

**VILLAGE OF SOUTH LEBANON**  
**SPECIAL MEETING MINUTES**  
**MARCH 12, 2020**  
**6:30 P.M.**

1. Mayor Smith opened the meeting at 6:30 p.m. with the Pledge.

2. ATTENDANCE

Linda Allen – Present

Maryan Harrison - Present

Linda Burke – Present

Bill Madison – Present

Bryan Corcoran – Present

Rolin Spicer – Present

3. Mayor Smith stated that we have a Public Hearing for a zoning map amendment consisting of 4.2255 acres located at 5484 SR 48 from R-1 [Single Family Residential District] to B-2 [General Business District]

Administrator Haddix stated the Tom Megie, the owner of Megie Funeral Home, LLC submitted an application for the rezoning of the property located at 5484 SR 48, which is 4.2255 acres in accordance with Section 15.7.3 of the Village Zoning Code. On January 30, 2020 the Planning Commission met and reviewed this amendment and unanimously voted to recommend the amendment based on the following factors: 1. Amendment change is consistent with the existing surrounding land uses, and 2. The requested change is consistent with the adopted Village Comprehensive Plan.

The Public Hearing notice was published one time on February 10, 2020 in the Cincinnati Enquirer with the details of the zoning request. Mr. Megie is proposing to construct a funeral home at the location. The current zoning is R-1 [Single Family Residential District]. Funeral Homes aren't permitted in an R-1 district, which is why he is seeking a zoning change to B-2 [General Business District]. If rezoned to B-2, he will be required to apply to the Board of Zoning Appeals (BZA) for a conditional use permit per Section 15.9.10(2)(b) of the Village Zoning Code. A visual aid of the map showing the zoning of surrounding properties was displayed. The proposed layout of the building was also viewed. The building is roughly 4,000 square foot with parking in the rear and one access to SR 48.

Tom Megie, Megie Funeral Home – Mr. Megie stated that he is proposing a funeral home 5484 SR 48 to serve the needs of the community.

Bill Lichtenberg, Lichtenberg Construction – Mr. Lichtenburg stated they are here tonight to discuss a funeral home at that location and the zoning change that is needed to proceed with the project. Mr. Lichtenburg stated he is open to address any questions.

Corcoran asked if the funeral home will include a chapel facility and will cremations occur at that location. Mr. Megie stated at this juncture we are not planning on having a crematorium to do the actual cremations. It will be a functional funeral home that



includes a chapel for funeral and memorial services, and body preparation services. Mr. Lichtenberg stated that Mr. Megie's future plan includes seclusive walkways around the property for reflection and prayer.

Corcoran said there is a large pond at the back of the property and a concern of the residents is how we are going to mitigate the drainage runoff and asked if this has been looked at. Mr. Lichtenberg stated that they have looked at it and will follow the code requirements for water retention and release. At one time we talked about using the pond for water retention, but Lichtenberg Construction will need to do some engineering studies to confirm this. For water runoff, the code will tell us how fast the water releases from the structure that we build. Mr. Lichtenberg stated when we looked at the property on Sunday, it wasn't raining but it has been raining, and he could not tell from the size of the creek if it had been any larger with heavy rains, it did not appear this was the case. Mayor Smith stated with over one acre in land disturbance then the Soil & Water Conservation District becomes involved. Haddix said the regulations state that no development can create an increase in water runoff, so their plan will have to be approved by the Warren County Soil & Water Conservation District. Corcoran stated that it sounds like the property owner and developer are sensitive to the issue but understand that it is a major concern for residents in that area. Mr. Lichtenberg said he understands and that is why they took the time on Sunday afternoon to look at it and take pictures. Mayor Smith asked Mr. Megie if he owns additional funeral homes. Mr. Megie stated he owns a funeral home in Mt. Orab since 2006. Madison said that this business is low impact to the neighborhood and community. Traffic is always a concern, but funeral services tend to be outside of rush hour times. A business could go in there that would create a lot more traffic. Allen agreed with Madison and likes the zoning change to business because with residential we would be crowding the schools. Allen does not feel that traffic coming in and out on SR 48 will be an issue. Madison stated that this area of SR 48 will be widened eventually. Mr. Megie said there is a turn lane currently there. Corcoran asked Haddix if the financing fell through or something happened with this project after we rezoned it, can we provide rezoning contingent upon it being this business. Haddix said no, once it is rezoned it will stay that zoning until it's changed again. Haddix clarified that a zoning change for a funeral home goes through the Board of Zoning Appeals (BZA) if another type of business has a zoning change, it goes through Planning Commission. Corcoran stated that he is comfortable with a funeral home but other businesses he would not necessarily be as comfortable. Burke said that there is a need for a funeral home in this area. Her concern is how the neighborhoods will be affected by this. Mr. Megie said it will be a very quiet business for the most part. Mr. Lichtenberg stated that the lot itself is almost 1200 feet deep and we will utilize only the front one-third, except for the walking paths. Mr. Megie stated in the back of the property he is looking to have walking paths, to keep as much green space as possible.

