

**WRITTEN SUMMARY
PLANNING COMMISSION
MEETING MINUTES
Monday, August 15, 2016
1:30 p.m.**

With the absence of Mr. McAllister, the meeting was called to order at 1:30 by Mr. Samoviski as Acting Chairperson.

Roll Call:

Members Present:

Mr. Tom Alf, Mr. Dave Belew, Ms. Teri Horsley, Mayor Pat Moeller, and Mr. Mike Samoviski. Mr. Dale McAllister arrived at 1:31 and assumed role as Chairman.

Members Absent:

Mr. Joshua Smith

City Staff Present:

Mr. Eugene (Bud) Scharf, Ms. Meredith Murphy, Mrs. Heather Hodges, Ms. Kim Kirsch, Mr. Ed Wilson, and Ms. Kathy Dudley (Assistant Law Director). Mr. John Creech was not present.

Swearing in of Those Providing Testimony to the Commission:

Ms. Dudley swore in the audience members wishing to speak.

Old Business:

None

New Business:

Agenda Item #1 - Public Hearing

Staff: Meredith Murphy

Request to Amend the Final Development Plan for the former Eden Lakes Development (proposed Hamilton Commons Senior Living) – located on City Lot No. ENT 29176, comprised of +/-35.2 acres, situated west of Gardner Road and north of Eden Park Drive - (McBride Dale Clarion/Clover Development, Applicant/ Owner)

Introduction

An application has been submitted by McBride Dale Clarion on behalf of Clover Development for Planning Commission review of an Amendment to the Final Development Plan for Development formerly known as Eden Lakes Development. The property is comprised of approximately 35.19 Acres and is situated on the north east corner of Eden Park Drive and Gardner Road. The current zoning on the property is RPD – Residential Planned Development. RPD zoned properties require a public

hearing and Planning Commission review. The name proposed for the Amended Development Plan is Clover Senior Residential Development. This application includes a Major Revision to a Final Redevelopment Plan to allow the construction of 119 unit residential unit development for senior living to be located at 1676 Eden Park Drive.

Ms. Murphy then showed a map with the subject property outlined in red, and continued on with the following background information:

On July 25, 2016 an application was submitted. The applicant is proposing 115 two bedroom units and 4 one bedroom units (for a total of 119 units) to be located on the site in one building. There are also four (4) buildings which house enclosed garage spaces to be located to the north (to the rear) of the main building. The applicant has indicated that the development will only take place on 8.5 acres of the total 35.19 acres, leaving 26.7 acres of undeveloped land proposed as open space.

The subject 35.19 acre parcel is part of the former Eden Lakes Development that comprised approximately 70 acres comprised of three (3) parcels. According to Planning Commission records, the property was rezoned from R-4 Multi-Family Residential and B-2 Community Business District to RPD Residential Planned Development in 2001 in order to develop the site as a mixed residential community of single family homes and condominiums.

The Eden Lakes Development included 109 attached condominiums and detached single family homes. In November 2012, the Planning Commission reviewed and approved a Plan Amendment submitted by The Faith Pentecostal Church for the southern-most portion of the property that included the original clubhouse for the Eden Lakes Development. In November 2015, the Planning Commission reviewed and approved a Plan Amendment for a portion of the property for Miami University Student housing (condos and detached dwellings) submitted by Quest Holdings.

Ms. Murphy then goes over the Plan/Proposal Review as included in the Board Packet, summarizing Zoning, Setbacks, Parking, Access, Land Division, Phasing, Landscaping, Interdepartmental Review, a review of the minimum requirements for a major change to a Planned Development (Section 1118.170) and minimum threshold requirements for multi-family in RPD, and Public Hearing notification.

PLAN/PROPOSAL ANALYSIS

Section 1118.170 Minimum Requirements for Residential (RPD) Consideration:

The Amendment to the Former Eden Lakes Development Plan is considered a Major Change; therefore the requirements found in Section 1118.170 applicable to multi-family developments in the RPD zoning designation are applicable. The section establishes a the minimum threshold of Site Amenity and Open Space/Recreational Points that must be met for a development proposed in an RPD zone. The proposed development includes multi-family dwellings therefore it must achieve a minimum of 18 points.

