



HAMILTON COUNTY

Regional Planning Commission

REGULATORY COMPLIANCE REPORT

FOR CONSIDERATION BY THE REGIONAL PLANNING COMMISSION ON APRIL 1, 2021

**SUBDIVISION
PRELIMINARY
PLAN:**

ANDERSON 21-02

DACEY'S LANDING

**APPLICANT/
DEVELOPER:**

Dr. James Rogers

ENGINEER

Carl G Hartman, C.G. Hartman, Engineer

OWNER:

Eight Mile Properties LLC and Updated Homes LLC

LOCATION:

Anderson Township: 1267 – 1303 Eight Mile Road, on the west side of Eight Mile Road north of Cherry Lane (Book 500, Page 41, Parcels 210, 212, 213, 1478 & 1481)

**SITE
DESCRIPTION:**

| | |
|----------------|--|
| Tract Size: | Approximately 5.09 acres gross (3.98 net acres) |
| Proposed Lots: | 17 |
| Topography: | Slopes down from Eight Mile Road |
| Existing Use: | Three single-family homes with accessory structures, vacant and wooded |

**PROPOSED
IMPROVEMENTS:**

| | | | |
|-----------------|--------|-----------------|--------|
| R.O.W. Width: | 55 ft. | Pavement Width: | 28 ft. |
| Water District: | GCWW | Sanitary: | MSD |

ZONING:

| | |
|---|---------------------------------------|
| Jurisdiction: Anderson Township | District: "C" Single-Family Residence |
| Permitted Minimum Lot Size: 6,000 sq. ft. | Permitted Density: 7.26 units/acre |
| Proposed min. lot: 6,000 sq. ft. | Proposed Density: 4.27 units/acre |

DESCRIPTION:

The applicant is proposing to raze three existing homes with accessory structures to construct a 17-lot single-family subdivision on 3.98 net acres (4.27 units/acre). Access to the development would be provided from a new public street that would extend west from Eight Mile Road ending in a cul-de-sac. The proposed street would contain 28 feet of pavement width (public standard) within 55 feet of right-of-way (5 feet greater than the standard 50 feet). Sidewalks are proposed on both sides of the proposed new street

FINDINGS:

- Staff finds that the Preliminary Subdivision Plan conforms to the applicable laws and rules as determined by concept review and reports requested from the offices and agencies having jurisdiction. All reviewing agencies have provided concept letters of approval.
- Access to the development would be provided from a new public street that would extend west from Eight Mile Road and end in a cul-de-sac.
- The proposed street would be built to the public street standards for pavement width at 28 feet. However, the applicant is requesting a right-of-way width of 55 feet where 50 feet is required. The applicant has submitted a letter requesting a variance to permit the extra right-of-way width. However, the right-of-way width is a County Engineer standard, and it does not appear that the Regional Planning Commission has the authority to grant the wider right-of-way.
- The County Engineer has submitted a concept letter of approval stating that the proposed right-of-way “will need to meet the standards for final approval”. Further, in an email dated July 15, 2020, from Debi Calhoun with the County Engineer’s Department, she states “deviation of the right-of-way is not an option”.
- In the Township’s submitted concept letter, they state, “The Township is supportive of the request for a 55-foot right-of-way vs. the required 50-foot wide right-of-way. The 55-foot right-of-way will allow for future development of the north.”
- Staff finds that a home already exists on the property to the north (parcel 500-41-211) but recognizes that there may be development potential for a few more homes. If the proposed right-of-way does not abut the property to the north, then this property could not be further subdivided as it does not contain adequate road frontage from Eight Mile Road.
- It is unclear to staff as to why the applicant cannot reduce the right-of-way width to 50 feet and shift the road to the north and increase the depth of the proposed lots.
- If the County Engineer does not permit the extra five feet of right-of-way, staff finds that the extra five feet could be added to any adjacent lot as lot appendages are permitted but the area within any appendage or panhandle cannot be calculated towards the lot size.
- A traffic impact study has been conducted and approved by the County Engineer for the project.
- Staff finds that the Preliminary Subdivision Plan conforms to the Hamilton County Thoroughfare Plan which identifies Eight Mile Road as a minor arterial requiring 100 feet of right-of-way (50 feet from the centerline). The submitted plan identifies 50 feet of right-of-way from the centerline of Eight Mile Road.
- In the applicant’s letter he states that he requests a variance to not require sidewalks on both side of the new street. However, the submitted preliminary plan appears to contain a sidewalk on both sides of the new street.
- Lots 1-13 would not be considered double frontage lots as lot #14 contains a five-foot wide panhandle that would be located south of these lots extending east to the proposed right-of-way of Eight Mile Road. Although lot #14 would already contain frontage onto the new road and the panhandle is not necessary

