



Zoning Commission

January 10, 2022

7:00 PM

- I. Call to Order
- II. Meeting Minutes
 - 10/4/2021
- III. Revised PUD Stage 1 for the Villages of Classicway
- IV. *Adjourn*

HAMILTON TOWNSHIP ZONING COMMISSION MEETING
October 4, 2021

The meeting was called to order at 7:03 p.m.

Members present: Dan Riegner
Julie Perelman
Amanda Webb
Randy Kuvin

Mr. Kuvin made a motion with a second from Ms. Perelman to approve the Zoning Commission meeting minutes from September 13, 2021.

All in favor. Aye.

Mr. Riegner explained the meeting process and swore in all persons wishing to give testimony during this hearing.

Mr. Austin Musser, attorney with Bricker and Eckler LLP, stated that this hearing is to discuss a minor modification to a 2012 Consent Decree. There was a dispute between the developer and the Township that dates back to 2011 regarding the preliminary and final plan for this property which is Village on the Green Subdivision, Parcel C. In the resolution of that litigation, the property owner and the Township agreed to certain terms that bind this property moving forward. One of those agreements in the Consent Decree states that the residence on lot 13 must be setback 33 feet from the existing townhome residences to the North. Additionally, a five foot landscaping easement must be created along the northerly property line of such lot in order for the installation of a landscape mound in order to screen such residence from the existing residence to the North. The Consent Decree also states that the Court would remain jurisdiction over this zoning approval and the parties, property owner, Board of Trustees and Zoning Commission, could jointly move the court for minor modifications to this plan.

An aerial of the site was presented to the Board. The zoning on this property is R-3 Multi-family. A 33 feet setback is locked in per the Consent Decree. The developer has submitted an application requesting to change that side setback to 5 feet.

Ms. Perelman asked for clarification that the setback they're looking to change is in the side yard?

Mr. Musser stated that is correct. He believes the idea was to create a greater separation between the multi-family townhomes and the detached single-family homes.

Mr. Kuvin stated that it appears that they are looking to change the setback from 33 feet to 26 feet. Moving it approximately 5 feet closer into where the landscaping buffer sits.

Ms. Perelman asked where the mound comes in?

Mr. Musser explained that the way it is currently written is that there has to be 33 feet from this lot to the neighboring lot. In addition, they are required to keep a five foot easement, and a five foot mound.

Ms. Perelman explained that the five foot easement and the five foot mound will still be there as they are in addition to the 33 foot building setback; they are just looking to build 26 feet instead of 33 feet from the property line.

Mr. Musser does not see any concerns with this change from a legal standpoint.

Ms. Webb asked if the HOA is on board with this?

Mr. Musser stated that he is not sure. He did mention that the letter attached to the application states that the modification would allow for construction of a home that better fits with the rest of the homes in this neighborhood and aligns with the wishes of the HOA.

Ms. Perelman made a motion with a second from Ms. Webb to close the public comment portion of this hearing to begin deliberations.

All in favor.

No concerns.

Ms. Perelman made a motion with a second from Ms. Webb to approve the minor modification of the 2012 Consent Decree to allow for reduction in lot 510 at 7682 Lake Pointe Dr. to change the setback from the existing townhouse to the north from 33 feet to 26 feet, leaving the five foot easement and five foot landscaping mound intact.

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

Motion carries.

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

All in favor.



Application to the
ZONING COMMISSION
7780 South SR 48
Hamilton Township, OH 45039

ZONING AMENDMENT AND PUD STAGE 1

APPLICANT

Name Joseph Prus

Address 5325 Wooster Pike
Cincinnati, OH 45226

Phone Number (513) 321-7774
Email jprus@prus.us

OWNER

Name Prus Properties LLC

Address 5325 Wooster Pike
Cincinnati, OH 45226

Phone Number (513) 321-7774
Email jprus@prus.us

SUBJECT PROPERTY


Street Address 2520 Ford Road

Parcel ID Number 1724400040 Acreage 103.6946

Current Zoning R4-PUD Requested Zoning Same

APPLICATION REQUIREMENTS

- Filing Fee
- Property Owner's Affidavit
- Site plan drawn to scale showing subject property and all properties within 200 feet
- Any other relevant plans
- Statement explaining in detail the development plans for the property


Applicant Signature

8-16-2021
Date

PROPERTY OWNER'S AFFIDAVIT

STATE OF OHIO

COUNTY OF WARREN

I (we) Prus Properties, LLC

hereby certify that we are all of the owners of the real estate which is the subject of the pending zoning application; that we hereby consent to Hamilton Township considering the attached application and approving the request for the subject real estate. We understand that our application will be considered and processed in accordance with the regulations as set forth by the Hamilton Township Zoning Code; that we agree to accept, fulfill and abide by those regulations and all stipulations and conditions attached to the approval. I (we) authorize Hamilton Township to place a Public Meeting notification sign on the property. I (we) authorize Hamilton Township staff to enter and inspect the property. The statements and attached exhibits are in all respects true and correct to the best of my/our knowledge and belief.

