AGENDA
Tuesday, December 10, 2019 | 7:00 pm
Council Chambers of the Municipal Building
1201 West Kemper Road | Forest Park, Ohio

Forest Park Planning Commission
Lewis Bunton, Sr., Chairman    Dave Aaronson, Vice-Chairman    Dennis Smith, Secretary
Charles Johnson    Aharon Brown    Susan Anuforo    Sherman Bradley, Sr.

WORKSESSION
1) Preliminary Plan 19-014  Waycross Reserve –Waycross Road and Lincolnshire Drive
   R-I District
2) Record Plat 19-015  Waycross Reserve –Waycross Road and Lincolnshire Drive
   R-I District

PLANNING COMMISSION MEETING

I. Call to Order and Pledge of Allegiance

II. Roll Call

III. Minutes
   A. November 12, 2019

IV. Commissioner’s Reports

V. Director’s Report

VI. Communications from the Public
   If addressing the Commission, please use the podium and write your name and address on the sign-in sheet. Meetings are
   recorded for ease of transcription.

VII. New Business
   1. Preliminary Plan 19-014  Waycross Reserve –Waycross Road and Lincolnshire Drive
      R-I District
   2. Record Plat 19-015  Waycross Reserve –Waycross Road and Lincolnshire Drive
      R-I District

VIII. Adjournment
FPD 19-013 – Variance – Accessory Structure in the Front Yard Setback – 1680 Carillon Blvd
Mark Clifford requested the generator be placed on the street side where the electric functions are currently. They are an internet based company and moved from Tri-County. 1680 Carillon has power outages and a generator is crucial to their business. The electric is on the street side. The expense to move to the back of the property is not feasible. Improvements they have made since purchasing are new asphalt and have painted the building. They plan to be in Forest Park a long time. A submitted landscape plan hides the generator and electric box from the street side. Mr. Aaronson is pleased they have located their business in Forest Park. Mr. Burns asked why they are having power outages. Mr. Anderson stated it is a known issue and Duke is investigating. There will be a meeting on utility improvement in this area. Mr. Aaronson said the drawings submitted are not clear on the landscaping. Mr. Clifford reviewed the drawing submitted. Mr. Aaronson asked about the height of the unit and the location of the transfer switch. Mr. Clifford said the landscaping would be above the unit, approximately 5' high and the pad is the size of the generator. It would be natural gas and the transfer switch would be inside and a line to the generator.

FPD 19-014 – Preliminary Plan – Waycross Road and Lincolnshire Drive – R-1 District
Mr. Thomas Ackerman, developer, stated the current development plan is on the existing frontage of Lincolnshire and Waycross. His plan is to develop the property using the existing road system with frontage lots having minimum widths and depths. Based on previous submission it was brought to his attention that the PC and neighbors wanted to see similar size homes in the neighborhood and preservation of greenspace and the original plan was tabled. Mr. Aaronson stated this is dramatically different than what was presented at the last meeting. Mr. Ackerman said they reduced 64 lots on multiple cul de sac streets to 16 individual lots with 13 being on Waycross, 1 on Lincolnshire and 2 panhandle access lots. The lots will be served by public utilities being the sanitary sewer, water system and underground electric on lots 1-13, lots 14-15-16 serviced by the electric there in an underground fashion.

Mr. Johnson does not understand the drastic reduction and is not pleased the land is being donated to Winton Woods for greenspace instead of being developed. Mr. Ackerman said it would be donated to Winton Woods and invited his attorney to address this issue.

Ms. Tina Donnelly, Esq., 425 Walnut St, #2200, Cincinnati, OH 45230 is representing Mr. Ackerman, owner of the property. The previously submitted plan was not accepted by the commissioners as it did not comply with zoning. The current plan submitted meets all the current zoning requirements and complies 100%. The issue is not that they went from 64 to 16, but that they comply with zoning. Mr. Anderson stated the last submission did apply for rezoning. Mr. Anderson stated the current plan does not ask for rezoning and does comply with R-1 zoning.

Mr. Burns stated the issue with the last plan was the density and is surprised they are not submitting to develop more of the 44 acres. Ms. Donnelly stated to comply with the current R-1 zoning and without going through a zone change, this plan has 16 larger lots with greenspace donated to the park board. It was a business decision and additional greenspace was added. Ms. Donnelly said it was not a loss or a gain, but a business decision. Ms. Susan Anuforo wanted to know if it will affect the prices. The prices will be similar and will be up to the buyer’s choices when they develop the lots.

Mr. Ackerman said it would be hard to absorb the cost of 64 homes with all new infrastructure and may take 3-4 years to sell, so they have decided to only build the 16 lots.
Mr. Smith asked about the lot shapes on 15 and 16. Mr. Ackerman stated to keep with the minimum width some of the lots were different because of the topography, but they comply with the lot size of the zoning.

Mr. Aaronson agreed with the Mayor and understands this is a hard site to develop, but losing 35 acres to greenspace is sad as he believes this is the nicest piece of undeveloped land left in Forest Park. Planning Commission cannot do much about the R-1 zoning requirements. This does comply with the zoning. There are stringent guidelines, but he feels they are wasting the property. They were hoping to see a higher standard development, but understands they are exercising their right to only build 16 lots. These lots will be tremendous lots, but he was hoping for a larger development. He believes these lots will sell quickly and be developed quickly.

Mr. Johnson has not changed his opinion and is unhappy with tonight’s submission. He will bring this to Council’s attention. Mr. Burns shares the opinion of the other commissioners and does not believe they are being good business partners. No one asked them not to develop, just to reduce the density.

