



Zoning Commission

May 9, 2022

7:00 PM

- I. Call to Order
- II. Meeting Minutes
 - 2/14/2022
- III. PUD Stage 1 Sketch Plan for Parcel ID's: 16052510380 and 16052770160
- IV. *Adjourn*



Zoning Commission Meeting Format

- Introduction & Explanation of Hearing Format
- Swearing-In of All Witnesses (have everybody stand up and raise their right hand)
 - Language: Do you solemnly swear or affirm that the testimony you are about to provide will be true and accurate to the best of your knowledge and belief?
- Staff Presentation
- Applicant Presentation
- Public Comment
 - Those in Favor
 - Those Opposed
- Applicant Final Comments
- MOTION to Close Public Comment Portion of Hearing and Begin Deliberations
- Deliberations (done in public at dais but without additional public comment, if at all possible)
- Oral Vote
- Passage of Written Findings of Fact Memorializing Oral Vote Done at Next Meeting



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

ZONING AMENDMENT AND PUD STAGE 1

APPLICANT

Name

GEORGE FLYNN

Address

9378 KEMPERGROVE LANE
LOVELAND, OH 45140

Phone Number

513 325 9333

Email

GEORGE @ FLYNN PG.COM

OWNER

Name

WAL-MART STORES EAST, LP

Address

2608 SE J STREET
BENTONVILLE, AR 72716

Phone Number

479-273-6277

Email

PHYLLIS.OVERSTREET @ WALMART.COM

SUBJECT PROPERTY

Street Address

SR 48 AND TOWN CENTER BLVD

Parcel ID Number

16052770160
16052510380

Acreage

26.9624

Current Zoning

B-2

Requested Zoning

MIXED USE - PUD

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

George Flynn
Applicant Signature

3/28/22
Date

PROPERTY OWNER'S AFFIDAVIT

STATE OF ARKANSAS
COUNTY OF BENTON

I (we) Wal-Mart Stores East, LP, 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 buyer's, Clous Road Partners, LLC represented by George Flynn, application will be considered and processed in accordance with the regulations as set forth by the Hamilton Township Zoning Code; that our buyer must 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.

WAL-MART STORES EAST, LP

Phyllis Overstreet
Signature

Phyllis Overstreet, Senior Manager I
Printed Name

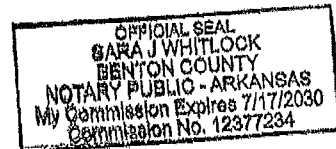
2608 SE J Street
Street Address

Bentonville, AR 72716-5510
City, State, Zip Code

(479) 273-6277
Phone

Subscribed and sworn to before me this 29th day of March, 2022

Sara J Whitlock
Notary Public



Project: Hamilton Township Pointe

Location: Wal-mart owned property at Town Center Blvd and SR 48

Timing: Construction start first quarter 2023 with a completion date of second quarter of 2024

Description: This mixed-use development will encompass an amenity driven residential community of approximately 312 units of upscale multi-family. The multi-family buildings will be 4 – story buildings with elevators and will be of an upscale urban design. The amenities will include a clubhouse, pool, and sidewalks both throughout the development and around the green space and retention pond.

The commercial aspect of the project will consist of 4 commercial lots including a convenience store, a fast casual restaurant, an oil change store, and a national bank branch.

The project is in keeping with the Hamilton Township Comprehensive Plan 2020 as described on pages 50 and 51. In addition, the development will be the catalyst for additional commercial development both across the street and to the south and east as it will provide additional access as described in the Hopkinsville 2010 Access Management Plan.



Zoning Commission
Notice of Public Hearing

Date of Meeting: **May 9, 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 PUD Stage 1 Sketch Plan Application
for parcel ID's: 1605277016 and 1605251038.