Joseph Prus
Signature

Joseph Prus
Printed Name

5325 Wooster Pike
Street Address

Cincinnati, OH 45226
City, State, Zip Code

(513) 321-7774
Phone

Subscribed and sworn to before me this 12 day of August 2021

Roger L. Cadle II
Notary Public



ROGER L. CADLE II
Notary Public, State of Ohio
My Commission Expires:
June 16, 2025

For Township Use Only

PUD Only – Preapplication Conference date _____

Application file date 8/20/2021

Fee \$1000.00 ^{receipt} Check Number 662715 ^{check} Receipt Number 917

Transmittal to WCRPC

Zoning Commission Meeting Jan. 10, 2022

Date of Legal Advertisement Jan. 2, 2022

Date of Notice to Adjoining Owners Dec. 30, 2022

Date of Public Hearing _____

Recommendation of the ZC Approved _____ Denied _____ Tabled _____

Trustees Meeting

Date of Legal Advertisement _____

Date of Notice to Adjoining Owners _____

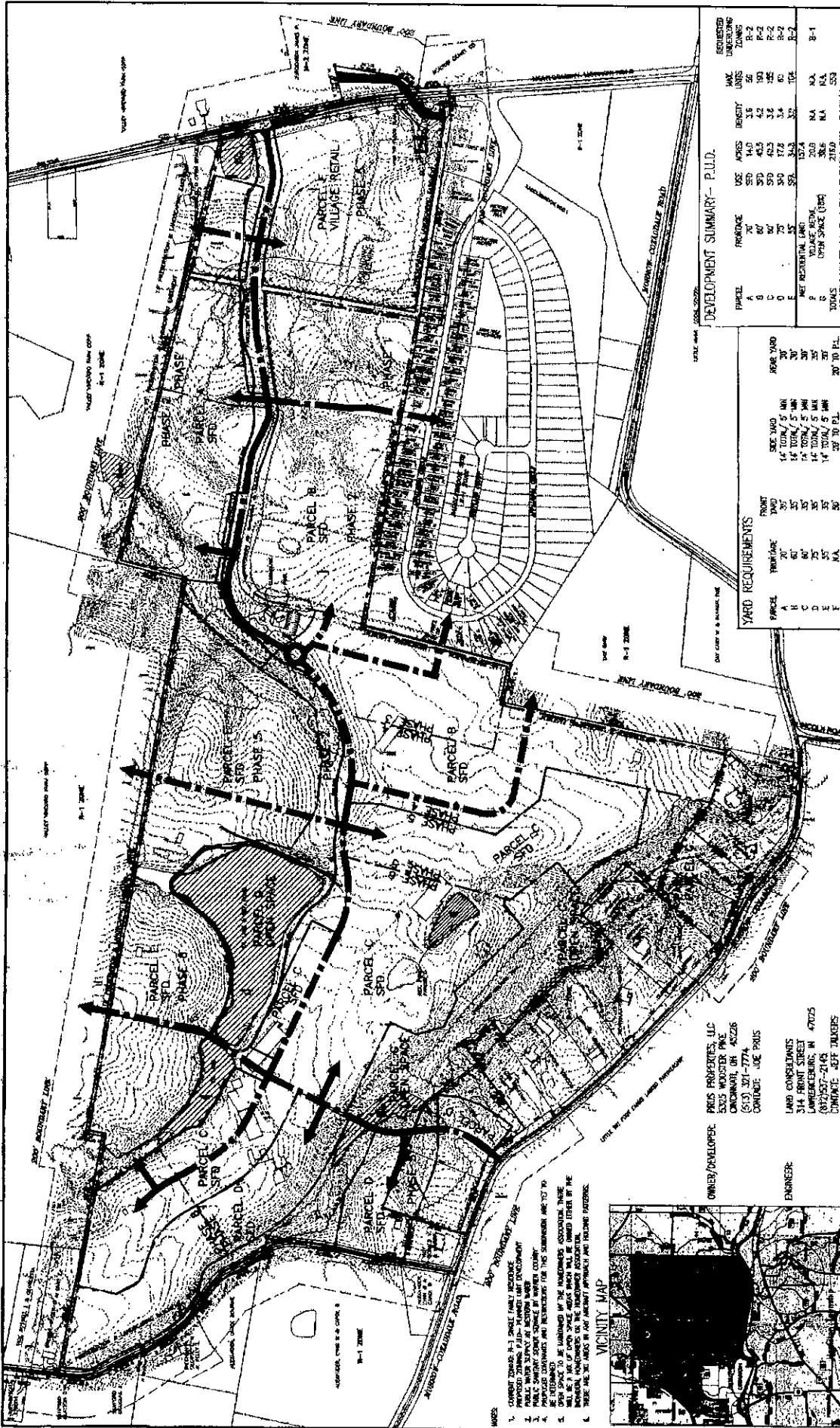
Date of Public Hearing _____

Action of the Board of Trustees Approved _____ Denied _____ Tabled _____

Additional Comments

Revised PUD Stage 1 to remove the 75 foot buffer for Parcel E to adjacent Valley Vineyard Farm Corp. The vineyard is no longer existing at Valley Vineyard Farm.