Mr. Anderson said the homes are 2200 sq. ft. There is an unresolved point with Duke and the underground electric on Waycross since the right-of-way is 96’ wide. The utility easement is outside the right of way, but it is too far for Duke to service. On a normal street this is not a problem, and would require a variance or exception to reduce the right of way to get underground electric. They are waiting on a response from Duke. Duke or the city will have to give in some way or have some assurance. Mr. Aaronson asked if that should be in the motion. It would be an issue if they cannot put the electric underground. Mr. Aaronson would like to table until hearing back from Duke and asked the timeline. Mr. Anderson believed he would hear back this week.

Mr. Aaronson asked for citizen’s input.

Ms. Marilyn Hyde, 1374 Waycross Rd, has lived there 48 years and faces Waycross. She verified that frontage lots would face Waycross. She would like to see the trees remain, unlike what was the developers had done in Springdale. She currently is looking at a hole in the woods across the street and understands this is not going to be a street with these plans. Mr. Aaronson stated it would be a lot developed 100’ wide x 200’ deep. Mr. Anderson stated there is a strict tree protection ordinance. The area that is permitted to be removed is the house location, and a 10’ buffer around the house that don’t need replacement trees. If, for instance, a driveway was going to be placed where there is an older oak, hickory or maple, they would see if the driveway could be moved to the opposite side if it were better for the tree. Trees are required to be 50%, 1:2 replaced, and would like to save the most valuable trees. Mr. Aaronson told Ms. Hyde the tree ordinance will be followed. Ms. Hyde asked about brick vs. siding. Mr. Aaronson stated they don’t know. Mr. Anderson stated zoning has requirements about size, front, side and rear setbacks, but not brick and vinyl siding which is between the buyer and builder. Ms. Hyde can call him with questions about the tree ordinance.

Ms. Deborah Jackson, 11174 Lincolnshire, asked if they were going to extend Jason. Mr. Anderson stated there were 2 panhandle lots off of Lincolnshire with driveways, but it is not a through street. She said they have lived there 40 years and would have liked to have more input before the plans were submitted.

Ms. Deloris Staples. 11249 Lincolnshire, stated the vacant lot is next to her house is the smallest lot. She has the largest house on the street. She asked why they are calling it Deer Run Estate subdivision. Mr. Anderson stated they are subdividing 44 acres on 4 parcels and they will add additional lots. There will not be covenants to existing neighbors. Lots platted before 1976 are permitted to not be as wide or as large. Lot No. 77 is in the Winton Forest Subdivision, but will become Lot 14 in the new subdivision. There are 10’
setbacks, 40’ right-of-ways. The developer is permitted to do that today with the zoning. Ms. Staples would like them to donate that lot also since it is the smallest lot.

Michele Reusch, 11222 Lincolnshire, asked if the 2 driveways or street that run off of Lincolnshire. Mr. Aaronson also was wondering the same thing. The owners would be required to keep the up the driveway maintenance. She wanted to state she does personally like the presented plan.

Ms. Cynthia McGinnis, 11269 Jason, asked about the size of the homes. Mr. Aaronson stated 2,200 sq. ft. minimum for a two-story and 1,800 sq. ft. for a ranch. He stressed that was the least, the minimum they can build on the lot.

Ms. Susan Smith, 11237 Lincolnshire since 1983 and understands their right to develop, likes their donation to the park and is in support of the plan. She feels fortunate to have been able to live with the woods behind them. She is happy with the new plan and the donation to the park.

Mr. Aaronson asked about the driveway to the panhandle lots. Mr. Ackerman stated there is one common driveway to the panhandle lots to minimize the impact.

FPD 19-015 – Record Plat – Deer Run Estates Subdivision – Waycross Rd and Lincolnshire Dr – R-1
Thomas Ackerman submitted to Chris tonight the Record Plat with the restrictions and the lot sizes which were copied to the Record Plat.

Mr. Aaronson wanted to explain this was a bookkeeping item to file the division of lots. Deer Run Estate has been used in another area in the county, so this will be called Waycross Reserve. It is another clerical issue. Mr. Aaronson asked if Mr. Anderson had looked over. Mr. Anderson said briefly. When this record plat is to implement the preliminary plan and gets signed off at the county. He suggested an additional restriction that the lots on Waycross have a turnaround so they don’t back onto Waycross Rd which they agreed to and added on the large scale.

Mr. Ackerman said the consolidation would be filed and recorded with Hamilton County as a legal document at Hamilton County showing legally bound restrictions. Mr. Aaronson asked about the driveway to the panhandle lots, and Mr. Ackerman stated it is not on there. Mr. Aaronson asked if sidewalks would be installed. Mr. Anderson said the sidewalk would be completed on the south side of Waycross by the builder, but will do between Lots 3&4 where there is a gap and that is on the plan. They can’t do them all, as the heavy equipment would break up with heavy equipment. Mr. Burns stated the sidewalks should be confirmed before the vote. Mr. Anderson said it would be as each property is developed and is intended to extend across the properties. Mr. Burns believe lots 14, 15, and 16 should be incorporated into new subdivision and that there should be some language about the sidewalks.

Ms. Tina Donnelley said there are no homeowners rules and restrictions shown on the plat. There will be supplemental Declarations of Restrictive Covenants for Waycross Reserve, but this does fall within the zoning code. The shared driveways will be in the legal description with no other changes.

Mr. Aaronson asked if R1 zoning required sidewalks. Mr. Anderson stated they are a required improvement of the subdivision. Mr. Aaronson believes there should be a condition that they need to be put in by 5 years to include in the motion to complete the sidewalks.
Mr. Aaronson called the meeting of the Forest Park Planning Commission to order at 8:24 p.m.

All Planning Commissioners were in attendance and said the Pledge of Allegiance. Roll call showed all members were in attendance.

There were no reports from Commissioners.

Minutes of the September 10, 2019 Regular Meeting and September 27, 2019 Special Meeting were approved as written.

