



# PLANNING COMMISSION AGENDA

Tuesday, January 9, 2024 | 7:00 PM  
Council Chambers of the Municipal Building  
1201 West Kemper Road  
Forest Park, Ohio 45240

## PUBLIC HEARING

- **Conditional Use FPB 23-024:** Medical Marijuana Dispensary at 1233 Omniplex Drive

## REGULAR MEETING

**I.** Call to Order and Pledge of Allegiance

**II.** Roll Call

**III.** Minutes

- September 12, 2023
- October 17, 2023
- November 14, 2023

**IV.** Commissioner's Reports

**V.** Director's Report

**VI.** **Presentation:** Brian Hoesl, Land Acquisition Manager for Maronda Homes

**VII.** Communications from the Public

*Please sign in at the podium and wait for the chair to recognize you. When recognized, state your name and address first, and limit your comments to 5 minutes. This meeting is recorded for ease of transcription.*

**VIII.** New Business

**A.** **Final Plan 23-016:** Morningside Planned Unit Development Phase I, Cristo Homes

**B.** **Rezoning 23-021:** 924 Halesworth Dr. from R-2 to R-PUD-7 (Recommendation to Council)

**C.** **Rezoning 23-022:** 1501 Kingsbury Dr. from R-2 to R-PUD-7, (Recommendation to Council)

**D.** **Conditional Use 23-024:** Medical Marijuana Dispensary, 1233 Omniplex Drive

**IX.** Motion to Adjourn

---

### Forest Park Planning Commission

Dave Aaronson, *Chairman*

Susan Anuforo

Lewis Bunton, Sr., *Vice-Chairman*

Aharon Brown

Dennis Smith, *Secretary*

Denise Holt

Charles Johnson

# Planning Commission Staff Report

## Conditional Use FPD 23-024



**Proposed Use:** Medical Marijuana Dispensary  
**Property Location:** 1233 Omniplex Drive  
**Zoning District:** PB—Planned Business District  
**Hearing Date:** January 9, 2024 at 7:00 PM  
**Applicant:** Heritage Wellness Ohio, LLC dba Story Cannabis

---

### I. Executive Summary

The application is for conditional use approval to convert the former Steak 'n Shake restaurant at 1233 Omniplex Drive into a licensed medical marijuana dispensary. The application satisfies the six standards for a conditional use, and I recommend approval with the following conditions.

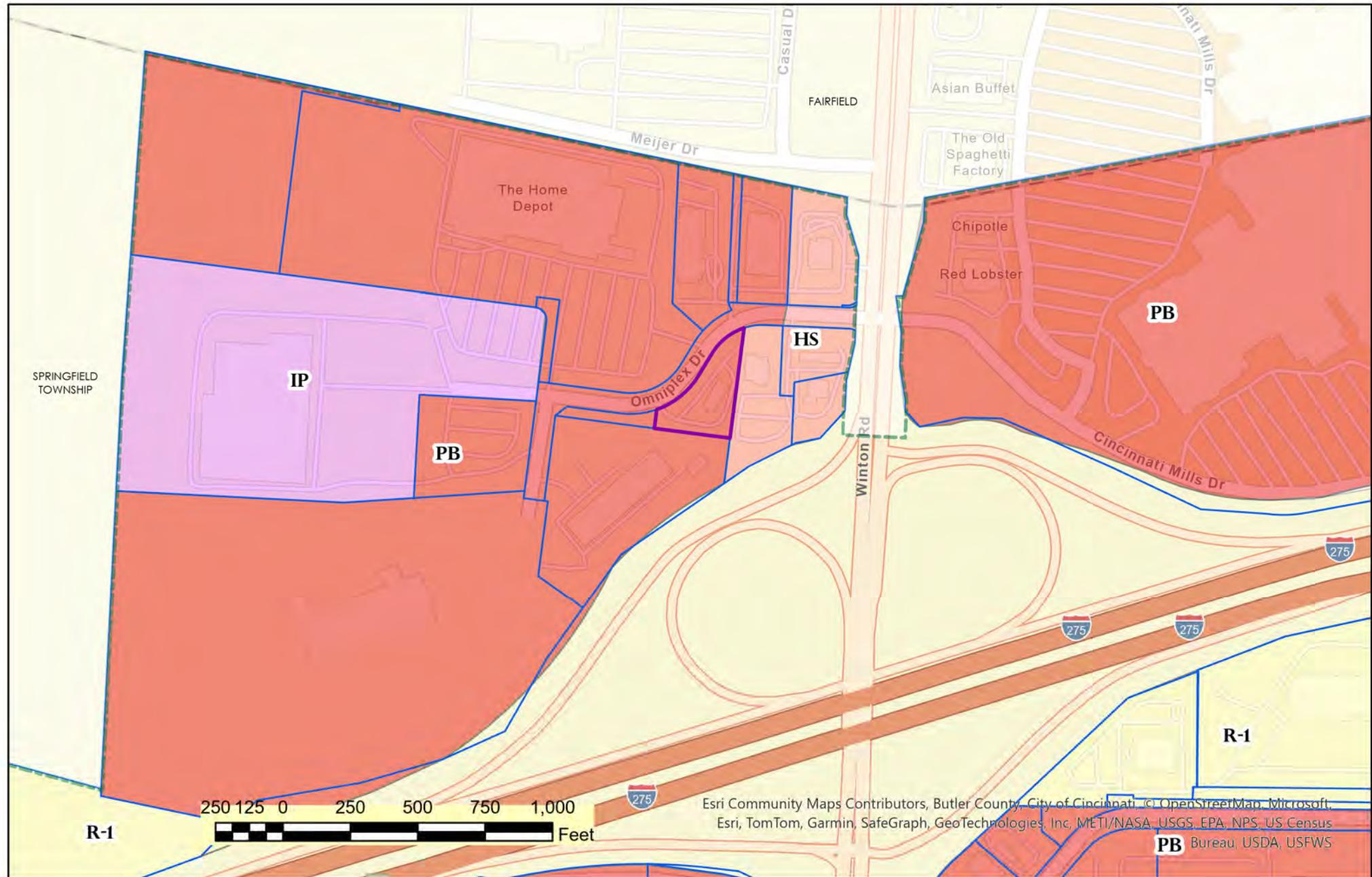
1. The applicant must keep current a valid license from the State of Ohio to dispense medical marijuana, as well as for adult-use cannabis products when such sales become authorized by the State.
2. The conditional use is valid only for the applicant as the business tenant, without a requirement for renewal, but will cease to be valid in the event that the business closes, relocates or substantially changes such that it would no longer be classified in the same land use category.
3. The sign on the south elevation of the building is to be deleted from the plan.
4. The applicant must submit a detail drawing of the proposed fence enclosure, with a decorative appearance and excluding barbed wire, to be approved by the staff.
5. The privacy film proposed for the windows must be deleted from the plan.

### II. Conditional Use

**Request:** Conditional use to permit a medical marijuana dispensary at 1233 Omniplex Drive in the PB—Planned Business District.

**History:** In 2016, the Ohio General Assembly passed House Bill 523, which legalized marijuana for the treatment of certain medical conditions in Ohio and created the Ohio Medical Marijuana Control Program, now known at the Division of Cannabis Control.

HB 523 did not interfere with zoning, leaving the decision about the extent and location of medical marijuana facilities in the hands of local planning commissions. For our part, we studied whether a medical marijuana facility would fit in Forest Park, and concluded that it could do so, but in a limited geographical area, north of I-275 on either side of Winton Road.



# Location and Zoning 1233 Omniplex

1233 Omniplex	PB	PR-3	SPA-1
FPZoning	IP	R-PUD-14	SPA-2
Zoning	M	R-1	SPA-3
HS	O	R-2	SPA-4
	PO	R-PUD-7	



As HB 523 was being fully implemented in 2018, we reviewed an application for a dispensary at 12145 Omniplex Court, but the State of Ohio did not grant a license to the business and the proposed dispensary was never constructed.

Subsequently in 2021, a business with a cultivator's license purchased the old K-Mart building on Omniplex and retrofitted it as a growing facility. The business opened in October, 2023 as King City Gardens.

**Zoning:** Medical Marijuana Dispensaries are classified as a **conditional use** in the PB—Planned Business District. The applicant is in the cannabis business nationally, and operates a dispensary in Norwood. They are seeking to use one of the two licenses from the Norwood site and move it to the former Steak 'n Shake property.

**Conditional Use Standards:** The purpose of a conditional use is to grant the Planning Commission the opportunity to permit only those specific uses which are listed as conditional uses within the Planned Business district which would not be appropriate generally or without restriction throughout the Planned Business district but which may be permitted if the Planning Commission decides that the application satisfies six standards. Conditional uses for medical marijuana dispensaries must also meet the following additional requirements, pursuant to Ordinance 14-2017:

1. *Located north of Interstate 275.* The site meets this requirement.
2. *In a single-use, free-standing building.* The former Steak 'n Shake building meets this requirement.
3. *On its own parcel of land.* The site also meets this requirement.
4. *Subject to a Development Plan approved by the Planning Commission.* The Omniplex development plan is not very specific with regard to individual land uses, only that the uses would include "mercantile, restaurant, hospitality, automotive and other highway services in which a location near an expressway interchange is advantageous." In addition, the development plan was modified in 2018 with the zoning amendments that classified the various medical marijuana uses.

As an existing developed site, 1233 Omniplex is part of the approved plan for the Omniplex development, and the re-use of the Steak 'n Shake site does not require a new development plan approval.