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

The HAMILTON TOWNSHIP ZONING COMMISSION

PUD Stage 1 Sketch Plan

Hamilton Township Pointe

May 9, 2022 at 7:00PM

- Owner:** Wal-Mart Stores East LP
- Applicant:** Lee and Associates Commercial Real Estate Services
- Spokesperson:** George Flynn
- Location:** Towne Center Blvd. Parcel ID's: 1605251038 and 1605277016
- Size:** 26.9524 acres
- Zoning:** B-2 General Business and B-2 General Business PUD
- Request:** PUD Stage 1 Sketch Plan approval for a mix of residential and commercial uses.
- History:** This property is commonly known as the Wal-mart property. Zoning was changed from R-1 single Family Residential to B-2 General Business with a PUD Overlay in June of 1998. The PUD uses established at that time are as follows: schools; churches; hospitals and institutions of educational, religious, charitable and philanthropic nature; rest home or convalescent home; any local business or service establishment, including grocery, fruit or vegetable stores, meat market, drug store, shoe repair shop, hardware store, barber and beauty shop, clothes cleaning, business or professional office and the like, supplying commodities or performing services primarily for the residents of the neighborhood; restaurants and soda fountains, without dancing or entertainment,; automobile service station for minor repair or storage; plumbing and heating, printing shop, lumber and building materials, paint shop, carpenter shop, sheet metal, wholesale business and bakery; hotels, motels and theaters; plant nursery.
- Wal-Mart applied for and was granted approval of their Final Site Plan in 2007 contingent upon meeting several partner organization requirements. However, the economy took a turn and Wal-Mart decided with their other nearby locations, there was not enough traffic to build a store of this stature here. The property has sat vacant since.
- Project Summary:** The Applicant is seeking approval for a PUD Stage 1 sketch plan.
- Project Description:** The applicant is proposing a mixed-use development which will encompass an amenity driven residential community of approximately 312 up-scale multi-family units. The multi-family buildings will be 4-story buildings with elevators and will be of up-scale, urban design. The amenities will include a clubhouse, pool, and sidewalks both throughout the development and around the green space and retention pond.

The commercial aspect of the project will consist of 4 lots including a convenience store, a fast casual restaurant, an oil change store, and a national bank branch.

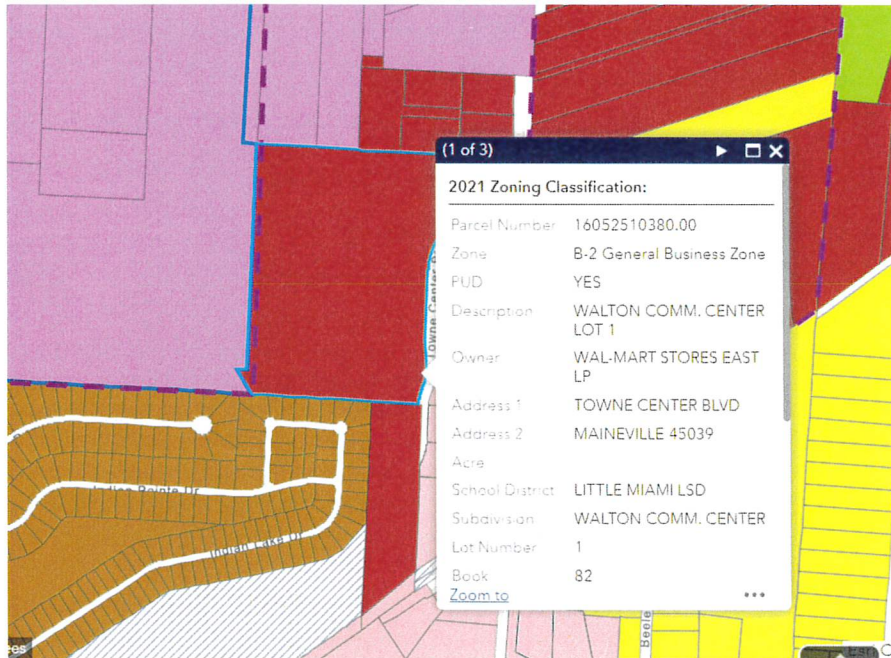
The project is in keeping with the Hamilton Township Comprehensive Plan 2020 as described on pages 50 and 51. In addition, the development will be the catalyst for additional commercial development both across the street and to the south and east as it will provide additional access as described in the Hoptown 2010 Access Management Plan.

Site Aerial:



Zoning Map:

