

PLANNING COMMISSION AGENDA



**Planning Commission Meeting
6:30 PM Thursday, June 27, 2019**

**South Lebanon Municipal Building
10 N. 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 April 30, 2019
6.	Public Hearing – None
7.	Old Business A. None
8.	New Business A. Case 19-13P: Application for Preliminary Plat Approval for Riverside Phase 4 Subdivision B. Case 19-14P. -Review of proposed Text Amendment to change swimming pool fence requirements C. Case 19-15P. - Application for Revised Site Plan for General Electric Credit Union in Rivers Crossing West Section 2 D. Case 19-16P – Application for a Lot Split of Lot 26 of Frederick’s Stand Subdivision
9.	Communications
10.	Adjournment
<p>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.</p>	



Village of South Lebanon
10 N. High St. South Lebanon, Ohio 45065
Ph:(513)494-2296 Fax:(513)494-1656
www.southlebanonohio.org

**Planning Commission Meeting
MEETING MINUTES
Tuesday, April 30, 2019**

Members Present:

Darrick Zucco
Jim Smith
Tom Hunsche

Members Absent:

Bill Madison

Staff:

Jerry Haddix,
Administrator
Brianna Koutny,
Clerk

1. Call to order at 6:30p.m.
2. Roll Call
3. Pledge of Allegiance
4. Open Forum : None
5. Review and Approval of Minutes from February 28th, 2019. A motion to approve was made by Darrick Zucco, and seconded by Tom Hunsche. A vote was taken. All YEAS.
6. Public Hearing : None
7. Old Business : None
8. New Business :
 - A. Case 19-08P : Application for Final Plat Approval for Wynstead Section 4, Phase B Subdivision – Administrator, Jerry Haddix states this was originally for Section 4B and 5B. This Section totals 34 lots comprising of 6.553 acres. Haddix states this is part of the overall Wynstead development that has continued to develop since 2016. Haddix recommends approval of the final plat with the following conditions:
 - 1) Comply with all comments from the Village Engineer, Warren County Tax Map Department, or any other reviewing agency;
 - 2) Provide the statements pursuant to Section 15.20.10 of Village Subdivision Regulations, and;
 - 3) Per Village Subdivision regulations, Developer to enter into a Development Agreement with the Village prior to Village Council approval of Record Plat.

Chairman, Darrick Zucco asks if there are any comments. Hearing none, he asks for a motion to approve. Motion to approve was made by Jim Smith and seconded by Darrick Zucco. A vote was taken, all YEAS.

- B. Case 19-09P : Application for Final Plat Approval for Grants Frederick Section 2, Block "B" Subdivision – Haddix states this plat is located on Zoar Rd., and is known as Block B of Section 2 of Grants Frederick. Haddix states the final PUD for this section was approved in July of 2015, consisting of 58 lots. This phase will consist of 22 lots, comprising 10.54 acres. 5.27 of said acres will be open space. Haddix states that construction of infrastructure has already been approved and begun. Haddix recommends approval of Final Plat Approval with the following conditions:

- 1) Comply with all comments from the Village Engineer, Warren County Tax Map Department or any other reviewing agency;
- 2) Provide the statements pursuant to Section 15.20.10 if the Village Subdivision Regulations; and,
- 3) Per Village Subdivision Regulations, Developer to enter into a Development Agreement with the Village prior to Village Council approval of record plat.

Haddix states that Grand Communities is the applicant and owner. Zucco asks for any comments. Hearing none, he asks for approval with the listed conditions. Motion made to approve by Jim Smith and seconded by Tom Hunsche. A vote was taken, all YEAS.

- C. Case 19-10P: Application for Final Plat for Rivers Crossing West Phase 2, Outlots No. 3-6 – Haddix states there are representatives for Bayer and Becker present. Haddix states this is the Final Plat for River's Crossing West Phase 2, Outlots 3-6. Haddix states Lot 3 will be a nature area due to flood plain issues. This will total just under 6.9 acres. Haddix recommends approval with listed conditions:

- 1) Comply with comments received from reviewing agencies to the satisfaction of the Village Administrator;
- 2) Provide an easement and/or covenant for the Private Access Drive; and
- 3) Provide covenants and restrictions for maintenance of Private Access Drive.

Chairman, Zucco asks if there are any comments. Hearing none, he asks for a motion to approve with the listed conditions. Darrick Zucco makes a motion to approve and was seconded by Jim Smith. A vote was taken, all YEAS.

- D. Case 19-11P : Application for Site Plan for General Electric Credit Union in Rivers Crossing West Section 2 – Haddix states that is reference to the previous plat, General Electric Credit Union is proposing to go in on Lot 4, consisting of 1.5 acres. He states this is zoned as a B2 facility, and the actual facility will be a 4,000 square foot bank with access provided by the private access easement. Received review comment from the Village Planner, Kim Lapensee. Jim Smith asks representative Chris Hildebrandt how long it will take to build the facility. Mr. Hildebrandt states it will take around 7 months. Village planner, Kim Lapensee states that a B2 district requires a 35 ft. max elevation. She states she did not see any elevation detail on the plan meeting said requirements. She states she also could not verify the front, rear and side yard setbacks as there were none listed on the plan. Lapensee states the frontage requirement has been met. She states the parking needed is provided, but she did not see any storage spaces listed on the plan. She states there should be 4 spaces required. She did not see any loading spaces but did not think one would be needed since the facility is operating as a bank. She states there were no sign plans submitted, so she assumes there will be a separate submittal. Lapensee requests consideration of sidewalks along State Route 48. Haddix asks if there are any comments the developer would like to make. Chris Hildebrandt with the Morelia Group,

Developer of listed property, approaches stand to make comments. He states the elevations can be provided, and they will be sent as soon as possible. He states he would be willing to check with ODOT for requirements for the sidewalks. Lapensee clarifies that it was just a suggestion. Jim Smith states there is a study currently underway. Haddix states they are considering a crosswalk for State Route 48. Bob Garlock from Bayer Becker states that ODOT controls traffic light signals and putting a crosswalk there will throw the timing off considering the crosswalk signal timing. He states he is concerned about traffic flow and that it makes more sense to incorporate between Target and Lowes. Haddix recommends approval with the following conditions:

- 1) Recording of the record plat for Rivers Crossing West Section 2 with the Warren County Recorder's Office;
- 2) Addressing the comments of the Village Engineer and Planning consultant to the satisfaction of the Village Administrator;
- 3) Address any review comments from the Warren County Soil & Water Conservation; and
- 4) Meet the requirements of the Union Township Fire Department.

