

## UNION TOWNSHIP ZONING COMMISSION

APRIL 26<sup>TH</sup>, 2023 MEETING

## ZONE MAP AMENDMENT

**PREM DHAMIJA, Applicant**

**4127 Mt. Carmel Tobasco Road, Old Orchard Lane**

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### *Staff Report, Case# 4-23-Z:*

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#### **NATURE OF REQUEST**

The Applicant has submitted an application requesting four parcels (PIN 413214E001., 413214E006A., 413214E008A., & 413214E010A.) totaling 1.217 +/- acres, be rezoned from R-2 Single 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 and Old Orchard Drive, in the southwestern quadrant of Union Township.

#### **ZONING**

Currently, the properties are zoned R-2 Single Family Residential. The lands surrounding the subject properties are zoned predominantly R-2 Single Family with PD Planned Development directly to the north. The uses in the surrounding area are mixed, with much of the multi-family in the area developed prior to current zoning restriction. 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. Existing single-family housing is primarily concentrated on Old Orchard Lane.

#### **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.

## **RELATIONSHIP TO THE UNION TOWNSHIP ZONING RESOLUTION**

**Please refer to Article 6, Sections 680-684 and Section 687 of the Union Township Zoning Resolution with respect to “PD” Planned Development District regulations:**

**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. Procedure to Rezone Property to “PD.”**  
1. The property owner may submit an application for a zone change to “PD” Planned Development District to the Union Township Planning & Zoning Department. The application shall contain fifteen (15) copies of the completed form, attachments, a site plan conforming to the “site plan requirements” below, and the required fee.  
2. The application shall be processed in accordance with Ohio Revised Code Chapter 519 (2001), as amended.

**684. “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 break up 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.

## **STAFF REVIEW & ANALYSIS**

This map amendment is proposed for the four parcels located off of Mount Carmel-Tobasco Road and Old Orchard Lane. The zone change is for one 8-unit building and parking to be incorporated with the existing apartment complex. Within this application, a proposed major amendment (Case #3-13-Z Major-Amendment) for the Board of Trustees can also be found. The Board of Trustees will hear this zone map amendment case, along with the major amendment application, on May 10, 2023. At that time, the Board of Trustees will vote to approve, modify or deny the major amendment application (involving three additional 8-unit buildings on contiguous acreage), along with the plans for connectivity through the entire site (including the contiguous acreage). Should the Board of Trustees choose to vote unfavorably for the major amendment application, the need for the additional access off of Old Orchard Lane decreases.

After reviewing the application, it can be noted that the Planned PD District has been identified as the preferred method to achieve the goals of harmonious mixed use in 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 high-quality aesthetics, 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 has consistent land densities with the existing development.

The proposed development incorporates an existing multi-family development with a proposal of 8 units, yielding a gross density of approximately 6.9 units/acre within the proposed development. The Applicant's proposed storm water system is designed to be integrated with the existing facilities located to the northwest. The proposed 2-story, all-brick multi-family residential structure is located 200' off of Mount Carmel-Tobasco Road and 15' from the nearest residential property. Each unit is proposed to be 1,329 square feet and would consist of two bedrooms and two full bathrooms. The proposed lighting in this application consists of illuminated front corners as wall PAC units that are downward directed. Extended sidewalks are proposed for the site along Mount Carmel-Tobasco Road, with staff recommending additional sidewalks to be placed along Old Orchard Lane to promote sidewalk connectivity through the Township. Landscaping has been provided within this application along the parking lot and the proposed drive off of Old Orchard Lane. There are no plans noted for the existing residential property located at 4127 Mount Carmel-Tobasco Road; however, demolition of the existing home would be preferred to keep the uses uniform on the property.

## **ACTION REQUIRED**

In accordance with Section 680-687 of the Zoning Resolution, the Zoning Commission is to enter a motion to recommend approval, approval with some modification, or denial of the Applicant's request to rezone the subject properties from R-2 Single Family Residential to PD Planned Development District, as submitted, with any further modifications as deemed appropriate.