NEW BUSINESS


Mr. Johnson moved to approve Variance 19-013 to permit the construction of an emergency generator and screening material in the front yard setback at 1680 Carillon Boulevard with the condition that the generator must be screened by landscaping above the generator.

Mr. Smith seconded.

Motion passed 6-0.

B. FPD 19-014 – Preliminary Plan 19-014: Deer Run Estates – South side of Waycross Rd. from Lincolnshire Dr.

Mr. Johnson moved to postpone indefinitely the request for the Preliminary Subdivision Plan 19-014, according to the plan dated 6-16-18 until all relevant information is provided.

Mr. Smith seconded.

Discussion: Mr. Johnson would like all the uncertainties be answered before this is approved. Mr. Aaronson agreed with the motion and said the sidewalks need to be decided and until Mr. Anderson hears back from Duke on the underground lines, he would agree to postpone.

Mr. Ackerman stated every development in the last 35 years they have done has underground utilities for aesthetics. The right of way setback is too wide to service the transformers which may happen in the future. They have to stay on the street and need to reach 25’ to access transformers from the street. The right of way exceeds the 25’. They could ask for a variance from the city to comply with Duke.

Mr. Richard Paolo, counsel to developer, stated Planning Commission have the right to table, but believes the sidewalks are covered in the zoning code and the Duke issue may or may not resolve quickly and they would appreciate going forward causing no delay.

Mr. Aaronson stated a Motion to postpone indefinitely has been put before the commissioners. Voting yes to postpone.

All in favor. Motion passed 6-0.
C. FPD 19-015 – Record Plat 19-015: Deer Run Estates – South side of Waycross Rd. from Lincolnshire Dr.

Mr. Burns moved to suspend indefinitely the request for a Record Plat 19-015 until more information is provided.

Mr. Smith seconded.

All in favor. Motion passed 6-0.

With no further discussion or business, Mr. Aaronson called for adjournment at 8:40 pm.
PlanningCommissionStaffReport(Revised)

PreliminaryPlan19-014:WaycrossReserveSubdivision

Meetings: December 10, 2019, 7:00 PM (Current)
September 10, 2019 & November 12, 2019 (Prior)

Applicant: Ralph Meierjohan for CMMH Holdings, LLC, Owner

Zoning: “R-1” One-Family Residence District

Location: South side of Waycross west of Lincolnshire (13 lots) and
south side of Lincolnshire at Jason Drive. (2 lots)

ExecutiveSummary

The Preliminary Plan to subdivides a 44-acre property into 15 single-family lots, typical size
22,000 square feet, with the remainder 35 acres undeveloped. The lots all have frontage on
existing streets, and do not require the construction of any new roads, water or sewer mains, or
significant drainage facilities. The plan conforms to the Zoning Code and the Comprehensive
Master Plan. The undeveloped portion of the property is to be conveyed to the Board of Park
Commissioners and added to the acreage of Winton Woods Park. I recommend approval of the
preliminary plan with conditions outlined in the suggested motion on the last page of this report.

StatusUpdate

The applicant previously had applied for a Planned Unit Development (PUD) rezoning as the
first step in a plan to develop about half of their property (described below) and reserve the
remainder for greenspace. The development plan showed 60 single-family lots located on five
cul-de-sac streets. Following a public hearing held on September 10, 2019 and a discussion, the
Planning Commission voted to postpone the application indefinitely, pending the submission of a
revised plan by the applicant. The applicant withdrew the PUD application and submitted a
Preliminary Subdivision Plan with 16 single-family lots meeting the requirements of the R-1
zoning district, which was reviewed by the Planning Commission on November 12, 2019. After
determining that additional information from the applicant was needed for the Commission to
render a decision, the application was continued until the next meeting.

Background

The property owned by CMMH Holdings, LLC consists of 4 contiguous parcels of land and
is approximately 44 acres in area. It has approximately 2,300 feet of frontage on Waycross Road
and 50 feet on Lincolnshire Drive. Between the frontages, it borders the back of single-family
properties along the south side of Lincolnshire. On the east, the boundary is the GCWW water
tank. On the south and west, the boundary is with Winton Woods Park. The site is mostly
wooded with varied topography and some steep slopes. Aerial photography shows that the property was being farmed as late as 1960, with most of the wooded vegetation established after farming ceased on the property.

The Preliminary Subdivision Plan is for 16 single-family residential lots on approximately 9 of the 44 acres owned by the applicant. The R-1 District allows single-family homes on lots with a minimum width of 110 feet and a minimum area of 20,000 square feet. All of the lots have frontage on existing public streets and have access to existing water and sewer mains. Underground electric, cable and phone lines will need to be extended along the south side of Waycross Road. The lots on Lincolnshire do not require any utility extensions.

**Conformance with City Plans**

The Forest Park Comprehensive Master Plan designates the property as “SF” for single-family residential development. The map at right is from the Master Plan and shows a street layout with the property fully developed.

The Preliminary Plan includes a substantially similar layout for the lots fronting Waycross Road. All of the current area of Winton Woods is green-shaded on the Land Use map and designated “PP” (for park and playground). If the rest of the

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**Figure 1 Aerial Photo dated 4-22-1960**

**Figure 2: Comprehensive Master Plan for Forest Park, Ohio: General Land Use Plan (1964)**
property remains undeveloped, the Land Use Plan would not require an amendment. The undeveloped portion can retain the same land use designation and zoning without creating a conflict between the two.

Without any dedication of public right-of-way, the Thoroughfare Plan is not a factor in evaluating the Preliminary Plan.