Chairman Zucco asks for any comments. Hearing none, he requests a motion to approve with the listed conditions. A motion was made to approve by Tom Hunsche and seconded by Darrick Zucco with verification of the sidewalk requirement. Haddix states there is no sidewalk requirement at this point. A vote was taken, all yeas.

E. Case 19-12P : Rezoning of 5.001 Acres Parcel on Turtlecreek Road from B-2 (General Business District) to MEP (Mineral Extraction and Processing District) – Haddix states this was the former location of Milacron and Siemens Facility in 2018. He states this is a 5-acre parcel that will be transferred to the Village as part of Riverside development. After review, it was determined that a substantial part of the property was located in the floodway and floodplain. After soliciting a bid for the property, Oeder's & Sons was the sole bidder. Village council decided to trade said parcel for 3 total acres on Mason Morrow Millgrove Rd. and as a condition of sale, Village Council agreed to initiate a rezoning to MEP. Resolution 2019-6 was the initiation of said rezoning process. Chairman Zucco asks for clarification of where the donated property is located. Haddix states that it is located to the west of Mason Morrow Millgrove Road and clarifies that being in the flood plain severely limits development opportunity for a B-2 zoning due to it being in the flood way. Haddix recommends that the Planning Commission recommends approval to the Village Council of the stated rezoning, as presented. Chairman Darrick Zucco asks for any comments. Jim Smith states utilities have already been run. Hearing no further comments, Zucco asks for a motion to approve. A motion was made to approve by Darrick Zucco and seconded by Jim Smith. A vote was taken, all YEAS.

9. Communications: A video of Peters Cartridge Property was shown.

10. Adjournment: A motion to adjourn was made by Jim Smith and seconded by Darrick Zucco. A vote was taken, all YEAS.

Darrick Zucco – Chairman

Brianna Koutny - Clerk

**VILLAGE OF SOUTH LEBANON
MEMORANDUM**

TO: Planning Commission
FROM: Jerry Haddix, Village Administrator
RE: Case 19-13P, Preliminary Plat – Riverside Phase 4
DATE: June 25, 2019

On the agenda for the June 27th meeting is Case #19-13P, is a preliminary plat for the Riverside Phase 4 property (the “Property”) submitted by HPA Development (“developer”) on behalf of Lebanon Mason LLC (the “Owner”).

Background

The Property was previously a manufacturing facility for Cincinnati Milacron. In 1996, Cincinnati Milacron sold the property to Vickers. In 1999, Siemens Energy & Automation. In 2003, MMMilgrove Road LLC purchased the property. Up until this point, the property had been zoned I-1 Industrial. In 2003, the Village Council approved the rezoning of 47.972 acres of the property to R-3 PUD Residential, Single or Multi Family. The developer subsequently went “belly up”. In 2013, Lebanon Mason LLC purchased the entire 111.49 acres. On November 11, 2015, the Village Council, upon the recommendation of the Planning Commission, approved the rezoning of 76.810 acres of the property from R-3 PUD & I-1 to R-3 per Ordinance 2015-11. On February 11, 2016, the Planning Commission approved a preliminary plat for 127 lots on 54.120 acres.

The Owner has now submitted a preliminary plat for 61 single family lots on the adjoining R-3 property. The existing manufacturing buildings have been demolished on this property, Phase 4 will extend from Trovillo Drive and tie-in to Sutton Avenue. This Phase will include 61 lots on 22.58 acres making the total lot count at 180 lots. This Phase will also include 6.4 acres of open space.

Code Analysis

Pursuant to Section 15.20.4 in the Village Zoning Regulations, after the pre-application stage, the developer shall submit a preliminary plat of the proposed subdivision.

Zoning Process

The Planning Commission on its own initiative or upon petition by a citizen or neighboring property owner may, prior to action on a preliminary plat of a subdivision, hold a public hearing thereon at such time and upon such notice as the Commission may designate. There has been no such request made by a citizen or adjacent property owner.

The Planning Commission shall forward copies of the preliminary plat to such officials and agencies as may be necessary for the purpose of study and recommendations. After receipt of reports from such officials and agencies, the Commission shall determine whether the preliminary plat shall be approved, approved with modifications or disapproved. The preliminary plat has been sent to various agencies for review and comments:

The Village Engineer has reviewed the preliminary plat and its comments are included in a checklist report attached hereto.

The preliminary plat was submitted of May 30, 2019. Per the Village Zoning Regulation, the Planning Commission shall act on the preliminary plat within thirty (30) days after filing. The Planning Commission can either: 1) approved; 2) approve with modification; or 3) disapprove the preliminary plat.

Recommendation

Staff recommends that the Planning Commission grant its approval of the preliminary plat for Riverside Phase 4 subdivision with the following conditions:

1. Address the comments/concerns of the Village Engineer, Village Planning Consultant and other reviewing agencies to the satisfaction of the Village Administrator;

Attachments

Planning Commission Application

Preliminary plat

Choice One Engineering Review Checklist

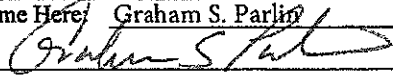
VILLAGE OF SOUTH LEBANON PLANNING COMMISSION APPLICATION

1. Application Type: (check the appropriate box) (all plans must be folded when submitted)

<input type="checkbox"/>	Draft Plan-Discussion Only	<input type="checkbox"/>	Preliminary PUD
<input type="checkbox"/>	Site Plan	<input type="checkbox"/>	Final PUD
<input type="checkbox"/>	Landscape Plan	<input type="checkbox"/>	Rezoning
<input type="checkbox"/>	Construction Drawings. (Please complete Fee Schedule form on Page 2)	<input type="checkbox"/>	Lot Split
<input checked="" type="checkbox"/>	Preliminary Plat (Please complete Fee Schedule form on Page 2)	<input type="checkbox"/>	Conditional Use
<input type="checkbox"/>	Final Plat or Replat	<input type="checkbox"/>	Special Meeting
<input type="checkbox"/>	Right-of-Way Dedication Plat	<input type="checkbox"/>	Other:

(See Page 3 for complete Fee Schedule and Submittal Requirement Information)

2. Development Information:

Development/Business Name:			
Type of Business/Project Description: Riverside Subdivision Development - Phase 4			
Location: 770 Sutton Drive, ^{South} Lebanon, OH 45065		Size of Building: N/A	
Current Zoning: R-3		Rezone to: N/A	
Total Acreage: 22.58 Ac		Acres to be Rezoned: N/A	
Number of Employees: N/A		Number of Fleet Vehicles: N/A	
Current Owner of the Property		Project Contact (Architect, Engineer, Planner)	
Name: Lebanon Mason LLC		Name: Bayer Becker	
Address: 4020 Kinross Lakes, Suite 200		Address: 6900 Tylersville Road, Suite A	
City: Richfield	State: OH	Zip: 44286	City: Mason
			State: OH
			Zip: 45040
Telephone:	Fax:	Telephone: 513-336-6600	Fax:
Applicant(s): HPA Development Group, Inc.			
Address: 9091 Montgomery Road			
City: Cincinnati		State: OH	Zip: 45242
Telephone: 513-793-2400		Fax:	
Please Print Applicant's Name Here: <u>Graham S. Parlin</u>			
* Applicant's Signature: 			
* Applicant is responsible for payment of all fees (See Fee Schedule and Footnotes on Pages 3 and 4 respectively.)			

TO BE COMPLETED BY THE VILLAGE OF SOUTH LEBANON

Application Number: _____	Date of Planning Commission Meeting: _____
Fee Paid: _____	Drawn: _____
Check #: _____	Date: _____
Initial: _____	
Legal Notices Advertised: _____	Mailed to Surrounding Property Owners: _____

3. Rezoning and Preliminary PUD Plan Requests

Surrounding Property Owners: Please list the names and addresses of all Owners of Real Property within 300 feet of any part of the property as such names and addresses appear on the most recent tax duplicate on 2 sets of mailing labels. (See submittal requirements on page 3).

4. Signatures Required

By signing this application, I attest under penalty of law that all the information given above is correct to the best of my knowledge.

Please Print Applicant's Name: Graham S. Parlin

Applicant's Signature:  Date: 5/30/19

Property Owner's Signature:  Date: 5/30/19

5. Fee Determination for Construction Drawings and Preliminary Plat Submittals

Please create a detailed breakdown of the estimated infrastructure breakdown cost for the project and attach it to this application. For Construction Drawings complete Item 1 and for Preliminary Plats complete Item 2.

	Total Infrastructure Cost	\$ 1,422,090.00	(A)
1 – Construction Drawing Fee Breakdown			
	1.25% of Total Infrastructure Cost* (Line A x 0.0125)	\$ _____	(B)
	1.50% of Total Infrastructure Cost** (Line A x 0.015)	+ \$ _____	(C)
	Application Fee	+ \$ 150.00	(D)
	Total Construction Drawing Fee (Line B + C + D)	\$ _____	(E)
2 – Preliminary Plat Fee Breakdown:			
	0.25% of Total Infrastructure Cost* (Line A x 0.0025)	\$ 3,555.23	(F)
	Application Fee	+ \$ 150.00	(G)
	Total Preliminary Plat Fee (Line F + G)	\$ 3,705.23	(H)
	Total Paid with Application/Submittals (Line E+H)	\$ 3,705.23	

* Due upon submittal
** Due prior to construction

6. Fee Schedule and Submittal Requirements

Article/Ord. Reference	Item	Fees ⁽³⁾⁽⁴⁾	Submittal Requirements
Article 20 Article 14	Preliminary Plats Final PUDs	\$150 + 0.25% of estimated infrastructure construction costs ⁽¹⁾	12 Copies ⁽⁵⁾ + 1 Copy (Ledger Paper)
Article 20	Construction Drawings	\$150 + 2.75% of estimated infrastructure construction costs ⁽¹⁾ (Include estimate with application) (1.25% due at time of submittal and 1.5% due before construction begins) ⁽²⁾	4 Copies ⁽⁵⁾ 2 Drainage Calculations 2 Detailed Spreadsheet of the Estimated Infrastructure Costs
Article 20	Final / Dedication Plats	\$350	10 Copies ⁽⁵⁾ + 1 Copy (Ledger Paper)
Article 20	Lot Split / Minor Subdivision / Replats	\$75 per lot	3 Survey Plats ⁽⁵⁾ & Legal Descriptions 1 New Deed + 1 Original Deed
Article 18	Site Plans	\$400 + \$5 per unit Multi-family \$400 + \$20 per acre Commercial/ Office/Industrial/Institutional	12 Copies ⁽⁵⁾ + 1 Copy (Ledger Paper)
Article 17	Landscape Plans	\$150 + \$10 per acre	12 Copies ⁽⁵⁾ + 1 Copy (Ledger Paper)
Article 7	Zoning District Map Change Zoning Text Change	\$400 + \$10 per acre	20 Copies ⁽⁵⁾ + 1 Copy (Ledger Paper) 1 List of Surrounding Property Owners + 2 Sets of Mailing Labels
Article 5	Variances / Appeals	\$400	8 Copies + 1 Copy (Ledger Paper) 1 List of Surrounding Property Owners + 1 Set of Mailing Labels
Article 14	Preliminary PUD Plans	\$2,500 + \$20 per acre	12 Copies ⁽⁵⁾ + 1 Copy (Ledger Paper) 1 List of Surrounding Property Owners + 2 Sets of Mailing Labels
Article 14	Final PUD Plans	Site Plan Review Fees Apply	Site Plan Review Submittal Requirements Apply
Article 6	Conditional Use / Similar Use	\$250 + applicable site plan fee	15 Copies + 1 Copy Ledger Paper ⁽⁵⁾
Article 3	Zoning Permit	\$250 + \$0.03 per square foot of building area (Village water tap and inspection fee required if utilizing Village Water [proof of payment of County tap fee if utilizing County Water]; Village sewer tap and inspection fee also required)	5 Copies
Article 3	Temporary Use Permit	\$50	5 Copies
Article 3	Certificate of Occupancy	\$50	3 Copies
Ord. No: 2008-14; Permit App.	Flood Hazard Area Development Permit	\$50	3 Copies of Permit Application w/ applicable submittal requirements (stated on Page 2 of 2 of Permit Application + Engineering "No Rise" Certification (if applicable))
	Special Meeting	\$500 + Application Fee, if any ⁽⁶⁾	Depends Upon Type of Application or Meeting Requested

