



**Zoning Commission**

**\*Special Session**

**July 27, 2020**

**7:00 PM**

- I. *Call to Order*
- II. Approval of Minutes
  - July 13, 2020
- III. Consideration of PUD Stage 1 Application for **52 Stephens Road** B-2 Commercial and Multi-Family Residential Uses
- IV. *Adjourn*

# The HAMILTON TOWNSHIP ZONING COMMISSION

## PUD Stage 1 Site Plan

### Maineville Plaza

July 27, 2020 at 7:00PM

- Owner:** D.J. Patel
- Applicant:** D.J. Patel
- Spokesperson:** D.J. Patel
- Location:** 52 Stephens Road, Maineville, Ohio 45039
- Size:** 6.926 acres
- Zoning:** B-2 PUD
- Request:** PUD Stage 1 approval for a new retail office building and apartment complex and modification of the list of permissible uses in the B-2 PUD to permit Dwelling, Multi-Family use.
- History:** The property was rezoned from Rural Residence District to a General Business District PUD (B-2 PUD) on April 26, 2018. The Applicant proposes to put the property to Retail & Service Commercial and Dwelling, Multi-Family use.
- Project Summary:** The Applicant seeks approval of a PUD Stage 1 site plan in order to construct a retail commercial building and apartment complex on the property. Retail and Service Commercial is a permissible use in the B-2 PUD. However, Dwelling, Multi-Family uses are not permitted in the B-2 PUD. Therefore, the Applicant is also seeking a modification to the B-2 PUD to permit Dwelling, Multi-Family residential use in order to allow construction of the proposed apartment complex.
- Project Description:** The property is currently vacant/woodland space and is located at the intersection of State Route 28 and Stephens Road. There is an existing pond and one single-family home on the property. The Applicant intends to remove the pond and the home in order to develop the property.

The proposed development consists of a 10,000 square-foot retail commercial building, which would be commonly known as the "Maineville Plaza." The commercial building would have 5 tenant spaces. The project would also include a 55-unit, 3-story apartment complex named the "Comfort Living Apartments." The complex would be 49,800 square feet in size and consist of 39 2-bedroom units at 1000 square feet each and 18 1-bedroom units at 600 square feet each. The commercial building would be approximately 16 feet tall and the apartment building

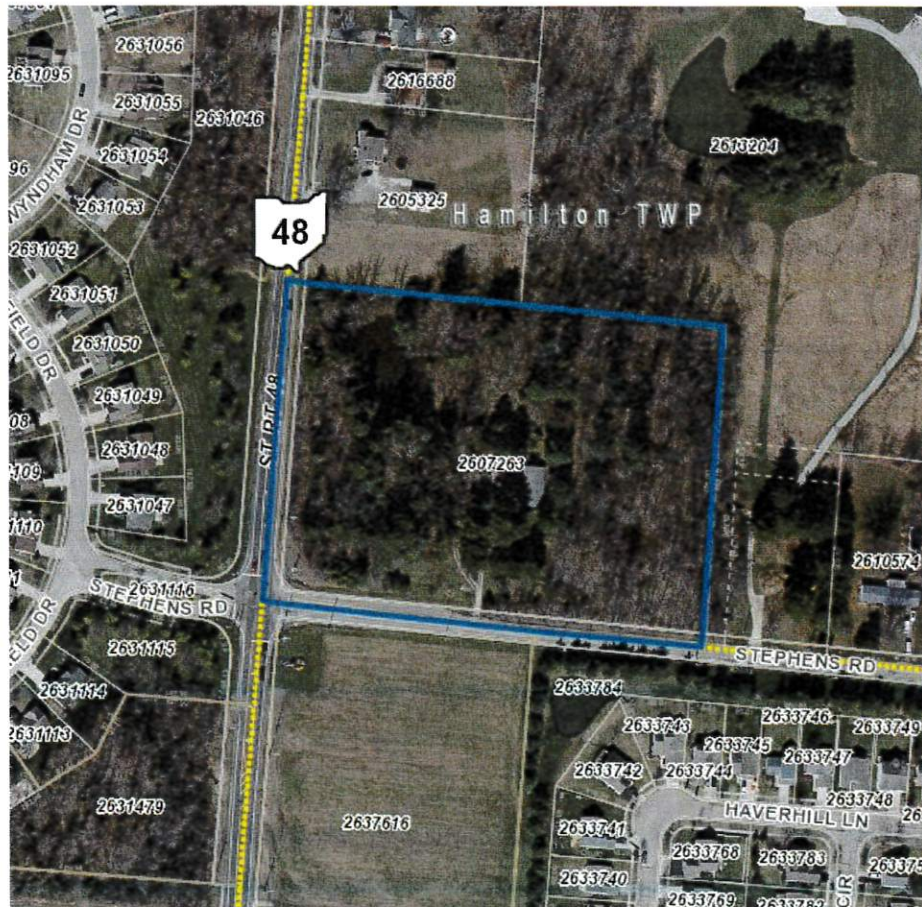
would be approximately 35 feet tall. The façade of both buildings would be a combination of brick, stone and stucco.

