

HAMILTON TOWNSHIP ZONING COMMISSION SPECIAL MEETING
July 27, 2020

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

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

Ms. Webb made a motion with a second from Mr. Hood to approve the meeting minutes from the July 13, 2020 Zoning Commission meeting.

Roll call as follows:	Brady Hood	Yes
	Amanda Webb	Yes
	Cadi Kelly	Yes
	Julie Perelman	Yes

Ms. Kelly explained that this is a consideration for the Stage 1 PUD for 52 Stephens Road.

Mr. Alex Kraemer, Director of Economic Development and Zoning, started by presenting the staff report stating that the legal ad ran in the Pulse News Journal for the two weeks prior to this hearing. The address for this property is 52 Stephens Road, Maineville, Ohio 45039. The owner and applicant for the property is Mr. D.J. Patel. Mr. Kraemer acknowledged that he received a large amount of emails in relation to this property and project. He thought it would be beneficial for all those in attendance and viewing virtually, if he discussed the Zoning process for this development. This is for a Planned Unit Development (PUD) Stage 1 re-zoning; the site was previously zoned R-1 Single Family Residential for a long time; in 2018 it was changed to B-2 commercial with a PUD which restricted it to six uses. This application is trying to change that PUD and add two different uses that were not originally part of the PUD when the zoning was changed in 2018.

In the PUD process, there are 6 public meetings held for Hamilton Township. The first is a Warren County Regional Planning Commission Review and Recommendation. This was held virtually on June 25, 2020. From there they provide a recommendation to this Board, the Hamilton Township Zoning Commission. There are no final decisions made here as this is only a recommendory board. They simply make recommendations on the zoning matters, to the Hamilton Township Board of Trustees. Pending the approval, the next step is a combined Stage 2 and 3 PUD. Stage 1 focuses more on the zoning aspect, Stage 2/3 focuses on the site plan, all recommending bodies' comments; it goes back before the WCRPC, then Zoning Commission and the to the Board of Trustees for a final vote.

Mr. Kraemer explained that this hearing is the second meeting. The application request states that the applicant is looking to seek approval to construct a new retail office building and apartment complex. In order to construct an apartment complex, the application also seeks a modification to the list of permissible uses in the applicable zoning district which is a B-2 PUD, to include multi-family. The surrounding land uses are R-1 Single family, B-2

Business district which is currently vacant, R-3 Multi Family which is for the Regency Park Subdivision and R-4 Urban district for the Wethersfield Subdivision. The proposal is for a 10,000 sq. ft. retail office building to be called “The Maineville Plaza” which will include five tenant spaces and be 16 feet tall. Additionally the project includes a 55 unit, 3-story apartment building to be called “Comfort Living Apartments” at approximately 50,000 sq. ft. This will consist of 39, 2-bedroom units and 18, 1-bedroom units. The current property is vacant space with an existing pond and single family residence on the property which the applicant intends to remove to develop this space. There are two proposed access points; one on State Route 48 which will require approval from ODOT, and the other on Stephens Road. Our Zoning Code requires certain architectural standards which the applicant will abide by. Per the Zoning Code, 40 parking spaces would be required for the retail space; the applicant is proposing 46 spaces. The zoning code requires 110 spaces for the apartment complex, the applicant is proposing 120 spaces. Chapter 8 of our Zoning Code lays out the landscaping requirements that have to be followed.

Mr. Kraemer explained the following:

F. Review Criteria for PUD Sketch Plan

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 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 future 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 designated 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 designated 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.

Warren County Regional Planning Commission recommended a denial for this development. The Warren County Regional Planning Commission viewed the current Hamilton Township Land Use Plan which indicates 52 Stephens Road as R-1 Single Family Rural Residential District. In addition, many nearby residents spoke out in concern about the increased traffic, overall use being too intense for this area, lighting, not comparable with surrounding land uses, height of the apartment building, and that there were no existing commercial uses on the site now.

Mr. Kraemer reminded the Board that this property was rezoned at the Township level back in 2018 to B-2 Business District with a PUD.

