

PLANNING COMMISSION AGENDA



**Planning Commission Meeting
6:30 PM Tuesday, July 17, 2018**

**Village Administration Building
99 High Street
South Lebanon, Ohio 45065**

	Agenda Item
1.	Call to Order
2.	Pledge of Allegiance
3.	Roll Call
4.	Open Forum
5.	Review and Approval of Minutes A. Minutes of June 13, 2018
6.	Public Hearing – None
7.	Old Business A. None
8.	New Business A. Case 18-06P: Application for Final Plat Approval for Wynstead Section 5, Phase A Subdivision B. Case 18-07P: Acceptance & Dedication of Public Improvements for Wynstead Section 3
9.	Communications
10.	Adjournment

Members of the public may address the Planning Commission during the Open Forum segment of the agenda and shall be limited to five minutes each. After the speaker concludes remarks, the Planning Commission may comment or ask questions at that time. The Chairperson may at his or her discretion restrict duplicate testimony on a particular subject.



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Planning Commission Meeting
MEETING MINUTES
Thursday, June 13th, 2018

Members Present:

Chairman, Darrick Zucco
Tom Hunsche
Jim Smith
Bill Madison

Members Absent:

Dennis Rees

Staff:

Jerry Haddix,
Administrator
Brianna Koutny
Clerk

1. Call to order at 6:00 p.m.
2. Roll Call
3. Pledge of Allegiance
4. Open Forum : None
5. Review and Approval of Minutes from March 8th, 2018. A motion to approve was made by Jim Smith, and seconded by Darrick Zucco. A vote was taken. All YEAS, with the exception of Bill Madison who was not yet present.
6. Public Hearing : None
7. Old Business : None
8. New Business :
 - a) Case 18-04P – Application for Site Plan of Rivers Crossing Lot 9, Phase, 2 (TJ Maxx and 5Below) – Administrator, Jerry Haddix introduced the memo and opened the floor to Bill Mees with Midland Atlantic Company, who is a development agent working with the property owner, Rivers East Inline, LLC. Mees provided a PowerPoint presentation and site plans of each store. He explained that TJ Maxx is proposed to consist of 21,102 square feet and 5Below will consist of 8,512 square feet. Mees presentation showed all loading dock, dumpster, and general floor plans of both sites. He says comments have been addressed from Choice One, and will be addressed in the near future. Mees states the current plans do not touch on several things such as parking, lighting, landscaping, etc. He explains this is due to said aspects already being part of the existing maintenance

of the shopping center. Mees states they are not intending to do any additional work regarding these matters, due to believing they were already sufficient. Mees says they have realized the parking does not meet the Village Zoning Code in terms of parking, but they exceed zoning codes of private REA codes. Jim Smith states they made changes a number of years ago. Mees ensures that the 2 parcels planned to go in are not foreseen as effecting the existing lots. He states he does not see the need to add more spaces for new parcels. Chairman, Darrick Zucco asks if there are any procedural efforts that need to take place for this. Administrator Haddix states he will look into it to verify. Jim Smith states that the original plan while planning the parking for the plaza was to not have to add additional parking for new tenants/parcels, and has worked that way with every tenant that has resided there (Pets Mart, Dollar Tree, Sally's, etc.). Mees says the Lot Lines remaining are : 1 Lot between Kohls and retaining wall, 2 Lots between Aspen Dental and retaining wall, and 2 Lots on John C. Quinn Blvd. Mees states on the west side of State Route 48 there is potential for 3 available lots between Speedway and State Highway 71. He states there is a stream that flows through this property which is presenting difficult topography challenges that the developer is trying to work through. Plans have been submitted to FEMA requesting to redefine the floodway. He says there are 6 to 7 interested businesses for future development. Tree removal and construction on the property is due to take place in October of this year. Jim Smith asks if it can accommodate a hotel. Mees states it is a possibility depending on the size of the hotel. Darrick Zucco asks if they will address the issue of parking lot lights malfunctioning in existing parking lot of Lot 9. Mees states they plan to address, but he believes it is a problem with the existing light fixtures, that are constantly needing replaced. Jim Smith asks who the maintenance supervisor is. Mees states it is Julie Kraus.