**Informational Requirements**

The Subdivision Code requires that a Preliminary Plan have the following elements:

<table>
<thead>
<tr>
<th><strong>Required Elements</strong></th>
<th><strong>Comments</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Adjacent Lands.</strong> The names and boundaries of adjacent existing subdivisions and names of record owners of unplatted tracts immediately adjoining the proposed subdivision.</td>
<td>Included</td>
</tr>
<tr>
<td><strong>Scale and north arrow.</strong> The scale of the preliminary plan shall be 100 feet to the inch and a north arrow shall be clearly shown on the plan.</td>
<td>Scale is 100 ft/inch and north arrow included.</td>
</tr>
<tr>
<td></td>
<td>(Reduced-size 11” x 17” plans also reduce the scale)</td>
</tr>
<tr>
<td><strong>Plan title.</strong></td>
<td>Preliminary Subdivision Plan (located on right sidebar)</td>
</tr>
<tr>
<td><strong>Name of subdivision.</strong> The name of the subdivision which shall not duplicate or closely approximate the name of any other subdivision in the County.</td>
<td>Waycross Reserve, which does not duplicate or approximate any other Hamilton County subdivision name.</td>
</tr>
<tr>
<td><strong>Location.</strong> The tract designation according to real estate records of the County showing section, range, township, county and state.</td>
<td>Located on right sidebar.</td>
</tr>
<tr>
<td><strong>Owners of record.</strong> The names and addresses of the owner or owners of record, the subdivider and the engineer or surveyor.</td>
<td>Included. “Subdivider” and “Developer” have the same meaning in this context.</td>
</tr>
<tr>
<td><strong>Date.</strong> The date of plat preparation.</td>
<td>June 16, 2018</td>
</tr>
<tr>
<td></td>
<td>Revised 12-6-19</td>
</tr>
</tbody>
</table>
## Required Elements

### Existing streets and other features
The location, widths, and names of all existing or platted street rights-of-way and pavements or other public ways, utility easements, parks and other public open spaces included within or adjacent to the tract; and other important features such as existing buildings, water courses and drainage channels, and corporation, section, township and county lines.

### Comments

**Existing tract features shown:**

1. Contour lines depicting topography.
2. Sanitary sewer main running generally east-west starting at the boundary of Lots 11 and 12 and ending at the boundary of Lots 4 and 5.
3. Parcel boundaries within the tract.
4. Parks: Hamilton County Park District shown as owner of adjacent property to the south and west.
5. Open Spaces: 35 acres in dark green to be transferred to Winton Woods Park, as indicated in Note 5.
6. Existing water courses and drainage channels.

### Abutting owners and subdivisions
The names of adjacent subdivisions and owners of adjoining tracts of unplatted land.

- Owners of all adjoining parcels are shown.
- Names of adjacent subdivisions are not shown.

### Zoning districts
Zoning boundary lines, if any, as they exist on the official zoning map included in the Zoning Code.

- Not shown. The R-1/R-2 zoning boundary is the centerline of Waycross Road in this vicinity and there is an R-1/M boundary along the property line of the land owned by Greenhills, south of the property. See Figure 3 below.

### Topography
Contours, normally with intervals of five feet referenced to USGS datum, as required by the Planning Commission.

- Included on the plan.

### Boundary lines
The boundary lines, accurate in scale, of the proposed area to be subdivided.

- Included on the plan.

### Proposed street plan
Layout of streets, including names and proposed rights-of-way, and crosswalks.

- The plan does not include any new streets.

### Lot layout
Layout and number of proposed lots and typical lot sizes shall be shown on the plan.

- Single-family lots, 110 feet wide x 200 feet deep, 22,000 square feet in area, or larger See also, sidebar on p.

### Dedications and reservations of land
Parcels of land intended to be dedicated or temporarily reserved for public use, or to be reserved by deed covenant for use of all property owners in the subdivision, and conditions, if any, of such dedication or reservation.

- Note 5 on the plan: All remaining undeveloped “open space” (approximately 35 acres) shall be transferred to Hamilton County Park Board’s Winton Woods.

### Water courses
In cases the subdivision is traversed by a water course, channel, stream, or creek the present or proposed location of the items shall be shown.

- Although there are seasonal watercourses on the property, there do not appear to be any permanent streams in the subject area.
**REQUIRED ELEMENTS**

| Stormwater management. All requirements of Chapter 51, Stormwater Management Code. | Stormwater Management permits are generally not required for new single-family construction, provided that the construction does not alter the area-wide drainage pattern. |

**Plan Notes**

As noted above, the plan does not include or require any new streets, and most of the public and utility infrastructure is in place. Items normally included in a subdivision improvement plan are part of the Plan Notes, discussed below:

**Note 1:** Letters from Cincinnati Water Works and the Metropolitan Sewer District, indicating the availability of water and sewer service have been submitted.

**Note 2:** Two Street Trees will be planted in the right-of-way in front of each house except for Lots 14 and 15 on Lincolnshire, which have only 25 feet of frontage, and which have overhead power lines. This will meet the code requirement, provided that staff approval of the tree species is a condition of approval.

**Note 3:** The sidewalk will be extended along Waycross as homes are built, and in front of Lots 14 & 15 connecting the current gap in the sidewalk there. In addition, the developer will construct a sidewalk between the west boundary of Lot 1 and Jonquilmeadow Drive, and in front of the undeveloped area between Lots 3 and 4. All sidewalks are to be in place five years after the date that the subdivision is recorded.

**Note 4:** Provides for minimum square footage of one and two story homes, which identical to those in the Zoning Code.

**Note 5:** Indicates that the undeveloped portion of the property (dark green on the plan) will be conveyed to the Hamilton County Park Board as an addition to Winton Woods.

**Park Land Dedication Requirement**
Developers of residential subdivisions are required to provide land, or a fee in lieu of dedication, for parks and recreational facilities. The requirement is a formula based upon the number of residential lots. For this subdivision the dedication requirement\(^2\) is 0.56 acre. The conveyance of the 35 acres to the Hamilton County Park Board meets the requirement.