**Issue 2:** Ohio voters approved Issue 2 in November, effectively legalizing the purchase of cannabis products from state-licensed stores (also commonly referred to as "dispensaries") as well as small scale home cultivation. The ballot language gives the Ohio Division of Cannabis Control nine months to establish rules and license processes for adult-use sales. Issue 2 included two provisions for current medical marijuana facilities, one directly related to this application and the other potentially having implications for the surrounding area. The first of these is that

all holders of medical dispensary licenses will be granted an adult-use license once the rules are finalized. The second is that medical marijuana cultivators, including King City Gardens locally, will be granted a dispensary license. King City has enough land available to construct a dispensary on their property, although as of this writing they have not made any sort of application to the City to do so. Should they decide to add a dispensary, it would have to go through the same conditional use process as the current application.

On their website, the ODDC notes that Issue 2 is an “initiated statute”, i.e. a law that was passed by the voters rather than the Ohio General Assembly. Just as the legislature can pass laws, however, they can also amend current laws, including the Issue 2 statute. In the past two months, potential amendments to the statute have been the subject of competing bills in the Ohio House and Senate. With no agreement on changes to the law, it stands today as the voters passed it in November. Medical Marijuana Dispensaries will at some point this year (likely the second half) will become open to adult customers, either with or without prescriptions.

**Conditional Use Standards:** The following six standards apply to all conditional uses. The applicant has addressed each of the standards in detail in a letter included with this report. The discussion points below follow the same format in summary form.

Standard	Discussion
<p><i>I. The public's health, safety, morals, welfare, and interest, including but not exclusively, such factors as safety and traffic conditions, surrounding housing or property values, and the socio-economic impact on people working or living in the area surrounding the proposed development;</i></p>	<p>The proposed dispensary is a legal, licensed and highly-regulated business, with specific development, operating and security requirements imposed by the State of Ohio. As a matter of public health, it should have a positive effect by providing treatment and relief to Ohio residents suffering from serious medical conditions.</p> <p>The State license requires security features in the structure of the building, with such things remote entry control, access to product displays limited patients and caregivers only, full-time video surveillance, and an on-site vault. The main security concern is that these businesses handle large amounts of cash.</p> <p>The applicant is projecting 300 customers per day, which is within the range of other businesses in the Omniplex development. (Home Depot has the highest customer traffic; the Wyler Service center has the least). Omniplex Drive and the Winton Road/I-275 interchange can handle the increase in</p>

<b>Standard</b>	<b>Discussion</b>
	<p>traffic without the need for road widening or traffic signal changes.</p> <p>We can expect little to no effect on surrounding housing or property values because the site is well removed from the nearest residences.</p>
<p>2. <i>Whether a nuisance caused by or increased by noise, litter, or lighting conditions will be created, and cannot be controlled;</i></p>	<p>None of these conditions is expected to be created. The development plan shows 50 parking spaces on site, which exceeds the Zoning Code requirement of 19 spaces. In addition, the applicant has submitted additional information regarding traffic generated by cannabis businesses in other locations.</p> <p>All activities will be indoors, and the packaging of the products is not expected to cause an increase in litter.</p> <p>The proposed re-use of the building will have a positive effect on litter, because the property in its current vacant condition has been an attractive nuisance due to illegal dumping. Both the City and the property owner have incurred expenses for cleaning up the site. The property owner ultimately reimbursed the city for its expenses.</p> <p>The lighting of the site is comparable with lighting levels in the surrounding area. This area is generally bright in the evening due to the concentration of commercial uses and the proximity to I-275.</p>

<b>Standard</b>	<b>Discussion</b>
<p>3. <i>Whether the proposed development and attendant conditional use would protect and preserve the character, attraction, and orderly development of the affected district;</i></p>	<p>The “affected district” in this case is the Omniplex development, which has a combination of automotive and highway service uses, along with big-box retail. The proposed business is compatible with these uses, and the location near I-275 is appropriate for a business that is expected to have a large trade area compared with its small footprint.</p> <p>The building and site are of comparable design and quality to the rest of the development. At 3,844 square feet, the building is one of the smaller in the development, as is the site, which is just under one acre.</p>
<p>4. <i>That the proposal not be incompatible with the surrounding area and be an appropriate use as related thereto so as not to be economically, aesthetically, or environmentally detrimental or injurious to the surrounding area, or its workers or residents;</i></p>	<p>Economically, the business would bring increased traffic to the surrounding area, drawing from a relatively large trade area. Their customers will also be potential customers for nearby businesses</p> <p>Aesthetically, the building does not require extensive modification to function as a dispensary. Coincidentally, the color palette used by the applicant is very similar to the black, white and red used by Steak ‘n Shake.</p> <p>Environmentally, the use is compatible with the retail, restaurant and highway-service mix in the area.</p>
<p>5. <i>Whether adequate public facilities and services, including, but not exclusively, existing or proposed plans for water, storm sewer, and sanitary sewer, will be available or can be created to serve the anticipated needs of the development, and whether the provisions of such public facilities and services is economically feasible or reasonable to the city and its citizens;</i></p>	<p>All utilities are in place on or adjacent to the site. Stormwater drainage is to a regional detention basin located at the northwest corner of the Omniplex development.</p> <p>Both the Police and Fire Departments have reviewed the application, and neither expects any significant increase in the service load.</p>

Standard	Discussion
<p>6. <i>The effect of the proposal on vacant land or other proposed developments in the area so as not to render the use of such vacant land or the completion of such proposed developments unavailable or unlikely.</i></p>	<p>There are no unfinished developments or vacant land in the immediate vicinity. Putting a new use into this vacant building will mean that the developed portion of Omniplex will be 100% occupied. There remains an undeveloped portion of Omniplex, with two sites totaling six acres. I don't expect that the conditional use will have an effect on the development prospects for the undeveloped land in the vicinity.</p>

### III. Development Plan

**Overview:** The property is currently included in an approved Development Plan for Steak 'n Shake that dates to 1999. That plan in turn was subordinate to the plan for the Omniplex Development (1987), which in general only concerned the subdivision and street layout, highway and site sign standards, stormwater detention, and the general land usage summarized above.

Because the application is for an existing developed site, a minor revision to the development plan is all that is required by zoning. The revision would reflect both the change of use and the exterior changes to the building.

**Site Plan:** This shows the existing building and the site improvements. The site is roughly triangular with the longest side of the triangle closest to the road.

The parking lot and driveways have standard dimensions and meet the design requirements of the Zoning Code. The 50 parking spaces are arranged in single rows along all three sides. There are two driveways, each located at opposite ends of the site. Steak 'n Shake was built with a drive-through area at the rear of the building, but the marijuana business will not use this.

The basic parking requirement for businesses in the PB district is 1 space per 200 square feet. Certain kinds of businesses have different ratios depending on the expected amount of traffic. In the medical sector, for example, doctor's offices have a parking requirement of 1 space per 100 square feet, and medical or dental clinics have a requirement of 1 space per 150 square feet. These are compared below:

Land Use	Parking Ratio	Spaces required for a 3,844 sf building
Retail Stores under 10,000 sf	5 spaces + 1 space per 400 sf	15
Unclassified Businesses	1 space per 200 sf	20
Medical/Dental Clinic	1 space per 150 sf	26
Doctor's Office	1 space per 100 sf	39
Story Cannabis	1 space per 77 sf	50 (actual)

**Building Elevations:** The building elevations show all four sides and contain notes about changes to the building. In general, the applicant is proposing a mild refresh of the building, with new paint, new awnings, refurbished lighting and new signage. Overall, the building will largely retain its current appearance.



A secure delivery area is shown on the right side of the building (facing the Wyler Collision Center), and the plans show that it will be enclosed by a fence with a gate. There are no details about the fence on the plan, but the zoning code permits fences up to 10 feet high in business and industrial areas. The appearance of the fence is important, and it should balance the security and aesthetics. Barbed wire at the top of the fence should be excluded as a condition of approval.

The windows adjacent to the sales area are proposed to have a sight-obscuring coating, similar to the effect of frosted glass. I recommend that the window treatment be deleted from the plan. Obscuring windows may have a privacy function important to certain customers, but this is not an area with much foot traffic. As a practical matter, a customer's car would be more likely to be recognized by passers-by than that same person being recognized through the windows.

Obscured or reflective glass in a mercantile building sends the implied message that something illicit might be going on behind the windows, which is the opposite of the impression that this facility should provide.

The building shows the proposed signage, which is proportional to the wall area for each elevation with a sign. The building is shown with a sign on the rear wall, an area with very little visibility. It can be seen from the ramp to westbound I-275, but the site is lower in elevation than the ramp by about 10-15 feet, which places it below the line-of-sight as seen from the ramp. I recommend that this sign be deleted from the plan.

**Floor Plan:** The floor plan is mostly self-explanatory regarding the layout and function of each room. The following security features are part of the floor plan:

Man-trap vestibules (lower left corner). This is similar to the vestibule in some bank buildings, where one door must be completely shut before the other door will open. In addition, the doors can be locked remotely, in order to detain a fleeing criminal.

The interior is divided into three areas with increasing security. The area just inside the entrance is where a patient or caregiver would check in. Anyone accompanying that person would need to wait in this area. Access to the middle section of the building is one-way in and one-way out. Customers must check in to be permitted in the sales area.

The former drive-through bump out at the rear of the building is shown the plan as being walled-off and inaccessible from the inside of the building.