Ms. Murphy goes over the points that the plan received. The rationale received by the Applicant (*in Italics*), was provided in the Planning Commission packet:

- 3 - Points for minimum of 5% passive open space in the project.
- 3 - Points for protection of existing environment, a large portion of the site.
- 1 - Point for Open space being located within ¼ mile radius of 75% of the proposed dwellings.
- 3 - Points for an eight (8) foot wide paved multi-modal path that transverses at least seventy five percent (75%) of the development.
- 3 - Points for features that include special designs such as but not limited to fountains, public art and water features.
- 3 - Points for development that includes a covered front porch minimum size (4' X 6') on all residential units.
- 5 - Points for a development that includes rear loaded garages on all residential units.
- 2 - Points for passive open space that is greater than 10% of the development area.

The applicant is proposing that 23 points are obtained based on a review of the plans submitted, with a minimum of 18 points required per Section 1118.170.

Ms. Murphy then goes over Section 1118.180, the Minimum Requirements for Multi-Family Development Consideration, and the requirements for same. She says that the Multi-family (3+ units) developments shall also achieve a minimum of 18 total points from the above Site Amenity list, and in addition shall meet at least 3 of the 4 requirements. She says that a review of the plans submitted indicates that all 4 of the 4 requirements above are met.

Ms. Murphy then goes over some of the specific areas which were addressed on the Plan/Proposal Analysis, and gives the specifics of them: Main Building, Garage Building, Parking/Access, Site Amenities, Landscaping/Screening (including one dumpster location, Lighting, Signage, and Ownership/Maintenance.

Ms. Murphy shows the Public Hearing map with the subject property outlined in red, and she went over the zoning of the abutting parcels. She then shows an aerial map with an overlay of their proposed site plan, as well as some of the renderings provided of the building and the elevation of the proposed garage (one of the four buildings), and gives the following recommendation:

If the Request to Amend the Final Development Plan for the Former Eden Lakes development is approved by the Planning Commission, Community Development Department Staff recommends that the Planning Commission approve the Request to

Amend the Final Development Plan for the Clover Senior Residential Development subject to the following conditions:

1. The construction drawings for the proposed work, including site/engineering plans, to be revised subject to any future requirements of the City Interdepartmental Review (IDR) Committee upon review.
2. Landscaping, site improvements, and all exterior finishes and other improvements be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Final Development Plan.
3. Should any drives become dedicated public streets, they will be constructed to meet City of Hamilton standards for public roadway construction including sidewalks five (5') feet in width on both sides of the street and dedicated as a public right-of-way.
4. All proposed landscaping item sizes to conform to the minimum size requirements found in Section 1111.10 of the Hamilton Zoning Ordinance.
5. The proposed dumpster enclosure is to be constructed of similar masonry materials that match the proposed buildings.
6. Decorative lighting will be required in the public Right of Way if existing historic- type light fixtures are proposed or replaced and will comply with City of Hamilton Electric Department standards.
7. Provide surety (performance bond or irrevocable letter of credit) to the City of Hamilton prior to occupancy for associated site improvements and amenities improvements based on Engineer's Estimate. Surety to be released two years from issuance of final certificate of occupancy.
8. Any proposed signage should be limited to monument type signage with monument base constructed of similar masonry materials that match the proposed buildings.

With no questions by the Board for Ms. Murphy, the Public Hearing is opened.

First to speak is Mr. Jonathan Wocher of McBride Dale Clarion. He says that Ms. Murphy has summarized the project in great detail, and that they have been working with the Planning Staff on the site design, including building elevations. He said that they will comply with the Staff's recommendations for approval. He concluded by saying that he believes that it will be a quality development, and that Mr. Mark Branaman from Clover Development was also present if the Board had any questions.