Staff is not aware of any comments from the Warren County Soil & Water Conservation District, however, they will be expecting a storm-water protection plan. Warren County Soil & Water Conservation District did place a Stop-Work Order on the site, as the trees that were cleared were greater than 1 acre and no permit was obtained.

Warren County Water & Sewer Department stated that water is available for the site (the most likely connection is the water line running parallel to State route 48). However, sewer is not currently available at the property. Sewer connections may be possible at residential subdivisions adjacent to the property. Either option would involve public sewer main extensions. The applicant has expressed the willingness to pay for this cost which is estimated to be between \$50,000 - \$75,000.

Warren County Engineer's Office states the following:

- The development site plan includes additional right-of-way width consistent with the Warren County Thoroughfare Plan. SR 48 is classified as a Primary Arterial with 105' right-of-way width (52.5' each side of the property centerline) and Stephens Road is a Collector with 80' right-of-way width (40' each side) plus additional width to accommodate turn lanes in the event that the traffic impact study shows that a turn lane(s) is warranted.
- Drive locations and any necessary frontage improvements are required as determined by ODOT and Warren County Engineer's Office.
- Drainage, grading, and a storm water pollution prevention plan must be approved by the Warren County Engineer's Office and Warren County Soil and Water Conservation District.

Staff recommends denial of this development to the Zoning Commission based on the incompatibility of multi-family in this area. Specifically, the smaller-sized apartment layouts for the 1 and 2 bedroom apartments do not align with the Hamilton Township community, and constructing separate buildings for the commercial and residential uses creates a much larger development footprint than if the two separate buildings were combined into a mixed-use development.

There was also a large amount of public push-back from nearby residents. Ultimately, staff would encourage the Trustees to continue to work with the land owner suggesting a new

proposal that would better fit the Hamilton Township community, whether that be a mixed-use development, commercial and flex industrial/warehouse space, etc.

There have also been updates to the Hamilton Township Comprehensive Plan to include that this area be a B-2 Business District/ Commercial Corridor on State Route 48. Unfortunately Coronavirus has delayed the Open Houses and release of this plan but we are hoping to have that out soon for our residents.

Mr. Hood questioned the plan to update State Route 48 and the traffic flow.

Mr. Kraemer stated that it is not specific to this particular location however it should be helpful down this way as well. The State, County and Township are all going to be working together to widen State Route 48 from Willow Pond Blvd., north to just past Kroger.

Ms. Kelly asked what agency conducted the traffic impact study.

Mr. Kraemer believes that it was the Warren County Engineer's Office. He thinks that there would not be full access given but instead a right in, right out access perhaps.

Ms. Kelly invited the applicant forward to speak.

Mr. Joe Sesta stepped to the podium and introduced himself stating that he is representing Mr. Patel. He addressed a few concerns that were brought forth. The architectural standards are high in the Township for a project of this nature. The design that they have created, is very pleasing. The development will add to the property values in this area. They will follow all landscaping guidelines and other zoning standards as well. If the hope and goal is to produce commercial properties along 48 to reduce the burden on taxpayers/homeowners, something like this center will be a great first step to bring in higher end commercial activity along this corridor.

Joe O'Neil with Cincinnati Commercial Contracting. He expressed that they are open to ideas from the community. This was never meant to be any institutionalized project. He was brought on board by Mr. Patel to show the upscale magnitude of this particular project. This is in no way a property that will bring down values in this area.

Mr. Kraemer summarized a few emails in favor of the development at 52 Stephens Road. They appeared to support business development and understand that this is the future goal for this particular area.

There was a large number of emails that were submitted to Mr. Kraemer in opposition of the project. Many concerns were expressed over the added traffic, safety and security concerns, lighting concerns, property values questions and many more. The Zoning Commission Board as well as Mr. Kraemer reviewed them all and took all comments into consideration for this hearing.

Many individuals spoke out in person sharing the same oppositional sentiments that were expressed in the emails.