The Applicant proposes constructing 2 access points to the site – one from Stephens Road and the other from State Route 48. The Applicant will need to apply to the Warren County Engineer’s Office for an access permit to construct the proposed access point on Stephens Road. Application will need to be made to the Ohio Department of Transportation (ODOT) for an access permit to construct the proposed access point on State Route 48.

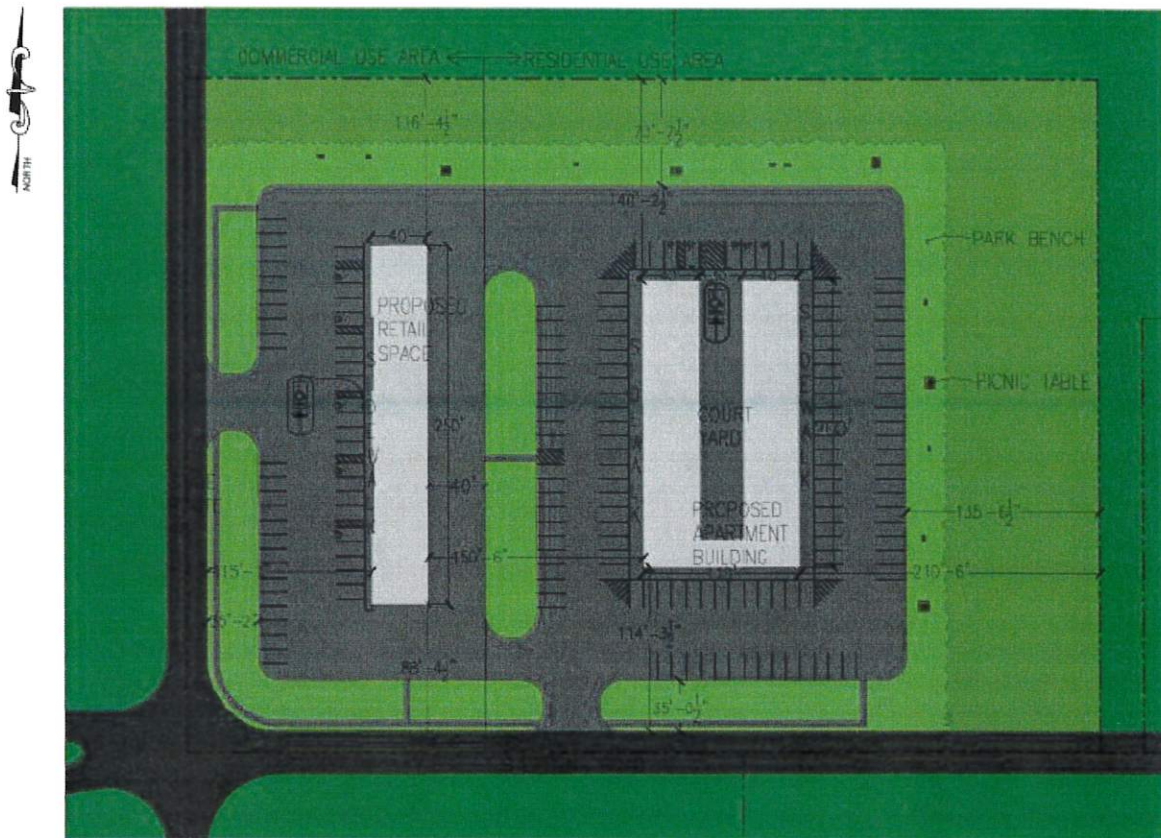
The site plan shows 46 parking spaces serving the retail building (including 5 handicap accessible spaces) and 120 parking spaces serving the apartment building (including 5 handicap accessible spaces). 112,916 square feet of the site would be designated vehicular use area. Approximately 8,336 square feet of the property will be landscaped area. The Applicant proposes clearing trees surrounding the parking lots on all sides of the property in order to provide adequate open space.