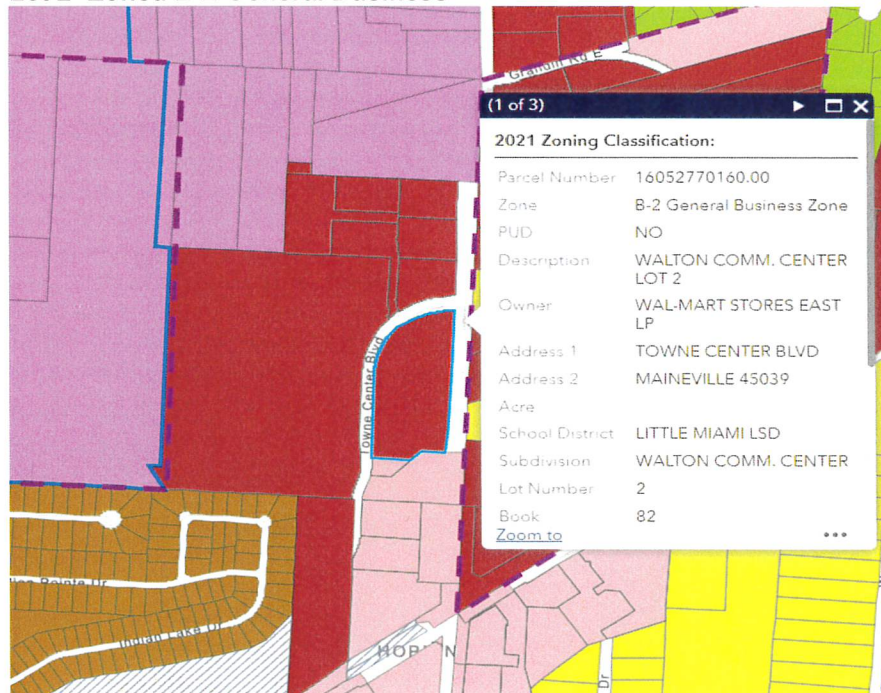
Lot 1- Zoned B-2 General Business with a PUD



2021 Zoning Parcels

- B-1 Neighborhood Business Zone
- B-2 General Business Zone
- Check
- M-1 Light Industry Zone
- M-2 Heavy Industry Zone
- M-H Mobile Home Park Zone
- R-1 Single Family Residence Zone
- R-2 Two Family Residence Zone
- R-3 Multi-Family Residence Zone
- R-4 Urban Residence Zone
- T-C Trailer Camp Zone

Lot 2- Zoned B-2 General Business



Surrounding Zoning:

**North: B-2 General Business
M-1 Light Industry**

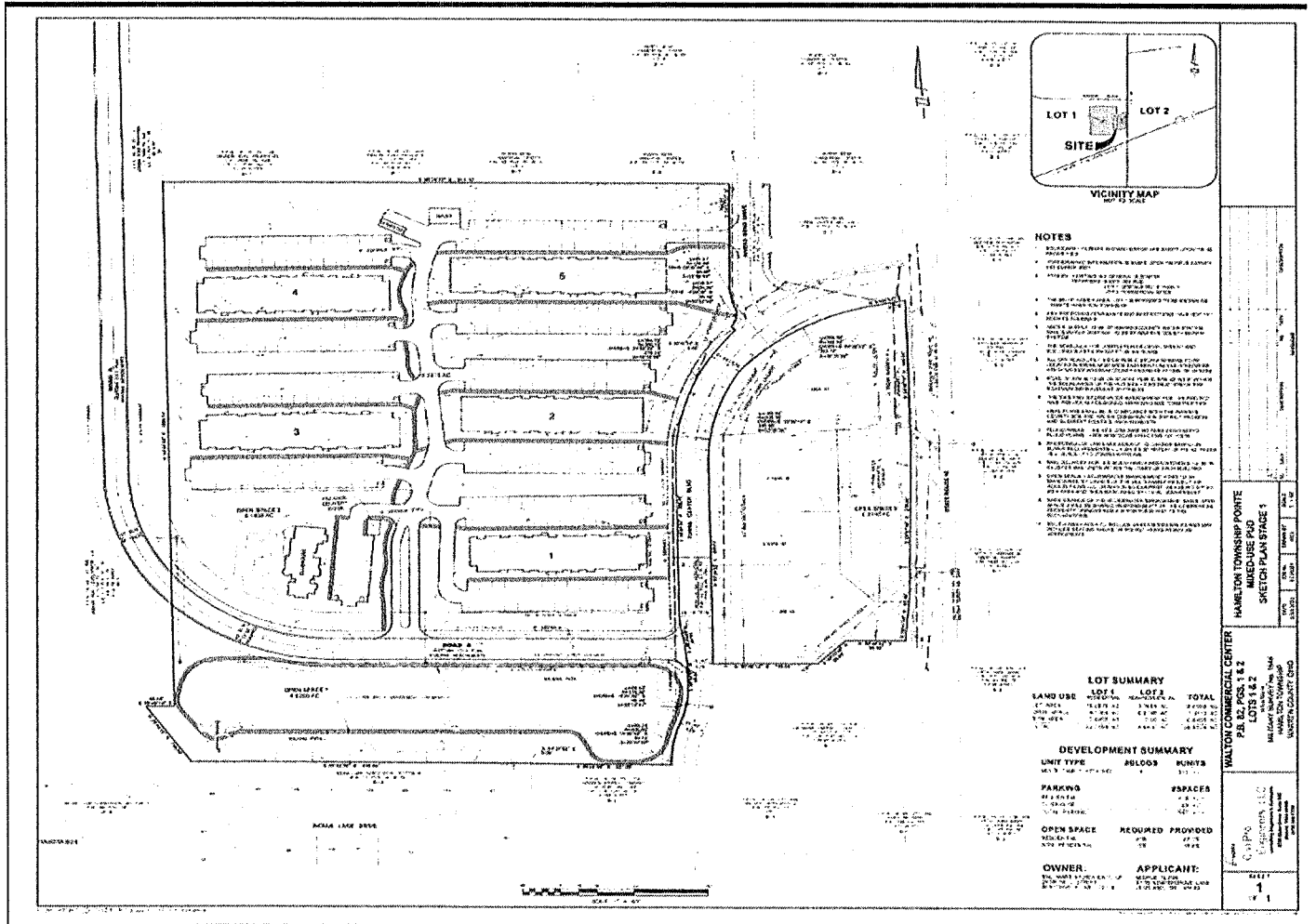
South: B-1 Neighborhood Business

B-2 General Business
 R-3 Multi-Family Residence

East: B-2 General Business
 R-1 Single Family Residence

West: M-1 Light Industry

PUD Site Plan:



NO. 10-10-100-100
DATE: 10-10-100
BY: [illegible]
SCALE: 1" = 100'

1" = 100'

ROAD A
RIVER BEND DRIVE
STATE ROUTE 41

1" = 100'

1" = 100'

1" = 100'

1" = 100'

