

Staff Report, Case# 3-13-Z:

NATURE OF REQUEST

The Applicant is requesting the approval of two (2) Major Amendments to a Planned Development District from the Union Township Board of Trustees. The first amendment is for a 6.933-acre property (PID 413214E048P) and involves the establishment of three (3) buildings totaling 24 multi-family dwelling units on the subject property. **Please refer to the Applicant's statements, plans, and other application enclosures.* The second amendment is for four parcels (PID 413214E001., 413214E006A., 413214E008A., & 413214E010A.) totaling 1.217 +/- acres and involves the establishment of one (1) building totaling 8 multi-family dwelling units to be added to the original PD property.

LOCATION

The subject property is located at 4137 Mt. Carmel-Tobasco Road—which is on the western side of Mt. Carmel-Tobasco Road, in the southwestern quadrant of Union Township.

ZONING

The affected property is zoned Planned Development. The lands surrounding the subject property to the south, east, and west are zoned predominantly Single Family Detached Residential (R-2), with Planned Development (PD) directly to the north.

RELATIONSHIP TO THE UNION TOWNSHIP COMPREHENSIVE PLAN

The Horizon 2030: Union Township Comprehensive Land Use Plan indicates that the proposal is located within the Mt. Carmel-Tobasco Mixed Use Corridor. Currently, the northern portion of the corridor contains a variety of commercial, quasi-institutional uses, and varying intensity residential uses. Limited development and redevelopment have occurred in some areas of the Corridor, since the adoption of the Plan.

Mt. Carmel-Tobasco Road is a Minor Arterial 2-lane roadway, with a traffic volume of approximately 10,200 average daily trips (ADT). Significant residential populations are located in or near this area, and the lack of sidewalks results in a safety issue for those seeking alternative modes of transportation.

Among other things, the Plan calls for sidewalks in this area, the use of cross access easements and consolidated, shared driveway configurations whenever practical, and site development to be conducted in a manner that focuses on maximizing land use efficiency with infill development. For commercial development or conversion(s), the use of traditional building materials, adequate vegetative buffering, and landscaping strategies along shared property lines and landscaping enhancements along the corridor frontage is required.

BACKGROUND

The subject 6.933-acre property and the 3.263-acre property to the north were both originally rezoned as a Planned Development (PD) District in 2013, in accordance with a concept development plan. At that time, the 3.263-acre property to the north already contained five (5) buildings totaling 34 multi-family residential units. The originally-approved plan for the 6.933-acre subject property consisted of six (6) buildings of 8 units—totaling 48 multi-family units—and allowed for shared detention and a significant buffer area of approximately 2.47 acres. A minor amendment was permitted in 2013 with respect to the final configuration of the 48 units, as a result of requirements added by the Army Corps of Engineers and the status of the stream traversing the development. A second minor amendment was approved in 2017 to allow a new manager’s office, apartment, and a community room structure on the property.

STAFF REVIEW & ANALYSIS

A review of the Applicant’s proposal indicates that the proposed uses are consistent with the uses that already exist on the subject property, and the adjoining Bellevue Apartment community property to the north; however, the proposed density is higher. The existing residential density of the 6.933-acre property is approximately 7.1 units per acre—while the 1.217-acre tract currently contains only one dwelling unit. With the addition of the three buildings of 8 units (24 total dwelling units) on the 6.933-acre tract, the overall density would increase to 10.53 units per acre. The proposed density on the 1.217-acre property—which would be new land added to the existing PD, if approved—would be 6.57 units per acre. Additionally, it is notable that the location of the 3 proposed buildings on the 6.933-acre tract is within the significant buffer area that was part of the previous development plan, recommended by staff and *approved by the Township in 2013 as a “no clearing zone to be preserved in perpetuity.”* Although the Applicant has attempted to add landscaping and buffering to adhere to the “PD” requirements set forth in Article 6, Section 684 (3) of the Zoning Resolution, it appears that the proposed building and parking layout make it impossible to fully achieve the Township’s requirements along the northwest area of the proposed new development. *The fact that the subject property becomes narrower and more linear for much of the proposed / new buildable area is also a factor in the configuration of the site and the proposed improvements.* The proposed landscaping and buffering on the

1.217-acre tract appears to be adequate, in terms of the Township's Zoning Resolution's requirements.

The architectural standards of the proposed, new buildings follow the blueprint of the 2-story brick units that have been established elsewhere on the site (including the size of each proposed individual unit). All new lighting is indicated to be downward directed, and is intended to match the lighting of the other existing buildings. The proposed parking appears to be adequate, in terms of the number of spaces needed to serve additional units. The proposed stormwater system has been designed to tie into the existing detention basin—which would be enlarged if this plan amendment is approved.

This Major Amendment plan includes an additional, separate request involving a zone map amendment for four (4) parcels totaling 1.217 acres, southeast of the proposed development area included in this request for property at 4127 Mt. Carmel-Tobasco Rd. and Old Orchard Lane. The two (2) requests are intended to be reviewed separately but the design of the proposed improvements has been done in a holistic, concurrent manner. **If one request is not approved but the other is, there would likely be a need to reconfigure the current plans.*

ACTION REQUIRED

In accordance with Sections 680-687 of the Zoning Resolution, the Board of Trustees' role in this process is to either enter a motion to approve, approve with some modification, or deny the Applicant's requests to approve Major Amendments to an approved PD Planned Development District: 1) to establish three (3) buildings totaling 24 multi-family dwelling units on the 6.933-acre tract; and 2) to add four parcels totaling 1.217 +/- acres to the existing PD to establish one (1) building totaling 8 multi-family dwelling units.

RECOMMENDED MODIFICATIONS

If the Board should choose to grant favorable consideration to this PD Major Amendment application, staff recommends that these additional items be modified and / or otherwise be adequately addressed prior to final Township action:

- 1) The Applicant must address any concerns of the County Engineer, Clermont County Water & Sewer District, Clermont County Building Department, the Union Township Fire Department, and / or other regulatory agencies having jurisdiction over the proposed development prior to any final Township action.
- 2) The Applicant should relocate the proposed 6-foot privacy fence so that it is situated between the proposed buildings and the areas to "remain undisturbed"—so that the preserved vegetation is between the proposed fence on the subject property and the adjacent single-family residential area(s) to the south. *All landscaping buffers should be marked as preservation areas, and any vegetation disturbed should be repaired, supplemented, or replaced.* This is an item that can be addressed administratively by staff.

- 3) The Applicant must provide a lighting plan. The final photometric plan needs to be revised to acknowledge that the proposed light being emitted from this site is equal to, or less than, one-half of a foot candle along the north, south, and west property lines.
- 4) Ultimately, a new survey and legal description of all consolidated acreage would need to be provided, prior to any final action. This is an item that can be addressed administratively by staff.
- 5) As of **May 15th, 2023**, the other items that need to be added to the current plans and associated materials prior to any final administrative actions included:
 - a. Parcel number 413214E001 must be labeled correctly on the final plans—as well as the existing building to be removed;
 - b. The net acreage and square footage of the affected parcel needs to be noted;
 - c. The adjacent parcel land uses and zoning need to be identified on any final, revised plans.

RECORD OF PROCEEDINGS

Minutes of

UNION TOWNSHIP ZONING COMMISSION

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

JUNE 12 2013

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.