## **RECOMMENDED MODIFICATIONS**

Should the Zoning Commission choose to consider the Applicant's proposal, the following modifications to the PD Conceptual Formal Plan are recommended, and are presented to the Commission for consideration:

1. The Applicant would need to address 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 8' from finished grade, shall be the required standard for all new and/or replacement on-premise signage installed on the subject property, subject to administrative review and approval.
3. The landscaping buffer would need to incorporate mounding techniques along with evergreen plantings to help increase screening between residential and multi-family uses, subject to administrative review and approval.
4. Sidewalks would need to be included down Old Orchard Lane to promote pedestrian connectivity through the Township, subject to administrative review and approval.
5. The Applicant would need to provide final open space calculations and percentages on the plans, even though the area shown appears to exceed the 20% open space requirement.
6. The existing home at 4127 Mount Carmel-Tobasco Road would need to be demolished, subject to administrative review and approval.
7. In the case that the Board of Trustees deny the Case #3-13-Z Major Amendment application, revisions to the access off of Old Orchard Lane and parking shall be considered, subject to administrative review and approval.

CARL G. HARTMAN PE, PS

3478 Holly Ridge Drive

Cincinnati, Ohio 45245

513 608 7918

[engineercarlhartman@gmail.com](mailto: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 Bellevue 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

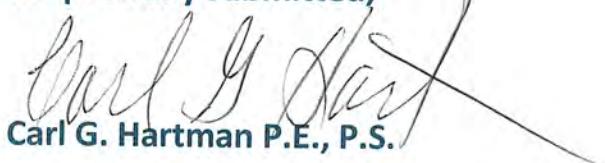
- 15 copies of:
  - Completed applications for both District Change and a Major Amendment for a PD.
  - Plat of owners names within 200 feet of site.
  - Site Plan and Landscape plan
  - Auditors GIS Map
  - Response for Article V and Article VI
  - Narrative
  - Letter from Neighbor Johnson in support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



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](mailto: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 oftentimes 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.

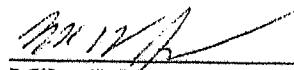
An additional gated trash enclosure is conveniently located to easily accommodate the residents.

**Mike Johnson**  
4123 Mt. Carmel Tobasco Rd.  
Cincinnati, OH 45236

**Date:** March 18, 2023

**Union Township**  
**Planning & Zoning Department**  
**4350 Aicholtz Road**  
**Union Township, OH 45245**  
**Attention: Zoning Commissioners**

I, Mike Johnson, the owner of the house 4123- Mt. Carmel Tobasco Rd., Cincinnati, OH 45255 adjacent to the house 4127- Mt. Carmel Tobasco Rd., Cincinnati, OH 45255 owned by Prem & Susham Dhamija will have no objection to Prem & Suksham Dhamija building apartment buildings similar to they have on 4137- 4155 Mt. Carmel Tobasco Rd. on the land where the 4127-Mt. Carmel Tobasco is presently situated.

  
\_\_\_\_\_  
**Mike Johnson**

QUITCLAIM DEED

Cynthia J. Johnson, divorced and not remarried, whose address is 4123 Mt. Carmel Tobasco Road, Cincinnati, Ohio for valuable consideration paid, grants to Michael W. Johnson, divorced and unmarried, the following real property: Situated in the County of Clermont, in the State of Ohio and in the Township of Union:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Parcel No.

Prior Instrument: O.R. Book 1229, Page 2319, Clermont County Recorder's Office.

Witness my hand this 5th day of APRIL, 2005.

Witness  
Printed:

*Cynthia J. Johnson*  
Cynthia J. Johnson

Witness  
Printed:

200500012460  
Filed for Record in  
CLERMONT COUNTY, OH  
CAROLYN GREEN  
04-12-2005 At 10:27 am.  
DEED 28.00  
OR Book 1868 Page 1137 ~ 1138

State of Ohio

County of Clermont, ss:

Before me, a Notary Public in and for the State of Ohio, personally appeared the above named Cynthia J. Johnson, who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal on this 5th day of APRIL, 2005.

*Dexter K. Bastin*  
Notary Public -- State of Ohio

Dexter K. BASTIN ATTORNEY AT LAW  
NOTARY PUBLIC - STATE OF OHIO  
My commission has no expiration  
Date Commission Issued 04/01/03

This instrument prepared by Dexter K. Bastin, Attorney at Law, 285 Main Street, Batavia, Ohio 45103. Telephone: (513) 732-2800.

Exhibit A.