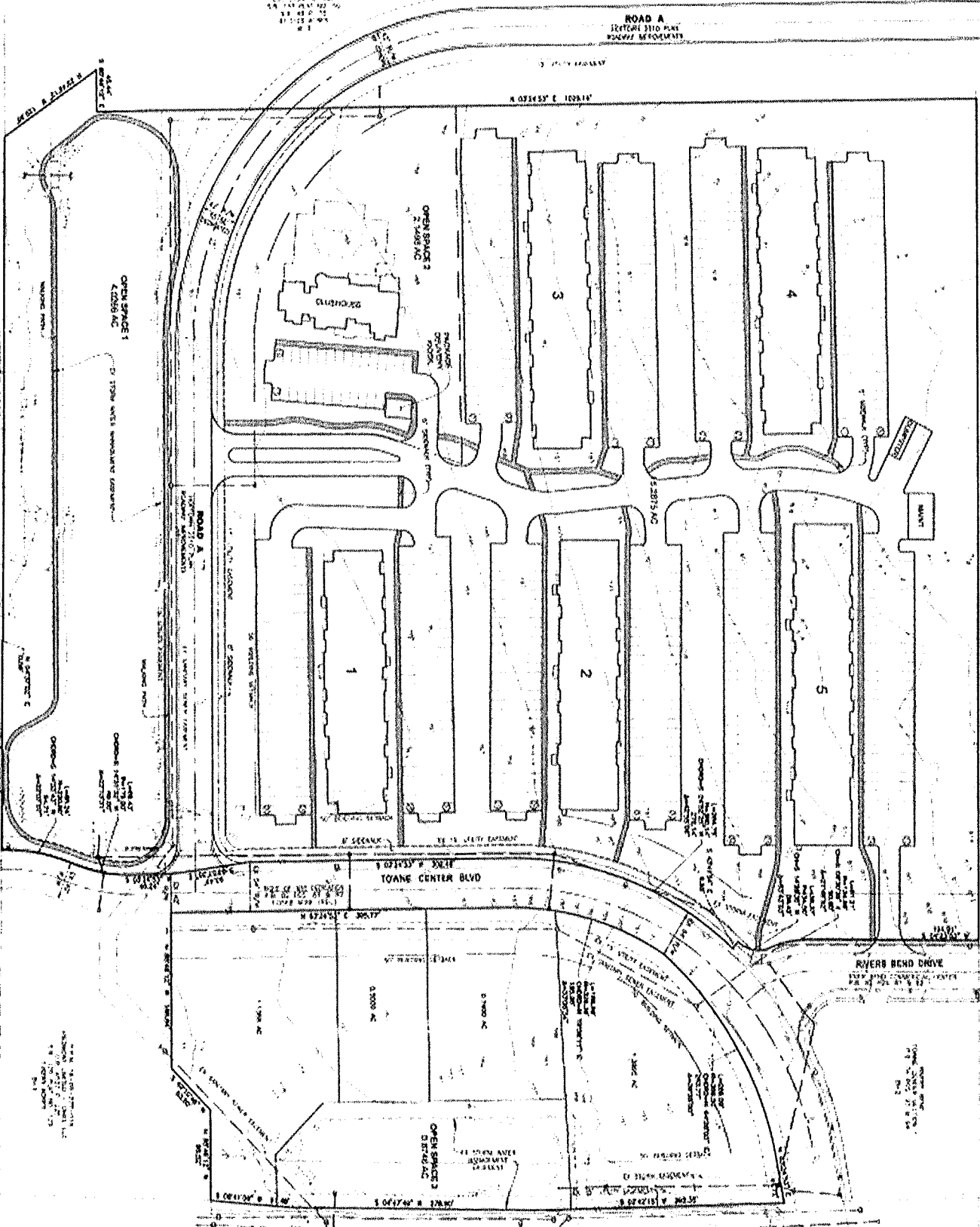
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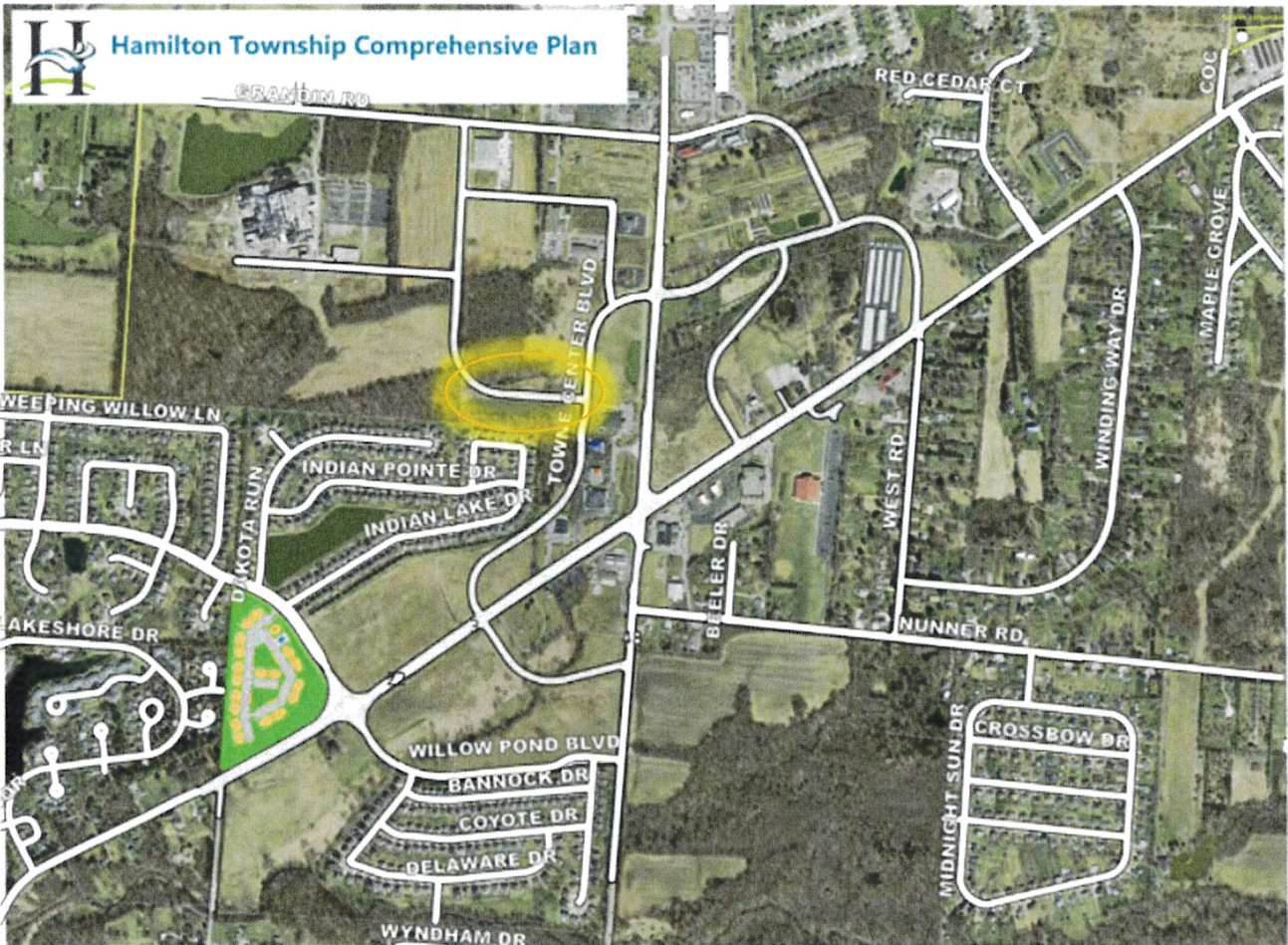