**Street Lighting**

The City does not require street lighting in residential subdivisions, and no new streetlights are proposed. There are existing overhead street lights at the intersections of Lincolnshire and Jason, Waycross and Lincolnshire, and Waycross and Karahill.

**Underground Utilities**

Utility mains for electricity, natural gas, telephone and cable service will be located underground, as required by the City, along Waycross Road, in a 15-foot easement at the front of the properties.

Lincolnshire Drive has overhead electric lines on the south side of the road, which will serve Lots 15-16.

**Houses – Architectural Style and Materials**

Although the style of the houses to be built has been a topic of discussion since the development was first proposed, the Zoning Code does not regulate or prescribe architectural styles, features or materials for single-family houses. All decisions regarding the type of house will be between the developer, builder, and buyer.

**Tree Preservation.**

A tree survey and plan is required for all new developments, with a general residential exemption for residential lots of 15,000 square feet or less. The 15 lots in the subdivision are all over 15,000 square feet and will not be exempt.

In the absence of new streets or other new infrastructure, it is not necessary for the applicant to obtain tree preservation clearance at this stage of the approval process. The individual lots will need to be assessed for tree preservation as part of the pre-development approvals and permitting carried out by the builder.

**General Design Comments**

\(^2\) The formula is \(16 \times 1,524.62 = 24,394\) square feet of land, which is \([24,394 ÷ 43,560]\) 0.56 acre.
The design of the subdivision is influenced by what I believe to be three goals of the developer: 1) build only on the part of the site with direct access to infrastructure, 2) develop and sell all of the land as quickly as is practical, and 3) eliminate or minimize the negotiating leverage that the City possesses through its development regulations. All of these are perfectly valid goals, and do not necessarily lead to an inferior result. Indeed, there are some parties who would clearly benefit from this plan over the prior submitted plan, including the residents on Lincolnshire and Jonquilmeadow, as well as the buyers of the new lots, all of whom gain the certainty of park ownership behind them. Great Parks of Hamilton County also comes out ahead, with the opportunity to buy more acreage in a more usable parcel configuration.

The benefit to those parties tends to mitigate what would otherwise be a criticism of the design, which is that the lining up of residential lots along the road and only along the road has the tendency to cut off the property from the rest of the community, visually and otherwise. (What we sometimes refer to as “open space” might be more properly termed “open views” or “open vistas.”) The effect of such a cut-off be seen by driving a route from this site east along Waycross, south on Hanover and south on Embassy to West Sharon Road.

A person can travel one mile—from the intersection of Waycross and Islandale to the intersection of Embassy and Sharon—and remain within a few hundred feet of a 175-acre section of the park along the way. Unless you are looking for signs of the park, however, you would never know it was there. The route is lined with houses and only a few gaps between them suggest the presence of the park land.

From a birds-eye view, adding acreage to Winton Woods in Forest Park would appear to bring the park closer to us. On the ground, however, land acquisitions by the Park have had the opposite effect of reinforcing the lack of connections to Winton Woods in the portion of the park that is in the City.

**Community Reinvestment Area**

All of the land owned by the applicant is within the Community Reinvestment Area\(^3\) established by the City in 2018. Indeed, it was the applicant’s suggestion—based on a financial

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\(^3\) A Community Reinvestment Area is a method in the State of Ohio for providing property tax abatements to stimulate or incentivize private investment, and it is the only way to abate property taxes on residential properties in Ohio. In communities such as ours where land prices, development costs and real estate taxes result in an “upside down” situation with regard to the local real estate market.
model that had been successful in Cincinnati and Woodlawn— for the City to study establishing the CRA as one element of positioning this property and the City-owned Mill Road Station property for development.

The Forest Park CRA can provide each new homeowner in this subdivision a 15-year, 100% property tax abatement on their new home. Community Reinvestment Areas in general (and this development in particular) are an example of high and concentrated benefits (to 16 homeowners) and very low and diffuse costs (to other taxpayers supporting the City, School District and County). The City found this to be an acceptable trade-off in part because it was thought necessary to mitigate the effects of high development costs, high property taxes, the city earnings tax and the reputation and state rating of the school district, the combination of which served as a deterrent to new investment. It was also a necessary piece of the developer’s plan for financing the new infrastructure.

In calculating the potential costs and benefits of a CRA, we made some assumptions about the new residential development, one of which was the number of houses that we expected to be developed on this property. The financial impact on the City’s budget from abated and exempted property taxes was to be offset by the earnings taxes from 60 additional homeowners, most of whom we expected would be in their pre-retirement and peak-earnings years.

The new development proposal for the 44 acres has shifted that offset, not merely by the reduction of single-family lots, but also by the conversion to permanent tax-exempt status of the 35 undeveloped acres if transferred to the Park Board.

The CRA summary is included in this report because it factors in to decisions regarding the development of this property. Whether to retain, modify or eliminate the CRA is a question that requires further study, and it will be a decision by the City Manager and City Council. It should not impact the approval of the Preliminary Plan by the Planning Commission.

**Approval Process**

1. The Preliminary Plan is the first step in the subdivision approval process and it establishes the basic layout, conformance with zoning, connection to streets and adjacent properties, site amenities, and the provision of basic services such as water, sewer and electricity.

2. The Improvement Plan is a technical plan and accompanying specifications for the construction of the infrastructure supporting a subdivision, most or all of which will be dedicated to public use.

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For example, a house that (hypothetically) costs $300,000 to develop and construct (including a minimum return on investment) must sell for at least that much, or else the developer looks elsewhere and houses simply do not get developed. CRA is one method for bringing the relationship of cost and market value back into balance, by reducing the homeowner’s property tax for a period of years (typically 15 years), which allows them to put more of their monthly budget into the purchase price and thus stimulates demand at the higher end.