Ms. Kelly closed the public comments portion of the meeting and gave the applicants a chance to respond to the concerns.

Mr. Sesta explained that Cincinnati Commercial Contracting was recently brought on Board for this project and they are excited to work with them due to their professionalism and competency with this line of work. Traffic concerns will need to be worked on hand in hand with Warren County and with ODOT. Everyone will work together to make the traffic flow as safe as possible. Sewer lines have not been finalized yet but Mr. Patel is willing to take on that cost so it will not be a detriment to the rest of the community cost wise. They feel that the surrounding property values will increase as this development will create the beginning of a walkability aspect of the Township. The architecture presented is not finalized. They are looking to take away input from this meeting to what will work best for this area. There will not be Section 8 housing here as rumored.

Ms. Perelman made a motion with a second from Ms. Webb to close the public portion of the meeting.

Roll call as follows:	Amanda Webb	Yes
	Cadi Kelly	Yes
	Julie Perelman	Yes
	Brady Hood	Yes

Public deliberations began.

Mr. Hood asked for clarification if this is going to be commercial development with apartments, or apartments with some commercial development? It is currently zoned for commercial use, but what is the goal with adding a second building onto the property for residential living instead of having one mixed used building?

Mr. Sesta responded that they are not opposed to the type of project that contains retail space on the bottom with residential/apartment space on higher floors. The idea is for this property to be an integrative, mixed use property. So they will take it into consideration that the Township may prefer one building instead of two.

Ms. Kelly gave a little backstory stating that this property was rezoned for a wedding venue previously and what happened was the previous owners/applicants could not get their engineering down to have the site plan work out. The original zoning had restrictions on it that made it allowable for pretty much anything besides retail. The current applicants are asking for this property to be full B-2 zoning without those restrictions plus the apartments.

Ms. Webb asked if there would be onsite property management for 55 apartment units.

The applicants responded that there will be onsite property management.

Ms. Kelly asked where the retention pond would be on this property and if the applicants have contacted the EPA yet? She is struggling with picturing where a pond would even go due to the size of two buildings on this lot and their proximity to the property lines.

Mr. Patel commented that they have not at this point.

Ms. Kelly asked if the sidewalks will continue to the edge of the property to connect any future developments?

Mr. Sesta stated that they are willing to take input on that and make a decision based upon what everyone would like.

Ms. Kelly is concerned about the potential access for the apartment complex due to the density that is proposed. She would like to see the sidewalks extended to the edge of the property if this is going to be a commercial corridor.

Mr. Hood expressed concern that asking for an extension on what is allowed in B-2 and adding multi-family onto this is a big ask. There are plenty of other B-2 locations. We already have other multi-family zoned locations in place. The commercial/ apartments in one building may be more in line with what would best fit in the township since it would be more commercial. A 3 story apartment sitting with a strip mall is very broad given the other areas of the township.

Ms. Kelly does not want to see residential on this lot at all. She would like for the applicants to follow what it is already zoned for. She would like to see offices there as that is already allowed. She could maybe get on board with a little commercial if it is not too excessive.

Mr. Hood brought forth the reminder that the parcel to the south is already zoned commercial but the apartments just do not fit.

Ms. Perelman stated that the apartments just do not mesh with the plan/goal for this area.

Ms. Kelly reminded the audience that while they heard the concerns about traffic, ultimately that is not a township issue. That is at the County and State level. She also reminded the applicant of the other things that they need to get in order besides the traffic study such as meeting with the Water and Sewer Department, Water and Soil Conservation District, etc. There are a lot of little things that this Board does not do that still need to be lined up for permits and fees.

Ms. Perelman made a motion with a second from Mr. Hood to deny the Stage 1 PUD application as presented.

Roll call as follows:	Julie Perelman	Yes
	Brady Hood	Yes
	Amanda Webb	Yes
	Cadi Kelly	Yes

Motion Carries.

Ms. Kelly made a motion to adjourn the meeting with a second from Ms. Webb.

All in favor.