RECORD OF PROCEEDINGS

Minutes of

UNION TOWNSHIP ZONING COMMISSION

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 1014B

Held

JUNE 12 2013

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.

RECORD OF PROCEEDINGS

Minutes of

UNION TOWNSHIP ZONING COMMISSION

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

JUNE 12 2013

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

REPORT TO THE UNION TOWNSHIP BOARD OF TRUSTEES
ZONING MAP AMENDMENT
CASE # 3-13-Z
PREM & SUKSHAM DHAMIJA, APPLICANT
4137-4155 MT. CARMEL TOBASCO ROAD DEVELOPMENT REQUEST
JULY 11, 2013

APPLICANT

Prem & Suksham Dhamija
7025 Beach Hollow Drive
Cincinnati, OH 45236

CONTACT PERSON

William Fiedler, Architect
William C. Fiedler Architects
5888 Cook Road
Milford, OH 45150

REQUEST

The applicant has submitted an application requesting two parcels (PIN 413214E048P & 413214E090P) totaling 10.33 +/- acres, be rezoned from R-2 Single Family Residential & R-3 Multi-Family Residential to PD Planned Development District, incorporating existing and proposed multi-family dwellings into a single cohesive development.

LOCATION

The subject property is situated along the western side of Mt. Carmel-Tobasco Road, approximately 200' north of Old Orchard Drive, in the southwestern quadrant of Union Township.

PROJECT HISTORY

Originally, the northern-most property was developed as an R-3 Multi-Family development, many years previously, with 34 units developed on 3.3 +/- acres. The remaining property was more recently acquired by the developer/applicant, and was reconfigured to provide buffering and detention for the existing property, plus the adjoining lands contemplated to be developed in this application. The applicant proposes to consolidate the two parcels into a single, two-phased development, the second phase consisting of 48 units on approximately 7 acres (6.8 units/acre), with a blended overall density of approximately 7.94 units/acre.

The applicant proposes two phases – one existing and one new phase, and more than 1.49 acres in greenbelt buffer area to adjoining residential units incorporated into the second phase. In the second phase, a minimal land area will be devoted to building and structure, with nearly 75% or more of the site devoted to open space or landscaping purposes. Access will be coordinated with the existing access point, and a new access point along Mt. Carmel-Tobasco Road, with a connector drive between the two phases, lending to a completed and cohesive feel. Structures will be brick and wood construction, of substantial quality. Ample landscaping is provided on the site plans as well.

LAND USE & ZONING CHARACTERISTICS

Currently, the properties are zoned R-3 Multi Family and R-2 Single Family Residential. The lands surrounding the subject properties are zoned predominantly R-2 Single Family. However, the uses are mainly multi-family residential, since much of the area was developed prior to current zoning restrictions on attached product within the R-2 District. Limited non-conforming commercial properties front Mt. Carmel-Tobasco Road as well, with attached housing product located to the north, west, and east. Some commercial zoning is located further to the south, approaching SR 125. Gross densities are concentrated in this area of the Township.

RELATIONSHIP TO THE UNION TOWNSHIP COMPREHENSIVE LAND USE PLAN 20/20

The *Union Township Comprehensive Land Use Plan 20/20* indicates that the subject property is located within the Mt. Carmel-Tobasco Mixed Use Corridor. The land use plan calls for limited commercial expansion along the corridor where separation from adjoining residential neighborhoods can be achieved, and where a consolidation of parcels is applicable. Further, the plan calls for lower intensity commercial uses, and specifically excludes retail from consideration. The document also calls for the use of PD District zoning to achieve the goals stated for the corridor within the plan.

RELATIONSHIP TO THE UNION TOWNSHIP ZONING RESOLUTION (REVELANT TEXT CITATION)

Article 6, Section 680-687, entitled "PD Planned Development District Regulations" states the following with regard to Planned Development District proposals:

680. "PD" Planned Development District.

The "PD" District's purpose is to provide sites for business or mixed business/residential developments at appropriate locations in relation to existing and potential land uses; to afford an attractive setting for developments; and to harmonize proposed developments with surrounding land uses. These regulations are established pursuant to authorization under Ohio Revised Code Chapter 519 (2001), as amended, for townships to adopt Planned-unit Development zoning.

681. Regulation Conflict.

If a conflict arises between these "PD" regulations or an approved "PD" plan and other sections of this resolution, the "PD" regulations and approved plan shall prevail for land zoned Planned Development District.

682. Approved Plan Governs Use.

Land use for any property in the "PD" District shall be consistent with the use, design, and details contained in the approved "PD" plan for that property and any conditions of approval. Other applicable regulations from this resolution, such as nuisance regulations, also apply to "PD" property. Pursuant to an approved plan, allowed uses in the "PD" District may include those stated in the "B-1" and "M-1" Districts, or substantially similar uses as determined by the Zoning Commission and Board of Trustees. Integrated residential use with commercial development may be considered for approval in the "PD" District, with residential density not to exceed that of the "R-1" District.

683. "PD" Plan Requirements.

1. All site plans shall contain the elements stated in Section 1131. In addition, the following shall be included on the plan:
 - a. Building lot area coverage percentage.
 - b. Residential density, if applicable.
 - c. Detailed description of façade materials for all proposed structures.
2. The site plan shall contain on the cover the following signature lines to be signed by the property owner and Planning & Zoning Director before a zoning certificate is issued
3. A separate landscaping page shall be included in the plan, illustrating the following:
 - a. Landscaping over ten percent of the lot area. Detention/retention areas are not considered part of the ten percent requirement.
 - b. Location and description of landscape plantings, groundcover, and specific treatment of any other open spaces
 - c. A ten foot landscaped buffer yard along any public right-of-way or private street easement. A continuous three foot grass (or other plant covered) berm or continuous row of three foot tall (at planting) shrubs, setback at least three feet from the right-of-way or easement line, shall be provided within the buffer yard.
 - d. A twenty foot landscaped buffer yard along any adjoining residential zone. The buffer yard must also contain one of the following screening mechanisms:
 - (1) A continuous wood privacy fence at least six feet high and at least one tree four feet tall (at planting) spaced every ten feet on the neighbor's side of the fence; or
 - (2) A continuous row of evergreens at least six feet tall (at planting), spaced no more than five feet; or
 - (3) A continuous grass (or other plant covered) berm at least five feet tall and at least one tree four feet tall (at planting) spaced every ten feet along the berm crest.
 - (4) If existing natural vegetation is proposed as screening, the landscape plan must provide detail of existing conditions sufficient to show screening equivalent to the above exists, and with sufficient detail for future zoning enforcement purposes.
 - e. Buffer yards must be landscaped and may not contain any other uses. Landscaped detention/retention may be placed in the buffer yard provided it does not interfere with the adjoining property.
 - f. In addition to the ten percent general landscaping requirement, internal planting Islands equal to five percent of the entire parking lot area shall be placed within parking lots. The Islands shall be dispersed so to breakup the pavement expanse. Internal planting Islands shall be curbed, and contain a minimum area of one hundred twenty square feet and eight feet of width. At least one shade-type tree a minimum of eight feet tall at installation shall be included for each two hundred square feet of internal planting area. Developments with twenty or fewer total parking spaces are exempt from this requirement.

