# PLANNING COMMISSION AGENDA



# Planning Commission Meeting 6:00 PM Monday, April 4, 2022

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 February 8, 2022
6.	Public Hearing – none
7.	Old Business
	A. None
8.	New Business
	A. Case 22-03P: Review of rezoning of 4.4565 acres on Mason- <orrow-millgrove road<br="">from I-1 (Light Industrial District) to B-2 (General Business District) submitted by Vibrant Oil LLC</orrow-millgrove>
9.	Communications
10.	Adjournment
the ag Planni	bers of the public may address the Planning Commission during the Open Forum segment of genda and shall be limited to five minutes each. After the speaker concludes remarks, the ng Commission may comment or ask questions at that time. The Chairperson may at his or scretion restrict duplicate testimony on a particular subject.



City 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, February 8th, 2022 @ 6:00pm

Members Absent:

Members Present:

#### Darrick Zucco Jim Smith Bill Madison Susanne Mason Bryan Corcoran

<u>Staff:</u> Jerry Haddix, Administrator Deanne Haltman Clerk

- 1. Call to order at 6:00p.m. by Mr. Darrick Zucco (Chairman)
- Roll Call: Mr. Zucco- Present, Mr. Smith-Present, Mr. Madison-Present, Ms. Mason-Present, Mr. Corcoran-Present.
- 3. Pledge of Allegiance
- Election of Chairperson & Vice Chairperson: Motion was presented by Mr. Smith, nominating Mr. Zucco for Chairperson for 2022, Second by Mr. Madison. A vote was taken. ALL YEAS. Motion was presented by Mr. Zucco, nominating Mr. Madison for Vice Chairperson for 2022, Second by Ms. Mason. A vote was taken. ALL YEAS.
- Review and Approval of Minutes: Review and Approval of Minutes of December 7<sup>th</sup>, 2021. A motion to approve was presented by Mr. Madison, Seconded by Ms. Mason. A vote was taken. ALL YEAS.
- 6. Public Hearing: None
- 7. Old Business: None
- 8. New Business:
  - A. Case 22-01P: Application for Preliminary Plat- Highmeadows Subdivision by Drees Homes: On the agenda for Planning Commission Meeting Case # 22-01P, is a preliminary plat for the Highmeadows Development ("The Property") submitted by Abercrombie & Associates, Inc. ("Engineer") on behalf of the Drees Company ("The Developer").

Mr. Haddix approaches the podium, first to mention that Alex Martin, 211 Grandview Dr. Ft. Mitchell, Kentucky (Drees Homes) is also present. Mr. Haddix first starts with discussing the background of this property. On March 26, 2021, the annexation known as the "Creedon Annexation" consisting of 29.2092 acres was recorded in the Warren County Recorder's Office. This annexation included one parcel in Hamilton Township owned by Mary Jo Creedon, 5379 Zoar Road. On July 13, 2021, the South Lebanon Council approved the permanent zoning on this property as R-3 (Single & Multi-Family District).

On November 19, 2021, the annexation known as the "Archdiocese of Cincinnati, consisting of 10.5383 acres was recorded in the Warren County Recorder's Office. This annexation included on parcel in Hamilton Township owned by Archdiocese of Cincinnati, a part of 944 Route 22 & 3. The rezoning application for this property is currently under consideration of the South Lebanon City Council which would approve the permanent zoning on this property as R-3 (Single & Multi-Family District). Mr. Haddix informing Planning Commission this meeting is mainly for the first section, the second section is currently going through the rezoning process for the "Archdiocese Annexation". There are 74 lots on this first section and 36 on the second section. Mr. Zucco inquires if Planning Commission is only looking at the first phase currently. Mr. Haddix agrees. Mr. Haddix states that the Planning Commission will return later for the second phase. Construction of water and sewer are nearing commencement. Mr. Haddix believes they will be moving dirt within the next week. Mr. Madison inquiring if there are any contingencies, Mr. Haddix informing him that they have been addressed. Mr. Haddix stating the final step will be Water Permit-to-Install through the Ohio EPA.

Mr. Zucco requested the timeline on phase two zoning and Mr. Haddix's information concerning phase two reading should be next week then the third reading in March-April.

Mr. Martin (Drees Homes) speaking about the timeline emergencies he would have to research that subject. Mr. Haddix asked Mr. Martin about the number of homes in the first phase. Mr. Martin states in the first phase, there are 27 lots and Drees Homes will be purchasing later the remaining parcel. Mr. Smith asking regarding the starting price on these homes is around \$450,000 and Mr. Martin agrees.

Mr. Zucco reassuring that Mr. Martin's information is documented, name, address, etc.... (Drees Homes).