for road frontage, there does not appear to be any regulation within the County Subdivision Regulations that would prohibit this panhandle.

- As a note, lot #17 has been identified as 1.3-acre open space tract with a proposed detention basin. However, since this proposed subdivision is not part of Planned Unit Development, this open space tract cannot be enforced to remain as an open space tract and if the proposed detention basin could be redesigned or relocated, this lot could develop into a buildable lot which would increase the total lots within the proposed subdivision. Therefore, staff has included this lot in the density calculation.
- There appears to be no logical connections to any adjacent properties. The properties to the north and south are developed. The property to the northwest appears to have some development potential but a large creek exists between this property and the proposed subdivision. Further, a stub into this adjacent northwestern property exists from the Woodglen Drive Extension subdivision which could provide access into the property.
- Staff recommends approval of the Preliminary Plan and recognizes that the issue of the right-of-way width can be resolved between the applicant and the County Engineer during the Improvement Plan stage of the subdivision.

RECOMMENDATION: APPROVAL

STANDARD MOTION: 1st Motion:

I move to consider approval of the Preliminary Plan for the Dacey's Landing Subdivision based on the findings in the staff report:

(add any authorized modifications or variations being considered and cite the applicable section number and findings)

(add any conditions required to achieve regulatory compliance and cite the applicable section number and findings)

2nd motion: (if approved):

I move to consider approval of all Final Record Plats for the Dacey's Landing Subdivision subject to certification by the Subdivision Administrator that the Final Plan is in conformance with the Preliminary Plan approved by the Planning Commission and the Improvement Plan as approved by the Subdivision Administrator.

2nd motion (if disapproved):

I move that the refusal to approve the Preliminary Plan for the Dacey's Landing Subdivision be immediately endorsed on the Preliminary Subdivision Plan and a copy of the endorsed plan, and the following reasons for disapproval, be made a part of the record of the Planning Commission:

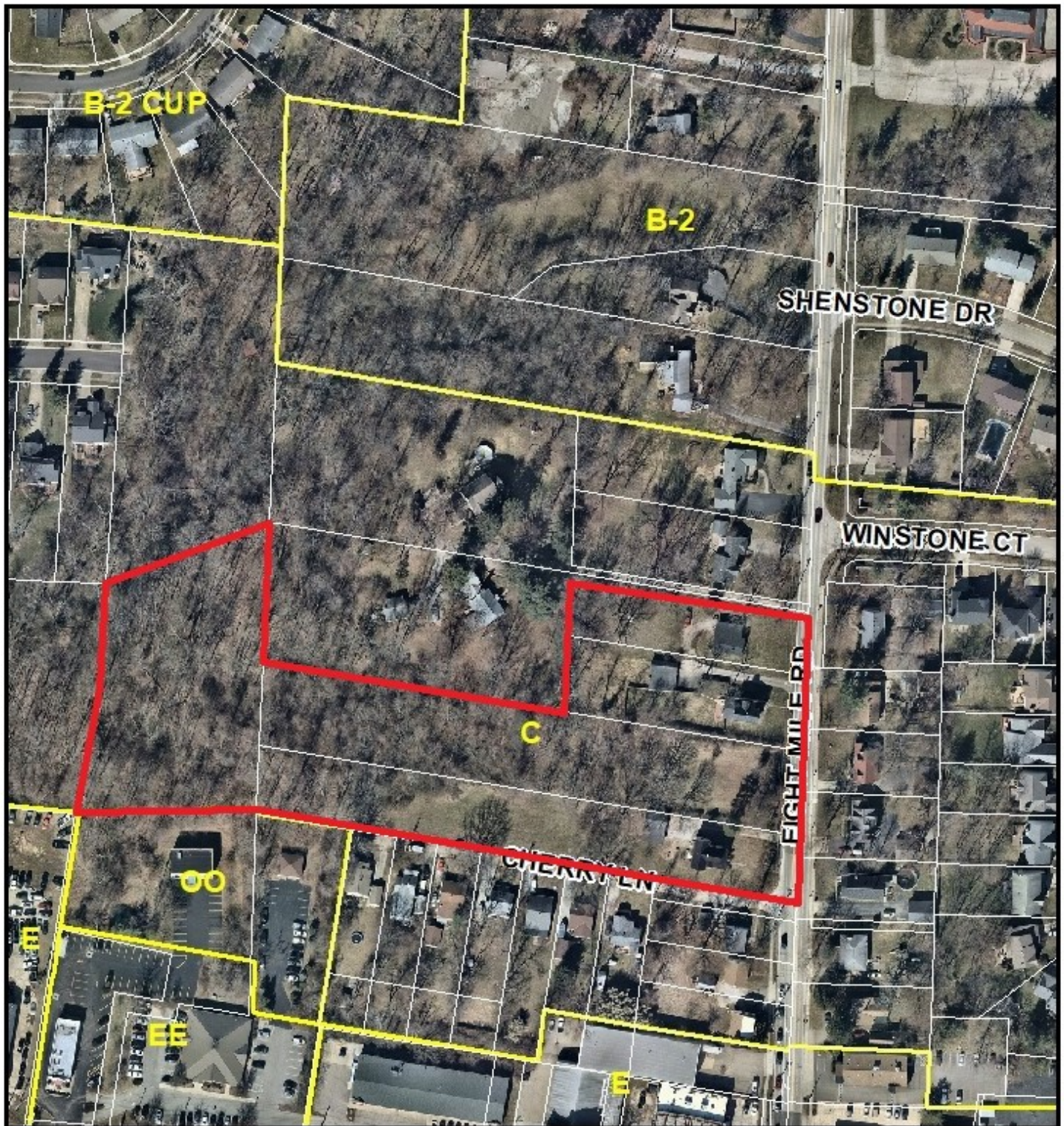
| | | |
|--------------------------------|------------------------------------|----------|
| AGENCY REPORTS: | Dept. Storm Water & Infrac. (SWI): | Approved |
| | Zoning: | Approved |
| | Hamilton County Engineer (ENG): | Approved |
| | Metro. Sewer District (MSD): | Approved |
| | H. C. Soil & Water (HCSW): | Approved |
| | Ohio Department of Transportation: | N/A |
| Cincinnati Water Works (GCWW): | Approved | |

Note: Recommendations and findings in this staff report reflect the opinions of the staff of the Hamilton County Planning Department, but may not necessarily reflect the recommendation of the Regional Planning Commission. This staff report is primarily a technical report on the level of compliance with the Rules and Regulations for Plats and Subdivisions as adopted by the Hamilton County Regional Planning Commission and the Board of County Commissioners. Additional information may be presented at public hearings that may result in findings and conclusions that differ from the staff report.