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4 The abatement is 100% of the property taxes generated from the added value of the development. The taxes based on the raw land value are still collected. In practice this means that the actual reduction is around 90%.
3. The final step is the Record Plat, which has all of the details of property ownership for the subdivision, such as the exact lot boundaries, easements, dedications, covenants between buyer and seller, and restrictions on the land. Once the Record Plat is approved by the Planning Commission, it is recorded with the County. At that point, the developer can begin selling the individual lots.

The Subdivision Code provides a process in which a developer can proceed from the Preliminary Plan directly to the Record Plat, by posting a bond for the public improvements, the value of which is based upon certified cost estimates.

For this subdivision, none of the improvements required are “dedicated” improvements to be turned over to the ownership of the City. The new sidewalks, although for use of the public, are not dedicated, and the underground utilities will remain under the control of the respective utility companies.

The subdivision does not require a separate improvement plan, and I recommend that the Planning Commission waive that requirement as part of this approval.

Recommendation
The preliminary plan meets or substantially meets the following requirements:

1. **Comprehensive Master Plan.** It conforms to the Comprehensive Master Plan, the General Land Use Plan and the Thoroughfare Plan of the City.

2. **R-1 Zoning District Requirements.** All lots conform to the dimensional requirements of the R-1 One-Family Residence zoning district.

3. **Park Land Dedication.** The park land dedication requirement is far exceeded with the pending transfer of the 35 undeveloped acres to the Board of Park Commissioners.

4. **Subdivision Layout.** Most requirements are not applicable. The subdivision is in conformance with layout requirements by making use of the existing street network.

5. **Access.** Lots on Waycross will have a driveway turnaround to discourage autos from backing on to the street.

6. **Lot layout.** All side lot lines are at right angles to the street except for the line between Lot 11 and Lot 12, which is at a 32° angle following the path of an existing sewer line. Three are no corner lots or double-frontage lots.

7. **Stormwater Management.** Single-family properties are largely exempt from the requirement to detain stormwater, and the development does not require or include any new detention basins.

8. **Name:** “Waycross Reserve.”

9. **Street Trees.** The plan includes two street trees per property for Lots 1-13, but does not include new street trees for Lots 14-15 due to limited frontage and the presence of overhead wires. I recommend that the Planning Commission include a condition that the tree species and specifications must be submitted to the Street Tree Committee for approval.

10. **Tree Preservation.** In the absence of new streets or other new infrastructure, it is not necessary for the developer to obtain tree preservation clearance at this stage of the
approval process. Tree surveys and plans will be required for the development of individual lots, and the requirement to do so prior to grading and development of individual lots should be acknowledged here and made a condition of approval.

11. **Sidewalks.** As noted on the Record Plat, sidewalks will be constructed from Lincolnshire to Jonquilmeadow and in front of the Lincolnshire properties, by either the builder or the developer, and all sidewalks are to be in place within five years. A promise of future infrastructure construction such as this is normally guaranteed with a performance bond, and the City staff is calculating the proposed bond amount, which should be available before the Planning Commission meeting.

I recommend approval of the Preliminary Plan with the conditions listed in the suggested motion.

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**Suggested Motion**

Move to approve Preliminary Subdivision Plan 19-014, according to the plan dated 6-16-18 and revised on December 6, 2019, with the following stipulations and conditions:

1. The street tree specifications must be submitted to the Street Tree Committee for approval.

2. Individual lots will be subject to the provisions of Chapter 98 (Tree Preservation) prior to development activity on the lot involving the removal of trees.

3. A separate subdivision improvement plan will not be required.

Respectfully Submitted,

Christopher A. Anderson, AICP
Director of Community Development
Planning Commission Staff Report (Revised)

Record Plat 19-015: Waycross Reserve Subdivision

Meetings: December 10, 2019, 7:00 PM (Current)
September 10, 2019 & November 12, 2019 (Prior)

Applicant: Ralph Meierjohan for CMMH Holdings, LLC, Owner

Zoning: “R-1” One-Family Residence District

Location: South side of Waycross Road from Lincolnshire to Karahill (13 lots) and south side of Lincolnshire at Jason Drive. (2 lots)

Executive Summary

The Record Plat is for the subdivision of a 44-acre property into 15 single-family lots, typical size 22,000 square feet, with the remainder 35 acres undeveloped. The lots all have frontage on existing streets, and will not require the construction of any new roads, water or sewer mains, or public drainage facilities. The plan conforms to the Zoning Code and the Comprehensive Master Plan. The undeveloped portion of the property is to be conveyed to the Board of Park Commissioners and added to the acreage of Winton Woods Park. I recommend approval of the Record Plat with conditions outlined in the suggested motion on the last page of this report.

Note: This report is supplementary to the staff report for Preliminary Plan 19-014 for Waycross Reserve.

Background

The property owned by CMMH Holdings, LLC consists of 4 contiguous parcels of land and is approximately 44 acres in area. The subdivision will have approximately 1,140 feet of frontage on Waycross Road and 50 feet on Lincolnshire Drive. Between the frontages, it borders the back of single-family properties along the south side of Lincolnshire. On the east, the boundary is the GCWW water tank. On the south and west, the boundary is with Winton Woods Park. The site is mostly wooded with varied topography and some steep slopes. Aerial photography shows that the property was being farmed as late as 1960, with most of the wooded vegetation established after farming ceased on the property.
The Record Plat creates 15 single-family residential lots on approximately 9 of the 44 acres owned by the applicant. The R-1 District allows single-family homes on lots with a minimum width of 110 feet and a minimum area of 20,000 square feet. All of the lots have frontage on existing public streets and have access to existing water and sewer mains. Underground electric, cable and phone lines will need to be extended along the south side of Waycross Road. The lots on Lincolnshire do not require any utility extensions.