Ms. Mason inquiring if this property is in Little Miami School District and was informed that it was.

Mr. Zucco requests if anyone has any more questions. Motion presented by Mr. Madison to approve the Highmeadows subdivision preliminary plat and Seconded by Mr. Smith. A vote was taken. ALL YEAS.

B. Case 22-02P: Application for Replat- Mary Ellen Street, Block "A" by the City of South Lebanon.

Mr. Haddix remaining at the podium, stating back in 2019, it was brought to the then-Village's attention that there are platted "paper" streets and alleys in various locations on the east side of Mary Ellen Street from Morrow Road to King Avenue. The plat was recorded in 1902 which street and alley areas. These right-of-way were never vacated. This is now causing issues with transfers and sales of the affected properties.

To address this issue, after consultation with the County Tax Map Department and our Solicitor, the Village contracted with McGill Smith Punshon, Inc. (MSP), a surveying company, to prepare a replat which will allow the areas in question to be identified on a new plat and the property could then be transferred to the adjoining property owners. Mary Ellen Street was originally Main Street. This has been causing problems with titles and transfers. Mr. Zucco asked how this became aware of now. Mr. Haddix states all these plats have been digitized and are digitally available to the County Tax Map Department and if you wish to check on property all that must be done is push a button. Mr. Haddix also informs Planning Commission that all property owners have been contacted and have reviewed the new boundaries and concur with them and understand they must sign them.

McGill Smith Punshon, Inc. (MSP) has prepared the record plat and is ready for signatures. Mr. Smith states the homeowners could possibly lose their homes if not signed. Mr. Haddix stated at one time lot 46 had a contract on their home for 2 years. Ms. Mason inquiring on the length of the contract. Mr. Smith stating that it would not sell because of this issue.

Staff recommends the approval of the Mary Ellen Street replat and authorize Chairman and/or Vice Chairman to sign the plat.

A motion was presented by Mr. Madison to approve the Mary Ellen Street, Block "A" replat and seconded by Ms. Mason. A vote was taken. ALL YEAS.

C. Case 22-23P: Revision to Final Development Plan (FDP) for River Creek Lofts. LLC, 1771 Mason-Morrow-Millgrove Road.

Mr. Haddix remaining at the podium, stating that River Creek Lofts have requested minor modifications to the Final Development Plan. There will be 460 units

Phase 1A & B – 180 Units plus Clubhouse, Phase 2 – 160 Units and 2 Units in Phase 3 with all amenities, 2 % increase, Mr. Zucco inquiring about parking space increase. Mr. Haddix informs Planning Commission there will be 65 parking spaces. There will also be a dog washing station. Mr. Smith also mentions they will also have more access to the bike trail.

The requested modification includes the addition of 12 Units, 65 parking spaces, revised interior walls, revised increased dumpster locations, the addition of a second trail access, also additional benches and bikes. These changes were made to address the comments made at Planning Commission and Council Meetings. Market analysis and enhanced walk abilities of the site and access to the dumpster.

The reduced width of the buildings will allow availability to move the buildings further away from the Muddy Creek. This will also assist in leaving the area adjacent to the creek more natural.

The floor plan changes include converting of two of the two bedrooms with study units into three one-bedroom with study units. This adds 1 unit per floor for each building, for a total of 12 additional units for 3 buildings. This was done because the market studies indicated that the two bedrooms with study units would be too large/expensive to fit into geographical area.

River Creek Lofts is requesting that revised Final Development Plan and floor plans be submitted to the Planning Commission for confirmation. Motion to approve the changes as minor modifications as presented by Mr. Madison and Seconded by Mr. Smith. A vote was taken. ALL YEAS.

#### 9. Communications :

Mr. Haddix speaks concerning the follow up from the last meeting speaking about the Riverside Community stating the was unable to get ahold of the owner. There has been a Phase 4 submitted, the final phase and that was withdrawn and that was the last item received. Mr. Zucco mentioning that was the residents of Riverside Community were worried about apartments. Mr. Haddix agreed and stated there was nothing else and stated that they would get together with the Developer and property owners and discuss more. Mr. Madison inquires if Mr. Haddix has spoken with the property owners, Mr. Haddix stated that he has not. Mr. Madison mentions to Mr. Haddix to react to homeowners if they wish to move further.

10. Adjournment : A motion to adjourn was presented by Mr. Smith and Seconded by Mr. Madison. A vote was taken. ALL YEAS.

