



# Village of Mariemont

**BUILDING DEPARTMENT**

**6907 WOOSTER PIKE**

## **NOTICE OF PUBLIC HEARING MARIEMONT PLANNING COMMISSION**

**VILLAGE OF MARIEMONT, OHIO**

September 19, 2022

The Mariemont Planning Commission will have a Public Hearing in the Village Council Chambers of the Village Administration Building, 6907 Wooster Pike, Mariemont, Ohio 45227 on **Tuesday October 4, 2022 at 6:00 PM** for the purpose of reviewing and discussing the following item, and to approve the minutes from the previous meeting of August 16, 2022.

1. Request from Miami Run JV LLC for the property located at 3801 Miami Run to authorize the establishment of a planned unit development PUD and approve preliminary development plans.

**1. Planned Unit Development (PUD) Request:** Section 151.077 of our village code provides both the authority of the Planning Commission to approve PUD applications as well as a framework of the “PUD process” from preliminary development plan through final execution. This section of code is below in its entirety for understanding.

### *Findings of the Building Department:*

- Discussions concerning the development of the steam plant area can be found dating back to 2005 between multiple developers and the Village Council, the Planning Commission, the ARB, and the Planning & Zoning Committee. Village Council authorized execution of a Development Agreement with Genesis Management (May 12, 2008).
- Council voted to change the zoning of this site to Residence C (May 12, 2008) and to include in the area eligible for CRA tax abatements (March 13, 2017, R-07-17).
- JAE Capital LLC acquired the site on September 22, 2014, later transferred to Miami Run JV on July 9, 2020.
- Other recent (condominium) developments (Nolen Park, Livingood Park, Hampstead Park) have “Development Agreements” signed by developers and the Village.
- The only other PUD approval in the Village was done for Spring Hill in 1984.
- While the framework for a preliminary and final development plan are called out in 151.077, the specific documents or requirements for each milestone are vague. Based on this department’s recommendation, the developer has submitted for consideration a preliminary Development Plan which has been distributed to the members of the Planning Commission and is available for public review.
- 151.077 (D)(8) states that a PUD area should not be less than five contiguous acres, but the Planning Commission has the latitude to consider when it is demonstrated that the smaller area has a unique feature of geography, topography, or other development aspect (i.e. hillside) which is determined by the Planning Commission to be appropriate.

- The building department is working to accelerate the timelines mentioned in the ordinance to get the development properly designated as a PUD.

Mariemont residents may contact Rod Holloway to have receive an electronic copy of the Preliminary Development Plan or can view a hard copy at the village offices.

Rod Holloway  
Building Department

**cc:** Adjacent Property Owners  
Posting Boards  
Members of the Planning Commission  
Members of Council  
Rod Holloway Building Department  
Village Web Site  
E-Mail Distribution List

SUPPORTING CODE FOR UNDERSTANDING BELOW:

**§ 151.077 PLANNED UNIT DEVELOPMENTS**

(A) *Purpose.* The purpose of the planned unit development regulations is to provide for orderly improvement of a specific property in order to accomplish the following:

- (1) To permit the creation of areas within the village that can be developed or redeveloped with maximum flexibility in design;
- (2) To promote the efficient use of land and facilitate an economic arrangement of buildings, circulation systems, land use, and utilities;
- (3) To encourage the most skillful planning in the arrangement of buildings, the preservation of open space, existing topography, geological, historical, and other site features;
- (4) To obtain creative and coordinated designs, harmonious and compatible with uses of the presiding district; and
- (5) In order to carry out these purposes, procedures supplemental to those applicable in other use districts are established in this section particularly designed to meet these objectives may be prepared and submitted for approval.

(B) *Authority and applicability.*

- (1) *Authority.* The Planning Commission shall authorize the establishment of a planned unit development area. Nothing contained in this subchapter shall preclude the Planning Commission or the Village Council from modifying any regulations, standards, or criteria prescribed by this chapter if the Planning Commission determines the regulations, standards, or criterion are inapplicable because of the unusual conditions of the development area.
- (2) *Applicability.* It is the purpose of this section to establish regulations and procedures supplementary to those applicable in the standard zoning districts created by this chapter, under which a developer may prepare development plans particularly designed to meet the objectives for a planned unit development. Procedures are also established for professional review of these development plans, action thereon by the village, and the implementation thereof.