687. **Supplemental Provisions.**

1. Signage shall be consistent with the nature and scope of the development exclusive of Article 9.
2. Buffer yards, screening, landscaping, vegetation, and all other plan elements shall be in place by the time the Union Township Planning & Zoning Department issues a certificate of occupancy, or at such time as construction substantially ceases, whichever occurs first.
3. The failure to maintain open spaces, hard surfaces, and landscaping in good condition is a violation of the "PD" plan.
4. Forty feet of right-of-way shall be dedicated for all properties fronting on public streets. The forty feet of right-of-way is "half" right-of-way, i.e., measured from the center of the road. By specific motion, the Zoning Commission or Board of Trustees may exempt a development from this requirement if appropriate. If total right-of-way equals eighty feet or more, no additional right-of-way shall be required unless necessary for special circumstances or improvements.
5. Prior to issuance of a zoning certificate, the property owner shall provide to the Planning & Zoning Department copies of executed and recorded cross easements to all adjoining property owners that share a common street frontage (public or private) with the "PD" property. The cross easements shall allow, at a minimum, use by automobile and delivery vehicle traffic. The general location of the cross connections shall be shown on the "PD" plan. By specific motion, the Zoning Commission or Board of Trustees may waive this requirement if appropriate. The requirement is waived automatically if a publicly dedicated frontage road serves both the development and adjoining properties.
6. Prior to issuance of a zoning certificate, the applicant shall record all necessary plats consolidating, dividing, and dedicating right-of-way consistent with the boundaries represented on the "PD" plan and/or conditions or approval.
7. Any exterior pole lighting, canopy lighting, or similar lighting shall be flat lens design and shielded so that all light is down directed. Sag lens lighting is prohibited. Where the "PD" property adjoins or is within one hundred fifty feet of a residential zone, lighting shall be directed away from the residential property. Any building mounted lighting shall contain shields directing lighting downward preventing spillover onto adjoining property. If within fifty feet of a residential zone, building mounted lighting facing the residential property (other than recessed soffit mounted lights) shall be installed no higher than four feet from grade.
8. Parking requirements shall comply with Article 8, Off-Street Parking and Loading Regulations, unless otherwise modified in the plan. A justification note shall accompany any modification on the plan.
9. Building lot area coverage may not exceed thirty-five percent and building height may not exceed seventy-five feet.
10. Minimum building separation shall be maintained in accordance with fire and building codes. The number of buildings per lot, minimum setbacks (except for residential and right-of-way buffer yards), and minimum lot size are otherwise variable for the "PD" District.
11. The applicant shall make available in advance of any hearing by the Zoning Commission the results of any site distance or traffic study requested by the Clermont County Engineer. The applicant shall also provide confirmation from the appropriate governmental agency showing resolution of any issues raised pertaining to the development. Failure to provide this information in adequate time or advance review by Zoning Commission members may be grounds for denial of the application.
12. The standards and conditions stated in these regulations are minimums. The Planning & Zoning Director, Zoning Commission, and Board of Trustees may impose higher standards if warranted based upon the unique circumstances of a given development.
13. No construction shall proceed prior to the issuance of a zoning certificate. No property shall be used or occupied prior to issuance of a certificate of occupancy endorsement from the Union Township Planning & Zoning Department.
14. The Board of Zoning Appeals is without authority to alter or amend "PD" plans.

CLERMONT COUNTY REVIEW COMMENTS

The Clermont County Planning Commission considered the zoning-map amendment request at its 5th Regular Meeting, held on May 28, 2013. At that meeting, County Planning Staff reviewed the case and indicated that the proposed map amendment should be approved, as the proposal was consistent with the adopted land use plan. The Planning Commission subsequently voted unanimously to recommend approval to the Township Zoning Commission, contingent upon addressing all agency comments received.

UNION TOWNSHIP FIRE DEPARTMENT REVIEW COMMENTS

The Union Township Fire Department has reviewed the zoning-map amendment case for the proposed development and has no comment regarding the applicants' proposal as submitted, and therefore recommends approval of the development and zoning change.

ZONING COMMISSION RECOMMENDATION:

The Union Township Zoning Commission met on June 12, 2013 and reviewed the applicant's request for PD zoning and the accompanying formal development plan. At that meeting, the property was of interest to several adjoining property owners, who expressed concerns regarding the scope, area, and placement of several structures within the development. The Zoning Commission, seeking to address the concerns of adjoining owners, and balance the applicant's desire to develop, proposed shifting two of the western most structures to re-orient the development towards Mt. Carmel-Tobasco, and place parking and detention beneath electric transmission lines, thus substantially increasing both open space and setbacks to existing residential properties. Ultimately, the Zoning Commission recommended approval of the applicant's request to rezone the subject property with the following modifications, as further indicated below:

1. That the applicant addresses the concerns of the Clermont County Engineer's Office, Clermont County Water & Sewer District, and the Union Township Fire Department during Final Development Approval.

2. Monument style signage, constructed to a height of no more than 12' from finished grade, shall be the required standard for all new and/or replacement on-premise signage installed on the subject property.
3. The buffer area in the southwestern portion of the site should be labeled as a "no clearing zone" to be preserved in perpetuity.
4. The applicant shall provide final open space calculations and percentages on the plans, even though the area shown exceeds the 20% open space requirement.
5. That the applicant relocate 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

STAFF REVIEW & ANALYSIS

A review of the applicant's proposal indicates that this map amendment is appropriate for the area in question, and in the context of the adopted Land Use Plan. Specifically, the PD District has been identified as the preferred method to achieve the goals of harmonious mixed use this Corridor, and therefore, presents an opportunity for the construction of a development that buffers and compliments the surrounding land uses. Furthermore, the PD Designation allows for greater flexibility in site design, and promotes a high quality aesthetic, through the deployment of monument signage, landscaping, enhanced façade materials, and innovative site design. In this sense, then, the proposal is consistent with the adopted land use plan. Furthermore, the applicant's proposal blends existing density with more moderate proposed density and green space, thereby ensuring appropriate buffering and compatibility with surrounding land uses.

The proposed development incorporates an existing multi-family development as the first phase, with the second phase consisting of 48 new residential units on approximately 7 acres, yielding a gross density of approximately 6.8 units/acre within the proposed development. With the incorporation of the changes in the site design and building placement as recommended by the Zoning Commission, the development will have more open space and landscaped area than initially contemplated, and the development will be significantly further from established residential along the southern and western property lines. Furthermore, the applicant has addressed the concerns of the adjoining property owners through the site redesign, leading to a harmonious relationship with surrounding land uses. The applicant has deployed creative stormwater mitigation and detention strategies on the subject property, with open channels included in the parking lot design, routed to a regional basin serving both phases of the development. The development will maintain a connected access drive, providing multiple means of ingress/egress. Structures are proposed to be all-brick construction, with high quality materials utilized and attractive architectural elevations presented. The project contemplates significant per-unit investment.

ACTION REQUIRED

In accordance with Section 680-687 of the Zoning Resolution, the Board is to enter a motion to approve as recommended by the Zoning Commission, approve with further modifications, or deny the applicant's request to rezone the subject property from R-2 Single Family Residential and R-3 Multi-Family Residential to PD Planned Development District, as submitted and as further recommended by the Zoning Commission, in accordance with the revised site plans submitted by the applicant's representative, with any further modifications as deemed appropriate.