Informational Requirements
The Subdivision Code requires that a Preliminary Plan have the following elements:

<table>
<thead>
<tr>
<th>REQUIRED ELEMENTS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Size and Margins.</strong> The record plat, shall be drawn at a scale of 50 feet to the inch and the scale shall be indicated graphically on the plat along with a north arrow. All plats shall be drawn on linen tracing cloth, or similar durable material on a sheet or sheets 24 inches wide by 36 inches long. When more than one sheet is used for any plat, each sheet shall be numbered consecutively and shall contain a notation giving the total number of sheets. There shall be a binding margin of 1½ inches on the left side of the 36-inch length, and one-inch margins on all other sides.</td>
<td>All dimensions are as required. Scale is 50 ft/inch and north arrow included.</td>
</tr>
<tr>
<td><strong>Name of subdivision.</strong></td>
<td>“Waycross Reserve” is an original name, not associated with the name of any other Hamilton County subdivision.</td>
</tr>
<tr>
<td><strong>Location.</strong> The tract designation according to real estate records of the County showing section, range, township, county and state.</td>
<td>Included. Located on right sidebar.</td>
</tr>
<tr>
<td><strong>Owners of record.</strong> The names and addresses of the owner or owners of record, the subdivider and the engineer or surveyor.</td>
<td>Included. “Subdivider” and “Developer” have the same meaning in this context.</td>
</tr>
</tbody>
</table>
| **Date.** The date of plat preparation. | Date: October 22, 2019  
Revised: November 15, 2019 |
| **Boundary of plat.** All plat boundaries with lengths of courses to hundredths of a foot and bearings to half minutes. The error of closure shall not exceed 1 to 5,000. Boundaries shall be determined by an accurate survey in the field. When required, all closure calculations shall be submitted to the City Engineer. | 1. Two of the error-closures exceed 1/5,000.  
2. Closures to be submitted to City Engineer for review. |

1 Lot 77 of Winton Forest Subdivision, Block C, Part 2.
2 As an existing lot platted before September 1, 1976, it conforms with the R-1 zoning even though the width and area are less than the current district requirements.
**REQUIRED ELEMENTS** | **COMMENTS**
---|---
**Abutting tracts.** The names of adjacent subdivisions and owners of adjoining tracts of unplatted land. | Owners of all adjoining parcels are shown. 
Names of adjacent subdivisions are shown.

**Bearings; distances.** Monuments shall be located and accurately described on the plat by bearings and distances to nearest established street line, section line, county line, subdivision of recording etc. where applicable. | **Included**

**Corporate limits and section boundaries.** Any section lines, corporation lines, or recognized monuments, shall be located and accurately described on the plat. | **Included.** 
Boundary between Sections 24 & 30 is adjacent to Lot 15.

**Monuments.** Accurate description of location, material and size of all reference monuments shall be carried out in accordance with the requirements set forth in the Ohio Revised Code. | **Included.**

**Streets and walkways.** Names and exact location, bearings, angles of intersection, and widths of all streets and crosswalks within the plat. | **Not Applicable:** No new streets or crosswalks.

**Easements.** All easements for rights-of-way provided for public services, utilities, surface drainage; and any limitations of such easements. | **Included:** private sewer easements for access to MSD sewer.

**Lot lines.** All lot numbers and lines, with accurate dimensions in feet and hundredths, and with bearings or angles related to street and crosswalk lines. | **All included and consistent** with preliminary plan.

**Lengths of curves.** Lengths of all arcs, radii, points of curvature and tangent bearings or other information required by the Hamilton County Recorder. | **All included**

**Covenants and Restrictions**
The following covenants and restrictions are printed on Sheet 1 of the Record Plat, and reproduced below for your reference.

**Waycross Reserve Subdivision Restrictions.** The Property shall be subject to the following restrictions:

1.1 **Purpose of Property.** Except for lots designated as Common Elements, the Property shall be used only for residential purposes and common recreational purposes auxiliary thereto. No business or trade shall be conducted on any Lot. Garages shall be used only for the parking of vehicles and other customary uses and shall not be used for or converted into living area, (e.g. family room, bedrooms, offices or recreational rooms). The Declarant and builders shall have the right to use unsold residences as model homes or sales offices.

1.2 **Nuisance.** No obnoxious or offensive activity of any kind shall be engaged in on any Lot nor shall any Owner or occupant thereof engage in any activities that interfere with the quiet enjoyment, comfort and health of the occupants of adjacent neighboring Lots. This paragraph shall not apply to any Lots owned by the Declarant and held for sale.
1.3 **Animals, Pets and Agricultural Use.** No animals, livestock or poultry of any kind, including, but not
limited to, goats and pot-bellied pigs, shall be raised, bred or kept on any Lot, except that dogs, cats
or other household pets may be kept, provided that they are not kept, bred or maintained for any
commercial purpose. Additionally, an Owner shall be permitted to keep fish in a private pond
provided such fish are not kept, bred, or maintained for any commercial purpose. Agricultural use
of any Lot is prohibited except for the maintaining of a garden whose yield is for the use of the
occupants of the Living Unit only. Such garden shall be screened from being viewed from a private
land, public street or other residence in the subdivision.

1.4 **Signage.** No sign of any kind shall be displayed to the public view on any Lot except: (a) one (1)
professional sign of not more than two (2) square feet; or (b) one (1) sign of not more than nine (9)
square feet advertising the property for sale. This paragraph shall not apply to signs used by
Declarant or a Builder to advertise the Property during the construction or sale period.

1.5 **Trash.** No burning of any trash and no accumulation or storage of litter, new or used building
materials or trash of any kind shall be permitted on any Lot. Trash and garbage shall be placed in
sanitary containers and shall not be permitted to remain in the public view except on days of trash
collection. This paragraph shall not apply to any Lots owned by the Declarant or a Builder and held
for sale.