STATE ROUTE 41

1" = 100'

1" = 100'

1" = 100'



The the picture above shows that the Hoptown Access Management Plan does requires a road to be developed. This road is referred to as 'Road A' on both the Access management plan and the Warren County Thoroughfare Plan.

The Site Plan does show One (1) Stub street is proposed to the west of the site. Access to the commercial lots would be from Towne Center Blvd, while access to the residential complex would be from the proposed road, Road A, as well as a second access to the North off of Rivers Bend Drive.

There will be two designated open space areas for the residential proposal: open space one consists of 4.0266 acres and open space 2 consists of 2.1498 acres equaling approximately 27.7% of open space (exceeding the minimum requirement of 20%).

The commercial open space (open space 3 on the plans) consists of .8746 acres which equates to approximately 18.8% (exceeding the 15% minimum requirement).

Mailboxes will be located within cluster units in the lobby of each building.

The applicant is proposing approximately 618 parking spaces.

Two-thirds of the units (208) are expected to be two bedrooms. One-third (104) will be one bedroom units.

PUD Sketch Plan Review Procedure:

5.5.4. Stage I – PUD Sketch Plan and Zone Map Amendment

The PUD sketch plan is intended to establish the major governing principles of a development related to land uses, density, open space and circulation. Specific details related to issues such as the number of parking spaces, the type and location of landscaping, or the location of individual lots and buildings shall be reviewed during the PUD preliminary site plan.

A. Step 1 – Preapplication Conference

- (1) Applicants for any PUD District are required to meet with the zoning inspector for a preapplication conference prior to submitting a formal application for a PUD.
- (2) The purpose of the preapplication conference is to informally discuss application requirements, review procedures, and details of the proposed development. More than one preapplication conference between the applicant and township staff may be necessary.
- (3) Applicants are encouraged to bring a preliminary site plan to the preapplication conference.
- (4) No formal application is required to facilitate a preapplication conference. The applicant need only contact the zoning inspector to set up a meeting date.
- (5) Discussions that occur during a preapplication conference with township staff are not binding on the township and do not constitute official assurances or representations by Hamilton Township or its officials regarding any aspects of the plan or application discussed.

B. Step 2 – PUD Sketch Plan Application

- (1) Applications for the PUD sketch plan shall be submitted to the zoning inspector at the township offices.
- (2) Where the property is not already zoned as a PUD, the PUD sketch plan shall be submitted as part of a zoning map amendment.
- (3) The application shall include all such forms, maps, and information as may be prescribed for that purpose by the zoning inspector to assure the fullest practicable presentation of the facts for the permanent record.
- (4) Each application shall be signed by at least one of the owners, or the owner's authorized agent, of each property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications.
- (5) Applications for amendments initiated by the zoning commission or the board of township trustees shall be accompanied by the initiating board's motion or zoning resolution pertaining to such proposed amendment.
- (6) All applications shall be subject to [Section 3.4 Common Review Requirements](#).
- (7) All applications shall be submitted with the required fees as established in the Hamilton Township fee schedule.

C. Step 3 – Referral to the Warren County Regional Planning Commission

- (1) Within five days after filing of an application, the township shall transmit a copy thereof to the Warren County Regional Planning Commission.
- (2) The Warren County Regional Planning Commission shall recommend the approval, approval with modifications, or denial of the proposed amendment and shall submit such recommendation to the zoning commission.
- (3) Such recommendation shall be considered at the public hearing held by the zoning commission on such proposed amendment.

D. Step 4 – Public Hearing and Recommendation by the Zoning Commission

- (1) Upon the filing of an application for an amendment (Step 2), the zoning commission shall set a date for a public hearing regarding the proposed PUD amendment and the PUD sketch plan.
- (2) The public hearing shall not be less than 20 or more than 40 days after the date the application (Step 2) was submitted.
- (3) For an amendment that intends to rezone or redistrict 10 or fewer parcels of land, notification shall be given in accordance with ORC Section 519.12 to all owners of property within and contiguous to and directly across the street from the area of the proposed amendment. If the amendment rezones more than 10 parcels of land as listed on the county auditor's current tax list, a published notice is required in accordance with ORC Section 519.12.
- (4) Within 30 days after the zoning commission's public hearing, the zoning commission shall recommend the approval, approval with modifications, or denial of the proposed amendment and PUD sketch plan, and submit such recommendation together with the application, text and plans pertaining thereto, and the recommendation of the Warren County Regional Planning Commission to the board of township trustees.