UNION TOWNSHIP APPLICATION FOR
PLANNED DEVELOPMENT DISTRICT
MAJOR AMENDMENT

PLEASE TYPE OR PRINT

I. ZONING CASE NUMBER 3-13-8

II. PROPERTY INFORMATION

Address 4137 MT. CARMEL TOBACCO RD

Clermont County Auditor's Tax Parcel Number (PIN#) 41-32-14E-001

413214E009A 413214E006A

III. PROPERTY OWNER INFORMATION 413214E010A, 413214E048, 413214, 090P

Property Owner Name PAUL DHARMA

Contact person who is a regular employee or officer of property owner

SAME

Contact person phone 513-235-6209

Mailing Address 7029 BEECH Hollow DRIVE
CINCINNATI, OHIO 45236-1470

IV. APPLICANT INFORMATION (if same as property owner, check here and skip to next section)

Applicant Contact Person CARL E. HARTMAN Phone 513-608-7918

Company C.E. HARTMAN, ENGINEER

Relationship to Owner AGENT

Mailing Address 3478 HOW RIDGE, CINCINNATI, OHIO 45245

V. PLEASE ATTACH A PAGE DESCRIBING THE PROPOSED AMENDMENTS

VI. PLEASE ATTACH WRITTEN AUTHORIZATION FROM THE OFFICES OF THE
CLERMONT COUNTY ENGINEER; THE CLERMONT COUNTY WATER AND SOIL
CONSERVATION DISTRICT; AND THE CLERMONT COUNTY WATER AND SEWER
DISTRICT CONFIRMING THAT THE AMENDMENTS CONFORM TO THEIR REGULATIONS

VII. PLEASE PROVIDE 10 COPIES OF PROPOSED PLAT CONFORMING TO SECTION 686

I hereby request the above amendments to the approved "PD" Planned Development District plat governing this property. I certify that I am duly authorized by the property owner to submit this application.

Paul E. Hartman P.E., P.S.

Applicant Signature

CARL E. HARTMAN

Print name

QUESTIONS? PLEASE CALL THE PLANNING & ZONING DEPARTMENT AT (513) 753-2300

VI. ADJACENT PROPERTY OWNERS

The following are the individuals, entities, or corporations and their mailing addresses as they appear in the county auditor's tax list as owners of property adjacent to the subject property. **Adjacent property owners include those across streets and touching the property in any manner.** (Use additional sheets if necessary).

1. Name PREM DHAMIJA Parcel ID# 413214E 048P
Mailing Address 7025 BEECH HOLLOW DR, CINTI, OHIO 45236
2. JUNIOR & PATRICIA PHILPOT Parcel ID# 413214E 050
4130 MT. CARMEL TOBASCO RD CINTI, OHIO 45255
3. JUNIOR & PATRICIA PHILPOT Parcel ID# 413214E 052
4130 MT. CARMEL TOBASCO RD CINTI, OHIO 45255
4. JOHN & SHERRY BECKER Parcel ID# 413214E 090
4122 MT. CARMEL TOBASCO RD CINTI, OHIO 45255
5. MICHAEL JOHNSON Parcel ID# 413214E 002
4123 MT. CARMEL TOBASCO RD CINTI, OHIO 45255
6. OLIVA FOX Parcel ID# 413214E 012
575 OLD ORCHARD DR, CINTI, OHIO 45255
7. DENNIS & BELINDA BALL Parcel ID# 414127.001
540 OLD ORCHARD DR CINTI, OHIO 45255
8. _____ Parcel ID# _____
9. FOR ADDITIONAL NAMES & DATA SEE
SUPPLEMENTAL LIST Parcel ID# _____
10. _____ Parcel ID# _____
11. _____ Parcel ID# _____
12. _____ Parcel ID# _____
13. _____ Parcel ID# _____

CARL G. HARTMAN PE, PS
3478 Holly Ridge Drive
Cincinnati, Ohio 45245
513 608 7918

engineercarlhartman@gmail.com

March 25, 2023

Mark McCormack
Union Township
Aicholtz Rd
Cincinnati, Ohio 45245

Re; 4137 Mount Carmel Tobasco Rd.

Mark,

We are filing applications and supporting information relating to expanding Belleview Apartment community. Our request is different from most requests as we are requesting both a district change and a Major Amendment to an existing PD. The district change plan and Major Amendment information are included in our total package. A summary of our submitted data is as follows:

District Zone Change

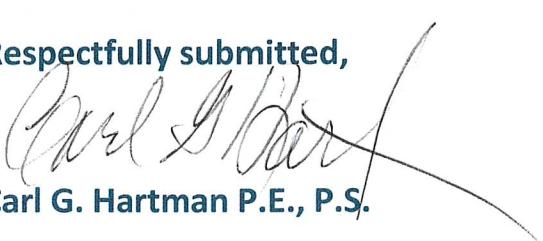
- **15 copies of:**
 - **Completed applications for both District Change and a Major Amendment for a PD.**
 - **Plat of owners names within 200 feet of site.**
 - **Site Plan and Landscape plan**
 - **Auditors GIS Map**
 - **Response for Article V and Article VI**
 - **Narrative**
 - **Letter from Neighbor Johnson in support of District Change**

- Copies of Deeds
- Response from Water Resources as to availability of sewer and water.
- Response from Soil & Water and our response to his comments.
- Copy of email request to staff of County Engineer
- Checks payable to Union Township for a total of \$1400.

We shall be forwarding a pdf file of the site and landscape plan for your presentations.

Please advise if we can provide you with additional information.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Carl G. Hartman".

Carl G. Hartman

Carl G. Hartman P.E., P.S.

CARL G. HARTMAN PE, PS

3478 Holly Ridge Drive

Cincinnati, Ohio 45245

513 608 7918

engineercarlhartman@gmail.com

Narrative

Bellevue Apartments

R-2 to PD & Major Amendment case # 3-13-Z

Rezoning of new parcels

- 413214E001 --- 0.38 Ac.--- owner Prem & Suksam Dhamija
- 413 214E010A --- 0.134 Ac ---contract to purchase Prem & Suksam Dhamija
- 413214E008A --- 0.134 Ac ----contract to purchase Prem & Suksam Dhamija
- 413214E006A --- 0.134 AC.----contract to purchase Prem & Suksam Dhamija

Major amendment parcel

- 413214E048P --- case #3-13-Z October 2017 ---- owner Prem & Suksam Dhamija

This applications and plans all relate to Bellevue Apartment community. One parcel is currently zoned PD for the development. The new parcels are under contract to purchase by Dhamija,

The subject parcels are adjacent and south of property located at 4137 Mt Carmel Tobasco Rd. which is currently a successful multi-family community. Both the location and quality of the community oft times result in potential individuals or couples being placed on a waiting list prior to being able to “move in”.

Consequently, the Dhamijas desire to add to their community to meet the demand. The Dhamijas current community includes the adjacent property to the north (413214E08P – 3.263 Ac). This property is currently zoned PD.