-ARK 8/20/2021



DEVELOPMENT SUMMARY - P.U.D.

PARCEL	PROVIDENCE	USE	ACRES	DENSITY	MAX. UNITS	EXISTING ZONING
A	70'	SFD	14.0	3.6	50	R-2
B	80'	SFD	45.3	4.2	193	R-2
C	80'	SFD	45.3	3.8	175	R-2
D	85'	SFD	45.3	3.8	175	R-2
E	85'	SFD	45.3	3.8	175	R-2
F	150'	RESIDENTIAL	157.6	N/A	N/A	R-1
P	200'	OFFICE	38.6	N/A	N/A	R-1
S	210'	OFFICE	38.6	N/A	N/A	R-1
TOTALS			300.0		583	

YARD REQUIREMENTS

PARCEL	FRONT YARD	REAR YARD	SIDE YARD
A	20'	20'	5' MIN
B	20'	20'	5' MIN
C	20'	20'	5' MIN
D	20'	20'	5' MIN
E	20'	20'	5' MIN
F	N/A	20' TO P.L.	20' TO P.L.

DATE: August 10, 2021
 SCALE: 1"=200'
 JOB NO: 21-0069
 SHEET: 1 OF 1

THE VILLAGES OF CLASSICWAY
 STAGE ONE PLAN A - REVISED
 2820 FORD ROAD
 HAMILTON TOWNSHIP
 WARREN COUNTY, OH

OWNER/DEVELOPER: PRIS PROPERTIES, LLC
 5323 WOODSTY PINE
 CINCINNATI, OH 45226
 (513) 321-7774
 CONTACT: JOE PAIS

ENGINEER: LAND CONSULTANTS
 314 FRONT STREET
 LAWRENCEBURG, IN 47025
 (812) 537-2145
 CONTACT: JEFF TALKERS

LAND CONSULTANTS
 284 N. Main Street
 Hamilton, OH 45006
 Phone: (513) 533-1000
 Fax: (513) 533-1001
 www.landconsultants.com

