

RECORD OF PROCEEDINGS

Minutes of

UNION TOWNSHIP ZONING COMMISSION

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

JUNE 12 20 13

The June 12, 2013 meeting of the Union Township Zoning Commission was called to order at 7:00 PM by Chairman Don Grove, with an invitation to the Pledge of Allegiance. Also in attendance were Vice Chairman Joseph Rennekamp and members Carol Pelfrey Bill Shannon. Alternate Barbara Apel sat in for member Eric Louis, who was unable to attend. Cory Wm. Wright, Assistant Township Administrator and Planning & Zoning Director, represented the Planning & Zoning Department. The minutes of the April 10, 2013 meeting were duly approved as distributed, with Mr. Grove abstaining. Cases #3-13-Z and 1-13-T were heard. Those wishing to give testimony were sworn universi.

Mr. Wright introduced Case #3-13-Z submitted by Prem and Suksham Dhamija for their property at 4137 and 4155 Mt. Carmel-Tobasco Road seeking a rezoning on 10.33 acres from R-3 and R-2 Residential Districts to Planned Development. The parcels have been reconfigured to provide buffering and detention for development of lands adjoining the existing Belleville Apartments in a similar design and style. The proposed second phase would contain 48 units on 7 acres, or 6.8 units per acre for an overall density of 7.94 units/acre. The plan allows for 150 residential parking spaces and more than 1.49 acres in green space to buffer adjoining residences. In the proposed second phase approximately 25% of the area will be devoted to structure, with 75 % devoted to passive or active open space or landscaping. The only two access points will be from Mt. Carmel-Tobasco Road. Adjoining developments include 8-10 units per acre attached units or apartments, with some pockets of residential and commercial uses along the corridor. Clermont County Planning Commission met on May 28, 2013 and recommended approval. The Union Township Fire Department has no issues regarding the proposal. The PD District is identified in the Land Use Plan as the preferred method of development in this corridor, allowing for harmonious use and buffering. This plan includes a 21.3% buffering, no clear area, well in excess of PD requirements with the closest structure setback at 40 feet. Storm water is well addressed and the all-brick structures are to be of high-quality design. Staff would recommend that signage be limited to monument style, all agency comments be addressed during final review, and that the rear buffer area be labeled a "no-clearing zone" to be preserved in perpetuity.

William Fiedler, spoke as the architect for the applicants. Mr. Fiedler explained how the properties have been acquired and reconfigured to accommodate the design, with the heavily wooded areas and high tension easement figuring into the placement of parking and storm water retention systems. Mr. Fiedler described plans for two story brick structures, brick dumpster enclosures, landscaping and residential lamppost lighting. The wooded area adjacent to the R-2 homes is labeled green belt, no-clear areas, except for area cleared by Duke for its power easement.

Judy Klohs, 472 Courtland Place, Cincinnati, Ohio 45255, asked Mr. Fiedler to demonstrate the plan for the audience. Mr. Grove suggested that could be done after all comments. Linda Wilson, 558 Old Orchard Drive, Cincinnati, Ohio 45255, was concerned, as promises made in the past when Apple Valley and Old Orchard were developed were not upheld. Ms. Wilson would like for the westernmost building to be removed or moved elsewhere as the residents and the wildlife are the ones being impacted. Jack Dement, 425 McIntosh Drive, Cincinnati, Ohio 45255, will be looking at the westernmost building through his backyard and would also like it to be moved. Mr. Dement cited the difficulties in getting in and out of his street at peak hours and is concerned about additional traffic. Art Wilhelm, 427 McIntosh Drive, Cincinnati, Ohio 45255 echoed Mr. Dement's comments. Elena Maline, 478 Courtland Place, Cincinnati, Ohio 45255, stated that she had spoken with the applicant who had agreed to install privacy fence to block the westernmost building. Ms. Maline also discussed a possible property swap between the developments to transfer the green space at the rear and transfer frontage to Mr. Dhamija. Mr. Fiedler repeated the explanation of the design to benefit the audience, at Mr. Gove's suggestion.

