There will not be direct access into any of the lots from State Route 48; only from Towne Center Blvd. and the Grandin Road extensions. Lighting will be LED which is more efficient and easier to control the illumination of the overall site. Landscaping will

be both interior and perimeter. Planned open space does exceed the requirements per the zoning code. The store design is the newest option that Kroger is offering. Stormwater management consists of two smaller detentions proposed along the parcel voted on first this evening as well as a larger detention basin at the rear of the store. The store represents an approximately twenty-five-million-dollar investment into Hamilton Township that is consistent with the Comprehensive Plan.

Ms. Perelman asked if a financial institution is part of the proposal.

Ms. McBride stated that the initial submittal did include a financial institution, but more recent discussions have turned that into a maybe.

Ms. Perelman asked if the Towne Center extension will connect to the existing Shooters.

Ms. Gehring explained that when Shooters was approved, the requirement was that if this area developed, they would need to relocate their full access onto Towne Center.

A gentleman who is a partner for the current building known as 'Klairs' asked about the conditions of Grandin Road and if the extension was approved as proposed.

Mr. Hood reminded that the conditions of the Engineer's Office mentioned that the modifications of the extension were approved to eliminate the extension from Grandin to Towne Center so that could be why the plans look a little different than the Thoroughfare Plan.

Mr. Hood made a motion with a second from Ms. Perelman to close the public comments portion of the hearing.

Roll call as follows:	Julie Perelman	Yes
	Randy Kuvin	Yes
	Brady Hood	Yes

Mr. Hood commented that between the Engineers Office, ODOT and RPC pretty much covered everything. So, he doesn't have much to discuss. The other members agreed.

Ms. Perelman made a motion to recommend approval of the Kroger PUD Stage 2 Preliminary Plans subject to the conditions set forth by the Warren County Regional Planning Commission, ODOT and any Ohio EPA conditions. There was a second from Mr. Hood.

Roll call as follows:	Brady Hood	Yes
	Randy Kuvin	Yes
	Julie Perelman	Yes

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

All in favor.