A water connection is available for the property (the most likely connection being the water line running parallel to State Route 48). Sewer is not currently available at the property.

**Site Aerial:**



**Site Plan Summary:**



**Development Standards:**

A water connection to the site is available (the most likely connection being the water line running parallel to State Route 48). Sewer is not currently available at the property. The Warren County Sewer Department stated the nearest sewers are in the Wethersfield Subdivision (350 away from the property) or the Regency Park Subdivision (500 feet away). Both sewer connection options would involve public sewer main extensions.

The Hamilton Township Zoning Code (HTZC Table 4-2: Permitted Use Table) allows Retail and Service Commercial Uses in the B-2 PUD Zoning District.

USE P = Permitted Use PS=Permitted Use with Use-Specific Standards C = Conditional Use	ZONING DISTRICTS										ADDITIONAL REQUIREMENTS
	R-1	R-2	R-3	R-4	M-H	T-C	B-1	B-2	M-1	M-2	
Printing Shop								P	P	P	
Race Track or Course											P
Restaurant							PS	PS	PS	PS	See 4.8.3.J
Retail and Service Commercial Use							P	P	P	P	

According to the *HTZC Table 4-2 Permitted Use Table*, Residential Uses are not permitted in the B-2 PUD Zoning District.

USE P = Permitted Use PS=Permitted Use with Use-Specific Standards C = Conditional Use	ZONING DISTRICTS										ADDITIONAL REQUIREMENTS
	R-1	R-2	R-3	R-4	M-H	T-C	B-1	B-2	M-1	M-2	
<b>AGRICULTURAL USES</b>											
Agriculture – Raising of Crops	P	P	P	P	P	P	P	P	P	P	
Agriculture – Raising of Livestock	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	See 4.8.1
<b>RESIDENTIAL USES</b>											
Adult Family Home or Small Residential Facility	P	P	P	P							
Adult Group Home or Large Residential Facility			P								
Cluster Development, Single Family	PS										See 4.8.2.A
Conservation Design, Single Family	PS										See 4.8.2.B
Dwelling, Attached Single Family			P	PS							See 4.8.2.C
Dwelling, Multi-Family			P								See 4.8.2.D
Dwelling, Single Family	P	P	P	P							
Dwelling, Two Family		P	P								
Institutional Housing	PS	PS	PS	PS							See 4.8.2.E

The HTZC does not contain any use-specific regulations for Retail and Commercial Services Uses. *HTZC Section 4.8.2.D.* sets forth the following use-specific regulation for Multi-Family Dwellings:

**D. Dwellings, Multi-Family**

There shall be adequate fire extinguishing facilities as approved by the Hamilton Township Fire and Rescue Department appropriate for the height of multi-family dwellings in the R-3 District.

**Architecture:**

The Hamilton Township zoning inspector shall review and make decisions on architectural features in accordance with the guidelines and standards set forth in *HTZC Section 6.4*. The proposed facade for both the retail building and apartment building is a combination of brick, stone and stucco. The Applicant has provided the following examples to demonstrate the proposed look and feel of the buildings:



**Parking:**

Chapter 7 of the HTZC outlines rules on parking, loading and circulation that shall be followed.