Kim Lapensee – Village Consultant. Lapensee states the Village code requires loading spaces. She states the code requires 1 space for every 3,000 square feet. She asks if there is room to put another space due to only showing one current space in the plans. She confirmed material usage. Lapensee states she would like to see a signage package for both stores, despite it not being required by the Village. She provided pictures of existing stores and their signs. Chairman Darrick Zucco asked if there were any further questions or comments from the commission. Seeing none, he asked for a motion to approve. Motion was made by Jim Smith and seconded by Bill Madison. All YEAS.

Jim Smith states there is an exit on the back side of Kohl's onto Lebanon Road. He suggests making this exit more apparent to help with future traffic new parcels will bring. Jim Smith also asks when construction will start. Mees states they are waiting on approval from Target and Kohls, but they hope to start by August 1st.

- b) Case 18-05P – Review of Proposed Text Amendment to Village Zoning Code Relative to Group Homes – Haddix states this a council-initiated zoning tax amendment, which will require a conditional use permit for any rehabilitative services including but not limited to drug and alcohol counselling, psychiatric treatments, etc. Village Solicitor, Paul Revelson states this was initiated by council last December by council member Bill, Madison. Revelson states there was some conflict with existing residents regarding a rehabilitative home that was planned to provide rehabilitative services in a residential area. This fell within the gray area of the Village's Zoning Code. Revelson states there is

nothing the Village can do to remove them at this point, due to being grandfathered in, but the Village can tighten restrictions. He states this establishment is not intended for distribution of medication or counselling, but rather a safe house for recovering addicts. He states the Village cannot outright deny this type of thing for risk of being sued, but the Village can make it harder, which is why he suggested a conditional use for these types of dwellings to come in. He presented changes on B1, B3, R2. Revelson explains that the goal is to require a conditional use permit for these types of establishments in the future. Darrick Zucco asked if the home was currently in use. Bill Madison states it has been purchased, and remodeling looks to be underway. Chairman Darrick Zucco asked how the Village is to know what the actual use is? Revelson states they did what was expected and asked for a zoning certificate for that use, and in turn expressed the use. Revelson states this is more for protection down the line. Haddix states that putting a conditional use requirement will give the Board of Zoning Appeals the authority to enforce conditions. Bill Madison states there is a need for these social nets, and the Village wants to have open arms, but at the same time the Village has to protect its residents and children. He states the description received was very open-ended with minimal details. Due to being unsure of intent the need was felt to protect the Village and it's residents. He states there is certainly a place for this type of establishment, but the place is not in the middle of a residential area. He states there will surely be further discussion on this in the future to accommodate the needs of both parties. Solicitor, Revelson states he has teamed up with a firm in Columbus and they think it will pass with no issue. Darrick Zucco asks if there needs to be an amendment for R1 or if it can be approved without R1 draft. Jerry Haddix states an amendment can be drafted and the issue will go to Council from here for a public hearing. Darrick Zucco asks for a motion to approve. Motion was made by Jim Smith, and seconded by Bill Madison. All YEAS.

9. Communications:

Jim Smith states the Base of Primrose had to be torn off due to being too high. Despite the setback, they plan to be back on schedule by next week. Jerry Haddix states State Route 48 and Mason Morrow Millgrove are scheduled to be completed in July. Jim Smith asked if there was a pole on the Oeder's & Son's and Gravel side of the intersection that looks like it is shifting. Concern was expressed by citizens and owner of Oeder's & Son's. Haddix states he will look into this. Smith also states the City Building ran into a problem when tearing out concrete. A soft spot was found. It is now fixed. Council approved the plaza in the front of the building. Dry wall was delivered today, and asbestos is completely removed, along with completion of heating and air in the building. States Planning and Zoning and Sherriff's Station will also move to the new building, and court will only remain in the old building.

10. A motion was made to adjourn by Tom Hunsche, and seconded by Jim Smith. All YEAS.

**VILLAGE OF SOUTH LEBANON
MEMORANDUM**

TO: Planning Commission
FROM: Jerry Haddix, Village Administrator
RE: Case 18-06P, Final Plat Approval, Wynstead Section 5, Phase “A” Subdivision
DATE: July 13, 2018

On the agenda for July 17th meeting is Case #18-06P, an application for approval of the Final Record Plat for the Wynstead Section 5 Phase “A” Subdivision (the “Property”) submitted by Bayer Becker Engineers on behalf of Grand Communities, Ltd. (aka Fischer Homes) (the “Owner”).