#### **IV. Recommendation**

Medical marijuana is no longer new to Ohio or unfamiliar in our metro area. There are businesses operating in the region that have experience in providing medical marijuana and working within a regulatory framework. This company has such experience, with facilities in Ohio, Maryland, New Jersey and Arizona. Ohio's law provides for very tight licensing and regulation, including limiting the conditions under which a physician can prescribe, and retaining authority over the locations where it can be dispensed. In addition to that, local governments are expressly permitted to establish zoning regulations or ban the use entirely, as they see fit. There is currently no "right," constitutional or otherwise, to operate a marijuana business in any community within Ohio. Such a use may be permitted, but only with agreement at the local level.

The application is complete for the conditional use and the accompanying minor revision to the development plan. The re-use of a vacant building is good for the city and for the immediate area around the site. It is fortunate, for both the applicant and the city, that the Steak n' Shake building is the right size for the use and already provides ample parking

The conditional use, if approved by the Planning Commission, would take effect after a 20-day appeal period. The Planning Commission is the deciding body for conditional uses, and the application does go to City Council.

I recommend that the six findings of fact listed below be adopted by the Planning Commission and the application for a medical marijuana dispensary be approved, with the conditions listed in the suggested motion.

## **V. Suggested Motions**

- A.** Move to adopt the following findings of fact and conclusions of law regarding the proposed conditional use:
  - 1. Medical Marijuana dispensaries are classified as a conditional use, requiring authorization by the Planning Commission.
  - 2. The proposed location at 1233 Omniplex Drive is within the limited area defined by the City in which dispensaries may be permitted.
  - 3. The proposed use would occupy a free-standing building on its own parcel of land.
  - 4. The applicant is licensed by the State of Ohio to operate a dispensary, and currently has a facility in the City of Norwood.
  - 5. The proposed use is not located near any residence, school, library or child-care center.
  - 6. The proposed use would meet the six standards for a conditional use.
  
- B.** Move to approve a conditional use and a minor revision to the development plan for 1233 Omniplex Drive, authorizing Story Cannabis to operate a licensed medical marijuana dispensary, with the following conditions.
  - 6. The applicant must keep current a valid license from the State of Ohio to dispense medical marijuana, as well as for adult-use cannabis products when such sales become authorized by the State.
  - 7. The conditional use is valid only for the applicant as the business tenant, without a requirement for renewal, but will cease to be valid in the event that the business closes, relocates or substantially changes such that it would no longer be classified in the same land use category.
  - 8. The sign on the south elevation of the building is to be deleted from the plan.
  - 9. The applicant must submit a detail drawing of the proposed fence enclosure, with a decorative appearance and excluding barbed wire, to be approved by the staff.
  - 10. The privacy film proposed for the windows must be deleted from the plan.

Respectfully Submitted,

*Christopher A. Anderson*

Christopher A. Anderson, AICP

Director of Community Development



## Planning Commission Application

Meetings on the second Tuesday of the month at 7:00 p.m.

SW Corner of Winton & Kemper Roads

GPS: 39.288 N, 84.524 W

[www.forestpark.org](http://www.forestpark.org)

### Property

**Address** 1233 Omniplex Drive, Forest Park, OH 45240

### Applicant

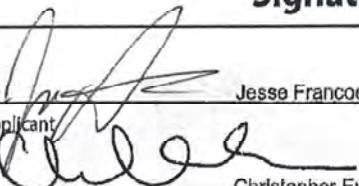
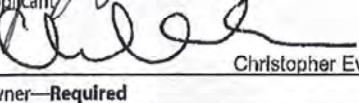
Name	Heritage Wellness Ohio, LLC			
Address	120 N 44th Street, Suite 410, Phoenix, AZ 85034			
Phone	951-234-1305			
E-Mail	jfrancoeur@storypartners.com			
Applicant is:	<input type="checkbox"/> Owner	<input checked="" type="checkbox"/> Tenant	<input type="checkbox"/> Agent	<input type="checkbox"/> Other

### Property Owner

(if different from applicant)

Name	Steak N Shake Inc.			
Address	107 S. Pennsylvania Street, Suite 400, Indianapolis, IN 46204			
Phone	317-656-4504			
E-Mail	Chris.Evens@steaknshake.com			

### Signatures

	Jesse Francoeur, Authorized Signer	11/21/2023
Applicant		Date
	Christopher Evans, Authorized Signer	11/21/2023
Owner—Required		Date

#### Please include the following:

- Application Fee, payable to "City of Forest Park"
- Plan Drawings 2 full-size printed & 1 pdf
- Cover letter with project description

Applications are due by the fourth Friday of the month

Additional questions, required for variances and special exception applications, are listed on the reverse side.

### Application Purpose and Fee

#### Land Use, Occupancy, and Development

<input type="checkbox"/> New Development Plan	\$500
<input type="checkbox"/> D.P. Substantial Revision	\$400
<input type="checkbox"/> D.P. Minor Revision	\$200
<input type="checkbox"/> Site Plan	\$200
<input type="checkbox"/> Planned Dwelling Group	\$200
<input type="checkbox"/> Concept Plan	\$100
<input type="checkbox"/> Variance* (R Districts)	\$100
<input type="checkbox"/> Variance* (All Other Districts)	\$300
<input type="checkbox"/> Temporary Use	\$200
<input checked="" type="checkbox"/> Conditional Use*	\$300

#### Zoning

<input type="checkbox"/> Administrative Appeal	\$100
<input type="checkbox"/> Zoning Interpretation	\$100
<input type="checkbox"/> Zone District Change	\$750
<input type="checkbox"/> Zoning Text Amendment	\$750

#### Signs

<input type="checkbox"/> Master Sign Plan	\$100
<input type="checkbox"/> Comprehensive Sign Plan	\$100
<input type="checkbox"/> Changeable Message Sign	\$100
<input type="checkbox"/> Sign Variance*	\$300

#### Subdivisions

<input type="checkbox"/> Preliminary Plat	\$200
<input type="checkbox"/> Improvement Plan	\$200
<input type="checkbox"/> Record Plat	\$100

\*Additional Instructions on the reverse side

**Additional Informational Requirements for Variance and Conditional Use Applications.** Please make sure that your written project description includes how you think your applications meets, or will meet, the six requirements listed below (*choose only one category, not both*).

### **Variances**

In order to grant a Variance to any requirement of the Zoning Code, the Planning Commission is required to determine that the application meets the following standards:

1. **Special circumstances or conditions.** That there are special circumstances or conditions peculiar to the land or building and do not apply generally to land or buildings in the neighborhood, and that the strict application of a zoning requirement<sup>1</sup> would deprive the owner of the reasonable use of the land or building.
2. **Minimum variance.** That the granting of the variance is necessary for the reasonable use of the land or building, and is the minimum variance that will accomplish this purpose.
3. **Absence of detriment.** That the granting of the variance will be in harmony with the general purpose and intent of the Zoning Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.<sup>2</sup>
4. **Not of a general nature.** That the condition or situation of the specific piece of property is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation<sup>3</sup> for the conditions or situation.
5. **Actions of applicants.** That the special conditions or circumstances do not result from the actions of the applicant.
6. **Adjacent districts.** That no permitted uses of lands, structures, or buildings in other districts on adjacent lands are used as grounds for issuances of such a variance.<sup>4</sup>

### **Conditional Uses**

Conditional Uses are not considered to be appropriate generally or without restriction throughout the zoning district, but which may be authorized if the Planning Commission finds that the application satisfies the following standards:

1. The **public's health, safety, morals, welfare, and interest**, including but not exclusively, such factors as safety and **traffic conditions, surrounding housing or property values**, and the socio-economic impact on people working or living in the area surrounding the proposed development;
2. Whether a nuisance caused by or increased by **noise, litter, or lighting** conditions will be created, and cannot be controlled;
3. Whether the proposed development and attendant conditional use would **protect and preserve the character**, attraction, and orderly development of the affected district<sup>5</sup>;
4. That the proposal **not be incompatible with the surrounding area and be an appropriate use** as related thereto so as not to be economically, aesthetically, or environmentally detrimental or injurious to the surrounding area, or its workers or residents;
5. Whether **adequate public facilities and services**, including, but not exclusively, existing or proposed plans for water, storm sewer, and sanitary sewer, will be available or can be created to serve the anticipated needs of the development, and whether the provisions of such public facilities and services is economically feasible or reasonable to the city and its citizens;
6. The **effect of the proposal on vacant land** or other proposed developments in the area so as not to render the use of such vacant land or the completion of such proposed developments unavailable or unlikely.

---

<sup>1</sup>For example, minimum requirements for setbacks, height, landscaping, parking, and other dimensional standards.

<sup>2</sup>In addition to considering the character and use of adjoining buildings and those in the vicinity, the Commission will look at traffic conditions, and the number of people living and/or working in the vicinity.

<sup>3</sup>In other words, if the hardship is applicable to many others, then the City should amend the regulations rather than process multiple variances.

<sup>4</sup>Yard, height, land use and other regulations vary from district to district, and the rules of a different zoning district won't be considered.

<sup>5</sup>"Affected district" includes the properties that are within the same contiguous zoning district, plus any adjacent districts, but only if the property directly abuts other property in a different zoning district.



Heritage Wellness Ohio, LLC  
Attn : Jesse Francoeur  
120 N 44<sup>th</sup> Street, Suite 410  
Phoenix, AZ 85034

November 21, 2023

City of Forest Park  
Attn : Planning Commission  
1201 W Kemper Road  
Forest Park, OH 45240

Re: Planning Commission Application: Conditional Use Approval  
1233 Omniplex Drive, Forest Park, OH 45240

**Introductory Statement:**

On June 8, 2016, Governor John Kasich signed H.B. 523 into law, which legalized medical marijuana in the State of Ohio. The subsequent program, known as the Ohio Medical Marijuana Control Program (“MMCP”), instituted a framework by which people with qualifying medical conditions could obtain a recommendation from an Ohio-licensed physician certified by the State Medical Board to purchase and use medical marijuana for the treatment of such ailments. The institution of H.B. 523 and the MMCP was a result of legislative efforts to serve the growing demand of medical marijuana for a state that, based on polling, was in support of a formal, state-governed medical marijuana program.