FOOTNOTES TO FEE SCHEDULE

- (1) Infrastructure construction costs include all infrastructure costs associated with a development including, but not limited to, drainage facilities, sanitary sewers, waterlines, grading, excavation, and street improvements.
- (2) Any inspection conducted outside the normal eight-hour workday of Monday through Friday, excluding holidays, 8:00 a.m. until 4:30 p.m., shall be charged at one and a half (1.5) times the standard rate. The Village reserves the right to charge fees in addition to the fees specified in the table above if, due to the applicant's responsibility, excessive review and/or field inspections are necessary, and as determined by the Village Engineer. Such fees for review and field inspection by Village staff shall be charged at the standard rate of forty dollars (\$40) per hour, plus a three-fourths (.75) hour charge for travel time. Any review and inspection completed by consultants on behalf of the Village shall be charged to the applicant at the same rate charged by the consultants. Performance and maintenance bonds will not be released until payment of all fees is received.
- (3) Any review and inspection completed by consultants on behalf of the Village shall be charged to the applicant at the same rate charged by the consultants. The applicant shall pay the difference when consultant fees charged to the Village are in excess of the established Fee Schedule base amounts. Final approvals will be held until all fees charged by consultants are paid-in-full by the applicant.
- (4) The fee for review of a revised application shall be sixty (60) percent of the fee specified for the initial or first review of such application.
- (5) All plans must be folded to fit a legal sized file folder with the title showing in the lower right-hand corner.
- (6) Special meetings that require one or more of the Village's consultants to attend shall require payment of the special meeting fee before the meeting is scheduled. Examples of special meetings include staff meetings and non-scheduled Planning Commission meetings requested by an applicant and/or developer.

1. Complete applications submitted by the deadlines posted above will be processed and placed on the next regularly scheduled Planning Commission meeting.
2. Incomplete applications or applications that do not comply with the minimum Village Zoning Ordinance and/or Subdivision Regulations or applications that are not submitted by the above posted deadlines will not be placed on the next regularly scheduled Planning Commission meeting agenda.
3. The applicant will be notified if his or her application is not accepted for processing. The Village Administrator and/or Zoning Administrator will discuss the reasons why the application was not accepted and the necessary steps required to meet the next meeting deadline.
4. Applicants may request a special Planning Commission meeting. Requests should be made with the Village Administrator at least two weeks in advance of the requested special meeting date. The meeting will be set if approved by the Planning Commission chairperson and if a quorum can be present. A \$500 fee plus applicable application fee must be paid in advance of the meeting (See Fee Schedule and Footnotes to Fee Schedule).
5. Meeting dates are subject to change due to unforeseen scheduling conflicts and holidays. Applicants should call the Village to check meeting dates in advance of the application deadlines.



**VILLAGE OF SOUTH LEBANON
Preliminary Plat Approval Checklist**

Development Name: Riverside - Phase 4
Reviewed By: Steve Bowersox— Choice One Engineering

Date Received 6/10/19
Date Reviewed 6/20/19

All items below are required for preliminary plat approval from the Village Engineer

	Approved	Comments
A. Required Information Sec 15.20.4		
1. Preliminary Plat Form Sec 15.20.4.6		
a. Scale	<input checked="" type="checkbox"/>	
b. Paper Size	<input checked="" type="checkbox"/>	
2. Preliminary Plat Contents Sec 15.20.4.7		
a. Proposed Name of Subdivision	<input checked="" type="checkbox"/>	
b. Location of Subdivision	<input checked="" type="checkbox"/>	
c. Contact Information	<input checked="" type="checkbox"/>	
d. Date	<input checked="" type="checkbox"/>	
e. Scale and North Point	<input checked="" type="checkbox"/>	
f. Boundaries and Acreage	<input type="checkbox"/>	No overall boundary info. (Bearings & distances)
g. Adjacent Properties	<input type="checkbox"/>	Owners listed on page one but not location.
h. Existing Features within 200'	<input checked="" type="checkbox"/>	
i. Zoning Classification	<input checked="" type="checkbox"/>	
j. Existing Contours	<input checked="" type="checkbox"/>	
k. Existing Utilities	<input checked="" type="checkbox"/>	
l. Proposed Streets and Easements	<input checked="" type="checkbox"/>	
m. Building Setbacks	<input checked="" type="checkbox"/>	
n. Proposed Utilities	<input type="checkbox"/>	Proposed storm, water & sanitary shown but not labeled, gas/electric/cable utilities not shown
o. Lot Information	<input checked="" type="checkbox"/>	
p. Reserved Land	<input checked="" type="checkbox"/>	
q. Vicinity Map	<input checked="" type="checkbox"/>	
3. Supplementary Information Sec 15.20.4.8		
a. Proposed Lot Usage	<input checked="" type="checkbox"/>	
b. Existing Buildings	<input checked="" type="checkbox"/>	
c. Accessible Information	<input checked="" type="checkbox"/>	
d. Proposed Covenants and Restrictions	<input type="checkbox"/>	None Provided.
e. Sewage Disposal Method	<input type="checkbox"/>	Proposed sanitary sewer is shown connecting to existing, but not labeled.
General Comments		Plat should be stamped by registered professional surveyor.