Table 7-1 sets the required number of parking spaces for Retail and Service Commercial Uses at 1 space per 250 square feet. The proposed commercial building on the property would be 10,000 square feet, necessitating a minimum of 40 parking spaces serving the building. The Applicant is proposing 46 parking spaces for the commercial building (including 5 handicapped accessible spaces).

Table 7-1 sets the required number of parking spaces for Multi-Family Residential Dwellings at 2 spaces per dwelling unit. The proposed apartment building on the property would have 55 units, requiring a minimum of 110 parking spaces. The Applicant is proposing 120 parking spaces serving the apartment building (including 5 handicapped accessible spaces).

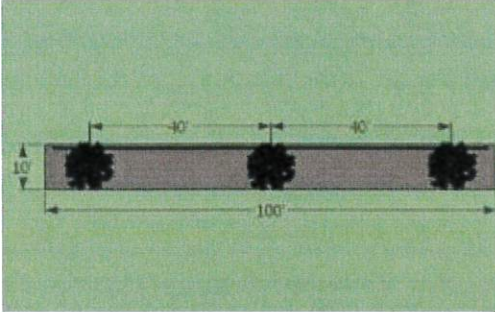
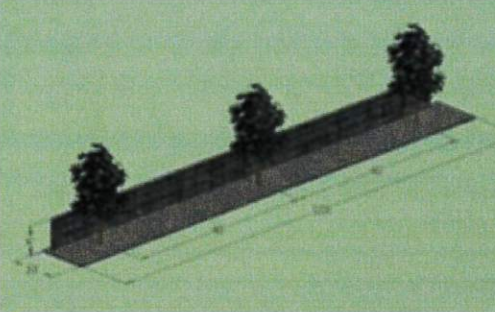
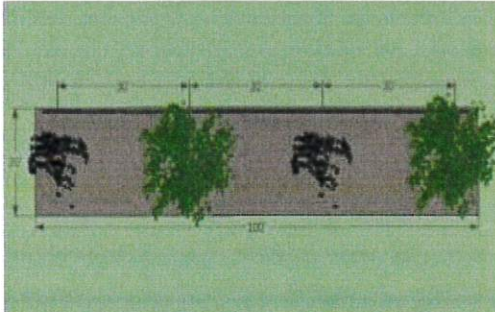
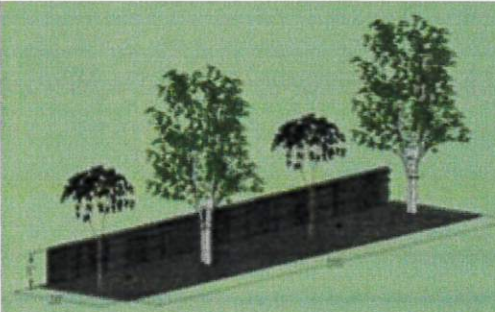
**Landscaping:** Landscaping for any development shall comply with HTZC Chapter 8: Landscaping Regulations.

**TABLE 8-3: MINIMUM INTERIOR SITE LANDSCAPING REQUIREMENTS**

<b>PROPOSED USE</b>	<b>MINIMUM LANDSCAPING REQUIREMENT</b>
All uses in residential districts, excluding lots used for single family and two family dwellings	One tree per 500 square feet, or fraction thereof, of building ground floor area for all structures; each tree shall have a minimum of 2" caliper.
All uses in business districts	One tree per 500 square feet, or fraction thereof, of building ground floor area for all structures, and each tree shall have a minimum of 2" caliper; plus there shall be landscaped areas equal to 20 square feet for every 1,000 square feet of building coverage areas, or fraction thereof. Such landscape areas shall contain trees, planting beds, hedges, fences, walls, earth mounds, benches or other materials designed and located in a manner complimentary to the overall architecture of the surrounding buildings.
All uses in industrial districts	Three trees per 1,000 square feet, or fraction thereof, of building ground floor area for all structures, and each tree shall have a minimum of 2" caliper; plus there shall be landscaped areas equal to 20 square feet for every 1,000 square feet of building coverage areas, or fraction thereof. Such landscape areas shall contain trees, planting beds, hedges, fences, walls, earth mounds, benches or other materials designed and located in a manner complimentary to the overall architecture of the surrounding buildings.
NOTES: Trees planted to satisfy perimeter, vehicular use area perimeter, and interior vehicular use area landscaping requirements may be counted towards the requirements of this section.	