On August 7, 2017, the City of Forest Park, OH (“City”), codified Ordinance 14-2017 (“Ordinance”), which amended the City’s zoning code (“Zoning Code”) to address the zoning districts and locations where medical marijuana businesses would be permitted through a special exception approval (also referred to herein as a conditional use approval). The Ordinance specifically states that a medical marijuana dispensary use be “classified SPECIAL EXCEPTION in the PB District, in a single-use, free standing building on its own parcel of land, located north of Interstate 275 only, and subject to a development plan approved by the Planning Commission as provided in §150.150...”

The signing of H.B. 523, creation of the MMCP, and the Ordinance referenced herein provide the legal framework by which State of Ohio and City residents can safely and legally access medical marijuana for treating their qualified conditions. As of the MMCP’s latest program update, there are approximately 398,000 registered patients in the State of Ohio.

**Request:**

Heritage Wellness Ohio, LLC, (referred to herein as "Story") is requesting conditional use approval under this Planning Commission Application ("Application") pursuant to the Ordinance to locate and operate a state-licensed medical marijuana dispensary ("Proposed Facility") from the property commonly known as 1233 Omniplex Drive, Forest Park, OH 45240 and identified as Hamilton County Parcel No. 059100270073 ("Property"). An [aerial map](#) is included to the right, showing the Proposed Facility located on the Property. Story has filed this Application in reliance with the City of Forest Park's "Medical Marijuana Businesses Permitted By Conditional Use" handout, the Ordinance, and the Application.



**Property Context:**

The Property is an improved 0.92-acre parcel with an existing, 3,793 square foot single-use, free standing building located within a retail corridor at the southwest corner of the intersection of Winton Road and Omniplex Drive. The Property was formerly operated as a Steak N' Shake restaurant but currently sits as a vacant building. The Property is zoned Planned Business District (PB) and is bordered by (i) commercial developments to the west, which are also zoned Planned Business District (PB), and (ii) commercial developments to the east zoned Highway Service and Special Commercial District (HS). In addition to the contiguous parcels to the west, the shopping center to the east of Winton Road, including the now vacant Forest Fair Village, is also zoned Planned Business District (PB). If approved, the Proposed Facility would undergo a tenant improvement remodel, subject to receipt of all requisite City permits, and continue to be operated as a single-use business.

**Conditional Use Permit Request:**

Pursuant to the Application, "Conditional Uses are not considered to be appropriate generally or without restriction throughout the zoning district, but which may be authorized if the Planning Commission finds that the application satisfies" various standards listed in the Application. Story's Proposed Facility satisfies such standards, as outlined in the narrative below:

1. The public's health, safety, morals, welfare, and interest, including but not exclusively, such factors as safety and traffic conditions, surrounding housing or property values, and the socio-economic impact on people working or living in the area surrounding the proposed development;

The Proposed Facility will operate as a medical marijuana dispensary, which will bring access of medical marijuana to the residents of the City and surrounding municipalities. The nature of a state-licensed medical marijuana dispensary is to provide the public with safe and legal access to medical marijuana, which can be used to treat various qualifying conditions as an alternative to traditional pharmaceutical drugs. Although polling data for medical marijuana support is not available for the

area immediately surrounding the Property, unofficial election results published by the Hamilton County Board of Elections regarding Issue 2 (Proposed Law To Commercialize, Regulate, Legalize, and Tax the Adult Use of Cannabis) shows that Hamilton County overwhelmingly voted “Yes” to enact legislation for adult use marijuana. As compared to the state-wide ratio of 57% “Yes” votes to 43% “No” voters, Hamilton County had a ratio of 65% “Yes” votes to 35% “No” votes<sup>1</sup>. In furtherance of the foregoing, precinct 3213 FR PK M where the Proposed Facility is located had a vote ratio of 73% “Yes” votes to 27% “No” votes<sup>2</sup>. Although Story seeks approval of a medical marijuana dispensary, the aforementioned election results shows the proposed use aligns with the resident voters’ desires to increase safe and legal access to marijuana for the surrounding area.

The Proposed Facility will fulfill all state-mandated monitoring, surveillance, and security requirements pursuant to Section 3796:6-3 of the Ohio Administrative Code, which includes but is not limited to (i) maintaining a security plan for patients, caregivers, and employee safety, (ii) restricting access to medical marijuana, (iii) controlling access and preventing loitering inside and outside of the Proposed Facility, (iv) conducting electric monitoring of surveillance, (v) preventing individuals from remaining at the Proposed Facility or on the Property if such individuals are not engaging in authorized activities pursuant to Chapter 3796 of the Ohio Administrative Code, (vi) maintaining locks and security equipment and inspecting and testing such equipment at no more than thirty (30) day intervals, (vii) ensuring that trees, bushes, and other foliage outside the Proposed Facility do not allow for individuals to conceal themselves from sight, (viii) employing on-site security personnel during all operational hours, and (ix) installing perimeter alarms, motion detectors, video cameras in all areas of the Proposed Facility and storing the surveillance of such video cameras for at least six (6) months<sup>3</sup>.

The Proposed Facility will not cause an increase to traffic for surrounding residential areas, as Omniplex Drive does not provide direct access to any residential properties. Although the intended use of the Proposed Facility will be different from the former Steak N’ Shake restaurant, the underlying Planned Business District (PB) zoning designation will remain intact, and, given the Proposed Facility is located in a commercial center at a busy intersection, Story does not anticipate a material increase in traffic that would bring detriment to the surrounding area.

2. Whether a nuisance caused by or increased by noise, litter, or lighting conditions will be created, and cannot be controlled;

The Proposed Facility will not involve the addition of exterior noise as part of normal business operations and the employees, patients and caregivers related to the Proposed Facility will not be permitted to dispose of trash unless such disposal takes place in dedicated trash receptacles and, in the event of disposal of medical marijuana, such material is to be disposed of in accordance with MMCP rules. Lighting conditions will remain unchanged from the current layout of the Property. There are currently four light poles located within the boundaries of the parcel in which the Proposed Facility is located, and there are three light poles located outside directly outside the exterior boundaries of such parcel. Story will maintain the existing light poles and lights to ensure

---

<sup>1</sup> <http://results.votehamiltoncountyohio.gov/OH/Hamilton/119018/web.317647/#/summary>

<sup>2</sup> <http://results.votehamiltoncountyohio.gov/OH/Hamilton/119018/web.317647/#/detail/163>

<sup>3</sup> <http://codes.ohio.gov/ohio-administrative-code/rule-3796:6-3-16>

compliance with MMCP rules; however, such lighting will remain dedicated to protecting the safety and security of the Proposed Facility and will not be materially changed so as to cause a material detriment to neighboring properties or cars driving on Omniplex Drive.

3. Whether the proposed development and attendant conditional use would protect and preserve the character, function, and orderly development of the affected district;

The Proposed Facility involves a tenant improvement remodel of an existing, 3,793 sf former Steak N' Shake restaurant, so there will not be any material changes to the structural or aesthetic design of the exterior of the building. Story's branding and color palette closely resemble the existing colors of the building located on the Property, so the proposed paint scheme will be relatively similar to existing conditions (minus signage and black and white column paint schemes on exterior awnings). Story proposes the use of Cardinal Flowers for lining the exterior landscape boundary directly next to the building and planting and maintenance of grass in all landscape areas bordering the exterior boundaries of the Property. The contemporary aesthetic included in the elevations of the Application, will, subject to development plan approval, promote the modernization of retail properties surrounding the Proposed Facility. Please see photos of Story's operational dispensaries attached hereto as Exhibit A for an example of the aesthetic that would be employed at the Proposed Facility.

4. That the proposal not be incompatible with the surrounding area and be an appropriate use as related thereto so as not to be economically, aesthetically, or environmentally detrimental or injurious to the surrounding area, or its workers or residents;

The Ordinance permits a medical marijuana dispensary as "classified SPECIAL EXCEPTION in the PB District, in a single-use, free standing building on its own parcel of land, located north of Interstate 275 only..." With the foregoing in mind, the Proposed Facility is compatible with the surrounding area from a land-use perspective, as it fits each requirement in the Ordinance. Furthermore, the City's Zoning Code lists the Planned Business District's (PB) purpose as providing "a broad range of retail activities and a variety of services to the surrounding community in a planned, cohesive environment.<sup>4</sup>" Although the Proposed Facility's use is medical in nature, the general service (not including the actual medical marijuana) offered at a medical marijuana dispensary as well as the overall patient visit duration are comparable to other retail service uses – such as a beauty shop, drug store, sporting goods store or other general retail store uses. Considering land-use is a means of governing the cohesive nature of uses in a given zoning district and the majority of the surrounding properties are also zoned Planned Business District (PB), the Proposed Facility will be aligned with the general economic make-up of the Winton Road corridor, both directly north of and south of Interstate 275, and it will provide residents of the surrounding area with safe and legal access to medical marijuana. Similar to the cohesion of uses referenced herein, the Ordinance would require the Proposed Facility to abide by an approved Development Plan. In doing so, the Proposed Facility would align with the building and design standards of the underlying zoning district, as well as any additional requirements instilled by the City. The Proposed Facility will not house any hazardous

---

<sup>4</sup> [http://codelibrary.amlegal.com/codes/forestpark/latest/forestp\\_oh/0-0-0-65643](http://codelibrary.amlegal.com/codes/forestpark/latest/forestp_oh/0-0-0-65643)

materials or emit hazardous contaminants, so there will be no environmental risk factors associated with the Proposed Facility.