**VILLAGE OF SOUTH LEBANON
MEMORANDUM**

TO: Planning Commission
FROM: Jerry Haddix, Village Administrator
RE: Case 19-14P, Zoning Text Amendment – Swimming Pool Fence Height
DATE: June 25, 2019

On the agenda for June 27th meeting is Case #19-14P, relates to a proposed text amendment to Section 15.11.7 of the Village Zoning Code reducing the required fence height for a private swimming pool to four (4) feet.

Background

The original Village Zoning Code set the minimum height for private swimming pool fences to be six (6) feet. In 2012, the Village Council amended Section 15.11.7 of the Zoning Code to allow for a four (4) foot fence in the event a retractable pool cover is also installed. After further review of other zoning codes, four (4) feet fences around swimming pools is the standard height. The Village Council adopted Resolution 2019-19 initiating a zoning text amendment to lower the fence requirement to four (4) feet.

Code Analysis

Article 7 of the Village Zoning Code outlines the procedures for amendments to the Village Zoning Code.

Zoning Process

Sec. 15.7.3 states the “Amendments to this ordinance may be initiated in one of the following ways:

1. By adoption of a motion by the Planning Commission; By the adoption of a resolutions by Village Council;
2. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

Sec. 15.7.7 states that “Within sixty (60) days from the receipt of the proposed amendment, the Planning Commission shall transit its recommendation to the Village Council.

Recommendation

Based on the reasonableness of the amendment as well as consistency with generally accepted industry standards, it is Staff’s recommendation to recommend the following amendment to Se. 15.11.7 of the Village Zoning Code:

Sec 15.11.7 Private Swimming Pools.

No private swimming pool, exclusive of portable swimming pools with a diameter of less than twelve (12) feet or with an area of less than one hundred (100) square feet, or of a farm pond, shall be allowed

in any residential district or commercial district except as an accessory use, and shall comply with the following requirements:

1. The pool is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests.
2. The pool may be located anywhere on the premises except in required front yards, provided that it shall not be located closer than twelve (12) feet to any property line or easement.
3. The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than **FOUR (4) six (6)** feet in height, and it shall be maintained in good condition with a gate and lock. ~~In the event that a retractable pool cover is to be installed, the required fence may be reduced to no less than four (4) feet in height.~~

VILLAGE OF SOUTH LEBANON, OHIO
RESOLUTION NO. 2019-19

A RESOLUTION TO INITIATE A ZONING TEXT AMENDMENT TO SECTION
15.11.7 [PRIVATE SWIMMING POOLS] OF THE VILLAGE ZONING CODE

WHEREAS, Village Council has indicated its interest in amending the Village Zoning Code regarding reducing the fence height requirement for private swimming pools to four (4) feet; and,

WHEREAS, per Section 15.7.3 (1) of the Village Zoning Code, Village Council, by adoption of a resolution, may initiate an amendment to the Zoning Code;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of South Lebanon, Ohio, at least a majority of all members elected thereto concurring:

Section 1. That the Council hereby initiates a zoning resolution to amend the text of the Village Zoning Code relating to Private Swimming Pools Fence Height Requirement.

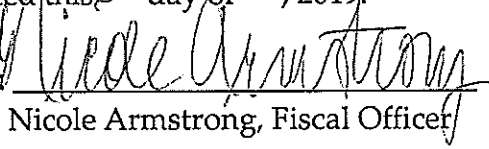
Section 2. That the Village Administrator is directed to forward this request to the Village Planning Commission.

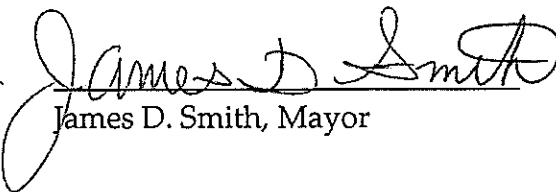
Section 3. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 4. That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this 6th day of June, 2019.

Attest:


Nicole Armstrong, Fiscal Officer


James D. Smith, Mayor

Rules Suspended: / /2019 (if applicable)

Effective Date - / /2019

Vote - ___ Yeas
 ___ Nays

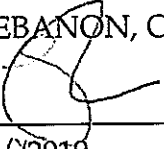
First Reading - 4/18/2019
Second Reading - 5/2/2019
Third Reading - 6/16/2019

Effective Date - / /2019

Vote - 3 Yeas Tie
 3 Nays
Mayor Smith = Yea

Prepared by and approved as to form:

PAUL R. REVELSON
VILLAGE SOLICITOR
SOUTH LEBANON, OHIO

By: 
Date: 6/1/2019

Ohio Public Swimming Pools – OAC 3701-31 (48 inches)

International Swimming Pool and Spa Code (2015) – Section 305.2.1 (48 inches)

U.S. Consumer Product Safety Commission “Safety Barrier Guidelines for Residential Pools” -- minimum of 4 feet high

2012 International Residential Code, Appendix G, Swimming Pools, Spas and Hot Tubs

-Section AG105 – 48 inches

U.S. Consumer Product Safety Commission – Pub 362, p. 2 (48 inches)

Warren County Zoning Regulations 3.102.8 – 4 feet for residential, 6 feet for community or public pools

South Lebanon Zoning Regulations Sec 15.11.7 Private Swimming Pools

Subparagraph 3: The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than six (6) feet in height, and it shall be maintained in good condition with a gate and lock. **In the event that a retractable pool cover is to be installed, the required fence may be reduced to no less than four (4) feet in height.**

**VILLAGE OF SOUTH LEBANON
MEMORANDUM**

TO: Planning Commission
FROM: Jerry Haddix, Village Administrator
RE: Case 19-15P, Revised Site Plan Review for GE Credit Union
DATE: June 25, 2019

On the agenda for the June 27th meeting is an application for approval of the revised site plan and landscape design for the GE Credit Union to be located at Corwin Nixon Boulevard on 1.8930 acres on Lot 4 of the Rivers Crossing West Section 2 Subdivision (the "Project") submitted by Morelia Group, Inc. (the "Applicant").