<b>PROPOSED USE</b>	<b>ADJACENT TO (AVERAGE WIDTH – BUFFER TYPE)[1]</b>			
	<b>RESIDENTIAL DISTRICT</b>	<b>BUSINESS DISTRICT</b>	<b>INDUSTRIAL DISTRICT</b>	<b>FREEWAY, ARTERIAL OR COLLECTOR STREET RIGHT-OF-WAY [2]</b>
Business District	10 feet – Buffer "B"	None	15 feet – Buffer "B"	10 feet – Buffer "E"
"B"	1 tree per 40 feet of linear boundary or street frontage, or fraction thereof; trees shall be from Group A or B. And a continuous combination 6' high planting, hedge, fence, wall or earth mound with no single material being used exclusively for more than 150 linear feet. Alternate materials used for breaks must run for a minimum of 15 linear feet. [2]			
"E"	1 tree per 30 feet of boundary, or fraction thereof; trees shall be from Group A. And a continuous 6' high planting, hedge, wall, fence or earth mound.			

**TABLE 8-6: ILLUSTRATION OF LANDSCAPE BUFFER TYPES**

BUFFER TYPE	PLAN VIEW	PERSPECTIVE VIEW
<b>Buffer B</b>		
<b>Buffer E</b>		

### **8.5.3. Vehicular Use Area Perimeter Buffer Requirements**

#### **A. Applicability**

The provisions of this section shall apply to vehicular use areas containing five or more parking spaces.

#### **B. Perimeter Buffer Requirements**

- (1) Landscape planting shall be provided along the perimeter of vehicular use areas as established in [Table 8-5: Minimum Requirements for Buffer Types](#).
- (2) These requirements may be counted towards the property perimeter requirements as set forth in [Table 8-4: Type and Width of Perimeter Buffer Required](#), where perimeter buffer areas are also applicable.



**TABLE 8-7: VEHICULAR USE AREA PERIMETER LANDSCAPING REQUIREMENTS**

VEHICULAR USE AREA LOCATION [1]	AVERAGE BUFFER WIDTH [2]	MINIMUM PLANT MATERIALS [3]
A vehicular use area adjacent to any property in any district.	10' adjacent to portion of vehicular use area that faces adjacent property; 4' minimum distance to all trees from the edge of the paving where vehicles overhang.	1 tree per 40' of linear boundary, or fraction thereof. Trees shall be from Group A, B, or C; and a continuous planting, hedge, fence, wall or earth mound with an average height of 3'.
A vehicular use area in any district is adjacent to any public right-of-way or private street. [2]	10' adjacent to portion of vehicular use area that faces public right-of-way or private street; 4' minimum distance to all trees from the edge of the paving where vehicles overhang.	1 tree per 40' of frontage, or fraction thereof; trees shall be from Group A or B. And a continuous planting, hedge, fence, wall or earth mound with an average height of 3'.
Any vehicular use area in an automotive sales or rental use, or truck, trailer, or farm implement sales or service use.	10' adjacent to portion of vehicular use area that faces public right-of-way or private street; 4' minimum distance to all trees from the edge of the paving where vehicles overhang.	1 tree per 30' of frontage, or fraction thereof; trees shall be from Group A or B and shall be a minimum 3" caliper along the entire street frontage. And a continuous planting, hedge, fence, wall or earth mound with an average height of 3' along at least 75% of the street frontage. The remaining street frontage, not to exceed 25%, shall include plantings a minimum of 1' high. [4]

- C. In addition to the requirements shown in [Table 8-7: Vehicular Use Area Perimeter Landscaping Requirements](#), parking lots shall have a perimeter buffer zone with a minimum width of 6.5 feet containing evergreen plant material that will achieve an effective, dense screen of a height of at least three feet at the time of installation. Perimeter buffer zone shall also contain deciduous trees.