(C) *PUD regulations.*

- (1) *Ownership.* At the time of application, a PUD site shall be under single or joint ownership acting as a unit. The site may have more than one lot or be further subdivided; however, every lot shall be contiguous. The development shall be considered as one parcel, regardless of the extent to which the parcel is subdivided by interior streets.
- (2) *Compliance.* All PUD developments shall comply with the regulations of the State Basic Building Code, the Village Fire Code, all other applicable codes, and this chapter specifically as follows.

(a) *PUD uses and requirements.* The uses and requirements within a PUD shall be limited to the uses and requirements as specified by the district use and requirements applicable to the district in which the development is located (see §§ 151.060 through 151.065).

(b) *Yard and building height requirements.*

1. The maximum building height requirements are the same as those set forth by the district in which the development is located.

2. Buildings erected on a planned unit development site shall not be required to comply with the requirement specified in § [151.086](#)(A) that specifies minimum areas for lots (see division (D) below, “land planning criteria”).

3. Planned unit developments are not required to adhere to the yard specifications set forth in § [151.086](#)(B) and (C) (see division (D) below, “land planning criteria”).

(c) *Relation to regulations for historic structures, sites, and districts.* Whenever a PUD application is filed for a property wholly or partially located within a historic site or district involving a historic structure, the Architectural Review Board shall submit its recommendation to the Planning Commission. In such cases, the provisions of this chapter where not inconsistent with the provisions of § [151.075](#) shall apply.

(3) *Relation to subdivision rules.* It is intended that the provisions of this section be in substantial agreement with *Rules and Regulations Governing the Subdivision of Land in Mariemont, Ohio*; however, in the event of any conflict, the provisions of this subchapter shall govern.

(D) *Land planning criteria.* The following planning criteria are established to guide and to control the planning, development, and use of land in the PUD.

(1) *Building and use arrangements.* The design and development criteria set forth in this section are intended to provide considerable latitude and freedom in order to encourage variety in the arrangement of uses and of the location, bulk, and shape of buildings, open space, and landscape features. Buildings and uses shall be arranged, designed, and located in order to screen and preserve residential uses within or nearby the PUD from adverse effects of nonresidential uses within or nearby the PUD. The buildings and uses may be arranged in various groups, courts, sequences, or clusters, with open spaces organized and related to the buildings in order to provide privacy, to form a unified composition of buildings and space, and to maximize the peace and tranquillity of the residential occupants of the PUD and the nearby area. The following design standards shall be met in planned unit developments:

(a) Adjoining property in the village shall be protected from loss of light, air, and view due to the proximity of the bulk or shape of buildings in the PUD;

(b) Through skillful design, the usability and accessibility of open spaces on adjoining lots shall be obtained, while privacy assured within adjoining dwellings;

(c) Required yards and setbacks shall not be excessive so as to prevent the reasonable development of open land for landscape features, recreation, or other private uses; and

(d) Latitude in design shall apply to the planning of landscape features such as walls, fences, hedges, and other features to create a variety of common open spaces and private areas.

(2) *Local circulation system.* The vehicular circulation system and parking facilities shall be designed to fully accommodate vehicular traffic with safety and efficiency without allowing it to dominate and destroy the form of the area. Driveways for group developments and local streets shall be connected to major arterial and collector streets at locations where the traffic can be controlled and operated effectively with the minimum interference with the capacity of the major arterial and collector streets. The amount of traffic generated by commercial uses passing through residential areas shall be minimized.

(3) *Topography and site appearance.* It is a requirement that these developments shall be designed to take advantage of the topography of the land in order to utilize the natural contours, to economize on the construction of utilities, to reduce the amount of grading, and to maximize the conservation of trees and topsoil. The natural features and other distinctive characteristics of the site shall be integrated into the plan to create functional variations in the arrangements of buildings, open spaces, and site features.

(4) *Utility services.* Utility services in a development area shall be entirely underground.

(5) *Private land.* In the planning of residential developments in a variety of groups or clusters, undeveloped land, to the extent possible, may be provided adjacent to the units for the outdoor use of the occupants.

