

**WRITTEN SUMMARY
PLANNING COMMISSION
MEETING MINUTES
Monday, February 15, 2016
1:30 p.m.**

Roll Call:

Members Present: Mr. Alf, Mr. Belew, Ms. Horsley, Mr. McAllister, Mayor Moeller, Mr. Samoviski, and Mr. Smith

Members Absent: None

City Staff Present: Mr. Eugene (Bud) Scharf, Mr. John Creech, Ms. Meredith Murphy, Ms. Kim Kirsch, Mr. Ed Wilson, and Ms. Kathy Dudley (Assistant Law Director).

Swearing in of Those Providing Testimony to the Commission: Ms. Dudley swore in the audience members wishing to speak.

Approval of Meeting Minutes- Written summary and audio recording for the following dates:

April 20, 2015 – Motion by Mr. Belew, 2nd by Mr. Samoviski. With roll call responses of all “Ayes”, the Motion passes (7-0), and the minutes are approved.

November 2, 2015 – Motion by Mr. Samoviski, 2nd by Ms. Horsley. With roll call responses of all “Ayes”, the Motion passes (7-0), and the minutes are approved.

Old Business: None

New Business: Agenda Item #1 - Public Hearing

Request to Rezone the vacant property located at 2311 Lincoln Avenue from R-2 Single Family Residence to R-4 Multi-Family Residence, City Lot No. 23680, situated in the Fifth Ward, City of Hamilton, Butler County, Ohio (AHEPA Senior Living, Applicant).

Staff: John Creech

Introduction:

AHEPA (American Hellenic Educational Progressive Association) Senior Living has submitted an application for the rezoning of an 11.78 acre parcel located at 2311 Lincoln Avenue (public hearing map - Exhibit A). The property is currently zoned R-2 Single Family Residence. The applicant is proposing a zoning change from R-2 Single Family Residence to R-4 Multi Family Residence.

The reason for this rezoning is to allow for the future development of a senior living apartment community with 125 units of assisted living and 40 units of senior living cottages (conceptual site plan and building renderings provided to the Board as part of the agenda). The property was the former Van Buren School site, which operated on

the property from the mid 1950s to 2009. The City of Hamilton acquired the property as part of a land transfer with the Hamilton City School District in 2011. The property is currently a vacant lot.

Mr. Creech then shows a map showing the boundary lines for the City of Hamilton and Fairfield Township. He then states that on March 30, 2015 the City of Hamilton placed an ad in the Journal News seeking Development Proposals for the 2311 Lincoln Avenue property. The deadline to apply was June 2, 2015. The development proposal from AHEPA was the accepted bid and in December of 2015 City Council approved the sale of the property.

On February 8, 2016, AHEPA held a neighborhood meeting to provide information to abutting residents about the development proposal. AHEPA notified all property owners within 500 feet of the property with a letter of introduction and details of their project attached as Exhibit C. City of Hamilton staff was present at this meeting. There were a number of questions raised by abutting property owners at the meeting that were addressed by the architect and engineer of AHEPA. At the end of the meeting, AHEPA agreed to hold another meeting in 6-8 weeks to look further into specific concerns.

Notification:

Mr. Creech states that in anticipation of today's meeting, a total of two hundred and seventeen (217) public hearing notices were mailed to property owners within 500 feet of the subject property – this includes residents of the City of Hamilton and Fairfield Township. At the time of the meeting, a number of calls were received in objection, as well as an e-mail that was provided to Board members at the meeting for their review.

Mr. Creech shows a map with a "bird's eye" view of the area in question, as well as a packet of information that was distributed from AHEPA to the adjacent property owners. He then shows a map showing the zoning of the property, as well as adjacent property. He says the part that is not zoned on the map is in Fairfield Township; however Staff researched it and it is zoned R-3 (1-2 family residences). He then went over the Zoning and uses of some of the properties on Tuley Road.

Mr. Creech then showed the conceptual layout of that 11 acre property. He goes over the buildings and cottages, the elevation drawing on the main 2 story building, the elevation drawing for the senior cottages (4 unit building).

Mr. Creech then goes of the Recommendation of Staff that the Planning Commission approves the rezoning of 2311 Lincoln Avenue from R-2 Single Family Residence to R-4 Multi-family Residence, the Department of Community Development recommends the following motion to rezone the subject property:

- 1) That City Council approve the rezoning of 2311 Lincoln Avenue from R-2 Single Family Residence to R-4 Multi Family Residence.

The Public Hearing was opened up and members of AHEPA were invited to speak.