E. Step 5 – Public Hearing and Decision by the Board of Township Trustees

- (1) Upon receipt of the recommendation from the zoning commission (Step 4), the board of township trustees shall set a time for a public hearing on such proposed amendment.
- (2) The date of the public hearing shall not be more than 30 days after the date of the receipt of such recommendation from the zoning commission.
- (3) For an amendment that intends to rezone or redistrict 10 or fewer parcels of land, notification shall be given in accordance with ORC Section 519.12 to all owners of property within and contiguous to and directly across the street from the area of the proposed amendment. If the amendment rezones more than 10 parcels of land as listed on the county auditor's current tax list, a published notice is required in accordance with ORC Section 519.12.
- (4) Within 20 days after its public hearing, the board of township trustees shall either adopt or deny the recommendations of the zoning commission, or adopt some modification thereof. In the event the board of township trustees modifies or overturns the recommendation of the zoning commission, the majority vote of the board of township trustees shall be required.
- (5) Review and approval of the PUD sketch plan shall be limited to:
 - (a) Defining the uses permitted within the PUD, the general location of such uses (footprints of individual dwellings or buildings are not required), and any use-specific standards that may apply to the permitted uses;
 - (b) Establishing the maximum density or intensity of development that is permitted in the PUD;
 - (c) Establishing the minimum lot area and lot width requirements for residential uses;
 - (d) Defining any deviations from the standard of the underlying district;
 - (e) Establishing the general layout of any new streets or major access drives for the development and pedestrian circulation; and
 - (f) Defining the amount and general location of open space.
- (6) In accordance with the standards set forth herein, the board of township trustees may explicitly impose special conditions relating to the PUD as the board may determine necessary in order to best promote the public health, safety and welfare.

5.6.1. Permitted Uses

- A. Any permitted use may be included within a PUD regardless of the underlying zoning. It is essential however, that the PUD be planned, developed and operated in accordance with the approved PUD plan. The PUD plan must assure that the uses, structures and developments are properly integrated with the surrounding area and promote the health, safety, morals, general welfare and provides for a wholesome environment, free of nuisances for the entire community.
- B. Development of the PUD property shall comply with the use regulations established during the Stage 1 and Stage 2 PUD plans and the underlying zoning district as determined by the board of township trustees.

PUD Sketch Plan Review Criteria:

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.

WCRPC was unable to make a recommendation for the following reasons:

- They stated that the base zoning for the development was missing. The application submitted does not identify the proposed zoning district and it is unclear if the applicant would like to retain the current zoning with modifications in the form of a PUD overlay or propose another base zoning. This information was conveyed to the Township and the Township's responded in the form of a letter addressed to WCRPC. The Hamilton Township Zoning Code allows a mix of uses within a PUD but there is not a base zoning district of "Mixed-Use" in the Township's Zoning Code. This site is identified as "Mixed-Use" on the Future Land Use Map (FLUM).
- The applicant does not provide any deviation from the zoning standards. It is difficult to identify deviation from the base zoning, when the base zoning is unknown.
- The submitted site plan varies from the Warren County Subdivision regulations. However, if approved, this should not be construed as a permitted deviation from the subdivision regulations.

The RPC Staff recommends that if the proposal is approved by the Hamilton Township Trustees, approval should not constitute any deviation from the Warren County subdivision Regulations or the Warren County Thoroughfare Plan and should comply with the Warren County Subdivision Regulations, the Hamilton Township Zoning Code, and the Warren Thoroughfare Plan. If the application is approved, the addition of the following conditions are recommended:

- The development shall comply with the Warren County Subdivision Regulations and the Hamilton Township Zoning code.
- Prior to PUD Stage 2 approval, the applicant shall verify sewer service and approval from the Warren County Water and Sewer Department.
- Prior to Final Plat approval, the applicant shall obtain access permits and perform a traffic impact that is reviewed and approved by the Warren County Engineer's Office and ODOT.

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

Staff Recommendation – APPROVAL subject to the following conditions:

- Compliance with the Hamilton Township Zoning Code.
- Compliance with recommendations from Warren County Regional Planning Commission (RPC).
- Compliance with all Warren County Partner Organization requirements.