Background

On March 6, 2018, the Village Planning Commission passed a motion that granted conditional approval of the Final Development Plan for the Wynstead Section 5 consisting of a total of 49 single family lots comprising 9.816 acres. This phase along Emerald Drive will consist of 32 lots comprising 6.5817 acres of the Section 5 plan. The final plat has been sent to the Village’s engineer on this development and to other agencies for review and comments. Bayer Becker, the Developer’s engineer, has made the corrections from Choice One Engineering and the Warren County Map Room. We are awaiting comments from the other utilities.

Code Analysis

Pursuant to Section 15.20.4 of the Village Zoning Code, a subdivision developer, after receiving approval of the preliminary plat of the proposed subdivision, shall submit a final plat for the subdivision and drawings and specifications of the improvements required therein. The final plat shall be filed with the Planning Commission not later than twelve months after the date of approval of the preliminary plat.

Zoning Process

The Planning Commission shall approve or disapprove the final plat within thirty days after it has been filed. If the plat is disapproved, the grounds for disapproval shall be stated in the records of the Commission, and a copy of said record shall be forwarded to the developer. The Commission shall not disapprove the final plat if the developer has done everything that he was required to do and has proceeded in accordance with the conditions and standards specified in the approved preliminary plat. If disapproved, the developer shall make the necessary corrections and resubmit the final plat within thirty days to the Commission for its final approval.

When the final plat has been approved by the Commission, the original tracing (Mylar) shall be signed by the chairperson of the Commission and returned to the Owner for filing with the Court Recorder after all necessary certifications are received.

Recommendation

Staff recommends that the Planning Commission adopt a motion to approve the Final Record Plat and authorize Chairman Zucco to sign the Mylar with the following conditions:

1. Comply with all comments from the Village Engineer, Warren Co. Tax Map Dept. or any other reviewing agency
2. Provide the statements pursuant to Section 15.20.10 of Village Subdivision Regulations.
3. Per Village Subdivision regulations, Developer to enter into a Development Agreement with the Village prior to Village Council approval of Record Plat.

Attachments

Final Record Plat

Planning Commission Application

**VILLAGE OF SOUTH LEBANON
MEMORANDUM**

TO: Planning Commission
FROM: Jerry Haddix, Village Administrator
RE: Case 18-07P, Acceptance and Dedication of Public Improvements for Wynstead Section 3 Subdivision
DATE: July 13, 2018

One of the items on the agenda for the July 17th meeting is a request of the Planning Commission to find that the public improvements for the Wynstead Section 3 subdivision conform to South Lebanon's standards for construction of public improvements.

Background

On December 21, 2016, the Record Plat for Wynstead Section 3 was recorded in the Warren County's Recorder's Office. This plat included twenty- nine (29) single family lots in which all have been or in the process of houses constructed on them.

Code Analysis

Pursuant to Sec 15.20.7(6) Requirements for the Construction of Improvements, the Village, through formal action by the Village Council, shall accept public improvements made by a developer which meet the following conditions:

- a. Said public improvements have been made in accordance with the requirements of these Regulations; and
- b. The design standards of these Regulations have been adhered to; and
- c. Installation of said public improvements has been completed according to the requirements of the Village of South Lebanon; and
- d. All final inspections required by these Regulations have been carried out by the Village and said public improvements were found to be acceptable by the Village Administrator upon the advice (if needed and requested) by an engineer acting in the service of the Village; and
- e. Accurate "as built" construction plans have been submitted by the subdivider to the Village and release from the posted Performance Bond has been granted; and
- f. The Planning Commission has found the subdivider to be in conformance with these Regulations.

Zoning Process

Before Council may accept public improvements for a subdivision, the Planning Commission shall issue a finding that the developer is in conformance with the aforementioned regulations a – e.

Staff Review

McGill Smith Punshon, Inc. (MSP), the Project Engineer, is in the process of providing a final inspection for the installation of the public improvements by Fischer Homes (“Developer”). The Developer has completed all of the public improvements, but MSP will need to verify that all of them have been completed satisfactorily.

Recommendation

On the condition that all improvements are confirmed to be completed by MSP, staff recommends that the Planning Commission issue a finding to Council that they have found the public improvements in Wynstead Section 2C Subdivision, as attached, be in conformance with the regulations listed in Sec 15.20.7(6) items a – e.

Attachments

Copy of Wynstead Section 3 recorded plat