VICINITY MAP

- NOTES:**
- CONVERT ZONING R-1 SINGLE FAMILY RESIDENCE
 - PROVIDED ZONING R-1A SINGLE-FAMILY UNIT DEVELOPMENT
 - PROVIDED ZONING R-2 SINGLE-FAMILY RESIDENCE
 - PROVIDED ZONING R-2A SINGLE-FAMILY RESIDENCE
 - PROVIDED ZONING R-2B SINGLE-FAMILY RESIDENCE
 - PROVIDED ZONING R-2C SINGLE-FAMILY RESIDENCE
 - PROVIDED ZONING R-2D SINGLE-FAMILY RESIDENCE
 - PROVIDED ZONING R-2E SINGLE-FAMILY RESIDENCE
 - PROVIDED ZONING R-2F SINGLE-FAMILY RESIDENCE
 - PROVIDED ZONING R-2G SINGLE-FAMILY RESIDENCE
 - PROVIDED ZONING R-2H SINGLE-FAMILY RESIDENCE
 - PROVIDED ZONING R-2I SINGLE-FAMILY RESIDENCE
 - PROVIDED ZONING R-2J SINGLE-FAMILY RESIDENCE
 - PROVIDED ZONING R-2K SINGLE-FAMILY RESIDENCE
 - PROVIDED ZONING R-2L SINGLE-FAMILY RESIDENCE
 - PROVIDED ZONING R-2M SINGLE-FAMILY RESIDENCE
 - PROVIDED ZONING R-2N SINGLE-FAMILY RESIDENCE
 - PROVIDED ZONING R-2O SINGLE-FAMILY RESIDENCE
 - PROVIDED ZONING R-2P SINGLE-FAMILY RESIDENCE
 - PROVIDED ZONING R-2Q SINGLE-FAMILY RESIDENCE
 - PROVIDED ZONING R-2R SINGLE-FAMILY RESIDENCE
 - PROVIDED ZONING R-2S SINGLE-FAMILY RESIDENCE
 - PROVIDED ZONING R-2T SINGLE-FAMILY RESIDENCE
 - PROVIDED ZONING R-2U SINGLE-FAMILY RESIDENCE
 - PROVIDED ZONING R-2V SINGLE-FAMILY RESIDENCE
 - PROVIDED ZONING R-2W SINGLE-FAMILY RESIDENCE
 - PROVIDED ZONING R-2X SINGLE-FAMILY RESIDENCE
 - PROVIDED ZONING R-2Y SINGLE-FAMILY RESIDENCE
 - PROVIDED ZONING R-2Z SINGLE-FAMILY RESIDENCE



Zoning Commission
Notice of Public Hearing

Date of Meeting: **January 10, 2022**

Time of Meeting: 7:00 PM

Location of Meeting: Hamilton Township Administration Building,
7780 South State Route 48, Maineville, OH 45039

Request: The Hamilton Township Zoning Commission has scheduled a
Public Hearing to consider a Revised PUD Stage 1 Plan for the
Villages of Classicway Parcel E.

The plans for the project are available for review at the Administration Building Mon- Fri 8:00 AM and 4:30 PM.

A handwritten signature in blue ink that reads 'Lindsey Gehring'. The signature is written in a cursive, flowing style.

Lindsey Gehring
Zoning Administrator

Application for Major Modification to PUD Stage 1 Sketch Plan

Hamilton Township Zoning Commission

**Joseph Prus
Prus Properties LLC**

7:00 PM, January 10, 2022

General Information

Applicant: Mr. Joseph Prus
5325 Wooster Pike
Cincinnati, Ohio 45226

Property Owner: Prus Properties, LLC
5325 Wooster Pike
Cincinnati, Ohio 45226

Property Location: 2520 Ford Road
Hamilton Township, Ohio 45152

Contiguous Owners: See application.

Existing Zoning: R-4 Urban Residence Zone with a PUD overlay, with a B-1 Neighborhood Business component along the frontage of US 22-3

Existing Land Use: SFD

Parcel Information: Size 103.6946 acres
Account No. 2638963

Area Land Use: North: B-2 General Business Zone
East: R-1 Single Family Residence Zone
South: R-1 Single Family Residence Zone
West: R-1 Single Family Residence Zone

Request: The applicant has requested a revision of the previously approved PUD Stage 1 Sketch Plan that requires a 75-foot buffer for Parcel E in the Villages of Classicway that is adjacent to Valley Vineyards. In the original approval, a condition was included by the Board of Township Trustees that required a 75-foot buffer between the Valley Vineyards property and the development on the subject property. The buffer will contain two staggered rows of trees and a fence in order to prevent damage to the residential homes. In addition, there is a prohibition on certain pesticides being used on any lot or common open space in Parcel E of the development (as these pesticides may have an adverse impact on grape vines necessary to Valley Vineyards' operations). Because Valley Vineyards no longer utilizes the property adjacent to Parcel E as a vineyard, the applicant seeks the present modification to the approved



Sketch Plan to reduce the minimum 75-foot buffer requirement to a minimum 15-foot buffer between the two properties.

Notice:

A legal ad providing notice of the hearing on this case was published in *The Pulse Journal* on January 2, 2022. Notices were mailed to all property owners within 200 feet of the subject property.