Prepared by: JOHN HUTH Principle Planner
John S. Huth, CNU-A

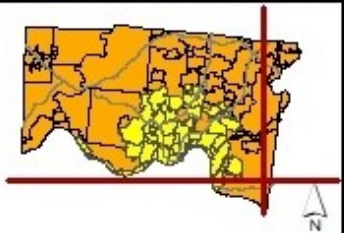
Reviewed by: Bryan D. Snyder Development Services Administrator
Bryan D. Snyder, AICP

Approved by: Stentz Executive Director



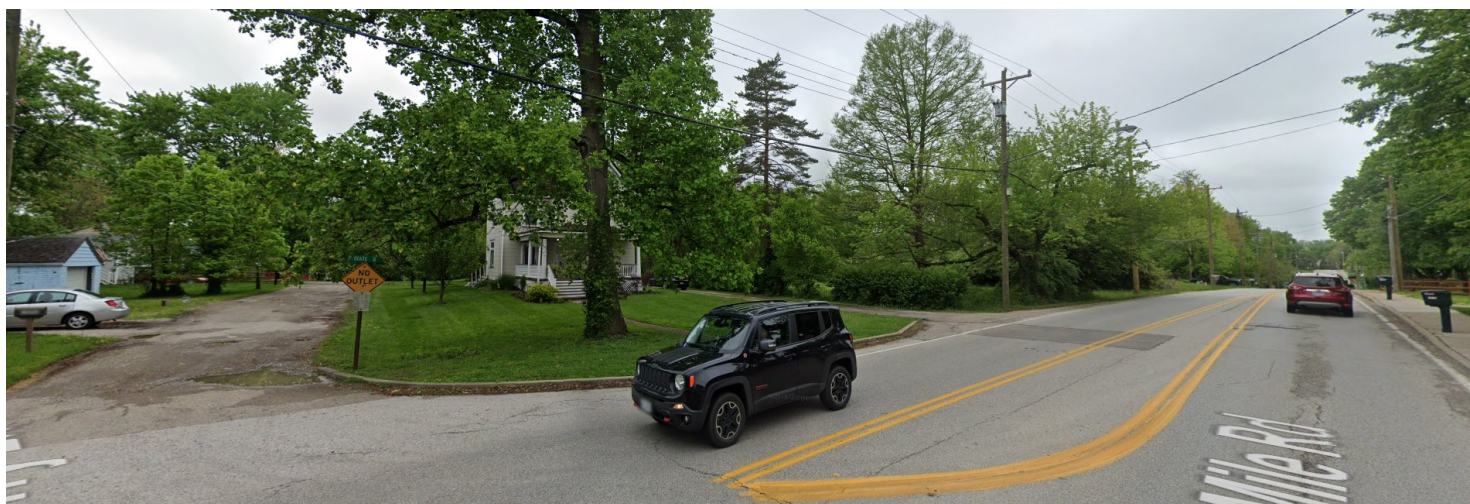
VICINITY MAP

Case: Anderson 21-02
 Dacey's Landing
 Request: Subdivision Approval



DISCLAIMER:
 Neither the provider nor any of the parties of the Cincinnati area geographic information system (CAGIS) make any warranty or representation, either expressed or implied, with respect to this information, its quality, performance, merchantability, or fitness for a particular purpose. As a result this information is provided "as is", and you, the recipient, are assuming the entire risk as to its quality and performance. In no event, will the provider or any party of CAGIS be liable for direct, indirect, incidental, or consequential damages resulting from any defect in the information or any other part of the map product, even if advised of the possibility of such damages. In particular, neither the provider nor any party of CAGIS shall have any liability for any other information, programs or data used with or combined with the information received, including the cost of recovering such information, programs or data. Any floodway and flood fringe information provided on this map is for conceptual planning purposes only. For official determination of limits recipient must refer to the 1982 FEMA floodway fringe maps. Large differences can exist between actual flood prone areas and official FEMA flood fringe areas.

SITE PHOTOS



View (northwest) of site from Eight Mile Road/Cherry Lane intersection (Google Streetview) (home would be razed)



View (southwest) of site from Eight Mile Road (Google Streetview) (Two homes would be razed)



View (north) from Cherry Lane (Google Streetview) (subdivision would be on right hand side of photo)

PROPOSED SUBDIVISION PRELIMINARY PLAN