Mayor Smith opened the floor to the public for the public hearing.

Jerry Harrod, 5269 Little Turtle Drive – Mr. Harrod provided pictures from his cell phone of the water runoff that he sees from his backyard. Mr. Harrod stated that he has no issues with a funeral home at that location, but this would be a great time to address the



water runoff issue. Mr. Harrod said that he wanted to bring awareness to the situation. Burke asked if the engineers will be reviewing the situation. Mayor Smith said yes.

Jennifer Faz, 5281 Little Turtle Drive – Ms. Faz stated that she has videos of the water runoff and they are quite shocking. Ms. Faz asked if the funeral home only fixes a small part of the situation is there any help or responsibility to fix it entirely. Mayor Smith stated the engineer from the Soil & Water Conservation District will review the matter. Ms. Faz asked what the permission process would be if a crematorium eventually goes in. Haddix said that would go through the Board of Zoning Appeals (BZA) and as an adjoining property owner she would receive notification. Ms. Faz stated that she does not have a problem with a funeral home at that location but wants to know what the parking lot will do to contribute to the water runoff.

Mayor Smith closed the floor to the public and asked for a motion to close the public hearing. The motion was made by Burke, seconded by Madison, all yeas.

4. ORDINANCE 2020-7 FIRST READING: AN ORDINANCE APPROVING ZONING MAP AMENDMENT TO A CERTAIN PROPERTY IN THE VILLAGE OF SOUTH LEBANON, CONSISTING OF 4.2255 ACRES FROM R-1 [SINGLE FAMILY RESIDENTIAL DISTRICT] TO B-2 [GENERAL BUSINESS DISTRICT]
5. Mayor Smith stated that we have a second public hearing tonight for the Planned Unit Development (PUD) preliminary development plan located at 5215 Cochran Road.

Haddix stated that Abercrombie & Associates, Inc. on behalf on M/I Homes of Cincinnati LLC submitted a Preliminary Development Plan (PDP) to construct 42 single family lots at the address of 5315 Cochran Road, a total of 19.369 acres.

The Planning Commission met on January 30, 2020 and conducted the required public hearing for the preliminary development plan. The Planning Commission voted unanimously to approve the preliminary development plan with the following conditions: 1. Allowing 5' sideyard setbacks with a minimum 10' total; 2. Reduce peripheral PUD setbacks from 40' to 30' with approved landscape buffering; 3. Add additional landscape berming, additional trees, and removal of existing guardrail as part of the landscape buffering; 4. Revisit concerns of adjoining properties re: stormwater runoff and sizing of storm piping; 5. Compliance with Village Subdivision Regulations; 6. Developer to provide documentation of the projected price points of the homes.

The overall density of this development is 2.17 lots per acre. The maximum allowable density with a straight R-3 zoning would be 7.24 lots per acre.

Per Section 15.14.15 of the Village Zoning code, the next step in the process is for the Village Council to conduct a public hearing. This was advertised one time in the Cincinnati Enquirer on February 10, 2020. The current owner of the property is Sharon Ricketts, the developer is M/I Homes of Cincinnati, and the engineer Abercrombie &



Associates. The applicant is proposing to create 42 single family lots on property which is currently zoned R-3 PUD. A visual aid of the overall plan was displayed.

Brad Austing, M/I Homes of Cincinnati LLC – Mr. Austing stated that M/I Homes was founded in 1976 by the Schottenstein Family out of Columbus, Ohio. We are a publicly traded company on the New York Stock Exchange, a large national builder with a local presence since 1988. A strength of M/I Homes is that M/I Homes offers the best home warranty in the business. In Cincinnati, we have 24 active communities and would like to make Auburn Grove our 25<sup>th</sup> community. Mr. Austing displayed the landscape plan and stated this isn't a zone change, but a plan approval for the existing zoning which is R-3 PUD. M/I Homes would be building 42 single family homes, our smallest lot is 7,200 square feet, but the minimum allowable under the R-3 is 6,000 square feet, our average lot is over 11,000 square feet, so we are exceeding the minimums by quite a bit. We have 30% open space in this plan and the minimum requirement is 20%. The entrance of the proposed community and 12 floor plans were displayed. M/I Homes does not allow the same home to be built next door or across the street. The average sales price for this community will be \$350,000 - \$450,000 with square footage from 2,000 – 3,300. Mr. Austing explained the tax value on this property is currently \$309,000 versus over 17 million in new tax base when complete. This means that almost \$350,000 in real estate taxes will be generated. The school district portion is currently about \$2,100, compared to \$261,000 upon completion. The economic impact on schools will be that this development enhances the school district.