**8.5.4. Interior Vehicular Use Area Landscape Requirements**

**A. Applicability**

Vehicular use areas on a parcel of two acres or more in any business or industrial district, and for a nonresidential use or multi-family dwelling use in residential district, shall provide interior landscaping as required by this section. No interior landscaping shall be required within a service or storage area.

**B. Landscape Requirements**

- (1) For each 100 square feet or fraction thereof of vehicular use area, at least five square feet of landscaping area shall be provided.
- (2) The required amount of landscaping area shall be provided in peninsular or island type areas within the vehicular use area.
- (3) Peninsular or island type areas shall contain well drained un-compacted soils.
- (4) The minimum permitted landscape area shall be 64 square feet.
- (5) A minimum of four feet shall be provided from the edge of pavement where vehicles overhang to all trees.

**(6) Maximum Contiguous Area**

In order to encourage the required landscape areas to be properly dispersed:

- (a)** No individual landscape area shall be larger than 350 square feet in size in parking areas less than 30,000 square feet; and
- (b)** No individual area shall be larger than 1,500 square feet in parking areas over 30,000 square feet.
- (c)** In both cases, a minimum of four feet shall be provided from the edge of pavement where vehicles overhang to all trees.
- (d)** Individual landscape areas larger than the sizes specified above are permitted as long as such area is in excess of the required minimum total interior vehicular landscape area required by [Section 8.5.4.B\(1\)](#).

**(7) Minimum Tree Planting Requirement**

- (a)** One large tree from Group A or B shall be planted for each 5,000 square feet, or fraction thereof, of vehicular use area. These trees shall be located within the required interior landscape areas.
  - (i)** Two small trees may be substituted for one large tree.
  - (ii)** One and one-half medium trees may be substituted for one large tree.
- (b)** The area not covered by the canopy of the tree, but within an interior landscape area, shall be covered by shrubs, grass, ground cover, landscape gravel, or mulch.

**Note:** The proposed site plan contains 112,916 square feet of vehicular use area. Thus, the HTZC requires a minimum of 5,650 square feet of landscaped area. The Applicant intends to meet the HTZC vehicular use area landscaping requirements by landscaping 2 sections of the property located in between the commercial and residential buildings (as depicted on the site plan) to create approximately 8,336 square feet of landscaped area.

**Signage:** All signage would be reviewed by staff and approved via a Zoning Certificate.

**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.

**RPC Recommendation – DENIAL.** Reasoning: In summary, the Warren County Regional Planning Commission viewed the current Hamilton Township Land Use Plan indicates 52 Stephens Road as R-1 Single Family Rural Residential District as a major deterrent to recommending approval.

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.

**Warren County Soil & Water Conservation District Comments:**

Staff is not aware of any comments from Warren County Soil & Water Conservation District, however, they will be expecting a SWP3 (stormwater protection plan). Warren County Soil & Water Conservation District did place a Stop-Work Order on the site, as the trees cleared was greater than 1 acre.

**Warren County Water & Sewer Department Comments:**

- Contact number for Warren County Water & Sewer is (513) 695-1377.
- Water is available for the site (the most likely connection is the water line running parallel to State route 48).
- 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.

**ODOT Comments:**

Staff is not aware of any comments from ODOT.

**Warren County Engineer's Office:**

- The development site plan include 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 Recommendation:**

Staff recommends the Zoning Commission to recommend "Denial" of this proposed plan to the Hamilton Township Trustees based on the incompatibility of multi-family in this area as well as a large amount of public push-back from nearby residents.

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.

Staff does not agree fully with the Warren County Regional Planning Commission determination regarding the property being slated as R-1 Single Family Rural Residential. Although this is technically the current Land Use listed on the current Hamilton Township Land Use Plan, the site was previously approved in 2018 for B-2 PUD for six potential uses (office, church, government building, event center, cultural or educational institution, or community center), showing the willingness and previous acceptance for this site to become commercial in the future.

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.

Another staff note: the landowner has stated willingness to pay to bring sewer to the site across State Route 48, potentially costing between \$300,000 and \$400,000.