There was then a brief discussion between the Board, Mr. Scharf, Mr. Wocher, and Mr. Branaman regarding drainage issues and the proposed remedy for same, drainage ponds, the proposed number of parking spaces with relation to garages, type of materials to be used and design for the buildings, number of staff members present,

restrictions in place to ensure that it is only seniors living there, and what allowances there are to those restrictions.

Mr. Samoviski asked if it was market rate housing, and the answer was “yes”.

Next to speak was Sharon Mesler, 1840 Gardner Road. She said that she is not against the project, but she has concerns about the height of the proposed buildings, and about the drainage with regard to the watershed (“has to be protected”). She had a question about the setback (based on what was listed in the tax records), and that was answered by Ms. Murphy. She also had great concerns about the parking proposal and the number of proposed entrances and exits, and Mr. Wocher answered her questions.

Mr. Alf had a question about the activities for the residents and expressed concern that it could be an issue with the parking. Mr. Branaman replied that the activities are for the residents only, they are handled by staff already on site, and no visitors partake in those activities, so it should not impact the number of spaces needed.

Mrs. Mesler said that she is still concerned about the height of the building, the drainage, and their proposal for the number of parking spaces (she doesn’t believe that it will be adequate). She also stated that the City came in to put utilities in, knocked her fence down, undid the two drainage creeks and didn’t put the rock base back, thereby creating another draining issue.

Mr. Samoviski asked her if she had an easement there, and she said that she did not. He suggested that she contact Public Works. She said that she spoke to someone at the time and showed him the issue. He told her that they will address the problem, and she said that she’s confident that they will fix it.

She also is wondering why there is only one entrance for the amount of units planned, when Wish Village has entrance and exits on both sides. She said that she’s not sure that Gardner Road can handle all of the traffic. She stated that there are no storm sewers, and the storage units across the street have flooded twice since they’ve lived there. She and Mr. Samoviski then had a bit more conversation about where the creeks drain to, the culverts and storm drain systems, and the comprehensive storm water plan for the entire acreage.

She then asked why there is only one entrance, and Ms. Murphy answered that. She asked if they were going to widen Gardner Road, and Ms. Murphy answered that.

Mr. Richard Mesler, 1840 Gardner Road, then spoke about his concerns with regard to the garbage and dumpsters, and Mr. Brananam answered those (including a question with regard to a landscaping buffer).

Mrs. Mesler then spoke again with concerns of a three story building and what would happen if there were a fire in the proposed three story building (that the fire could land on their house).

Mr. Samoviski then advised Mrs. Mesler that if they have issues with settlement on the road, she would need to contact the Butler County Engineer's office. Mrs. Mesler then had one more question about what the developer was going to do with regard to debris and dust coming over onto their property, and Mr. Branaman answered that.

Mr. Belew asked if we knew how many apartments there were at Wish Village. Mrs. Mesler said that their website says it's 156, but she counted and she thinks it's only 136.

With nothing further from the audience, Mr. Samoviski made a Motion to close the Public Hearing. With a 2nd by Ms. Horsley and all "ayes", the Public Hearing was closed.

Mr. Alf asked if there was a contingency plan in place if the parking became an issue and there wasn't enough. He said that he doesn't feel comfortable with people having to park on Gardner Road and walk, even if it's only one day a year that it's overcrowded (ie, Mother's Day).

Mr. Branaman answered that they would be happy to look at trying to put more parking spots in if that would make the Board more comfortable. There was also a question from Mr. Samoviski as to whether or not Clover provides transportation to the residents, and Mr. Branaman said that they haven't planned on providing one initially but if they find that there is the need, they will provide it.

Mr. Belew made a Motion to approve the request to Amend the Final Development Plan subject to the eight conditions as recommended. Mr. Samoviski gave a 2nd to the Motion, with a request that a condition be added that the plan include that parking be done per Hamilton Zoning Code Section 1137.28 (1.5 spaces per every dwelling).