5. Whether adequate public facilities and services, including, but not exclusively, existing or proposed plans for water, storm sewer, and sanitary sewer, will be available or can be created to serve the anticipated needs of the development, and whether the provisions of such public facilities and services is economically feasible or reasonable to the city and its citizens;

The Proposed Facility is an existing building with established utility infrastructure, and the Application does not propose any additions to or material changes of the existing 3,793 sf footprint. Additionally, a medical marijuana dispensary will not materially require an increase to the public facilities and services presently in place, which were dedicated to the former Steak N' Shake restaurant. Therefore, the public facilities and services currently established and offered will be sufficient for the Proposed Facility.

6. The effect of the proposal on vacant land or other proposed developments in the area so as not to render the use of such vacant land or the completion of such proposed developments unavailable or unlikely.

As medical marijuana programs mature and patient registrations increase, medical marijuana dispensaries are increasingly established in high traffic, retail-focused corridors that provide ease of access (both for ingress/egress purposes and convenience in relation to other shopping options) and ample parking. The MMCP has been established for seven (7) years, which can be deemed a "mature" medical marijuana market in comparison to peer states that have instituted similar medical marijuana only programs, such as Arizona (prior to Proposition 207 being passed in November 2020), Florida, and Pennsylvania. In that regard, the Proposed Facility is appropriately positioned to service patients who would otherwise patron other uses commonly permitted and found in a retail or commercial corridor, such as the Planned Business District (PB) and Highway Service and Special Commercial District (HS) located off Winton Road. In doing so, the Proposed Facility will serve as a point of interest for the Winton Road corridor and promote commercial growth of the surrounding area. Additionally, the stringent security requirements, operational layouts, and branding of medical marijuana dispensaries often results in a capital expenditure budget that far exceeds other medical and retail-focused uses. Story's operational dispensaries in Arizona, Maryland, New Jersey and Ohio have contributed to business growth of multi-tenant shopping centers and have revitalized otherwise outdated, downtrodden properties. The security requirements pursuant to MMCP rules contribute to increased surveillance of the areas surrounding the dispensary, and Story's neighboring businesses at other operational dispensaries have indicated their support for the use due to increased security presence (whether through technological upgrades or physical security guards).

#### **Plan Drawings:**

The Plan Drawings required pursuant to the Application are incorporated herein as Exhibit B.

#### **Conclusion:**

The Proposed Facility in this Application seeks a conditional use approval to operate a medical marijuana dispensary that meets the criteria set forth in the Ordinance and the Planning Commission Application

regarding a conditional use. The Proposed Facility will be compatible with the area, will not be detrimental to the surrounding properties or residents of the area, and will improve the general welfare of the City by providing safe and legal access to medical marijuana in an area that is otherwise underserved for that specific use.



Exhibit A

STORY OPERATIONAL DISPENSARIES

STORY  
STORY

3950



NO  
STANDING  
PARKING  
11AM-6PM  
ALL DAYS



# STORY STUDIO



DO NOT  
ENTER



# STORY STORY

MagicINFO



9



5

DO NOT ENTER  
RESTRICTED  
ACCESS AREA  
AUTHORIZED  
EMPLOYEES ONLY

THREE  
PASSES  
ARE  
GRANTED

TO



STORY  
STORY

DISPENSARY  
OF SPRINGFIELD LLC

UNIT C



STAPLES

**STORY**

**DISPENSARY**

OF SPRINGFIELD LLC

**SD**

UNIT C

2

**FREE  
IN STORE  
PICKUP**

Advance

SAME DAY

New Owners - New Management  
Family Owned & Operated

NO FEES

ES

Nissan

1

STORY  
STORY

2486 CHILLUM RD  
HYATTSVILLE, MD  
20782

STORY  
STORY  
CANNABIS  
NOW OPEN

DIAMOND NAILS

2488

3016990550

WHAT'S  
YOUR  
STORY?

