

HAMILTON TOWNSHIP ZONING COMMISSION MEETING
September 19, 2022

The meeting was called to order at 7:01 p.m.

Members present: Randy Kuvin
 Julie Perelman
 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 revised Stage 2 and 3 combined PUD for St. Zachary's Haven, located at 3364 US-22/3, Morrow, OH 45152. Legal Notice was published in the September 11, 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 modification to the previously approved PUD plans to increase the size of the proposed pole barn that is used for community services. The size is increasing from 600 sq. ft. to 2,560 sq. ft. which is 40 x 64. This does not include the porch or the lien to. The applicant states that this change is necessary due to State requirements of a minimum sq. ft. requirement for 15 residents. The proposed building will have men's and women's designated restrooms, a large meeting space, storage closet, large storage area with a garage door, a horse stall, 200 sq. ft. porch and 768 sq. ft. lien to for outdoor storage totaling 3,528 sq. ft. At this time no other previously approved buildings are changing. The previously approved pole barn was a 20 x 30. The Board of Trustees deemed this a major modification due to the following criteria, per section 5.8.5 of the Hamilton Township Zoning Code it states that major modifications to an approved PUD preliminary site plan or PUD final site plan shall include but not be limited to: A. an increase in residential density. B. an expansion in non-residential floor area that exceeds 10 percent of the total floor area that was previously approved. C. changes to the PUD boundaries. D. changes in the amount, percentage of total development or location of different land uses. E. changes to internal street patterns that alter the intersection points with existing streets. It does stipulate that major modifications shall be reviewed in accordance with the entire procedure set forth in section 5.8.5 stage 2 preliminary site plan. In this case the consideration was for letter B; the expansion of non-residential floor area that exceeds 10 percent of the total floor area that was previously approved.

The Warren County Regional Planning Commission heard this zoning amendment at their August 25, 2022, Executive Committee meeting. With a vote of 11 yes, 0 no, and 1 abstention, the Regional Planning Commission is recommending approval of the revised stage 2 PUD plan subject to the following conditions; the development shall comply with the Hamilton Township Zoning Code and the PUD standards approved at PUD stage 1. The existing onsite septic shall be review by the Warren County Health Department or the Ohio EPA to ensure the proposed use can be supported. Any improvements deemed necessary shall be done to the satisfaction of the Warren County Health Department or the Ohio EPA. The internal vehicle circulation shall be review by the Warren County Engineers Office. Parking for the future house, which is known as

letter K on the site plan shall be located behind the building and will comply with PUD standards. The main entrance to the home and any other buildings shall be ADA compliant. They asked that the applicant submit and updated site plan providing the proposed signage to comply with approved standards. They asked that the applicant also submit and updated site plan showing all existing and proposed elements from the previous PUD stage 2 along with the proposed larger community service building and onsite septic system prior to meeting with the Zoning Commission. Finally, submit an update site plan showing the open space easement as an open space conservation area.

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.

Ms. Donna Pike came forward to speak. She stated that St. Zachary's Haven is a sober living farm. She started this farm because her son passed away and there was no other sober living in Warren County so they felt it necessary to start one. She mentioned that it has been a long way coming and has been very over whelming because of all the issues on the property but they are still going along because they believe in the mission. They have already received referrals from the Linder Center. Ms. Pike introduce Lynn who is their project manager. Ms. Pike said they will be state certified and there aren't many other sober livings that are. Ms. Pike said the EPA has already approved their septic plan and the water is being taken care of. Ms. Lynn Sullivan Abrams mentioned they need the barn bigger because they hope to have an outpatient area for the community that will not only be for the residents but anyone who wants to come. They will have narcan training, smoking sensation, let first responders do CPR there. She explained the barn is not just for them it is very much for everyone in Warren County. She asked for as much support as they can get because the startup costs are astronomical.

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

Roll call as follows:	Randy Kuvin	Yes
	Julie Perelman	Yes
	Dan Riegner	Yes

Ms. Perelman asked what the note was under the Warren County Regional Planning Commission about moving the parking of building K.

Ms. Gehring stated nothing has changed but they did not originally require showing parking and they just wanted to make sure that it was reviewed today.

Ms. Perelman made a motion to approve the PUD 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. She noted they do not see any great reason to move the parking. There was a second from Mr. Kuvin.