Darrick Zucco – Chairman

Deanne Haltman - Clerk

## CITY OF SOUTH LEBANON MEMORANDUM

**TO:** Planning Commission

FROM: Jerry Haddix, City Administrator
RE: Case 22-03P, Rezoning of 4.4565 acres on Mason-Morrow-Millgrove Road
DATE: April 1, 2022

On the agenda for the April 4<sup>th</sup> meeting is Case #22-03P, is rezoning request initiated by the property owner, Vibrant Oil LLC to rezone the three (3) property parcels on Mason-Morrow-Millgrove Road totaling 4.4565 acres from I-1 – Light Industrial District to B-2 – General Business District.

### Background

The properties included in the application consists of three (3) parcels: 12-01-103-013, 12-01-103-015 & 12-01-103-017. All of these parcels were recently purchased by Vibrant Oil LLC from MMM Investment Property LLC. The prior uses of this property included auto repair and outdoor storage. In 2021, the City adopted its updated Comprehensive Plan which shows the future use of this property as a "Community Commercial". The primary justification for this classification is the location along Mason-Morrow-Millgrove Road as well as the close proximity to State Route 48 and Interstate 71. In addition, this would be consistent with other uses in the area.

Vibrant Oil LLC operates various convenient stores and gas station in the area and is planning on constructing a convenient store/gas station and a stand-alone strip center at this location. Per the City zoning code, this use would not be permitted in the current I-1 zone, but would be a permitted use in the B-2 General Business.

## **Code Analysis**

Article 7 of the City Zoning Code lists the procedures for Amendment or District Changes to the City's Zoning Code.

## **Zoning Process**

The Planning Commission shall transmit its recommendation to the City Council within sixty (60) days of the receipt of the rezoning application. The Planning Commission may recommend that the amendment be granted as submitted, recommend modifications, or recommend denial.

#### Recommendation

These rezoning changes are consistent with the City's Comprehensive Plan and land uses in the vicinity. Staff recommends that the Planning Commission recommend approval of this rezoning, as presented.

## Attachments

PC Application Rezoning Plat

## CITY OF SOUTH LEBANON PLANNING COMMISSION APPLICATION

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

Draft Plan-Discussion Only		Preliminary PUD
Site Plan		Final PUD
Landscape Plan	$\checkmark$	Rezoning Light Industrial Rezoned To B2
Construction Drawings. (Please complete Fee Schedule form on Page 2)		Lot Split
Preliminary Plat (Please compete Fee Schedule form on Page 2)		Conditional Use
Final Plat or Replat		Special Meeting
Right-of-Way Dedication Plat		Other:

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

## 2. Development Information:

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Development/Business Name: Vibrant Oil LLC	
Type of Business/Project Description: Building 1: Gas Station	with tenant spaces, Building 2: strip mall
Location: 909 Mason Motrow Millgrove Rd Lebanon Chio 45036 - Parcel: 1201103013 777 Mason Motrow Millgrove Rd Lebanon Chio 45036 - Parcel: 1201103017 Mason Marew Megreve Rd Lebanon Chio 45030 - Parceli 1201103015	Size of BuildingApproximatly) Building 1: 15,000 Building 2:12,500
Current Zoning: Light Industrial	Rezone to: Commercial (B2 General Business)
Total Acreage: 4.45	Acres to be Rezoned: 4.994
Number of Employees: NA	Number of Fleet Vehicles: NA
Current Owner of the Property	Project Contact (Architect, Engineer, Planner)
Name: Vibrant Oil LLC	Name: Rhinovations LLC
Address: 8739 South Shore Place	Address: 9674 Colerain Ave #250
City: Mason State: Ohio Zip: 45040	City: Cincinnati State: Ohio Zip: 45251
Telephone: 5134791316 Fax:	Telephone: 5133482512 Fax:
Applicant(s): Vibrant Oil LLC	
Address: 8739 South Shore Place	
City: Mason State: Ohi	o Zip: 45040
Telephone: 5134791316 Fax:	
Please Print Applicant's Name Here: Vinay Patel	
* Applicant's Signature: Vine 2007	
* Applicant is responsible for payment of all fees (See F	ee Schedule and Footnotes on Pages 3 and 4 respectively.)