(6) *Common land.* The common land shall be readily accessible to the residential units and shall be usable as open space. The integrity of the common land shall be guaranteed from further division or other changes through deed restrictions or declarations of covenants by explicit prohibition of other than the intended uses; these deed restrictions and covenants shall be exempt from further amendment except upon prior approval by the Planning Commission.

(7) *Unified boundary.* The design at the development area boundary shall be unified with the adjoining developments in the village. Within the development area, parking areas, service areas, commercial areas, and other features likely to have adverse effect on surrounding property shall be screened against viewing from first-story residences in the village outside the PUD.

(8) *Development area.* The minimum area to qualify as a PUD shall be not less than five contiguous acres. A parcel or parcels of land with less acreage may be considered for planned development when it is demonstrated that the smaller area has a unique feature of geography, topography, or other development aspect which is determined by the Planning Commission to be appropriate for the district designation; however, contiguous property of less than five acres may be added to a previously established PUD without any demonstrated basis.

(9) *Development area density.* The overall density of a development area shall conform to the basic overall density requirements of the standard districts.

(10) *Peripheral setbacks.* Along the boundary of any PUD within the village, each nonresidential building shall be set back at least 30 feet from adjoining private property outside the PUD. Each residential building shall be set back from adjoining residential

buildings outside the PUD in the village in accordance with the requirements for that district.

(11) *Required open spaces.* In any PUD, the total public or common space shall be not less than 20% of the gross acreage of the PUD District. Common open space shall be protected by recorded covenants and restrictions to assure that such open space will be permanently preserved and maintained.

(E) *Development procedure and regulations.*

(1) *Preliminary development plan.* Subject to the requirements of this subchapter, a developer shall submit to the Planning Commission a preliminary plan of a development area by filing five copies with accompanying letter to the Planning Commission. Plans may only be submitted on behalf of a single owner of the parcel or a group of owners of the land included therein who are acting jointly. The preliminary plan of the development area shall conform to the specifications set forth in Division V of *Rules and Regulations Governing the subdivision of Land in Mariemont, Ohio*, as revised January, Ord. O-1984, the contents of which are incorporated by reference as part of this code of ordinances as fully as if set out at length herein.

(2) *Referral for review and reports.*

(a) Upon receipt of a preliminary plan of a development area, the Planning Commission shall transmit one copy each of the preliminary plan to the Building Commissioner and Village Engineer for review, report, and recommendation. The Planning Commission shall also transmit a copy of all covenants, restrictions, and easements to be recorded and covenants for maintenance to the Solicitor for his or her review, report, and recommendation. The Planning Commission shall further transmit one copy of the preliminary plan to the Metropolitan Sewer District and one copy to the Cincinnati Water Works, and may transmit one copy to the Regional Planning Commission for review and comments. The Building Commissioner, Village Engineer, and Solicitor shall each within 30 days from receiving a preliminary plan of the development area, unless otherwise extended with consent of the developer, provide and furnish to the Planning Commission a report upon their respective jurisdictions with four copies. Three copies of each report shall be filed with the Planning Commission, and one copy filed with the Fiscal Officer of Council who shall maintain such copy for public inspection.

(b) Within 60 days after a preliminary plan has been filed with the Planning Commission, unless otherwise extended with consent of the developer, the Planning Commission shall evaluate the plan and shall inform the developer either that the preliminary plan complies with the regulations, standards, and criteria prescribed by this chapter for planned unit development areas applicable to the proposal, or a finding of any failure of such compliance, and a recommendation that the preliminary plan be approved, disapproved, or modified. If in any evaluation the Planning Commission finds that any regulations, standards, or criteria prescribed by this chapter are inapplicable because of unusual conditions of the development area, or the nature and quality of the proposed design, it may recommend that an adjustment in such regulations, standards, or criteria be made, and that special conditions be required for the development, provided the adjustment or conditions will not be in conflict with the promotion of the public health, safety, and general welfare of

residents of the village. The adjustments and conditions shall constitute a part of the proposed preliminary plan.