SCRATCH  
SCRATCH  
SCRATCH  
SCRATCH  
SCRATCH  
SCRATCH  
SCRATCH

AIRO





# STORY STORY

STORY  
STORY

STORY  
STORY



STORY  
STUDIO

EXIT

DO NOT  
ENTER  
STORY STUDIO  
STORY STUDIO  
STORY STUDIO  
STORY STUDIO

THESE PREMISES  
ARE UNDER  
CONSTANT VIDEO  
SURVEILLANCE

1

2

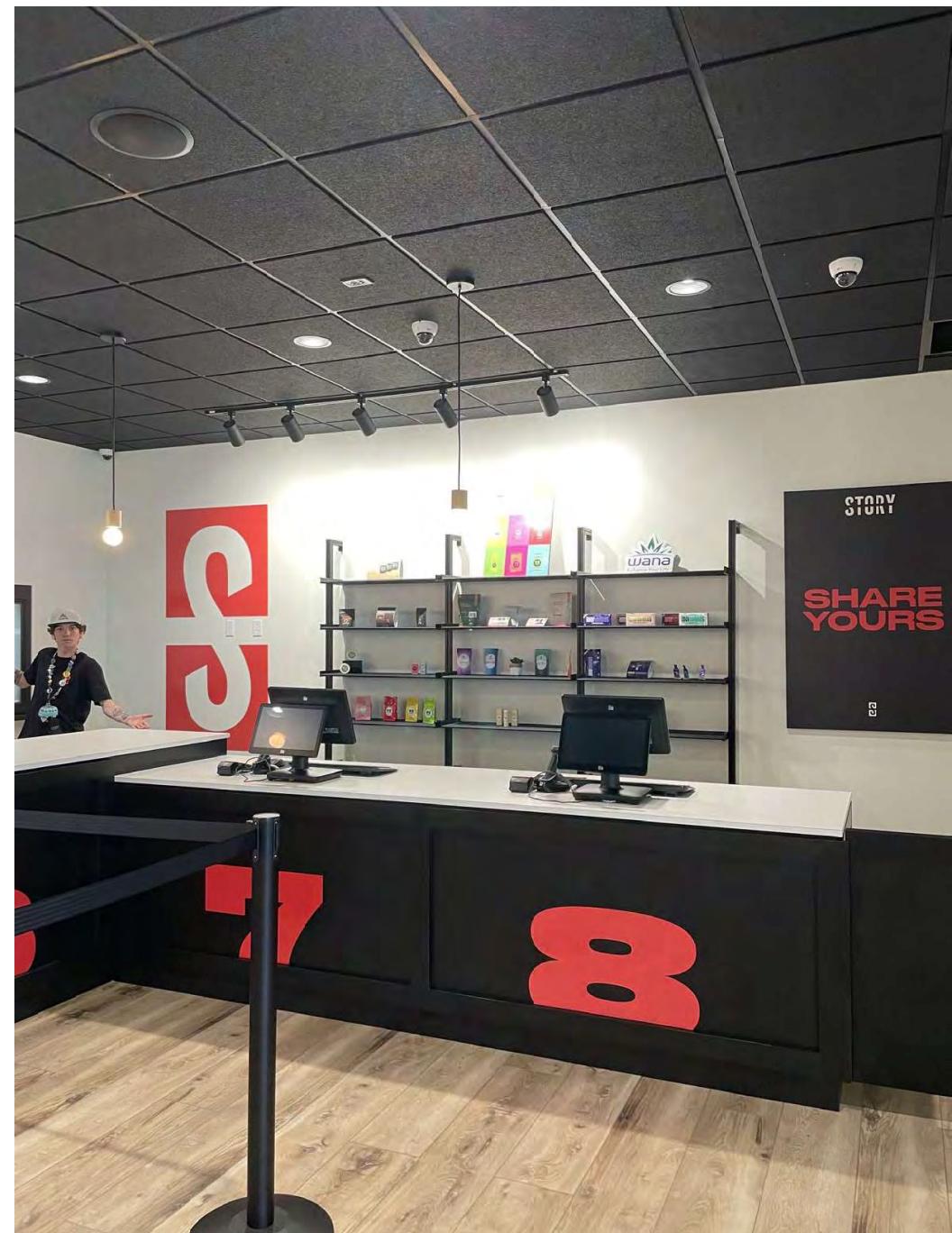
3

4

STORY

CREATE  
YOURS

Story



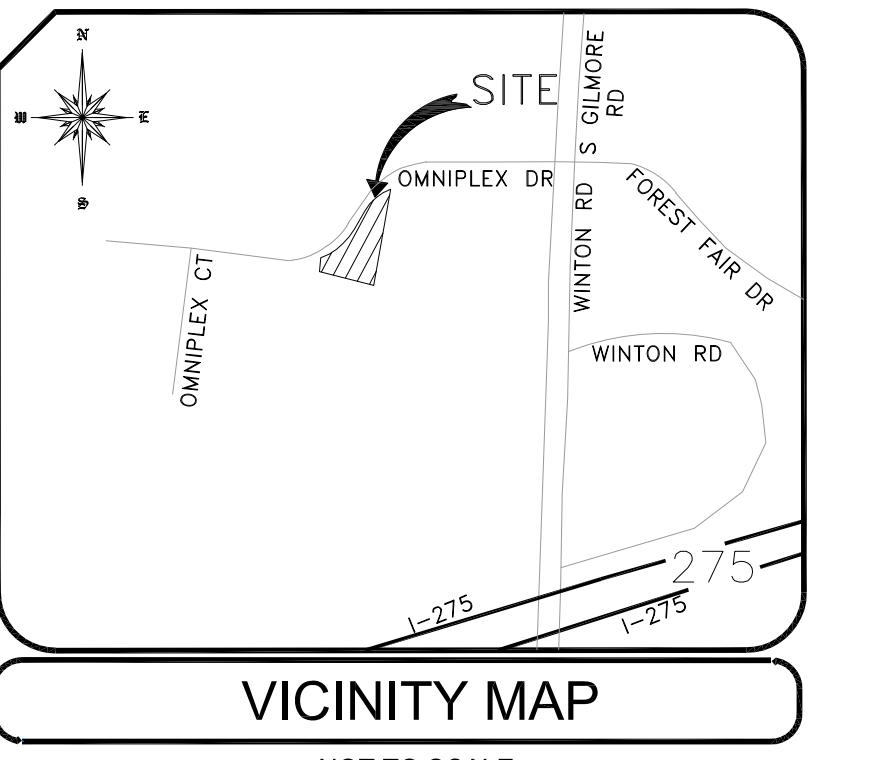


**Exhibit B**

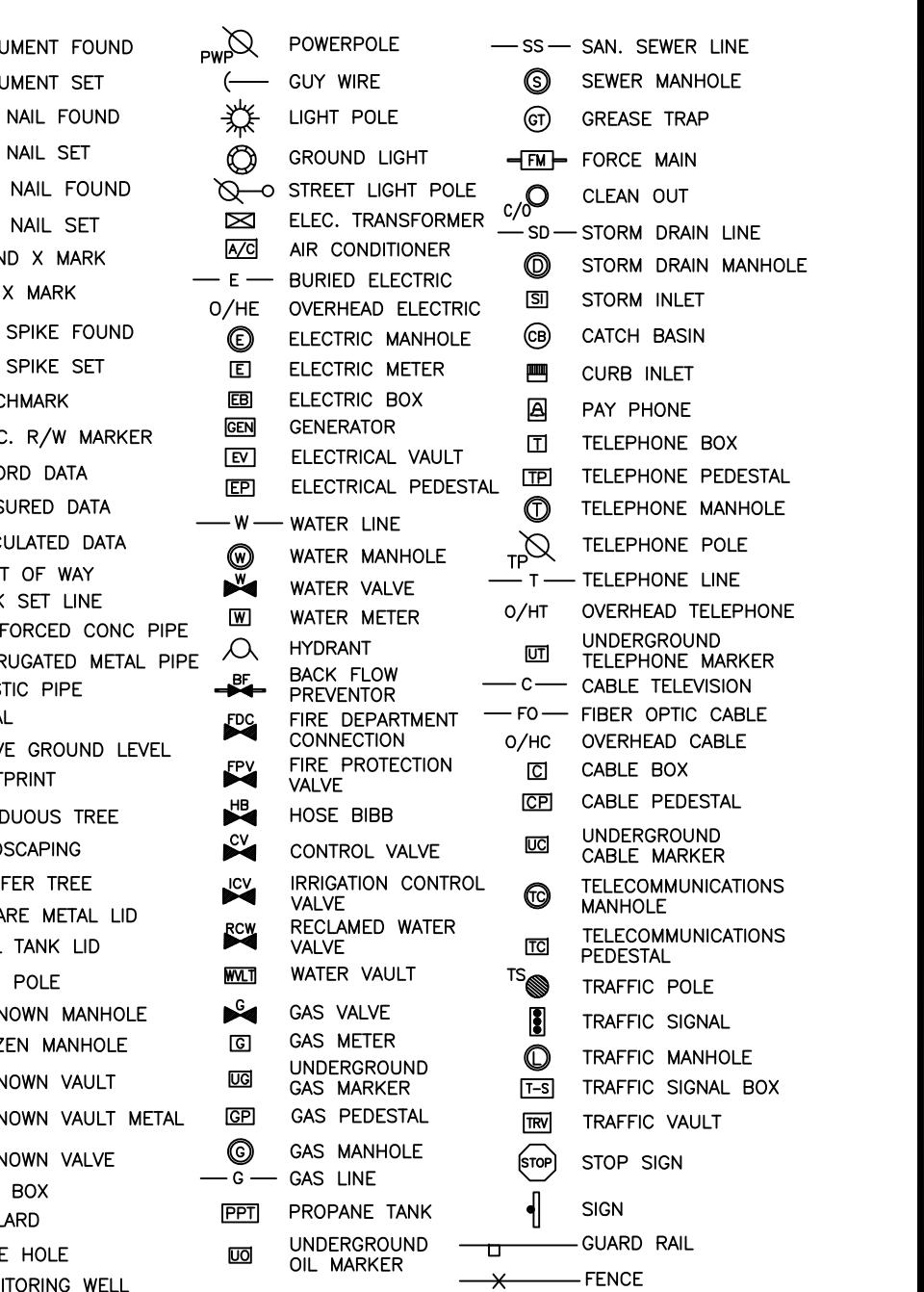
**PLAN DRAWINGS**

NOTE:  
SITE PLAN AND ASSOCIATED NOTES ARE SHOWN FOR REFERENCE  
ONLY. THIS IS A SITE PLAN NOT A SURVEY. INFORMATION ON THIS  
SITE PLAN IS BASED ON A SURVEY BY U.S. SURVEYOR

LEGAL DESCRIPTION  
SITUATED IN SECTION 25, TOWN 2, ENTIRE RANGE 2,  
CITY OF FOREST PARK, FOREST PARK TOWNSHIP,  
HAMILTON COUNTY, OHIO.  
AND BEING ALL OF LOT 15 OF OMNIPLEX BLOCK "B"  
AS RECORDED IN PLAT BOOK 311, PAGE 577 OF  
THE HAMILTON COUNTY, OHIO RECORDER'S OFFICE.



STANDARD LEGEND



SITE DATA  
PARKING PROVIDED:  
-REGULAR= 52 SPACES  
-DISABILITY= 3 SPACES  
TOTAL SPACES PROVIDED= 55 SPACES

© 2023 NICHOLAS J. TRICARICO

THE GENERAL CONTRACTOR AND/OR ALL SUB-CONTRACTORS  
WORKING FROM THESE PLANS AND SPECIFICATIONS ARE NOT TO  
SCALE. THESE PLANS ARE THE PROPERTY OF THE CONTRACTOR OR  
HIS REPRESENTATIVE REGARDING MEASUREMENTS. IF SUCH  
MEASUREMENTS DO NOT APPEAR CORRECT, ADD UP PROPERLY  
OR SCALE CORRECTLY TO THE INDICATED SIZE.

DATE: ISSUE:

11.20.23 APPLICATION PACKAGE

DATE: NO: REVISIONS / BY:  
PROJECT: STORY  
STORY  
LOCATION: 1233 OMNIPLEX DRIVE  
FOREST PARK, OH 45240

PROJECT NO.: 230514 DRAWN BY: RAL  
SCALE: AS NOTED CHECKED BY: GJC  
DATE: 11.09.2023 THESE DRAWINGS WERE  
NICHOLAS J. TRICARICO  
ARCHITECT  
TRICARICO ARCHITECTURE  
AND DESIGN PC

DRAWING NAME:  
SITE PLAN

DRAWING NO.: S1.1  
FIRM REGISTRATION NO.: 00281650

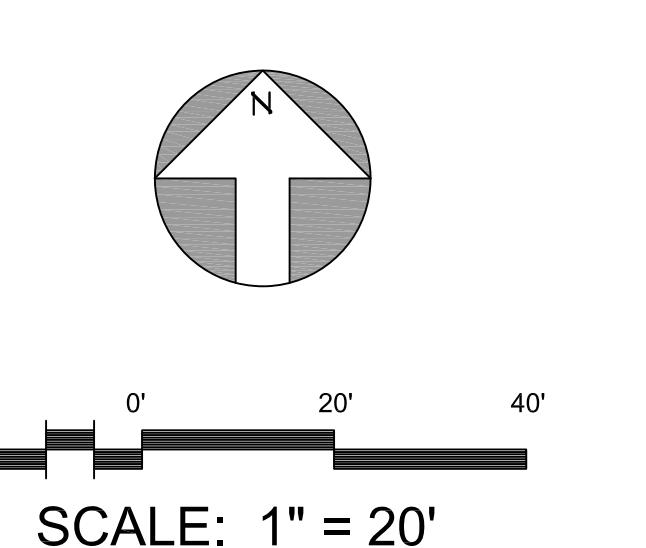
TAD  
TRICARICO ARCHITECTURE AND DESIGN PC  
502 VALLEY ROAD, WAYNE, NJ 07470  
T: 973-692-0222 F: 973-692-0223  
TRICARICO.COM  
NICHOLAS J. TRICARICO