It is the desire of the Dhamijas to add the existing parcels to the current PD parcel. This would allow for an additional 32 units along with additional parking. It would

also provide an additional point of access onto Old Orchard Drive which will benefit the total community in the event of any need for fire or EMS services. The secondary connection to Old Orchard Lane was mentioned and “preferred” in the staff report of October 12, 2017. The previously undeveloped portion of the site will contain three buildings = 24 units.

The existing Bellevue community consists of 85 units. All new buildings will be the same as the existing:

- Each building will be 2 stories
- All buildings are fully brick faced
- Each building module will contain 8 units
- Each unit = 1329 s.f.
- 2 bedrooms
- 2 full bath rooms
- Laundry room
- Each building module will have lighting at the front corners as wall pac units and directed downward.

Combined site plan

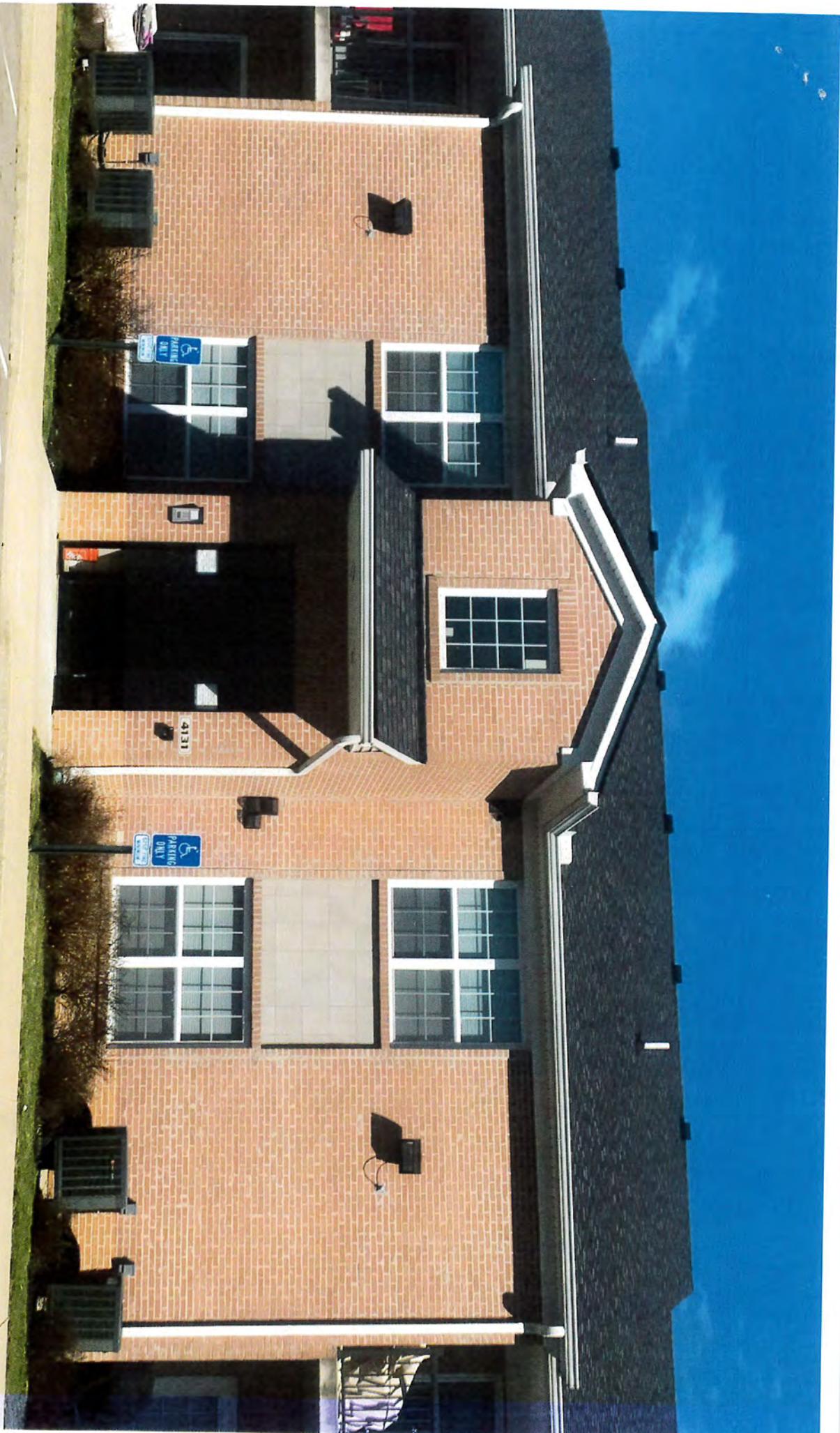
The site plan integrates and is coordinated with all parcels associated in both rezoning and major amendment applications. The internal driveway and parking patterns allow for safe flow of vehicles and provides adequate parking.

Landscaping for both applications is shown on the site plan and is coordinated with placement of privacy landscaping that borders adjacent residential properties.

Similar to the existing buildings exterior lighting will be wall pac units at the front corners of each unit. Lighting will be directed downward.

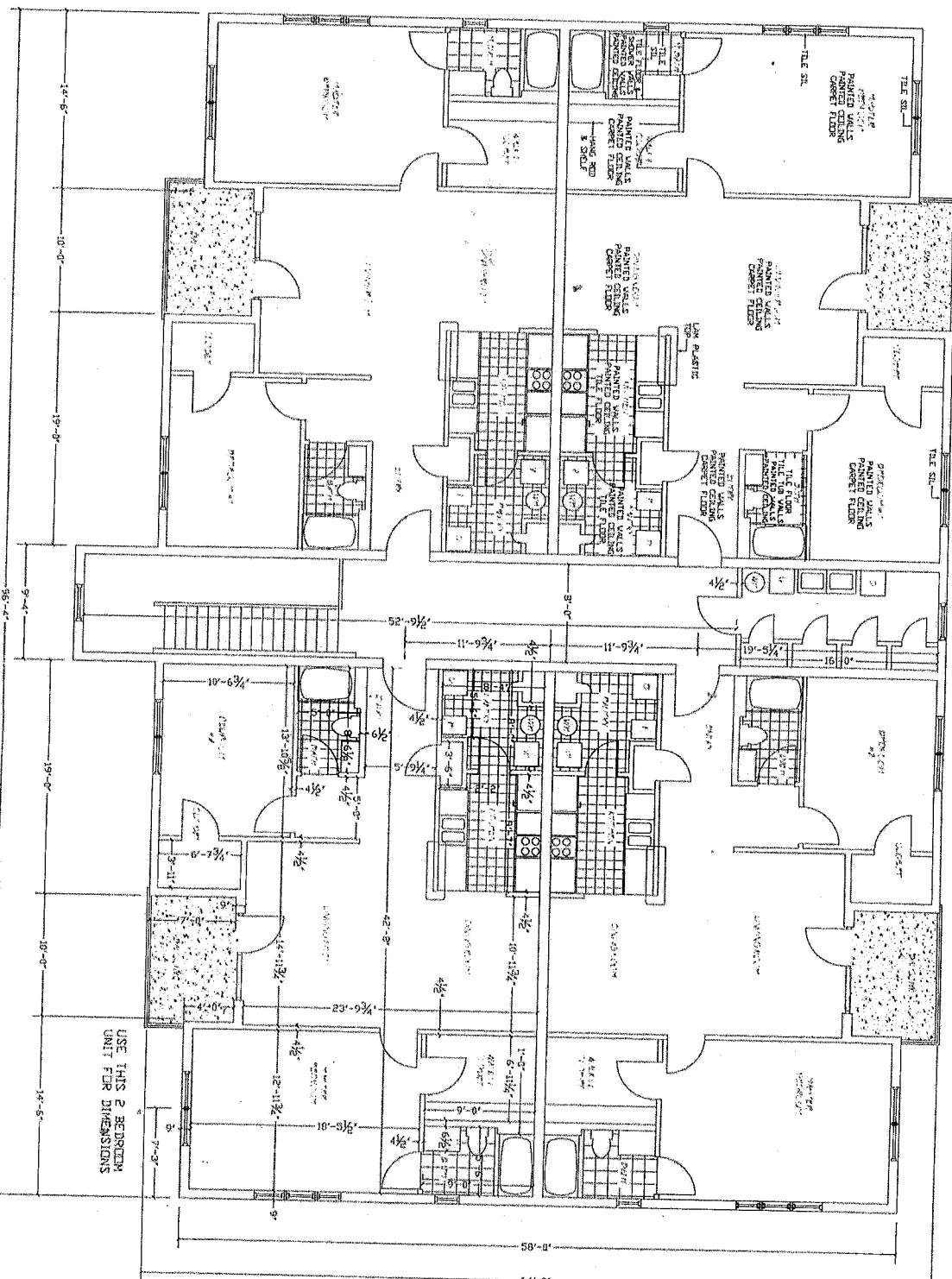
An additional gated trash enclosure is conveniently located to easily accommodate the residents.