There was then a discussion between the Board, Mr. Wocher, and Mr. Branaman, and it was concluded that the proposal would be changed to Clover providing the number of spots recommended per Hamilton Zoning Code Section 1137.28 (1.5 spaces per every dwelling unit) as Condition #9.

With a roll call vote of 6-0, the Motion passes and the request was approved as recommended with Conditions #1-9.

Mayor Moeller left the meeting at 2:20 for a Court hearing.

Agenda Item #2 - Public Hearing **Staff: Meredith Murphy**
Request to approve the Final Development Plan for a new Westover Retirement Community parking lot, located on City Lot No. 22049 and City Lot No. 22050, (Colonial Senior Services, Application)

Introduction:

Colonial Senior Services has submitted plans for Planning Commission review and approval of the Final Development Plan for a proposed parking lot expansion of Westover Retirement Community located on City Lot No. 22049 and City Lot No. 22050. The property is currently zoned RPD – Residential Planned Development. Parking lot uses are permitted in the RPD zoning district. RPD zoned properties require a public hearing and Planning Commission review of Preliminary and Final development plans for new developments. The Planning Commission recommended approval of the proposed rezoning and preliminary development plan on June 20, 2016 and City Council held a public hearing and reviewed on July 27, 2016.

The Westover Retirement Community was rezoned to RPD Residential Planned Development from R-4 Multi-Family Residential in 1992. The site was rezoned to allow a mix of different residential, nursing, preschool, fitness, general office and supporting facility uses on the property. Currently, the Westover Retirement Community contains 21 independent living units (built in the 1980s), and approximately 104 assisted living dwelling units and apartments (including various on-site amenities i.e. nursing, medical rehab, dining, preschool/daycare, and wellness center). In addition, there are currently 164 on-site parking spaces.

The request would allow for the construction of a permanent surface parking lot located on the two parcels that would serve the Westover Retirement Community. The subject properties are owned by Colonial Senior Services. The existing Westover Retirement Community site, located at 855 Stahlheber Avenue on approximately 11.7 acres and is currently zoned RPD Residential Planned Development.

Ms. Murphy then goes over the Plan/Proposal Review as included in the Board Packet, summarizing Zoning, Setbacks, Parking, Land Division, Landscaping, Lighting, Interdepartmental Review, and Public Notification for the Public Hearing.

Ms. Murphy then shows a map with the subject property outlined in blue, and gives the following recommendation:

If the Final Development Plan is approved by the Planning Commission, Community Development Department Staff recommends that the Planning Commission approve the Final Development Plan for a new Westover Retirement Community parking lot subject to the following conditions of approval:

1. The construction drawings for the proposed work, including site/engineering plans, to be revised subject to any future requirements of the City Interdepartmental Review (IDR) Committee upon review.
2. All proposed landscaping item sizes to conform to the minimum size requirements found in Section 1110.20 of the Hamilton Zoning Ordinance. (Deciduous trees minimum of 2 ½ inches caliper, evergreen trees minimum of six (6') feet in height, shrubs/bushes minimum of 12 inches).
3. Landscaping, privacy fencing, fencing, parking lot surface, lighting, striping and other improvements be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Development Plan.

4. The six (6') foot vinyl privacy fence be extended along the south property line of 855 Stahlheber where it abuts 234 Brookwood Avenue.
5. The two lots (22049 & 22050) to be consolidated into the larger parcel through Lot Combination procedure.

With no one in the audience wishing to speak, Mr. Samoviski made a Motion to close the Public Hearing. With a 2nd by Mr. Belew and all "ayes", the Public Hearing is closed.

Mr. Samoviski made a Motion to approve the request as presented, with the five conditions of approval as recommended. With a 2nd by Ms. Horsley and all "ayes" to roll call vote, the Motion is passed by a vote of 5-0.