1.6 **Easements.** There shall exist a temporary construction easement of five (5) feet around the
boundary of each Lot in order to facilitate grading, drainage, and general construction activity on a
neighboring Lot. If the Owner of a Lot places an obstacle such as a fence, shrubbery, or sprinkler
system within this temporary construction easement before final grading of the adjoining Lot, then
that Owner shall be responsible to remove the obstacle at his or her expense to allow for proper
grading and drainage. In general, drainage swales should be set as near to property lines as possible.
This easement allows for dirt to be added or removed as needed to allow for proper transition
between adjoining Lots and construction of drainage swales as needed.

1.7 **Vehicles and Parking.** No inoperative vehicles, recreational vehicles, machinery, boats and similar
type vehicles including but not limited to trucks, school buses, campers, recreational vehicles (RVs),
trailers or commercial vehicles as described above may be parked on public streets or Lots. Any and
all inoperative vehicles, recreational vehicles, boats and similar type vehicles as described above
shall be kept in a fully enclosed garage. When that is not possible, said recreational vehicles, boats
and their trailers may be parked in the driveway for a period not to exceed seventy-two (72) hours
in any fourteen (14) day period.

1.8 **Utilities and Drainage.** Easements for installation and maintenance of utilities and drainage facilities
are reserved as shown on the recorded plat. Within these easements, no structures, planting, or
other material shall be placed or permitted to remain which may damage or interfere with the
installation of drainage channels in the easements. The easement area of each Lot and all
improvements in it shall be maintained continually by the Owner of the Lot, including mowing,
except for those improvements for which a public authority, utility company is responsible.

1.9 **Maintenance.** Each and every Lot and Living Unit thereon as well as the driveway providing access
thereto, shall be maintained by the Owner thereof in a reasonable manner in accordance with the
general standards of maintenance prevailing throughout the Property. All Lots, including any Lots
upon which a detention pond is located or abuts, shall be kept free of debris and clutter and shall
be kept mowed. This paragraph shall not apply to any Lots owned by the Declarant and held for
sale.

1.10 **Square Footage Requirements.** Every Living Unit must comply with the following minimum
square footage requirements per Appendix “C” of the Forest Park Subdivision Regulations:
Ranch Home – 1800 square feet
Two Story Home – 2200 square feet.

1.11 **Driveways.** Lots with frontage on Waycross Road shall have a turnaround in conjunction with the
driveway serving the living unit thereon to discourage autos from backing out to the street.
Note: The Homeowner’s Association Statement has been deleted.

Addresses (House Numbering)
The addresses for the new houses are assigned by the Community Development Department and shown below. It is a straightforward process for this subdivision with no irregularities:

<table>
<thead>
<tr>
<th>Lot №</th>
<th>Address</th>
<th>Lot №</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1387 Waycross</td>
<td>9</td>
<td>1333 Waycross</td>
</tr>
<tr>
<td>2</td>
<td>1381 Waycross</td>
<td>10</td>
<td>1327 Waycross</td>
</tr>
<tr>
<td>3</td>
<td>1375 Waycross</td>
<td>11</td>
<td>1321 Waycross</td>
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<tr>
<td>4</td>
<td>1363 Waycross</td>
<td>12</td>
<td>1315 Waycross</td>
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<td>5</td>
<td>1357 Waycross</td>
<td>13</td>
<td>1309 Waycross</td>
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<tr>
<td>6</td>
<td>1351 Waycross</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>1345 Waycross</td>
<td>14</td>
<td>11213 Lincolnshire</td>
</tr>
<tr>
<td>8</td>
<td>1339 Waycross</td>
<td>15</td>
<td>11199 Lincolnshire</td>
</tr>
</tbody>
</table>

Approval Process
The Preliminary Plan is the first step in the subdivision approval process and it establishes the basic layout, conformance with zoning, connection to streets and adjacent properties, site amenities, and the provision of basic services such as water, sewer and electricity.

The second step is the Improvement Plan, a technical plan and accompanying specifications for the construction of the infrastructure supporting a subdivision, most or all of which will be dedicated to public use.

The third step is the Record Plat, which has all of the details of property ownership for the subdivision, such as the exact lot boundaries, easements, dedications, covenants between buyer and seller, and restrictions on the land. Once the Record Plat is approved by the Planning Commission, it is recorded with the County Recorder. At that point, the developer can begin selling the individual lots.

The Subdivision Code provides a process in which a developer can proceed from the Preliminary Plan directly to the Record Plat, by posting a bond for the public improvements, the value of which is based upon certified cost estimates.

For this subdivision, none of the improvements required are “dedicated” improvements to be turned over to the ownership of the City. The new sidewalks, although for use of the public, are normally not dedicated, and the underground electric, although located in the public right of way, will remain under the control of the utility company.
This subdivision, therefore, does not have a need for a separate improvement plan. A performance bond to cover the installation of the sidewalk should be required and made a condition of approval.

**Recommendation**

The Record Plat is consistent with the Preliminary Plan and conforms to the informational requirements for Plats. I recommend approval of the Record Plat with the conditions included in the suggested motion.

**Suggested Motion**

Move to approve Record Plat 19-015, according to the plan dated 10-22-19 and revised 11-15-19, with the following conditions:

1. Error-closures must be verified and approved by the City Engineer prior to recording.
2. The developer must post a bond to guarantee the construction of sidewalks at the following locations:
   - From Jonquilmeadow Drive to the west property line of Lot 1, and
   - Connecting the east property line of Lot 3 and the west property line of Lot 4, and
   - On any other lot in this subdivision lacking a sidewalk as of a future date to be determined, no less than five years after the date of the recording of the plat.

Respectfully Submitted,

Christopher A. Anderson, AICP
Director of Community Development