The extension of sidewalks is included along Mt. Carmel Tobasco Rd.



437 Tolman

SECOND FLOOR PLAN



USE THIS SECTION UNIT FOR DIMENSIONS

15

24

SECOND
FLLOOR PLAN

PLANNED DEVELOPMENT
BELLEVILLE APARTMENTS (2)
4131 MT. CARMEL-TABASCO RD.
UNION TOWNSHIP CLERMONT CO. OH

5888 COOK ROAD
MURDO, SOUTH DAKOTA 57550
(605) 837-3212

WILLIAM
C.
FIEDLER
ARCHITECT

engineercarlhartman@gmail.com

From: Woodall, Heather <hwoodall@clermontcountyohio.gov>
Sent: Thursday, December 1, 2022 2:08 PM
To: engineercarlhartman@gmail.com
Subject: 4137 Mt. Carmel Tabasco Capacity

Carl,

I did confirm with Water Resources, there is capacity for the additional multi-family units at 4137 Mt. Carmel Tabasco.

Thanks,

Heather Woodall
Engineer, Water Resources/Building Inspection Department
2275 Bauer Road
Batavia, OH 45103
Phone (513) 732-7737
Fax (513) 732-7163
hwoodall@clermontcountyohio.gov

engineercarlhartman@gmail.com

From: engineercarlhartman@gmail.com
Sent: Saturday, March 25, 2023 10:47 AM
To: 'McManus, John'
Cc: 'Prem Dhamija'; 'Mark McCormack'
Subject: RE: 4137MtCarmel.pdf

John,

Thanks for your quick response. The concerns will be addressed in preparation of the final development plans. It is common in southwest Ohio for retention/detention basins to be placed in transmission easements. One example is the Union Center development in Butler county,

Again thanks

Carl

From: McManus, John <jmcmanus@clermontcountyohio.gov>
Sent: Friday, March 24, 2023 3:21 PM
To: engineercarlhartman@gmail.com
Cc: 'Prem Dhamija' <premkdhamija@gmail.com>; 'Mark McCormack' <mmccormack@union-township.oh.us>
Subject: RE: 4137MtCarmel.pdf

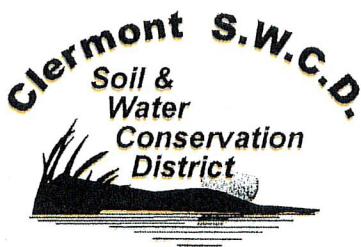
Carl,

Thanks for the opportunity to review the concept plan for the Bellevue Apartments on Mt Carmel-Tobasco Road. Our comment letter is attached. Please let me know if you have any questions.

Have a good weekend,

John McManus, Director
Clermont Soil & Water Conservation District
P.O. Box 549, 1000 Locust Street
Owensville, OH 45160
(513) 732-7075 ext. 3

From: engineercarlhartman@gmail.com <engineercarlhartman@gmail.com>
Sent: Wednesday, March 22, 2023 2:48 PM
To: McManus, John <jmcmanus@clermontcountyohio.gov>
Cc: 'Prem Dhamija' <premkdhamija@gmail.com>; 'Mark McCormack' <mmccormack@union-township.oh.us>; engineercarlhartman@gmail.com
Subject: FW: 4137MtCarmel.pdf



Clermont Soil & Water Conservation District
1000 Locust St., PO Box 549 Owensville, OH 45160
513-732-7075 • www.clermontswcd.org

March 24, 2023

To: Carl G. Hartman P.E., P.S.

Dear Mr. Hartman:

Thank you for the opportunity to review the plans for proposed Belleview Apartments development on Mt Carmel Tobasco Road. Our comments are listed below:

- The storm water management basin will have to be sized to store and treat runoff from both existing and new impervious area in accordance with the current Water Management & Sediment Control regulations. Capacity of detention shall be determined by the amount of runoff draining to the detention structure, including that coming from off-site (i.e., from Old Orchard Drive), unless the off-site water can be routed around the basin.
- We have some concern with the basin being located in the transmission line easement. Approval of any necessary basin improvements/modifications will be needed.
- An outlet will need to be provided for surface water runoff from the homes on the north side of Old Orchard Lane.
- It may be necessary to provide a detailed hydraulic analysis of the downstream storm water system or overland flow route to demonstrate that there is adequate capacity in the downstream system. The need for this will be determined by the Clermont County Building Inspection Department.

If you have any questions, please contact me at either (513) 732-7075 ext. 3 or at jmcmanus@clermontcountyohio.gov.

Sincerely,

A handwritten signature in black ink that reads "John McManus".

John McManus
Director, Clermont SWCD

engineercarlhartman@gmail.com

From: engineercarlhartman@gmail.com
Sent: Wednesday, March 22, 2023 2:42 PM
To: 'Lober, Michael'
Cc: 'Prem Dhamija'; engineercarlhartman@gmail.com
Subject: FW: 4137MtCarmel.pdf
Attachments: 4137MtCarmel.pdf

Mike,

We are in the process of requesting both a zone change on several parcels and a major amendment to a PD in Union Township. Attached is a pdf of our site plan. With the additional 32 units, we have a new entrance on Old Orchard Drive. This additional entrance will enhance the availability of EMS services to the community.

We understand that much detail will be need to be included in our request for a permit. However, we would appreciate your concept review of the plan and including Mark McCormack in your response.

Any questions?