Background

The original site plan for this property was approved at the April 30th meeting. GE Credit Union has subsequently decided to construct a different structure. The changes to the site plan were significant and required Planning Commission review and approval.

The Project that is the subject of the application is located on 1.8930 acres along the west side of State Route 48. The property is currently owned by Rivers Crossing Power, LLC. The present zoning classification is B-2 General Business District. The proposed Project now consists of a 4,170 s.f. financial institution with access provided by a private access easement from Corwin Nixon Boulevard north of the existing Speedway site.

The site plan has been distributed to various agencies but we have not received any comments to date with the exception of Choice One Engineering.

Zoning Code Analysis

Upon review of the plans, it has been determined that the drawings generally satisfy the Zoning Regulations and Design Guidelines and Standards with the exceptions listed in the attached letter and accompanying site plan approval checklist.

Zoning Process

Pursuant to Article 18 of the Village Zoning Regulations, the development of any new use or construction of any new structures shall require site plan approval prior to construction and/or occupancy. At the first regular meeting at which a site plan proposal is considered, the Commission shall first determine whether to accept the plan for processing. If accepted for processing, the Commission shall review the site plan in relation to applicable standards and regulations, and in relation to the intent and purpose of the Village Zoning Regulations and Design Guidelines and Standards. The Commission shall consider the comments and recommendations from the Village Administrator, the Village Engineer, public safety officials and other reviewing agencies.

If the Commission determines that revisions are necessary to bring the site plan into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised site plan. The Commission shall review the revised site plan and application materials within 30 days after the Village received a complete revised site plan application.

The Commission shall make a determination on a site plan based on the requirements and standards in the Zoning Regulations and Design Guidelines and Standards. The Commission is authorized to grant approval, grant approval subject to conditions, or reject a site plan. If the Commission chooses to grant approval subject to conditions, the Commission may waive its right to review the revised plan, and instead authorize the Zoning Administrator, or his designee, to review and recommend approval of the resubmitted plans if all required conditions have been addressed.

If construction is not started within 18 months of final approval of the site plan, the site plan approval becomes null and void and a new application for site plan review shall be required.

Recommendation

Staff recommends that the Planning Commission grant its approval of the site plan and landscape plan for GE Credit Union with the following conditions:

Prior to issuance of a zoning permit, the applicant must resubmit the site plan and provide the following information to the Zoning Administrator:

1. Addressing the comments of the Village Engineer and Planning Consultant to the satisfaction of the Village Administrator;
2. Address any review comments from the Warren County Soil & Water Conservation District relative to the Storm Water Pollution Prevention Plan,
3. Meet the requirements of the Union Township Fire Department;

Attachments

Planning Commission Application
Site Plan and Landscape Plan

VILLAGE OF SOUTH LEBANON PLANNING COMMISSION APPLICATION

1. Application Type: (check the appropriate box) (all plans must be folded when submitted)

<input type="checkbox"/>	Draft Plan-Discussion Only	<input type="checkbox"/>	Preliminary PUD
<input checked="" type="checkbox"/>	Site Plan	<input type="checkbox"/>	Final PUD
<input type="checkbox"/>	Landscape Plan	<input type="checkbox"/>	Rezoning
<input type="checkbox"/>	Construction Drawings. (Please complete Fee Schedule form on Page 2)	<input type="checkbox"/>	Lot Split
<input type="checkbox"/>	Preliminary Plat (Please complete Fee Schedule form on Page 2)	<input type="checkbox"/>	Conditional Use
<input type="checkbox"/>	Final Plat or Replat	<input type="checkbox"/>	Special Meeting
<input type="checkbox"/>	Right-of-Way Dedication Plat	<input type="checkbox"/>	Other:

(See Page 3 for complete Fee Schedule and Submittal Requirement Information)

2. Development Information:

Development/Business Name: GE Credit Union	
Type of Business/Project Description: Financial Institution	
Location: Intersection of Corwin Nixon Blvd and SR 48	Size of Building: 4000 SF
Current Zoning: Business District (B-2)	Rezone to: Not Applicable
Total Acreage: 1.89 Acres	Acres to be Rezoned: Not Applicable
Number of Employees: ~15	Number of Fleet Vehicles: Not Applicable
Current Owner of the Property Name: Morelia Group, Inc.	Project Contact (Architect, Engineer, Planner) Name: Bayer Becker, Inc.
Address: 8600 Governors Hill Drive, #160	Address: 6900 Tylersville Road
City: Cincinnati State: OH Zip: 45249	City: Mason State: OH Zip: 45040
Telephone: 513-469-1500 Fax:	Telephone: 513-336-6600 Fax:
Applicant(s): Morelia Group, Inc.	
Address: 8600 Governors Hill Drive, #160	
City: Cincinnati State: OH Zip: 45249	
Telephone: 513-469-1500 Fax:	
Please Print Applicant's Name Here: _____	
* Applicant's Signature: _____	
* Applicant is responsible for payment of all fees (See Fee Schedule and Footnotes on Pages 3 and 4 respectively.)	

TO BE COMPLETED BY THE VILLAGE OF SOUTH LEBANON

Application Number: _____	Date of Planning Commission Meeting: _____
Fee Paid: _____	Drawn: _____
Check #: _____	Date: _____
Initial: _____	
Legal Notices Advertised: _____	Mailed to Surrounding Property Owners: _____

3. Rezoning and Preliminary PUD Plan Requests

Surrounding Property Owners: Please list the names and addresses of all Owners of Real Property within 300 feet of any part of the property as such names and addresses appear on the most recent tax duplicate on 2 sets of mailing labels. (See submittal requirements on page 3).

4. Signatures Required

By signing this application, I attest under penalty of law that all the information given above is correct to the best of my knowledge.

Please Print Applicant's Name: Chris Hildebrandt

Applicant's Signature: _____ Date: _____

Property Owner's Signature: _____ Date: _____

5. Fee Determination for Construction Drawings and Preliminary Plat Submittals

Please create a detailed breakdown of the estimated infrastructure breakdown cost for the project and attach it to this application. For Construction Drawings complete Item 1 and for Preliminary Plats complete Item 2.