First was Mr. Berardi, the Architect for the project. He said that AHEPA was also represented by Mr. Damascus. He gives AHEPA's background as far as location of other housing units, and the fact that it is non-profit.

He goes over the size of the property and the plans, and says that he has drawings if the Board wishes to see them. He says that the residents will be provided with 3 meals a day, and the cottagers could go into the large building. He said that the building is intended to be totally self supported. He said that there is a 30' buffer area for an easement. He said that they have met with employees of the Utility Department of the City.

He spoke about the public meeting that they had with the neighbors on 2/8/16, said that there seemed to be an overwhelming concern about the grading and drainage issues, and spoke about what they were doing about that. He said that it's their intention to proceed with a plan that will be very functional for the site. He's thinking that they might have another public meeting in 6-8 weeks, and is hoping to have a final plan to submit after another meeting with the Civil Engineer and working with regulations.

He said that the facility is referred to as a "resort style", and gave a bit more information about the site plan.

Mr. Smith said that he had looked at the website of other projects like the one being proposed, and asked Mr. Berardi if any of them are close to what is being proposed for Hamilton. Mr. Berardi said that he believed that the facility in San Bernardino, California would be the closest as far as size. He said that some of the facilities look different due to a different funding vehicle (grant program), and he went over some of the other buildings and locations.

Mr. Smith then asked him about the 30' easement for utilities, whether or not utilities had indicated how much of that would be needed, and Mr. Berardi answered him. Mr. Smith said that he was asking in relation to the natural vegetation on the south side of the building, which seems to be more cumbersome than it had been previously, and said that he would prefer that there be heavy landscaping installed on the north and east side.

Mr. Berardi talked about the intended usage for the 30' buffer (easement). Mr. Smith said that he would like to hear from the residents and said that he would like to support whatever the residents think is the appropriate buffer.

Mayor Moeller then asked him about what other issues there were besides drainage and Mr. Berardi gave him some of the resident's concerns. Mayor Moeller then asked him if the green space would be open to the entire community or if it would be a closed off fence area, and Mr. Berardi said that he would rather talk about landscaping the area vs. putting a fence up. He said that he feels that it's more appealing to the setting, and they are not intending on putting up solid barriers.

Mr. McAllister and Mr. Berardi then discussed the walking path, and who will have access to that.

Ms. Rosemary Carnival, 29 Van Buren spoke, and asked what kind of rehab center it is if there are no nurses or nursing aides. Mr. Berardi replied that it's rehab for someone that is coming out of the hospital. He said that there isn't "nursing" in the traditional sense, because it's assisted living, not a "nursing home". He said that there will be nurse's aides on hand to assist with getting dressed, helping with medicines, help with meals, and help with bathing if needed.

Mr. McAllister verified that there is not a medical staff on hand, just a nursing aide, and that rehabilitation would be contracted out if needed, and Mr. Berardi responded that is true for physical rehabilitation.

Mayor Moeller then asked him who would manage the common area, and Mr. Berardi responded that there is a full time management firm on site by the name of "Gaurdant". He said that they operate 60-70 facilities in the tri-state area, and they are staffed full time. Mr. Belew asked Mr. Berardi if that is "true security", and Mr. Berardi went over what they will have in place for security.

With nothing further from the Public, Mr. Samoviski made a Motion to close the Public Hearing. With a 2nd by Mr. Belew and all "ayes", the Public Hearing was closed.

Mr. Alf made a Motion to approve the request the rezoning as requested. With a 2nd by Ms. Horsley and a roll call vote of all "ayes", the Motion passed. Mr. Smith asked Mr. McAllister if the final site issues (location of storm water retention area, etc) are approved by City Council or by Staff. Mr. Scharf replied that it will go through inter-departmental review and then be approved by staff. Mr. Smith then asked if the same would hold true for the landscaping plan. Mr. Scharf replied that Staff would be present at the next community meeting, take input back, and put together an information report back to the Planning Commission. Mr. Smith asked if he could request that he receive that informational report before things are finalized back to the Planning Commission just in case there are questions.

Agenda Item #2

Request for Final Plat Approval for Gardner Ridge, Section 1, Block B (JA Development, Applicant)

Staff: John Creech

Introduction:

This is a request submitted by JA Development for review and approval of the Final Plat for Gardner Ridge subdivision, Section One, Block B. The subject property is located just east of Gardner Ridge Section One, Block A (see attached location map). The property is zoned R-1_Single Family Residential. The preliminary plat for Gardner Ridge (formerly known as Oak Tree Hill) was reviewed and approved by the Planning Commission on November 1, 2004 and included 88 single family residential building lots. The final plat for Section One, Block A, comprised of 17 single family residential

lots was approved on March 22, 2006. The original developer of Gardner Ridge was Dixon Builders.