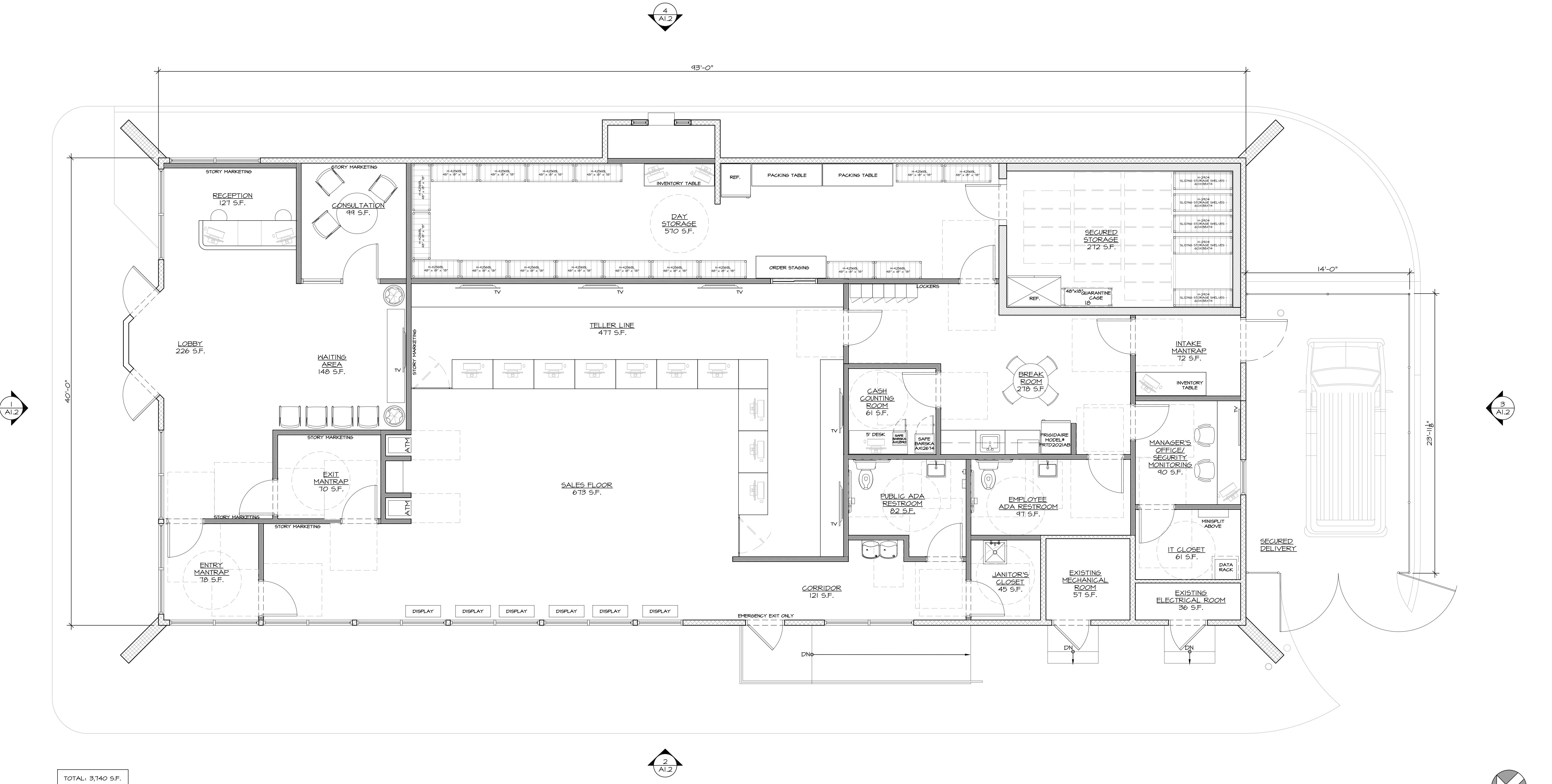
DATE: AS SHOWN

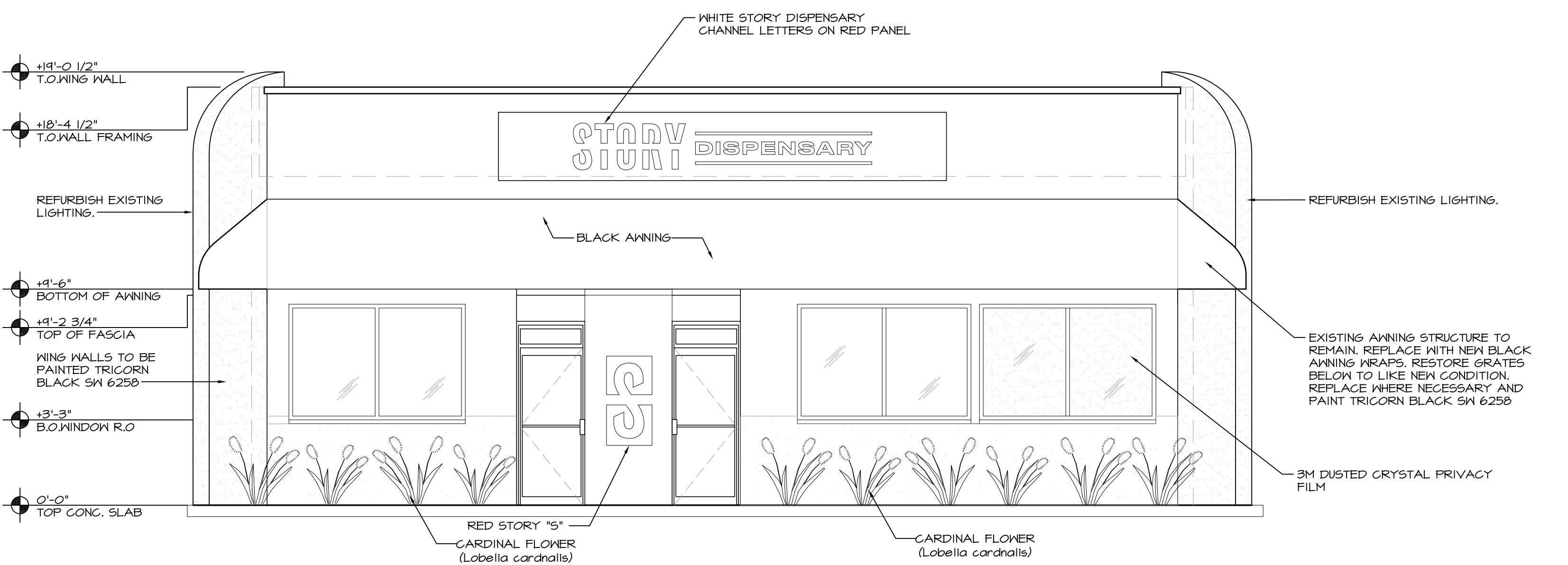
LOCATION: 1233 OMNIPLEX DRIVE, FOREST PARK, OH 45240

PROJECT: STORY CANNABIS CO.

PLOT SCALE: AS NOTED  
1" = 20'-0"

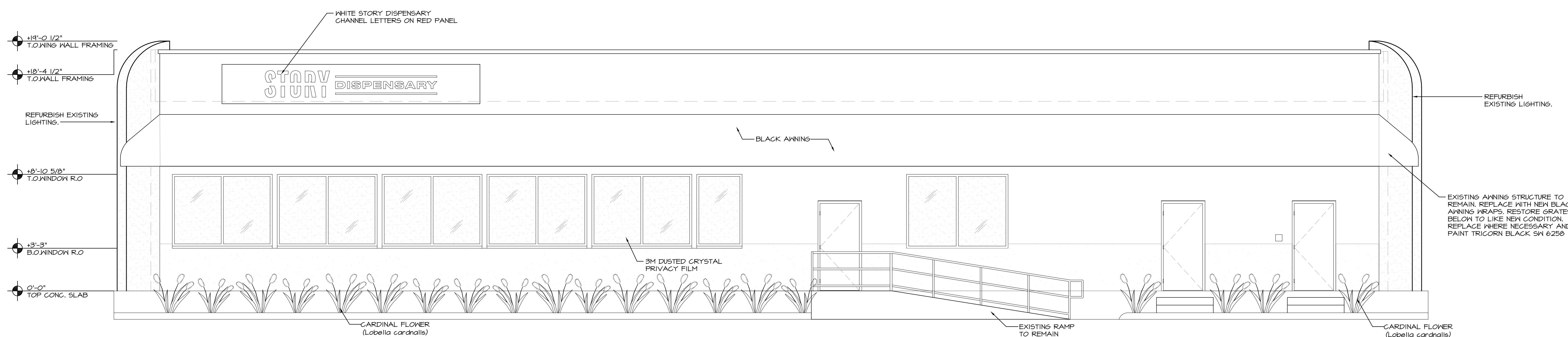






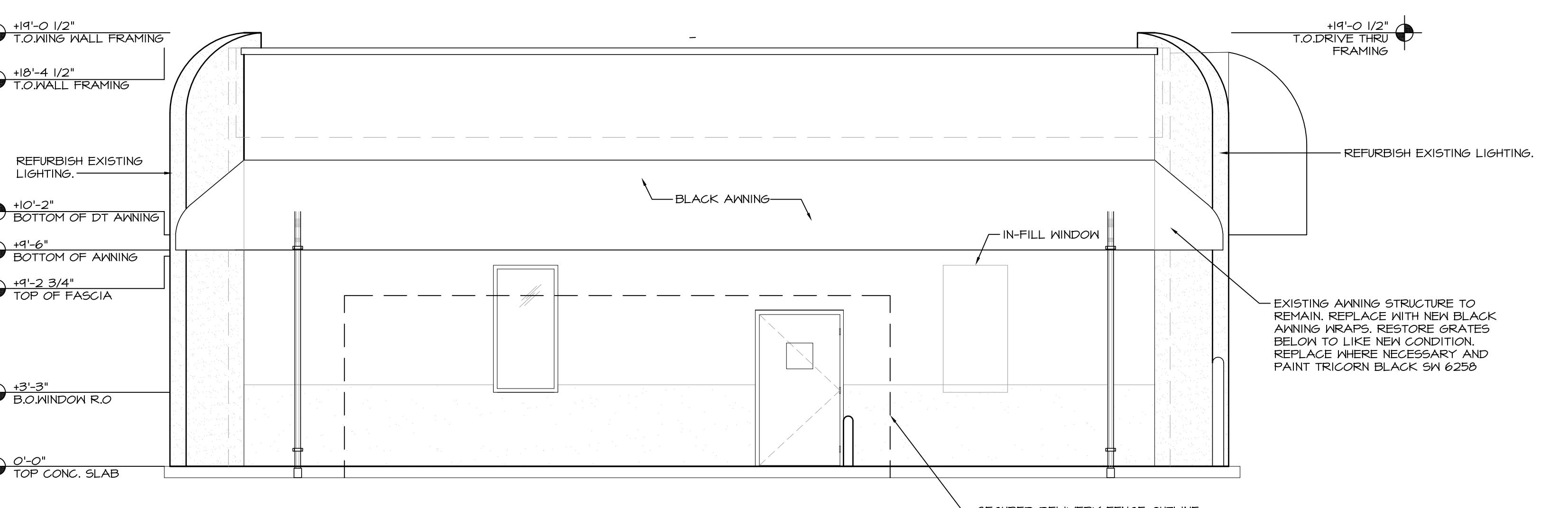
1 NORTH EXTERIOR ELEVATION

SCALE: 1/4" = 1'-0"