Action:

The Zoning Commission will hold a public hearing on May 9, 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 Rezoning

HAMILTON TOWNSHIP ZONING COMMISSION MEETING
February 14, 2022

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

Members present: Dan Riegner
Amanda Webb
Brady Hood
Randy Kuvin

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

Ms. Lindsey Gehring, Zoning Administrator, stated that this hearing is to discuss a rezoning for property located at 6426 South State Route 48, Maineville, OH 45039. The applicant is Mr. David Korte, Executor of Estate. The property owner is Ms. Betty Abrams. The spokesperson for this hearing is Mr. Chris Breda with Myers Y. Cooper Company. The review criteria that the Zoning Commission needs to consider, was reviewed. Legal Notice was published in the January 30, 2022, edition of *The Journal News*. Notice was mailed to all property owners within 200 feet of the subject parcel. The subject property is located two parcels south of the Shooters restaurant on 48.

The applicant has a zoning change from R-1 Single Family Residence to B-2 General Business to allow neighborhood retail use. Surrounding zoning consists of B-2 General Business and R-1 Single Family Residence to the North, B-2 General Business to the South and East, and a mix of B-1 Neighborhood Business and B-2 General Business to the West. The Hamilton Township 2020 Comprehensive Plan as well as the proposed Future Land Use Plan show State Route 48 as being a commercial corridor for Hamilton Township. This particular area is showing mixed use which would allow for residential, commercial, retail services and offices. B-2 is in line with the direction that we are expecting this area to move in.

The Warren County Regional Planning Commission heard this Zoning Amendment at their January 27, 2022 meeting. They voted with 14 yays, 0 abstentions, and 0 nays to approve the rezoning. Warren County Soil and Water Conservation District did comment that there is a stream traversing diagonally through the property and although streamside setbacks are voluntary in Warren County, the Soil and Water Conservation District would like to encourage the building and developing to incur outside of these boundaries. In addition, any earth disturbing or tree removal does require an Earth Disturbing Permit through the Warren County Soil and Water Conservation District. Before this can be obtained, an environmental assessment must be done to determine and jurisdictional permits that may be required along that stream.

Staff recommends approval of this zoning amendment conditional upon meeting all partner organization requirements.

Ms. Webb questioned if approval of this amendment would require a buffer along the stream?

Ms. Gehring stated that the assessment will need to be done in order to determine proper mitigation and protocols moving forward.

The Board agreed to not want to lock the developer into any certain conditions with the stream. The Soil and Water Conservation District made the comment encouraging them to build outside of stream boundaries, but that does not lock the developer in to not disturbing anything around the stream.

Mr. Riegner invited the applicant to speak.

Mr. Chris Breda with Myers Y. Cooper Company approached the podium to address the Board. He gave a brief history of the company stating that it had been around since 1895 and is a fourth generation company. Their specialization is neighborhood retail/shopping centers. They have existing developments in Florence, Montgomery, Mariemont and other locations. The re-zone is consistent with the Future Land Use Plan and it will allow them to pursue commercial development for this location. They are envisioning a 20-21,000 sq. ft. retail center. Myers Y. is working with environmentalists right now to decide how to best approach the stream concerns.

Mr. Riegner asked how far back the stream sits.

Mr. Breda showed the Board on the mapping where the stream is located.

Ms. Webb asked if there are any tenants in mind?

Mr. Breda stated that they do not have any specifics yet but they have thought of categories that they will pursue.

Mr. Riegner invited those in favor and in opposition to speak. No comments were made.

Ms. Webb asked for clarification on the next zoning step and if it would come back before the Zoning Commission.

Ms. Gehring stated that the Trustees will review and ultimately approve the rezoning but if the developer is seeking straight zoning, they will turn in their application for staff to review and then a hearing will be held with the Board of Trustees. Therefore it would not come before the Zoning Commission Board.

Mr. Kuvin made a motion with a second from Ms. Webb to close the public comment portion of the hearing.

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

The Board held their public deliberations. No concerns were made.

Mr. Hood made a motion to approve the Zoning Amendment as written with conditions as written, from Warren County Soil and Water Conservation District. There was a second from Ms. Webb.

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

Motion carries.

A motion was made by Mr. Hood with a second from Mr. Kuvin to approve the January 10, 2022 Zoning Commission meeting minutes.

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

Ms. Gehring mentioned that staff was in the early stages of discussing a Zoning Code re-write. Ideally this would take place over several months with the help of a committee consisting of staff, zoning board members and resident involvement.

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

All in favor.