Mr. Creech shows a photo of the preliminary plat that was approved in 2004 for 88 lots. He said that the streets are already installed and the area in question is highlighted in red. He shows that Plat documents that will be recorded with the Butler County Auditor's office if the request is approved. The proposed lots range in size from 10,000 square feet to 38,027 square feet. All minimum lot widths meet or exceed 80 feet in lot width at building setback line.

Final Plat

The project encompasses 10.1 acres and will create twenty-four (24) single-family residential building lots as shown on the attached record plat. All of the proposed lots meet the R-1 Zoning district standard that was in place when the Preliminary Plat was approved. The standards in place at that time called for a minimum lot width of 80 feet and a minimum lot size of 10,000 square feet. All public improvements have been installed as part of the project – items not currently installed include sidewalks which will be installed upon construction of the new homes.

The Planning Commission reviewed and approved the Preliminary Plat for this subdivision as on November 1, 2004.

Recommendation

The City Interdepartmental Review Committee has reviewed and approved the Final Plat for Gardner Ridge, Section One, Block B and City Staff has reviewed the Final Plat and found it is consistent with the approved Preliminary Plat and City Zoning Regulations.

If the Planning Commission approves the Final Plat for Gardner Ridge, Section One, Block B, the Department of Community Development requests that the Planning Commission recommends that City Council approve the request for Final Plat approval for Gardner Ridge, Section One, Block B subject to the following conditions of approval:

- 1) Separate performance and maintenance bonds to be submitted and approved by for outstanding public improvements and installed public improvements in accordance with Section 1191 of the City of Hamilton Subdivision Regulations prior to the record plan being recorded with the Butler County Recorder.

Mr. McAllister asked a question about Section 1 of the subdivision, and he and Mr. Engle had a discussion about a completion bond. Mr. Engle responded that the City was in litigation with the bonding company.

Mr. Smith said that he thought that building permits could not be issued until the final plat was approved. He questions why City is approving a final plat 12 years after the fact. Mr. Creech says that Mr. Smith's understanding of the process is correct, but this

is for Section 1-B. Section 1-A is already recorded, and there are no homes in this section. He clarified the part that they are talking about in red.

Mr. Smith and Mr. Engle then had a discussion about the status of the asphalt being poured. Mr. Engle said that he requested that it as a “sacrificial surface course”, and the builders are resistant and reluctant to do that. Mr. Smith asked what is the surety that it’s going to get done at some point, and Mr. Engle said that there is a Performance Bond. Mr. Smith said that there are a lot of Performance Bonds in Hamilton that no longer exists, and that is why there are subdivisions that don’t have final course of asphalt. He said that besides this community, he’s never heard of not doing the final course at the time of final platting. Mr. Smith added that he’s just trying to understand the process, and doesn’t want to add this subdivision to a list of some 23 already that haven’t been completed.

Mr. Adam Cristo, 7890 Breiel Road spoke, and said that generally, you don’t put the final course of asphalt down until the subdivision is about 80% complete because you don’t want it to be damaged. The insurance on getting the final asphalt down is via the Performance Bond. He said that bonding companies have changed the Performance Bonds over the past several years, and he went over some of those changes. Mr. Smith asked if Staff was comfortable with the current situation as far as bonds and completion of the project. Mr. Smith and Mr. Creech then had a conversation regarding the process of the plat being recorded and the lot being sold.

Mr. Smith made a Motion to close the Public Hearing. With a 2nd by Mayor Moeller and “ayes” by all, the public hearing was closed.

Mr. McAllister asked if the same layout that was used for the new section as was the older section from 14 years ago, and he and Mr. Joe Cristo (Cristo Homes) had a discussion about that, as well as about the plans for the homes that are going to be built.

Ms. Horsley made a Motion to approve the final plat with conditions as requested. With a 2nd by Mr. Belew and roll call with all “ayes”, the Motion passes (7-0).

Reports:

1. Verbal Report on Architectural Design Review Board (ADRB) Meeting Results of February 2, 2016

Staff: Ed Wilson

- 819 Dayton Street – for Replacement of Basement Windows – APPROVED
- 117 Village Street – for Vinyl Siding and Paint – DENIED

Next meeting is set for February 16, 2016.