Corcoran asked Mr. Austing about the ingress and egress at that location. Mr. Austing said you will exit Cochran Road to SR 22 & 3 and turn left or right. Corcoran asked Mayor Smith if there are plans for the county to widen their portion of Cochran Road. Mayor Smith said that we will reach out to them and ask. Mayor Smith said he thinks their portion is about 2,200 square feet. Corcoran asked Mayor Smith which school district is the development in. Mr. Austing stated that 2 houses are in the Little Miami LSD and 40 houses in Kings LSD.

Burke asked with the shortening of the front and back yards, will the driveways be able to handle two cars. Mr. Austing stated that all homes have two car garages and will handle two cars in the driveway with no overhang on the sidewalk. Burke stated that the width between the houses has been reduced to 5 feet on each side and asked if this is a concern to neighbors. Mr. Austing said the plans viewed tonight all show a forty-foot-wide house, which is really 10 feet on each side. This allows for bump outs to a house for bays. Burke said there is always a concern for the school district because it costs approximately \$10,000 to educate one child in King LSD with a price point home of \$400,000.

Mayor Smith opened the floor to the public for the Public Hearing.

Kenneth Osburn, 5395 Cochran Road – Mr. Osburn stated where he lives on Cochran that he's not sure if two cars would be able to pass each other and there is water runoff on one side causing the street to collapse. Mr. Osburn said the portion he is referring to isn't in

the village limits but wanted to make everyone aware. Mr. Austin said there won't be any water coming to Mr. Osburn's property from this project.

Mayor Smith said this property is zoned R-3 but because it has a PUD is the reason it is before council. M/I Homes has enhanced this project, which is why it is before council.

Mayor Smith closed the floor to the public and asked for a motion to close the public hearing. The motion was made by Madison, seconded by Burke, all yeas.

6. ORDINANCE 2020-8 FIRST READING: AN ORDINANCE APPROVING THE PLANNED UNIT DEVELOPMENT (PUD) PRELIMINARY DEVELOPMENT PLAN AT 5315 COCHRAN ROAD IN ACCORDANCE SECTION 15.14.15 OF THE VILLAGE ZONING REGULATIONS
7. MOTION NEEDED TO ALLOW THE FISCAL OFFICER TO SEND AN AMENDED CERTIFICATE TO THE WARREN COUNTY AUDITOR

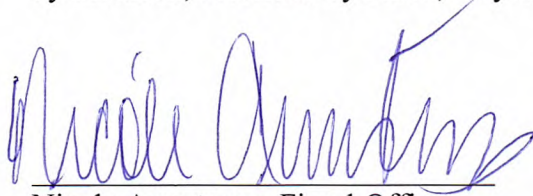
A motion was made by Corcoran, seconded by Allen, all yeas.

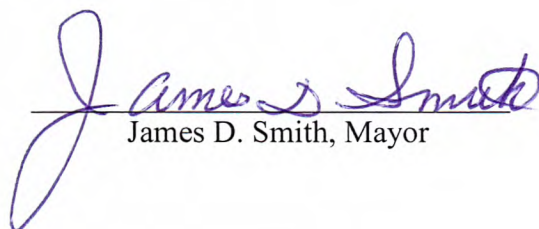
8. ORDINANCE 2020-9 AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF SOUTH LEBANON, STATE OF OHIO, FOR THE PERIOD OF JANUARY 1, 2020 THROUGH DECEMBER 31, 2020, AND DECLARING AN EMERGENCY

A motion to waive the three-reading rule was made by Madison, seconded by Burke, all yeas. By title only, Ordinance 2020-9, a motion to adopt was made Madison, seconded by Burke, all yeas.

Mayor Smith commented on the appropriations and stated that council received a copy of the capital projects. The appropriations include the new equipment from the Leaf Vacuum, Compact Excavator, and Fiscal Officer Armstrong factored in items needed for the equipment.

9. Mayor Smith asked for a motion to adjourn the meeting at 7:33 p.m. A motion was made by Madison, seconded by Allen, all yeas.

  
Nicole Armstrong, Fiscal Officer

  
James D. Smith, Mayor