TO BE COMP	LETED BY THE CITY OF SOUTH LEB	ANON
Application Number:	Date of Planning Commission Meetin	ıg:
Fee Paid: Drawn:	Check #: Date:	Initial;
Legal Notices Advertised:	Mailed to Surrounding Property O	wners:
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#### 3. Rezoning and Preliminary PUD Plan Requests

<u>Surrounding Property Owners</u>: 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

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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:	Vinay Patel			
Applicant's Signature:	Vinagat	Date:	03/17/2022	
Property Owner's Signature:	Vine al 98	Date:	03/17/2022	

#### 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 Infrast	ructure 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		

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Article/Ord. Reference	Item	Fees <sup>(3)(4)</sup>	Submittal Requirements
Article 20 Article 14	Preliminary Plats Final PUDs	\$150 + 0.25% of estimated infrastructure construction costs <sup>(1)</sup>	12 Copies <sup>(5)</sup> + 1 Copy (Ledger Paper)
Article 20	Construction Drawings	<ul> <li>\$150 + 2.75% of estimated infrastructure construction costs<sup>(1)</sup> (Include estimate with application)</li> <li>(1.25% due at time of submittal and 1.5% due before construction begins)<sup>(2)</sup></li> </ul>	<ul> <li>4 Copies<sup>(5)</sup></li> <li>2 Drainage Calculations</li> <li>2 Detailed Spreadsheet of the Estimated Infrastructure Costs</li> </ul>
Article 20	Final / Dedication Plats	\$350	10 Copies <sup>(5)</sup> + 1 Copy (Ledger Paper)
Article 20	Lot Split / Minor Subdivision / Replats	\$75 per lot	3 Survey Plats <sup>(5)</sup> & 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 <sup>(5)</sup> + 1 Copy (Ledger Paper)
Article 17	Landscape Plans	\$150 + \$10 per acre	12 Copies <sup>(5)</sup> + 1 Copy (Ledger Paper)
Article 7	Zoning District Map Change	\$400 + \$10 per acre	20 Copies <sup>(5)</sup> + 1 Copy (Ledger Paper)
	Zoning Text Change		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 <sup>(5)</sup> + 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 <sup>(5)</sup>
Article 3	Zoning Permit	\$250 + \$0.03 per square foot of building area (City water tap and inspection fee required if utilizing City Water [proof of payment of County tap fee if utilizing County Water]; City sewer tap and inspection fee also required)	5 Copies
Article 3	Temporary Use Permit	\$50	5 Copies
Article 3 Ord. No: 2008-14; Permit App.	Certificate of Occupancy Flood Hazard Area Development Permit	\$50 \$50	3 Copies 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 <sup>(6)</sup>	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 City 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 City Engineer. Such fees for review and field inspection by City 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 City 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 City 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 City 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 City'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 City 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 City 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 City 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 City to check meeting dates in advance of the application deadlines.

		<b>Neighboring Properties within 300 Feet</b>		
Property Contact	Property Owner	Parcel ID	Property Address	
Capitol Corporate Services Inc TLC Properties Inc	TLC Properties Inc	Parcel: 12011030110	MASON-MORROW-MILLGROVE RD	ld Road
David Oeder	Oeder & Sons Garge Inc Parcel: 12011020040	Parcel: 12011020040	W MASON-MORROW-MILLGROVE RD	1000 West Mason Montgomery Road Lebanon Ohio 45036
Redwood Legal LLC	Lebanon Mason LLC	Parcel: 12011510132	W MASON-MORROW-MILLGROVE RD	7007 E Pleasant Valley Road Independence Ohio 44131
David Oeder	Oeder & Sons Garge Inc Parcel: 12072000042	Parcel: 12072000042	1138 Mason Morrow Millgrove Rd	1000 West Mason Montgomery Road Lebanon Ohio 45036
	Warren Co Commisioners Parcel: 1201176001	Parcel: 1201176001	S Route 45 South Lebanon 45065	
	<b>Bishop Charity H</b>	Parcel: 1201129007	Maron Morrow millgrove Rd South Leabanon 45065	

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# SECTION 1, TOWN 4, ENTIRE RANGE 3 UNION TOWNSHIP, WARREN COUNTY, OHIO 4.994 ACRES TOTAL



- 1) FOUND MONUMENTATION IN GOOD CONDITION
- ÚNLESS OTHERWISE NOTED. 2) DATA SOURCES INCLUDE DOCUMENTS CITED
- 3) EVIDENCE IN GENERAL FITS THE SURVEY

# BASIS OF BEARING

THE BEARINGS IN THIS PLAT ARE BASED UPON GPS FIELD MEASUREMENTS UTILIZING THE OHIO STATE PLANE COORDINATE SYSTEM (SOUTH ZONE)

# BACK REFERENCE

0.R. 2022 PG. 8807 P.B. 98 PG. 21 P.B. 71 PG. 27

# <u>LEGEND</u>

- FOUND I.P.
   FOUND MONUMENT
- SET 5/8" X 36" IRON PIN W/ CAP S.J. LEESMAN #8352

## OWNER

VIBRANT OIL LLC 777 MASON-MORROW-MILLGROVE RD LEBANON, OHIO 45036



DATE: MARCH 17, 2022



2720 TOPICHILLS, CINCINNATI, OHIO 45248