2. Verbal Report on Board of Zoning Appeals (BZA) Meeting Results of February 4, 2016.

Staff: John Creech

- 3185 Dixie Highway – BZA denied a request to reduce the minimum lot area required for an Automobile Service and Minor Repair facility (i.e. new and used tire sales/repair) – the minimum lot area required is 20,000 square feet - the subject property is approximately 13,000 square feet.

Miscellaneous:

1. Appointment of Chairperson and Vice Chairperson for 2016. Mayor Moeller made a Motion that Dale McAllister be reappointed as Chair. With a 2nd by Mr. Smith and all “ayes”, the Motion passes. Mr. Smith made a Motion that Mr. Samoviski be appointed as Vice Chair. With a 2nd by Mayor Moeller and all “ayes”, the Motion passes.

2. Appointment of Representative to the Board of Zoning Appeals for 2016. This appointment is being made to replace Mr. Larry Bowling. After discussion between the Board, Mayor Moeller made a Motion to appoint Mr. Samoviski as primary representative, with Mr. Alf as 1st alternate (Staff to work with him) and Mr. Smith as 2nd alternate. With a 2nd by Ms. Horsley and all “ayes”, the Motion passes.

3. Appointment of Representative to the Architectural Design Review Board for 2016. Mr. Belew stated that due to a medical issue, he is unable to make the meetings at 4:30. Ms. Horsley stated that due to work commitments, she is also unable to make the meetings. Mr. Smith said that he is willing to serve as an alternate. Mr. Samoviski made a Motion to appoint Mr. Alf as primary, and Mr. Smith as an alternate. With a 2nd by Mayor Moeller and all “Ayes”, the Motion passes.

4. Mr. Creech went over the info graphic for Community Development prepared by Ms. Murphy for the year 2015, and gave specifics of what is on it.

5. Mr. McAllister thanked the Staff and Board for their concern over his recent health issues.

Adjournment:

Mayor Moeller made a Motion to adjourn, with a 2nd by Mr. Smith.

Respectfully submitted,

Ms. Kim Kirsch
Administrative Assistant


Mr. Eugene Scharf
Secretary


Mr. Dale McAllister
Chairman

**PLANNING COMMISSION
City of Hamilton
Council Chambers**

MEETING DATE: 2/15/16

MEETING TIME: 1:30 p.m.

Please sign in and provide requested information. Thank you for your participation.

Name	Agency	Address	Phone	Email
Joe Cristo	Cristo Homes	7594 Tilers Pl Blvd	755-0570	jcristo@cristohomes.com
DALE GOBLE		205 WHITAKER AVE 1812 PATER AVE	856 9872	
Becky Goble		205 WHITAKER AVE	513) 856-9872	N/A
Olan Brashers	Local 534	1832 Tuley Rd Ham OH 45015	—	—
George Berardi	BERARDI	1398 Grandale Blvd Grandview Hts		
Rosemary Carneal		29 Van Buren Rd Hamilton Oh 45011	513 887-2419	N-A
DAVE BENDEL	BAYE BECKER	6900 TILERSVILLE RD 45040	513-338-6600	davebenzel@bayerbecker.com
KALPA TERBRUGGEN	MANNIK SMITH GROUP	9461 KENWOOD RD CINCINNATI OH 45242	(513) 437.3222	hterbruggen@männiksmithgroup.com



Meredith Murphy <meredith.murphy@hamilton-oh.gov>

Fwd: Hellenic senior living

1 message

margaretg013@aim.com <margaretg013@aim.com>
To: meredith.murphy@hamilton-oh.gov

Mon, Feb 15, 2016 at 11:51 AM

—Original Message—

From: margaretg013 <margaretg013@aim.com>
To: meredith <meredith@aim.com>; murphy <murphy@hamilton-ohio.gov>
Sent: Mon, Feb 15, 2016 10:05 am
Subject: Hellenic senior living

Hi I live at 1809 Pater ave, 45015 my property line is shared with this proposal for this independent living facility, I bought my house with the knowledge that I had a field next to my house, now they are adding a facility with lots of traffic low income elderly people and there family coming in and out... also from there plans my back yard will but up to the main living facility and the heat and ac unit will be running constantly with all the fumes and noise, I want to be able to enjoy my yard,,,, and then there dumpster area is also next to myback yard, the smell and unsanitary conditions are non exceptable...

I propose they look at other properties,,,im totally against it,,,

thank you Margaret Garrett
1809 Pater ave
indiansprings ohio 45015
513-545-7517