Agenda Item #3 **Staff: Heather Hodges**
Request for Specific Approval to permit a Retail Use (Furniture Store) on property zoned BPD Business Planned Development located at 3105 Dixie Highway (Joel Tiberghien, Applicant)

BACKGROUND INFORMATION

Mr. Joel Tiberghien, representing Cambridge Real Estate Partners, has submitted an application for a Specific Approval to allow a Retail Use in the Business Planned Development (BPD) Zoning District. The proposed business is to be located at 3105 Dixie Highway, located in the Cambridge Plaza Development, which is a 12.8 acre parcel containing several businesses. The current zoning on the property is BPD - Business Planned Development. Section 1122.130 of the Hamilton Zoning Ordinance requires that the Planning Commission grant Specific Approval for the operation of Retail Use that is different (more intense) than retail uses permitted in the B-1 Neighborhood Business District. The proposed use, more specifically described by the Applicant as a Furniture Store (including a Showroom and Warehouse), would be located between St. Aloysius Forensics storefront and to the north and south of the existing Dollar General storefront, occupying two tenant spaces for a total of 37,962 square feet. Both tenant spaces associated with this request are currently vacant.

Mr. Tiberghien submitted the following description of the project:

"The proposed furniture store is intended to occupy 37,962 SF of the total 97,000 SF Cambridge Plaza property. The showroom will be located between St Aloysius-Forensics space and Dollar General. The showroom store will be approximately 18,000 SF with warehousing and shipping immediately to the west separated by a wall."

This project description (along with the submitted plan showing the building layout and site plan) was attached for the Board's review.

Mrs. Hodges then goes over the Plan/Proposal Review as included in the Board Packet, summarizing Zoning, Setbacks, Parking, Access, Land Division, Lighting, Landscaping, Interdepartmental Review, and Signage. She concludes by saying that this item did not need notification as a Public Hearing.

Mrs. Hodges then shows a map with the subject property outlined in red, the surrounding zoning, and gives the following recommendation:

If the request for Specific Approval to operate a Retail Use, a Furniture Store, in a Business Planned Development, located at 3105 Dixie Highway is recommended for approval by the Planning Commission, the Community Development Department Staff recommends that the approval be subject to the following conditions:

1. The construction drawings for the proposed work, including site/engineering plans, be revised subject to any future requirements of the City Interdepartmental Review (IDR) Committee upon review.
2. That Outdoor Sales not be permitted. All merchandise for sale must be located inside the building.
3. Proposed signage (permanent and temporary) shall comply with Section 1138.00 of the Hamilton Zoning Ordinance.

Mr. McAllister voiced a concern about the signage with regard to the property sitting so far off of the highway. Mr. Tiberghien said that they are landlord of the building and they will be in full compliance. He said that there is a pylon sign in the lot now.

Mr. Alf thanked Mr. Tiberghien for investing in the community.

Mr. Samoviski made a Motion to approve the request as presented, with the three conditions of approval as recommended. With a 2nd by Mr. Alf and all "ayes" to roll call vote, the Motion is passed by a vote of 5-0.

Agenda Item #4 - Public Hearing **Staff: Meredith Murphy**
Request by KHAN Signs Inc., to approve proposed wall signage on property zoned BPD Business Planned Development located at 1 North Brookwood Avenue. (KIMBEC Properties LLC/ KHAN Signs Inc., Owner/Applicant).

Introduction:

Khan Signs has submitted a request, on behalf of Kimbec Properties LLC, for a new wall sign at 1 N. Brookwood Avenue. The proposed sign is for Urgent Care of Hamilton office that is currently at the location. The proposed sign is a wall sign to be placed on the parapet of the building facing Main Street. The proposed wall sign is approximately 11.25 feet in width and 4.5 feet in height (approximately 50.6 square feet). The proposed sign will consist of Aluminum channel letters mounted to the building.

Since the property is located in the Hamilton West Shopping Center BPD zoning district it requires Planning Commission approval of the proposed wall sign. The proposed wall sign must also meet the adopted guidelines for the Hamilton West Shopping Center Signs, approved by the Planning Commission on September 6, 1966 which are as follows:

1. The signs should consist of only the name of the Store – no additional advertising messages should be conveyed
2. The horizontal Space occupied by the sign may not exceed 80% of the width of the parapet; the vertical distance occupied by the letters may not exceed 70% of the height of the parapet, unless it is a trademark.
3. Signs shall be placed not less than 12 inches above the pedestrian canopy
4. Store information signs are to be centered on the face of the parapet.