Thanks

Carl

From: KaW <kwildt@swohio.twcbc.com>
Sent: Tuesday, March 21, 2023 1:45 PM
To: Carl Hartman <engineercarlhartman@gmail.com>
Subject: 4137MtCarmel.pdf

**BELLEVILLE APARTMENTS
4131-4155 Mt. Carmel Tobasco Rd.
Cincinnati, OH 45255**

RULES & REGULATIONS

INTRODUCTION:

More than 170 people live in Belleville Apartment Complex, and the safety of all residents continues to be our highest priority. These buildings Rules & Regulations are designed to protect everyone and create a community that is safe, enjoyable and comfortable. We hope that we do not ever assess any fines or penalties for any violations of these Rules. Showing respect and kindness to all our neighbors and their guests, management, staff –should be our guiding principles.

Please review these Rules, most of which have already seen, and share with your family and any guests as these Rules apply to them as well. Be sure you to keep a copy handy for easy reference! A friendly thank you for your cooperation!

If you have any questions, please email Prem Dhamija at premkdhamija@gmail.com or text at 513-235-6209.

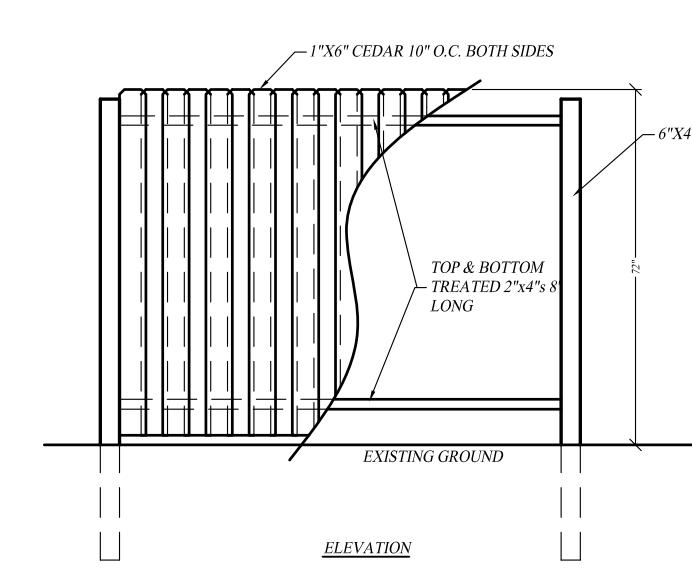
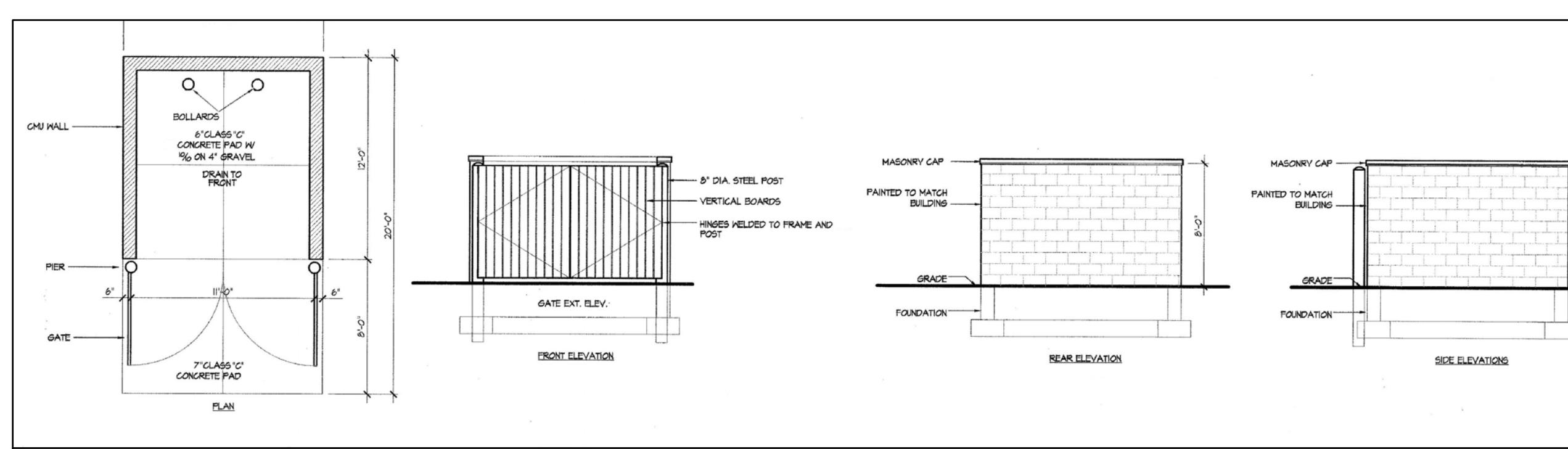
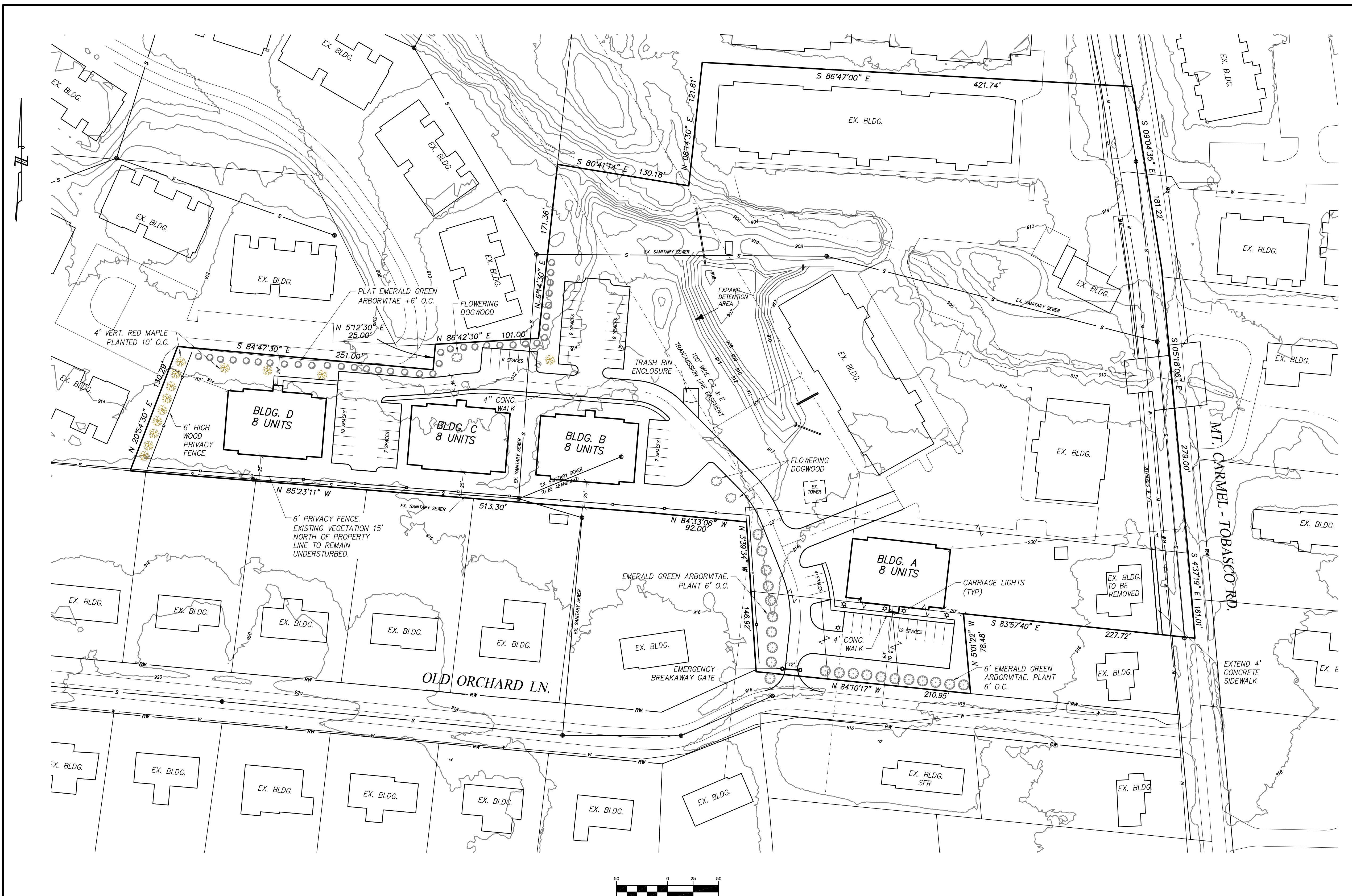
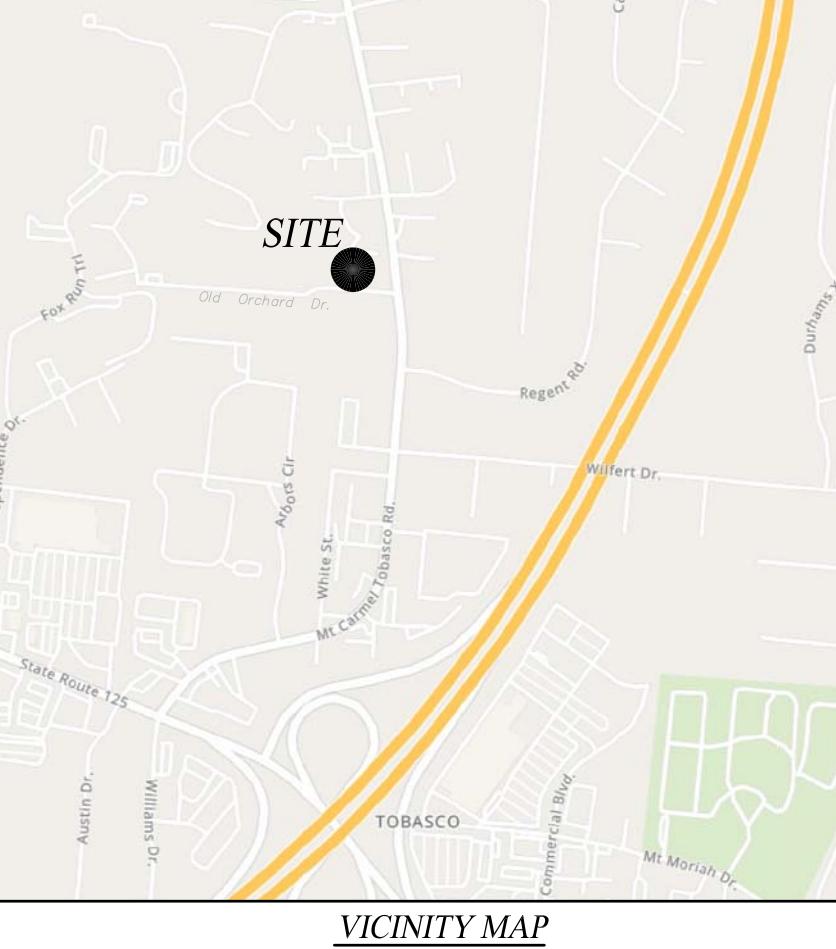
A RULES & REGULATIONS:

1. Residential common elements such as passage, hallways, and stairways shall not be obstructed or used for any purpose other than ingress & egress from the units.
2. Units entry doors shall be kept closed all the times except when actual use for ingress or egress to and from the corridor.
3. No articles (including but not limited to, garbage bags, strollers, bicycles, scooters shall be placed in the common area of hallways of the building.
4. Neither residents nor their guest shall loiter in the hallways
5. No Child may be left unattended in the unit or hallway of each building.
6. No vehicle shall be parked in the assigned parking space except for the resident who has been assigned the parking space.
7. Each resident shall keep his or her apartment in a good state of preservation and cleanliness.
8. No radio, television aerial or similar device shall be attached to or hang from the exterior of the building.
9. No resident shall make or permit any disturbing noises or activity which will interfere with the comfort or convenience of other tenants in the building or the complex.
10. Each apartment tenant, their family members, guests; visitors shall not cause or permit any unusual or objectionable noise or odors to be produced or to emanate from their apartment. Tenants are responsible for the conduct and actions of their guests.
11. Smoking of cigarettes, cigars, pipes, or any other smoking apparatus is prohibited in the unit as well as in the common areas such as hallways & common laundry room.

12. Riding of scooters and skateboard on the sidewalks or parking lots is strictly prohibited.
13. In the consideration of neighboring residents, playing of any kind of loud music or having outdoor parties on apartment porches or in the parking lots is strictly prohibited.
14. Tempering with smoke detectors or fire alarm system is strictly prohibited.
15. Tenants using common area laundry rooms are responsible for keeping the laundry room clean and removal of the lint from the dryer.
16. Tenants are responsible for depositing of their garbage in the fenced dumpster. No garbage bags or boxes are to be left outside the dumpsters. No household furniture is to be kept outside the dumpsters. Tenants are responsible making alternative arrangements to dispose of the household furniture which will not fit in the dumpster.
17. Tenants are prohibited from servicing and/or repairing vehicles in the apartment complex parking lots.
18. All cars parked in the apartment parking lots are required to have current license tags. Cars parked in the apartment parking lots with expired license tags will be towed away after twenty four notices.
19. Tenants listed on their lease are the only one allowed to reside in their apartment. Keeping any resident other than listed on lease will lead to eviction proceedings.
20. Dealing or using of illegal drugs at the apartment complex is strictly prohibited. Dealing or using of illegal drugs will result in an eviction from the apartment complex.
21. Hanging of any clothes or any eye sore items of the balcony railings or any part of the apartment building is strictly prohibited.

B. Pet Policy:

1. Except for the service or emotional support dogs, no dogs are allowed in the apartment complex. Resident with service or emotional support dog is responsible for cleaning of the relieving of their dog.
2. One cat is allowed for a fee of \$50 per month.



SITE PLAN & LANDSCAPE PLAN
BELLEVIEW APARTMENTS
4137 MT. CARMEL TOBASCO ROAD

UNION TOWNSHIP
CLERMONT COUNTY, OHIO

REVISIONS	C. G. HARTMAN & ASSOC.		
4/24/23 PER TOWNSHIP REVIEW	PROJECT ENGINEER		
5/9/23 PER TOWNSHIP REVIEW	3478 HOLLY RIDGE		
	CINCINNATI, OHIO 45245		
CARL G. HARTMAN No. 31329 REGISTERED PROFESSIONAL ENGINEER			
DATE	SCALE	OWN	FILE #
3/1/23	1" = 50'	K.O.W.	1
SHEET #			