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With no further comments, public discussion was closed. Mrs. Pelfrey said her questions had been addressed. Mr. Rennekamp thought that moving that rear building would be a good idea if feasible, as it seemed to be the most contentious element, and offered a few suggestions. Mr. Grove stated that the traffic was always going to be an issue on Mt. Carmel-Tobasco and that the county engineer would have input into on that subject. Mr. Grove asked how eliminating that building would impact the return of investment. Mr. Fiedler replied that Mr. Rennekamp's suggestion to swing the building and redesign the parking would increase the rear green space might be workable. Mr. Fiedler also stated for the audience that a PD designation would require specific approvals should any changes to the development plan be put forth in future. Mrs. Apel asked about the nature of the housing with regard to additional students for Brantner Elementary and Mr. Fiedler replied they were two bedroom units. Mr. Grove asked if an alternate layout could be drawn up for the Board of Trustees consideration and Mr. Fiedler thought he might be able to get a preliminary drawing without all the details of parking, sidewalk, landscaping, and stormwater done in time.

Mr. Rennekamp moved to approve Case 3-13-Z with the conditions as outlined in the Staff Report, also recommending moving the rear-most building to a preferred area in front of Duke's easement or to the front along Mt. Carmel-Tobasco Road, reconfiguring the layout accordingly. Discussion followed regarding clarification of the proposal to relocate the rear building to the eastern side of the easement and utilizing the area west of the easement for facilities such as parking, storm water management, play area or green space. Mr. Grove Seconded the motion.

ROLL CALL: Mr. Rennekamp, aye; Mr. Grove, aye; Mrs. Apel, aye; Mr. Shannon, aye; Mrs. Pelfrey, aye.

Mr. Grove explained that this matter would go before the Board of Trustees at their July 11, 2013 meeting. Mr. Fiedler asked if the Trustees might table the matter and Mr. Wright replied that the while the Trustees were bound to hear the matter within a given time frame, the applicant may ask that a continuance be granted at that hearing. The audience was given a few moments to should they choose to depart before the hearing of Case #1-13-T began.

Mr. Wright introduced Case #1-13-T initiated by Resolution of the Board of Trustees on May 9, 2013 for the purpose of amending to Section 671, providing specific rules and guidance regarding the establishment of Drug Rehabilitation Clinics within the M-1 District and amending the definition of "clinic" and adding a definition for "drug rehabilitation clinics." The Clermont County Planning Commission recommended approval at their May 28, 2013 meeting. By defining Drug Rehabilitation Clinics, in accordance with purposes established in its Preamble, the Zoning Resolution can clearly distinguish and regulate these uses as an independent use category, since special considerations area required as to prevent any deleterious effects upon non-compatible, established residential or commercial uses. Mr. Wright went on to cite references from court proceedings, and news reports detailing potential problems encountered in many communities with certain types of these drug rehabilitation centers. Given the clear evidence surrounding drug and substance abuse, addiction, related increases in crime and the need to appropriately place these facilities in areas where land use conflicts can be minimized through the establishment of appropriate buffers, the proposed text amendment is well-reasoned and appropriate. By regulating the placement of Drug Rehabilitation Clinics, the zoning resolution will assure that the potential negative secondary effects of these facilities is minimized as to prevent adverse or negative impacts to adjoining land uses.

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With no comment from the audience and general consensus among the members, Mr. Rennekamp moved to approve Case #1-13-T as presented. Mr. Shannon seconded the motion.

ROLL CALL: Mr. Rennekamp, aye; Mr. Shannon, aye; Mrs. Pelfrey, aye; Mrs. Apel, aye; Mr. Grove, aye.

A short discussion of properties with maintenance issues followed the business of the day. With no further business, the meeting was adjourned at 7:51 PM.

Approved by:



Don Grove, Chairman