Roll call as follows:	Julie Perelman	Yes
	Randy Kuvin	Yes
	Dan Riegner	Yes

Next, Ms. Gehring, Zoning Administrator, presented the staff report for the PUD Stage 3 Final Site Plan 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 September 11, 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 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. Signage sizing shall be established during the PUD review process but will be approved via a separate zoning certificate. The Kroger store would be serviced by 611 parking spaces to include 20 handicap spaces, located at the front of the store. Along the Towne Center Blvd. extension there are some sidewalk proposals that go to the east access and have a connection. They have also proposed a 6ft. wide side walk along the front State Rt. 48 and Towne Centre Blvd. 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. Kroger submitted a detailed lighting plan, they do comply with Hamilton Township's requirements. Review Criteria for PUD final site plan, 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 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:

Warren County Engineers office is currently reviewing the storm drain plans. They said they will get any comments back before the Trustee Meeting 10/5/2022.

Ohio Department of Transportation staff is not aware of any additional conditions at this time.

Warren County Soil and Water Conservation District stated 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 and Sewer said the layout plan and utility plan do not show a utility easement along State Route 48. This is also being reviewed because that was a condition they had previously put in. Kroger is addressing the issue on their final site plan.

Warren County Health Department and/or Ohio EPA says that the proposal indicates that the property will be served by both public water and sewer and is therefore not under the Health District jurisdiction for those utilities. The property Owners must contact the Warren County Health District regarding plumbing permits and planning review for the food facilities.

Staff is recommending approval of the Kroger PUD Stage 3 Final Site Plan subject to the following conditions:

1. Compliance with all Warren County partner organization conditions
2. Compliance with ODOT conditions.
3. Compliance with any Ohio EPA conditions.

Ms. Perelman asked about the current zoning map and the one strip of single family residence across from Towne Center Blvd.

Ms. Gehring stated we just made the amendment for that lot, it is now a B-2 lot.

Ms. Perelman asked about the sidewalk that is going along State Route 48, will it go the entire way up to Grandin Rd. or only to the edge?

Ms. Gehring responded by saying the sidewalks will be 6 ft. wide and it will extend along the entire frontage of the Kroger parcels and the 3 commercial out lots will put the sidewalks in once they are developed.

Ms. Perelman asked if there is anything needed for the lighting?

Ms. Gehring said that they can add that in as a condition. The lighting plan that was submitted does show projections outward and it is going to be an LED light lot, so it will be well lit. There were not specific light fixtures dedicated to the sidewalks.

Mr. Riegner invited the applicant to speak.

Ms. Anne McBride stated that she is representing Kroger. She explained the Stage 3 Plan that they are requesting mirrors the Stage 2 Plan that was approved by the Trustees. The only changes that she is aware of are some minor modifications as a result of discussion with the Warren County Engineers Office on alignment of Grandin Rd. and Towne Center Blvd. She stated that she will check the light level and make sure it is safe, she said she would consider that a .5 foot candles so she will make sure it is at least for the sidewalks.

Mr. Riegner stated that he is a big walker and social interaction person, so sidewalks are a big thing for him. He loves the fact that they are adding these, and wanted to know if there is a possibility of the addition of sidewalks going to Grandin Rd.

Ms. McBride responded by saying that Kroger's engineers are discussing that issue right now with the Warren County Engineers Office.

Ms. Gehring stated that there have been very heavy discussions throughout this process and noted that everyone is in favor of sidewalks for the walkability throughout the Township. They are trying to work through this as fast as they can.

Mr. Riegner asked if there is a concern that a 6 ft. walkway that is proposed may not work?

Ms. Gehring answered by saying she isn't sure of specifics pertaining to that corner. The Carriage house moved into an existing business so they weren't required to do sidewalks.

Mr. Riegner closed public comments.

Ms. Perelman made a motion to recommend approval of the Kroger PUD Stage 3 Final Site Plan subject to the compliance with all Warren County partner organization conditions, ODOT conditions and any Ohio EPA conditions. She also added a note about the lighting for the sidewalks to be added as a condition. There was a second from Mr. Kuvin.

Roll call as follows:	Julie Perelman	Yes
	Dan Riegner	Yes
	Randy Kuvin	Yes

Ms. Perelman stated that they can only approve the minutes from May 9, 2022 & July 11, 2022. They will table the minutes for June 13, 2022.

Ms. Perelman made a motion to approve the Meeting Minutes from May 9, 2022 with an amendment to remove her name listed twice and add Amanda Webb's name to the roll call. There was a second from Mr. Kuvin.

Roll call as follows:	Randy Kuvin	Yes
	Julie Perelman	Yes

Ms. Perelman made a motion to table the June 13, 2022 minutes because the right people were not in attendance. There was a second from Mr. Kuvin.

Roll call as follows:	Julie Perelman	Yes
	Randy Kuvin	Yes
	Dan Riegner	Yes

Ms. Perelman made a motion to approve the July 11, 2022 meeting minutes with a second from Mr. Riegner.

Roll call as follows:	Randy Kuvin	Yes
	Julie Perelman	Yes

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

Roll call as follows:	Julie Perelman	Yes
	Randy Kuvin	Yes
	Dan Riegner	Yes