Instrument Book Page  
200500012460 OR 1868 1138

Situate in Union Township, Clermont County, Ohio, and beginning at a point in the centerline of the Mt. Carmel-Tobasco Pike, which point is 366 feet North 6 deg. 30' West of the intersection of the centerline of the Mt. Carmel-Tobasco Pike with the south line of Survey No. 666; thence North 86 deg. West 225.60 feet to a point; thence South 6 deg. 30' East 84 feet to a point in the north line of a dedicated street; thence South 86 deg. East 225.60 feet along said north line of said street to the center of said Mt. Carmel-Tobasco Pike; thence with the center of said Mt. Carmel-Tobasco Pike North 6 deg. 30' West 84 feet to the point of beginning and being known as Lot 2 of Hamblen's Subdivision No. 2 as recorded in Book "C", page 154, Recorder's Office, Clermont County, Ohio, and being subject to all legal highways and being the same premises conveyed at Vol. 239, page 89, Clermont County, Ohio Deed Records: ALSO the following real estate situated in said Hamblen's Subdivision No. 2 as follows: Beginning at the southeast corner of Lot No. 6 of said Subdivision and at the southwest corner of Lot No. 2; thence with the line of Lots No. 6 and No. 2 North 6 deg. 30' West 84 feet to a point at the intersection of the north line of Lot No. 2 and the south line of Lot No. 1 with the east line of Lot No. 6; thence through Lots No. 6, 8 and 16, North 86 deg. West 210 feet to a point in the west line of Lot No. 10; thence with the west line of Lot No. 10, South 6 deg. 30' East 84 feet to a point at the southwest corner of Lot No. 10; thence with the south line of Lots 6, 8 and 16, South 86 deg. East 210 feet to the place of beginning, subject to all legal highways.

Filed in the office of  
LINDA L. FRALEY  
CLERMONT COUNTY AUDITOR  
4/12/05  
Date  
By: *[Signature]*  
Deputy Auditor

# 981

This conveyance has been examined and the  
Grantor has complied with Section 319.202  
of the Revised Code.