Since the proposed wall sign does not meet condition 2, the Planning Commission must approve the proposed wall sign in order for it to be erected on the building.

Ms. Murphy then shows a zoning map with the property outlined in red, as well as the properties surrounding the subject property, and gives the following recommendation:

If approved by the Planning Commission, the Department of Community Development recommends the following conditions of approval be associated with the request to erect a wall sign at 1 North Brookwood Avenue.

1. The construction drawings for the proposed sign to be revised subject to any future requirements of the City's Interdepartmental Review (IDR) Committee upon review.
2. That the proposed sign be maintained in good repair and repaired/replaced as necessary to remain in compliance with the Planning Commission approval.
3. Temporary signage shall comply with Section 1138.00 of the Hamilton Zoning Ordinance.

Ms. Murphy concludes by saying that there is no Public Hearing necessary for this item, so no notices were mailed out.

Mr. Samoviski made a Motion to approve the request as presented, with the three conditions of approval as recommended. With a 2nd by Mr. Belew and all "ayes" to roll call vote, the Motion is passed by a vote of 5-0.

Reports:

1. There is an upcoming Architectural Design Review Board meeting set for September 6, 2016. The meeting previously set for August 16 was cancelled due to no cases.
2. There is an upcoming Board of Zoning Appeals meeting set for September 1, 2016. There is one case on the agenda at this time for 1150 Hooven Avenue for a variance on lot size for an Automotive Repair Facility. If that variance is approved, it will then go before the Planning Commission for recommendation to City Council.
3. Verbal Report on previous Planning Commission cases in progress:

- 200 & 218 Brookwood Rezoning – Approved, Effective 9/9/16
- Exempt Signs Amendment – Approved, Effective 9/9/16
- COA Fees Amendment – Approved, Effective 9/9/16
- 735 S. Erie Blvd Conditional Use – First Reading 8/24/16; Second Reading 9/14/16
- 140 Ross Ave Conditional Use – First Reading 8/24/16; Second Reading 9/14/16
- Bender Avenue Alley Vacation – First Reading 8/24/16; Second Reading 9/14/16

Mr. Scharf commended Mrs. Hodges and Ms. Murphy for the fine job that they did on presenting at the meeting in Mr. Creech's absence.

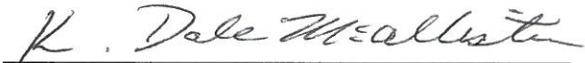
Adjournment:

Mr. Samoviski made a Motion to adjourn. With a 2nd by Mr. Belew and all "ayes", the meeting was adjourned.

Respectfully submitted,

Ms. Kim Kirsch
Administrative Assistant


Mr. Eugene Scharf
Secretary


Mr. Dale McAllister
Chairman

**PLANNING COMMISSION MEETING
City of Hamilton Council Chambers**

MEETING DATE: 8/5/16

MEETING TIME: 1:30 PM

Please sign in and provide requested information. Thank you for your participation.

Name	Agency	Address	Phone	Email
Jonathan Wocher	Mc Bride Park Claver/Clover	8089 5721 Morgan Way, Ste 300 Columbia, MO 65201	561-6252x4	jwocher@mcbriedepark.com
MARIE BRADSTREET	Claver DEVELOPMENT	348 Hampers Hill Rd Williamsville, NY 14221	716-688-8140	mbradstreet@claverdevelopment.com
Muhammad Shamon	KITAN SIGNS	11911 Reading Ckt 45241	513-733-5426	KITANSIGNS@FUSE.NET
JOEL BERGHEIM	DBS	11590 Embury Blvd. 45246	513-600-1941	joel@claver.com
Stephen Mesley		1840 Gardner Rd	513-887-8888	rmesley@aol.com
<i>[Signature]</i>		1821 C. Gardner	289-2838	