	Total Infrastructure Cost	\$ _____	(A)
1 – Construction Drawing Fee Breakdown			
1.25% of Total Infrastructure Cost* (Line A x 0.0125)		\$ _____	(B)
1.50% of Total Infrastructure Cost** (Line A x 0.015)	+	\$ _____	(C)
Application Fee	+	\$ 150.00	(D)
Total Construction Drawing Fee (Line B + C + D)		\$ _____	(E)
2 – Preliminary Plat Fee Breakdown:			
0.25% of Total Infrastructure Cost* (Line A x 0.0025)		\$ _____	(F)
Application Fee	+	\$ 150.00	(G)
Total Preliminary Plat Fee (Line F + G)		\$ _____	(H)
Total Paid with Application/Submittals (Line E+H)		\$ _____	

* Due upon submittal

** Due prior to construction

6. Fee Schedule and Submittal Requirements

Article/Ord. Reference	Item	Fees ⁽³⁾⁽⁴⁾	Submittal Requirements
Article 20 Article 14	Preliminary Plats Final PUDs	\$150 + 0.25% of estimated infrastructure construction costs ⁽¹⁾	12 Copies ⁽⁵⁾ + 1 Copy (Ledger Paper)
Article 20	Construction Drawings	\$150 + 2.75% of estimated infrastructure construction costs ⁽¹⁾ (Include estimate with application) (1.25% due at time of submittal and 1.5% due before construction begins) ⁽²⁾	4 Copies ⁽⁵⁾ 2 Drainage Calculations 2 Detailed Spreadsheet of the Estimated Infrastructure Costs
Article 20	Final / Dedication Plats	\$350	10 Copies ⁽⁵⁾ + 1 Copy (Ledger Paper)
Article 20	Lot Split / Minor Subdivision / Replats	\$75 per lot	3 Survey Plats ⁽⁵⁾ & Legal Descriptions 1 New Deed + 1 Original Deed
Article 18	Site Plans	\$400 + \$5 per unit Multi-family \$400 + \$20 per acre Commercial/ Office/Industrial/Institutional	12 Copies ⁽⁵⁾ + 1 Copy (Ledger Paper)
Article 17	Landscape Plans	\$150 + \$10 per acre	12 Copies ⁽⁵⁾ + 1 Copy (Ledger Paper)
Article 7	Zoning District Map Change Zoning Text Change	\$400 + \$10 per acre	20 Copies ⁽⁵⁾ + 1 Copy (Ledger Paper) 1 List of Surrounding Property Owners + 2 Sets of Mailing Labels
Article 5	Variances / Appeals	\$400	8 Copies + 1 Copy (Ledger Paper) 1 List of Surrounding Property Owners + 1 Set of Mailing Labels
Article 14	Preliminary PUD Plans	\$2,500 + \$20 per acre	12 Copies ⁽⁵⁾ + 1 Copy (Ledger Paper) 1 List of Surrounding Property Owners + 2 Sets of Mailing Labels
Article 14	Final PUD Plans	Site Plan Review Fees Apply	Site Plan Review Submittal Requirements Apply
Article 6	Conditional Use / Similar Use	\$250 + applicable site plan fee	15 Copies + 1 Copy Ledger Paper ⁽⁵⁾
Article 3	Zoning Permit	\$250 + \$0.03 per square foot of building area (Village water tap and inspection fee required if utilizing Village Water [proof of payment of County tap fee if utilizing County Water]; Village sewer tap and inspection fee also required)	5 Copies
Article 3	Temporary Use Permit	\$50	5 Copies
Article 3	Certificate of Occupancy	\$50	3 Copies
Ord. No: 2008-14; Permit App.	Flood Hazard Area Development Permit	\$50	3 Copies of Permit Application w/ applicable submittal requirements (stated on Page 2 of 2 of Permit Application + Engineering "No Rise" Certification (if applicable))
	Special Meeting	\$500 + Application Fee, if any ⁽⁶⁾	Depends Upon Type of Application or Meeting Requested

FOOTNOTES TO FEE SCHEDULE

- (1) Infrastructure construction costs include all infrastructure costs associated with a development including, but not limited to, drainage facilities, sanitary sewers, waterlines, grading, excavation, and street improvements.
- (2) Any inspection conducted outside the normal eight-hour workday of Monday through Friday, excluding holidays, 8:00 a.m. until 4:30 p.m., shall be charged at one and a half (1.5) times the standard rate. The Village reserves the right to charge fees in addition to the fees specified in the table above if, due to the applicant's responsibility, excessive review and/or field inspections are necessary, and as determined by the Village Engineer. Such fees for review and field inspection by Village staff shall be charged at the standard rate of forty dollars (\$40) per hour, plus a three-fourths (.75) hour charge for travel time. Any review and inspection completed by consultants on behalf of the Village shall be charged to the applicant at the same rate charged by the consultants. Performance and maintenance bonds will not be released until payment of all fees is received.
- (3) Any review and inspection completed by consultants on behalf of the Village shall be charged to the applicant at the same rate charged by the consultants. The applicant shall pay the difference when consultant fees charged to the Village are in excess of the established Fee Schedule base amounts. Final approvals will be held until all fees charged by consultants are paid-in-full by the applicant.
- (4) The fee for review of a revised application shall be sixty (60) percent of the fee specified for the initial or first review of such application.
- (5) All plans must be folded to fit a legal sized file folder with the title showing in the lower right-hand corner.
- (6) Special meetings that require one or more of the Village's consultants to attend shall require payment of the special meeting fee before the meeting is scheduled. Examples of special meetings include staff meetings and non-scheduled Planning Commission meetings requested by an applicant and/or developer.