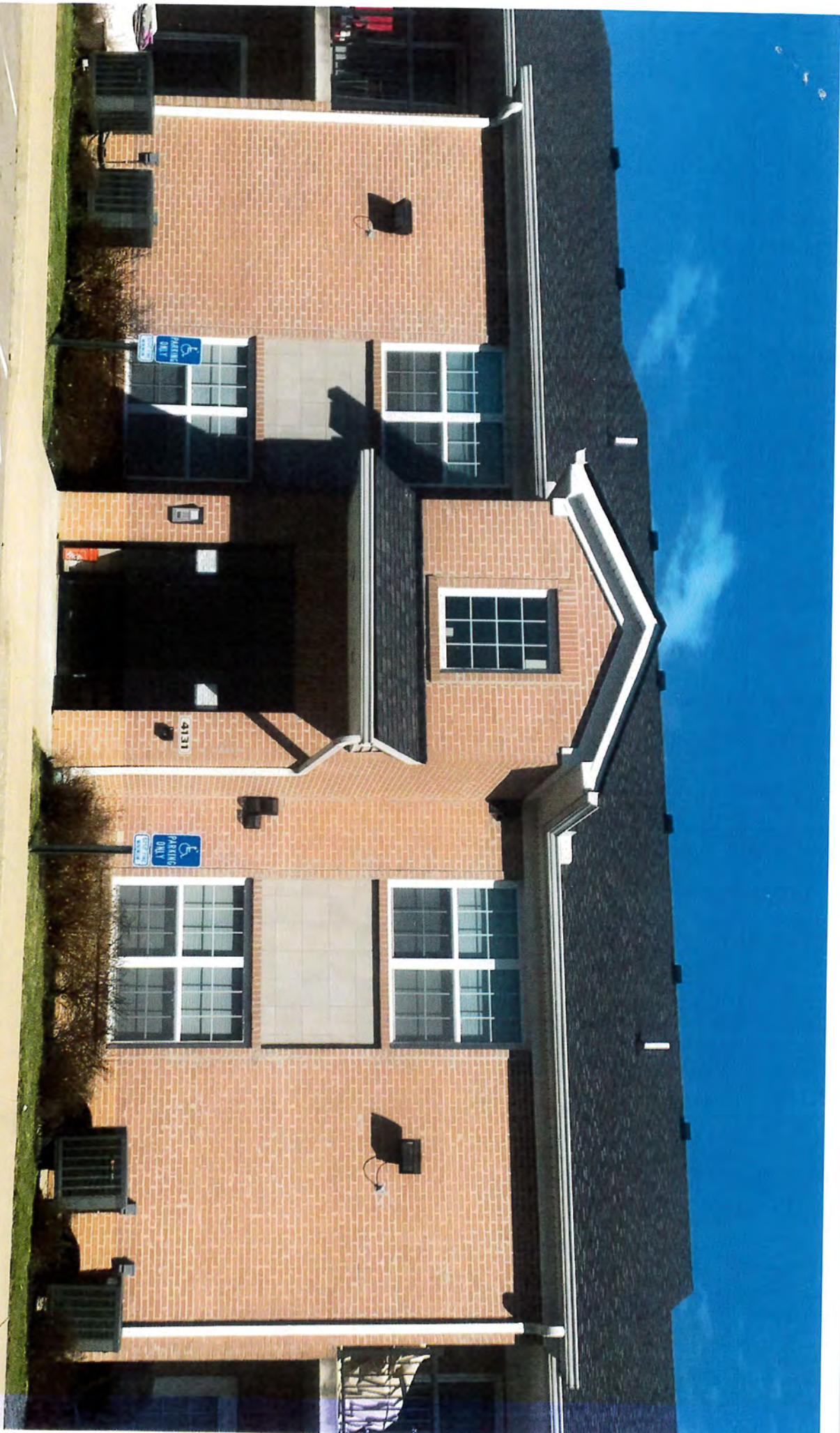
FEES \_\_\_\_\_

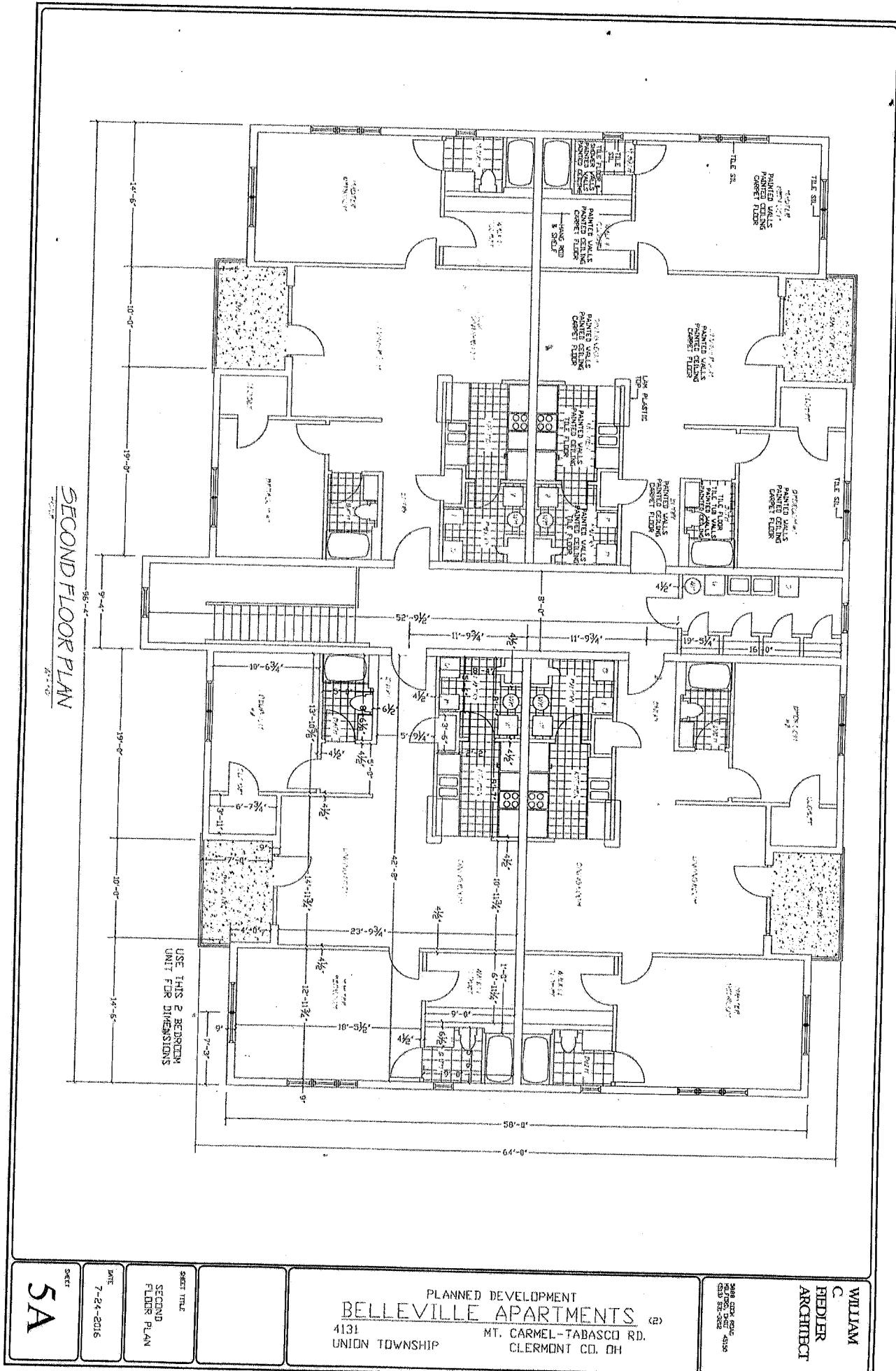
EXEMPT

LINDA L. FRALEY, County Auditor