(c) If approved, the Planning Commission shall request seven copies of the preliminary plan from the developer, shall stamp them as tentatively approved, and distribute one copy each, with letter certifying action, to the regional Planning Commission, the Building Commissioner, Village Engineer, Metropolitan Sewer District, Cincinnati Water Works, Planning Commission file, and the developer.

(d) Following approval by the Planning Commission, the Planning Commission shall notify the developer of such action by registered or certified mail and authorize it to proceed with the preparation of the final development plan, which shall be in accordance with the specifications set forth in Division VI of *Rules and Regulations Governing the Subdivision of Land in Mariemont, Ohio*, as revised January, 1984, the contents of which are incorporated by reference. Within 15 days after mailing notice, unless the time is extended, the developer shall deposit with the Village Fiscal Officer a cash amount to be credited to the General Fund of the village, for the exclusive use of covering expenses incurred by the village in reviewing the plan. These expenses may include items such as the cost of professional services in connection with reviewing the plan's on-site inspection, the preparation of reports, publication and mailing of public notice, if any, and any other reasonable expenses directly attributable thereto. The cash amount shall be determined by the Village Council according to statements rendered by the professional rendering the service.

(3) *Final development plan.*

(a) The developer of any parcel or parcels of land for which a preliminary plan has been approved by the Planning Commission, and who has posted the inspection fee required in division (E)(2)(d) above, may submit a final development plan. The final plan shall be filed with the Building Commissioner who shall, upon payment of any appropriate fees which may be required, submit the final plan to the Planning Commission within 15 days.

(b) If the Planning Commission finds that a proposed final plan of a development area is in substantial compliance with and represents a detailed expansion of the previously approved preliminary plan; that the final plan complies with all of the conditions and adjustments which may have been imposed in the approval of the preliminary plan; that the final plan is in accordance with the design criteria and provisions which apply particularly to any plan of a planned unit development; that all agreements, contracts, covenants, deed restrictions, dedications, easements, declarations of ownership, and other required documents are in acceptable form and have been executed; that development, pursuant to the previously approved preliminary plan, is in accordance with that plan; that all fee payments have been made and that the provisions of the subdivision regulations have been met; the Commission shall then approve and sign such final plan of a PUD.

(c) The Planning Commission shall instruct the developer to furnish six copies of the approved final plan and shall transmit one copy each to the Building Commissioner, Village Engineer, Metropolitan Sewer District, and Cincinnati Water Works. One copy shall be retained for the Planning Commission file, and one copy shall be added to the village base maps.

(d) Following the approval of a final plan of a development area, the Building Commissioner shall be notified and zoning certificates and other permits shall be issued immediately upon payment of the required fees.

(4) *Progressive development.*

(a) A developer, having obtained Planning Commission approval of any final plan of a development area, may accomplish the development in progressive stages which are consistent with any conditions pertaining to progressive stages of development contained in the final plan as approved.

(b) When the final plan of development area provides for partial development of the total area for which a preliminary plan has been approved, the Planning Commission may require inspections of the improvements then made, or detailed plans for all improvements in the development area to permit evaluation of the progress and conformance of development of the entire parcel to the preliminary plan or a previously approved final plan before further or partial development may be approved.

(5) *Amendments to plan.*

(a) At any time after the approval of a preliminary plan or a final plan of a development area, the owner or owners, or developer representing the owner or owners, may request an amendment of development plans; the request for the amendment shall be filed with the Planning Commission.

(b) If the amendment, as determined by the Planning Commission, represents a major departure from the intent or the substance of the preliminary plan, the amendment shall then be subject to the same procedures and conditions of approval as the original application. For purposes of this section, a "major departure from the intent and substance of the preliminary plan" shall include, but not be limited to, an increase in or relocation of areas planned for a particular use, or the addition of a use not included in the approved preliminary plan.

(F) *Transfer of land from standard zoning to PUD unit.*

(1) The Planning Commission, by its Chairperson, shall, within seven days of receipt of a preliminary plan requiring modification of existing zoning in the area of the planned unit development, notify the Fiscal Officer of Council that a public hearing by Council is required pursuant to R.C. § 713.12.

(2) Land in an area being planned for transfer to a planned unit development site shall be subject to all applicable provisions of this chapter for that area until a notation is made to the village zone map reflecting the area to be in a planned unit development in accordance with this section.