1. Complete applications submitted by the deadlines posted above will be processed and placed on the next regularly scheduled Planning Commission meeting.
2. Incomplete applications or applications that do not comply with the minimum Village Zoning Ordinance and/or Subdivision Regulations or applications that are not submitted by the above posted deadlines will not be placed on the next regularly scheduled Planning Commission meeting agenda.
3. The applicant will be notified if his or her application is not accepted for processing. The Village Administrator and/or Zoning Administrator will discuss the reasons why the application was not accepted and the necessary steps required to meet the next meeting deadline.
4. Applicants may request a special Planning Commission meeting. Requests should be made with the Village Administrator at least two weeks in advance of the requested special meeting date. The meeting will be set if approved by the Planning Commission chairperson and if a quorum can be present. A \$500 fee plus applicable application fee must be paid in advance of the meeting (See Fee Schedule and Footnotes to Fee Schedule).
5. Meeting dates are subject to change due to unforeseen scheduling conflicts and holidays. Applicants should call the Village to check meeting dates in advance of the application deadlines.

**VILLAGE OF SOUTH LEBANON
MEMORANDUM**

TO: Planning Commission Members
FROM: Jerry Haddix, Village Administrator
RE: Case 2019-16P Lot Split for Lot 26 of Fredericks Stand
DATE: June 25, 2019

On the agenda for the June 27th meeting is an application for approval of a lot split for a duplex unit in the Fredericks Stand subdivision (the "Project") submitted by the Monarch Homes (the "Applicant").

Background

On April 27, 2005, the record plan for the Village of Fredericks Stand, Section One (aka Fredericks Stand) was recorded in the Warren County Recorder's Office. The plat consisted of 26 lots of which 20 were 2-family units and six (6) were single family units. The duplex on Lot 26 is partially to mostly constructed by Monarch Homes. Approval of this lot split will simply create separate deeds for each unit.

Zoning Code Analysis

Upon reviewing the application, the lot division in this application meets the definition a minor subdivision as described in Section 15.20.3 of the Village's Zoning Code.

Zoning Process

Planning Commission approval is required for lot divisions through the minor subdivision process. The Zoning Administrator will then mark the Plot Plan as well the new deeds "approved by Village of South Lebanon Planning; no plat required".

Recommendation

The lot division is in compliance with the approved Planned Unit Development for the Subdivision. Staff recommends that the Planning Commission grant its approval of the minor subdivision application as submitted.

Attachments

Planning Commission Application
Lot 26 Plot Plan

VILLAGE OF SOUTH LEBANON PLANNING COMMISSION APPLICATION

1. Application Type: (check the appropriate box) (all plans must be folded when submitted)

<input type="checkbox"/> Draft Plan-Discussion Only		Preliminary PUD
<input type="checkbox"/> Site Plan		Final PUD
<input type="checkbox"/> Landscape Plan		Rezoning
<input type="checkbox"/> Construction Drawings. (Please complete Fee Schedule form on Page 2)	<input checked="" type="checkbox"/>	Lot Split
<input type="checkbox"/> Preliminary Plat (Please complete Fee Schedule form on Page 2)		Conditional Use
<input type="checkbox"/> Final Plat or Replat		Special Meeting
<input type="checkbox"/> Right-of-Way Dedication Plat		Other:

(See Page 3 for complete Fee Schedule and Submittal Requirement Information)

2. Development Information:

Development/Business Name:	
Type of Business/Project Description:	
Location: <u>X Lot 40 & 642 Fredoncks Pass</u>	Size of Building:
Current Zoning:	Rezone to:
Total Acreage:	Acres to be Rezoned:
Number of Employees:	Number of Fleet Vehicles:
Current Owner of the Property	Project Contact (Architect, Engineer, Planner)
Name: Monarch Homes, LLC	Name: Chris Pernice
Address: 726 E. Main St - F-107	Address: 726 E. Main St - F-107
City: Lebanon State: OH Zip: 45036	City: Lebanon State: OH Zip: 45036
Telephone: 513-282-3077 Fax: 513-282-3077	Telephone: 513-331-9006 Fax:
Applicant(s): Kathy Weaver, Office Manager	
Address: 726 E. Main St - F-107	
City: Lebanon	State: OH Zip: 45036
Telephone: 513-282-3077	Fax: 513-282-3077
Please Print Applicant's Name Here: <u>Kathy Weaver, Office Manager</u>	
* Applicant's Signature: <u>Kathy Weaver</u>	
* Applicant is responsible for payment of all fees (See Fee Schedule and Footnotes on Pages 3 and 4 respectively.)	

TO BE COMPLETED BY THE VILLAGE OF SOUTH LEBANON

Application Number: _____	Date of Planning Commission Meeting: _____
Fee Paid: _____	Drawn: _____
Check #: _____	Date: _____
Initial: _____	
Legal Notices Advertised: _____	Mailed to Surrounding Property Owners: _____

K. Weaver@monarchhomesohio.com

3. Rezoning and Preliminary PUD Plan Requests

Surrounding Property Owners: Please list the names and addresses of all Owners of Real Property within 300 feet of any part of the property as such names and addresses appear on the most recent tax duplicate on 2 sets of mailing labels. (See submittal requirements on page 3).

4. Signatures Required

By signing this application, I attest under penalty of law that all the information given above is correct to the best of my knowledge.

Please **Print** Applicant's Name: Kathy Weaver

Applicant's Signature: Kathy Weaver Date: 6/19/2019

Property Owner's Signature: Chris Pannico Date: 6/19/2019

5. Fee Determination for Construction Drawings and Preliminary Plat Submittals

Please create a detailed breakdown of the estimated infrastructure breakdown cost for the project and attach it to this application. For Construction Drawings complete Item 1 and for Preliminary Plats complete Item 2.

	Total Infrastructure Cost	\$ _____	(A)
1 – Construction Drawing Fee Breakdown			
1.25% of Total Infrastructure Cost* (Line A x 0.0125)		\$ _____	(B)
1.50% of Total Infrastructure Cost** (Line A x 0.015)	+	\$ _____	(C)
Application Fee	+	\$ <u>150.00</u>	(D)
Total Construction Drawing Fee (Line B + C + D)		\$ _____	(E)
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0.25% of Total Infrastructure Cost* (Line A x 0.0025)		\$ _____	(F)
Application Fee	+	\$ <u>150.00</u>	(G)
Total Preliminary Plat Fee (Line F + G)		\$ _____	(H)
Total Paid with Application/Submittals (Line E+H)		\$ _____	

* Due upon submittal
 ** Due prior to construction