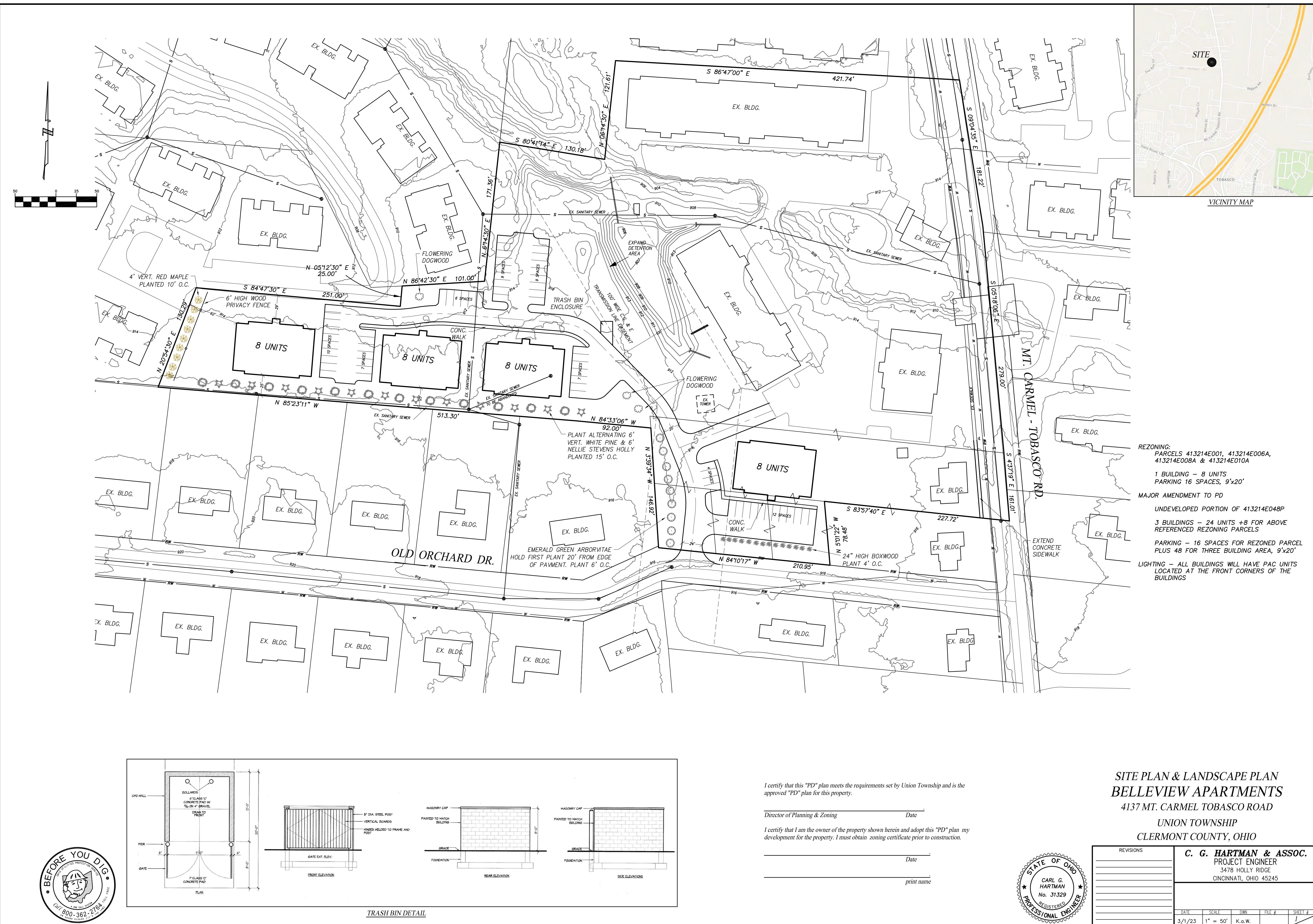
APR 12 2005  
APPROVED  
FOR TRANSFER  
PATRICK J. MANGER  
COUNTY ENGINEER  
CLERMONT COUNTY, O.  
BY *[Signature]*