Prior History:

The application for a Major Modification of the PUD Stage 1 Sketch Plan first went to the Warren County Regional Planning Commission (RPC) for review and comment. By a vote of 14 yeases, 0 no's, and 1 abstention, the RPC recommended approval of the revised PUD Stage 1 plan, subject to the following conditions:

1. Compliance with the requirements of the Hamilton Township Zoning Code; the Warren County Subdivision Regulations; the PUD development standards and the revised Township resolution;
2. Compliance with all the requirements of the Ohio Department of Transportation (ODOT);
3. Prior to the approval of the final site plan, the developer shall expand and/or upgrade the sewer system, water treatment and storage facilities, sanitary sewers and wastewater treatment facilities necessary to serve the development, as determined by the Warren County Sanitary Engineer;
4. The plans and specifications for all public water supplies, water pipes or mains to be constructed by the Western Water Company shall be submitted to the Warren County Commissions for approval, prior to construction of the same, pursuant to Ohio Revised Code, Section 6103.02. In addition, release of the property by the Warren County Commissioners for service by the Western Water Company is necessary.
5. The Villages of Classicway PUD Development Standards; and,
6. Modification of the following language from Hamilton Township Resolution 17-0201B:

Due to the location of Valley Vineyards and the maintenance of the property, a ~~minimum 75-foot~~ buffer between the Valley Vineyards real property and this development shall be established on the developer's property which shall contain two staggered rows of trees and a fence in order to better prevent damage to the residential homes. In addition, the deed restrictions required in Resolution 03-0507 regarding the use of pesticides shall remain in full force and effect. Such requirement and the ban of certain pesticides may be enforced by Hamilton Township or the owner of the Valley Vineyard real property; subject to written authorization from the owner of 2276 East US 22/3 Morrow, Ohio 45152 agreeing to the language removal.

Site Summary:

The subject property is located off State Route 22-3 between Zoar Road and Morrow Cozaddale Road. The Villages of Classicway is adjacent to Little Miami High School and Little Miami Middle School, across State Route 22-3 from Valley Vineyards. Parcel E (subject to this major modification) is at the rear of the Villages of Classicway development.



Review Criteria for Major Modifications to PUD Sketch Plan:

HTZC Section 5.5.8(A) states major modifications to an approved PUD sketch plan shall be processed in accordance with the procedures in HTZC Section 5.5.4 Stage 1 – PUD Sketch Plan and Zone Map Amendment.

HTZC Section 5.5.4(F) provides the following guidelines for the Zoning Commission when considering Stage 1 PUD applications.

- A. *The following criteria shall be used in recommendations and decisions regarding the PUD sketch plan:*
- (1) *The PUD sketch plan is consistent with the intent and purposes of the zoning code to promote the public health, safety, morals, community stability and the general welfare of Hamilton Township;*
 - (2) *The PUD sketch plan is consistent with the Hamilton Township Land Use Plan and Warren County Thoroughfare Plan;*
 - (3) *The uses proposed will not be detrimental to the present surrounding uses or to the uses authorized under the zoning code for the surrounding real estate, and will be harmoniously related to the surrounding area;*
 - (4) *The PUD sketch plan provides adequate safeguards to protect the general public, owners, and occupants of nearby real estate from nuisances, noise, air pollution, water pollution, soil pollution, visual blight or any other environmental contamination;*
 - (5) *The uses proposed will not be detrimental to existing and potential surrounding uses and will be harmoniously related to the surrounding area;*
 - (6) *The internal streets and primary and secondary roads that are proposed shall properly interconnect with the surrounding existing primary and secondary road network as designed on the Warren County Official Thoroughfare Plan.*

A traffic impact study may be required by the township, and the zoning commission and trustees shall coordinate cross access easements or stubbed streets to all adjacent parcels as needed to facilitate better traffic flow between individual developments in conjunction with the Warren County Engineer's Office;

- (7) The minimum common open space areas have been designed in accordance with the provisions of this chapter. The PUD sketch plan shall provide for the preservation of as many trees as practicable.*
- (8) The PUD sketch plan may vary from the requirements of the zoning code upon approval by the board of township trustees of the sketch plan.*

Action:

The Zoning Commission will hold a public hearing on January 10, 2022, including the following actions:

- Open the hearing
- Swear in witnesses
- Take testimony regarding the application from staff, the applicant, and anyone else in attendance at the hearing who wishes to speak
- Close the hearing
- Deliberate
- Recommend approval, approval with modifications, or denial of the proposed Major Modification to the PUD Stage 1 Sketch Plan