TD	BK	PG	14E	PAR	006 A
41	32	14E		008 A	
41	32	14E		010 A	
41	32	14E		002.	

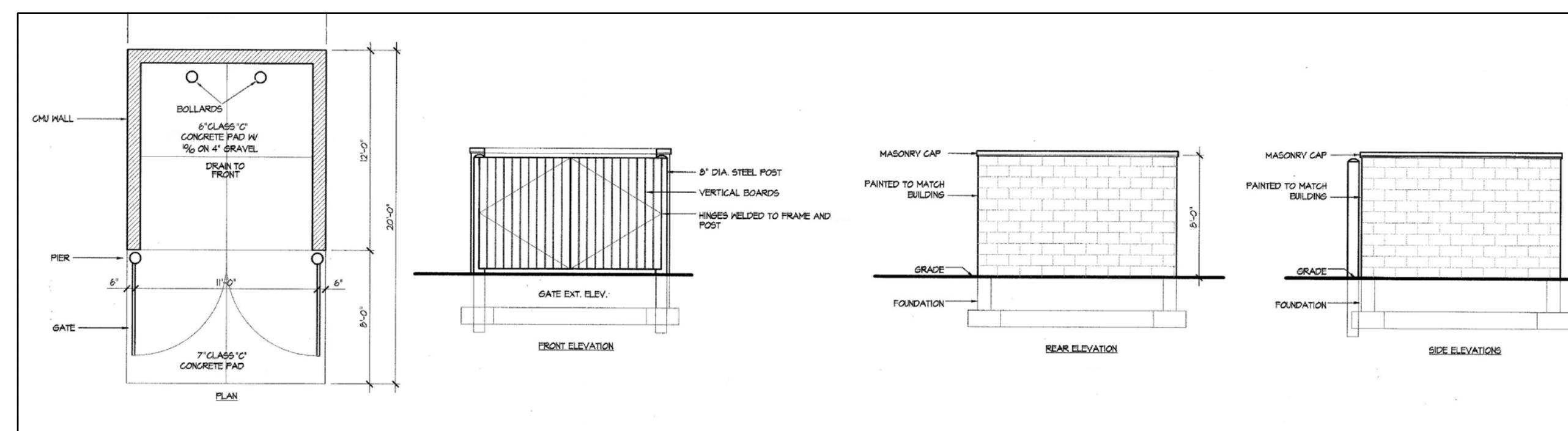








D:\Hartman-4137 MtCarmel\Tob\dwg\4137MtCarmel.dwg Mar 30, 2023 - 1:53pm



## TRASH BIN DETAILS

*I certify that this "PD" plan meets the requirements set by Union Township and is the approved "PD" plan for this property.*

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*Director of Planning & Zoning* \_\_\_\_\_ *Date* \_\_\_\_\_

*I certify that I am the owner of the property shown herein and adopt this "PD" plan my development for the property. I must obtain zoning certificate prior to construction.*

---

*Date*

---

point no.



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

*UNION TOWNSHIP  
CLERMONT COUNTY, OHIO*

REVISIONS

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**C. G. HARTMAN & ASSOC.**  
PROJECT ENGINEER  
3478 HOLLY RIDGE

REVISIONS	<p><b>C. G. HARTMAN &amp; ASSOC.</b>          PROJECT ENGINEER          3478 HOLLY RIDGE          CINCINNATI, OHIO 45245</p>				
	DATE	SCALE	DWN	FILE #	SHEET #
	3/1/23	1" = 50'	K.a.W.		1