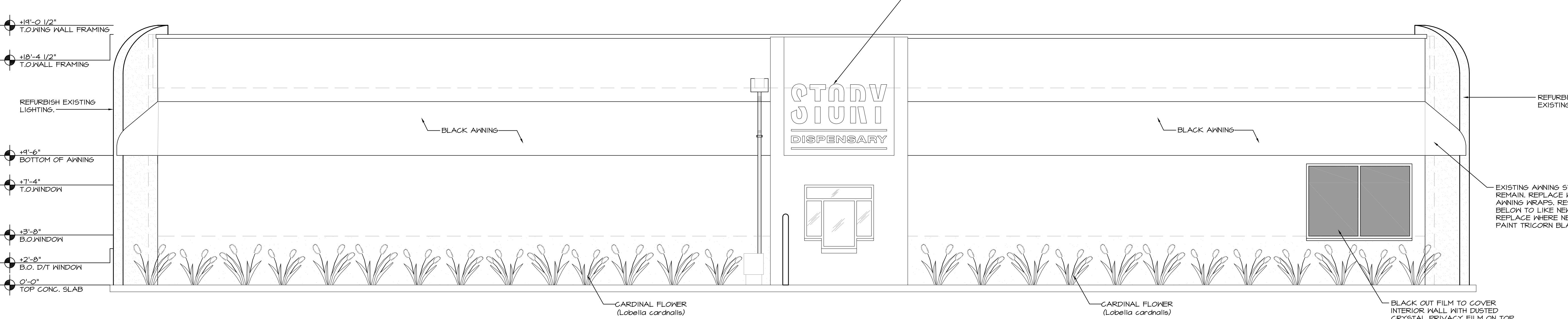
2 WEST EXTERIOR ELEVATION

SCALE: 1/4" = 1'-0"



3 SOUTH EXTERIOR ELEVATION

SCALE: 1/4" = 1'-0"



4 EAST EXTERIOR ELEVATION

SCALE: 1/4" = 1'-0"

© 2023 NICHOLAS J. TRICARICO

THE GENERAL CONTRACTOR AND/OR ALL SUB-CONTRACTORS WORKING FROM THESE PLANS AND SPECIFICATIONS ARE NOT TO MAKE ANY CHANGES TO THESE PLANS. IF THE CONTRACTOR OR HIS REPRESENTATIVE REGARDING MEASUREMENTS, IF SUCH MEASUREMENTS DO NOT APPEAR CORRECT, ADD UP PROPERLY OR SCALE CORRECTLY TO THE INDICATED SIZE.

DATE: ISSUE:

11.20.23 APPLICATION PACKAGE

 PROJECT: STORY  
 LOCATION: 1233 OMNIPLEX DRIVE  
 FOREST PARK, OH 45240

 PROJECT NO.: 230514 DRAWN BY: RAL  
 SCALE: AS NOTED CHECKED BY: GJC

DATE: 11.09.2023 THESE DRAWINGS WERE COMPLETED UNDER THE DIRECT SUPERVISION OF:

NICHOLAS J. TRICARICO  
ARCHITECTTRICARICO ARCHITECTURE  
AND DESIGN PCDRAWING NAME: PROPOSED EXTERIOR  
ELEVATIONS

DRAWING NO.: A1.2

FIRM REGISTRATION NO.: 00287650



## Planning Commission Staff Report

**P.U.D. Final Plan:** Morningside by Cristo Homes, Phase I

**Meeting Date:** January 9, 2024 at 7:00 PM

**Applicant:** Cristo Homes, Developer

**Address:** 651 W. Sharon Rd.

**Zoning District:** "R-PUD-7" Residential Planned Unit Development

---

Morningside is the name for the Planned Unit Development on the 15 acres of land at Sharon and Waycross Roads, with Cristo Homes as Developer. The development is split into two phases with the townhomes in the first phase and the attached ranches in the second phase.

The Final Plan is to provide detailed design for items that were not part of the earlier plan approvals for this project. The first sheet shows the lot, building, driveway and patio locations for the 54 townhome units. The second sheet shows the overall planting plan for Phase I, and the third sheet shows the detailed landscaped areas and the location and design of the development monument sign

I recommend approval of the P.U.D. Final Plan for Phase I

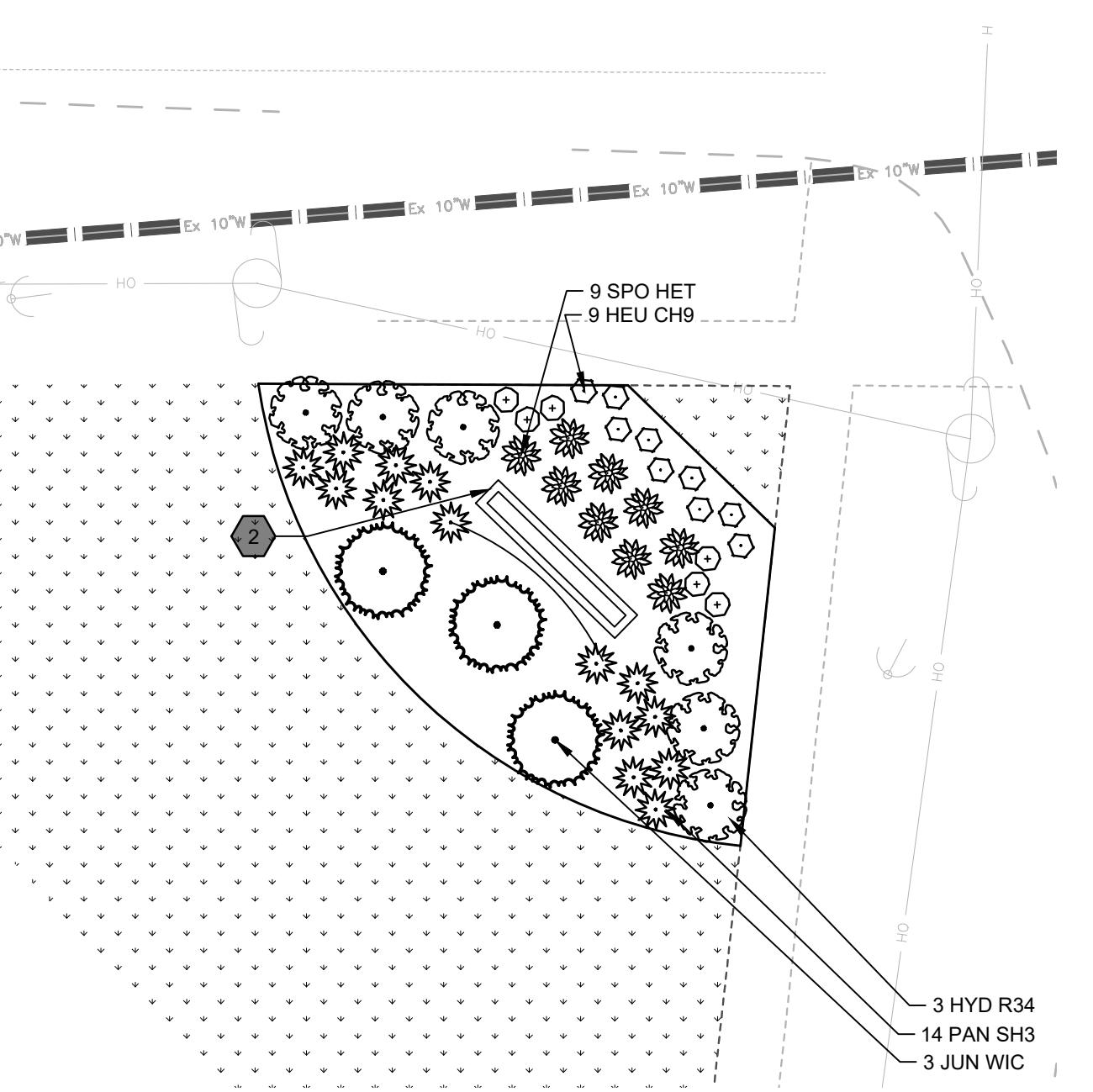
### **Suggested Motion**

Move to approve the Planned Unit Development Final Plan for Morningside by Cristo Homes, according to the plans dated 11-3-2023.



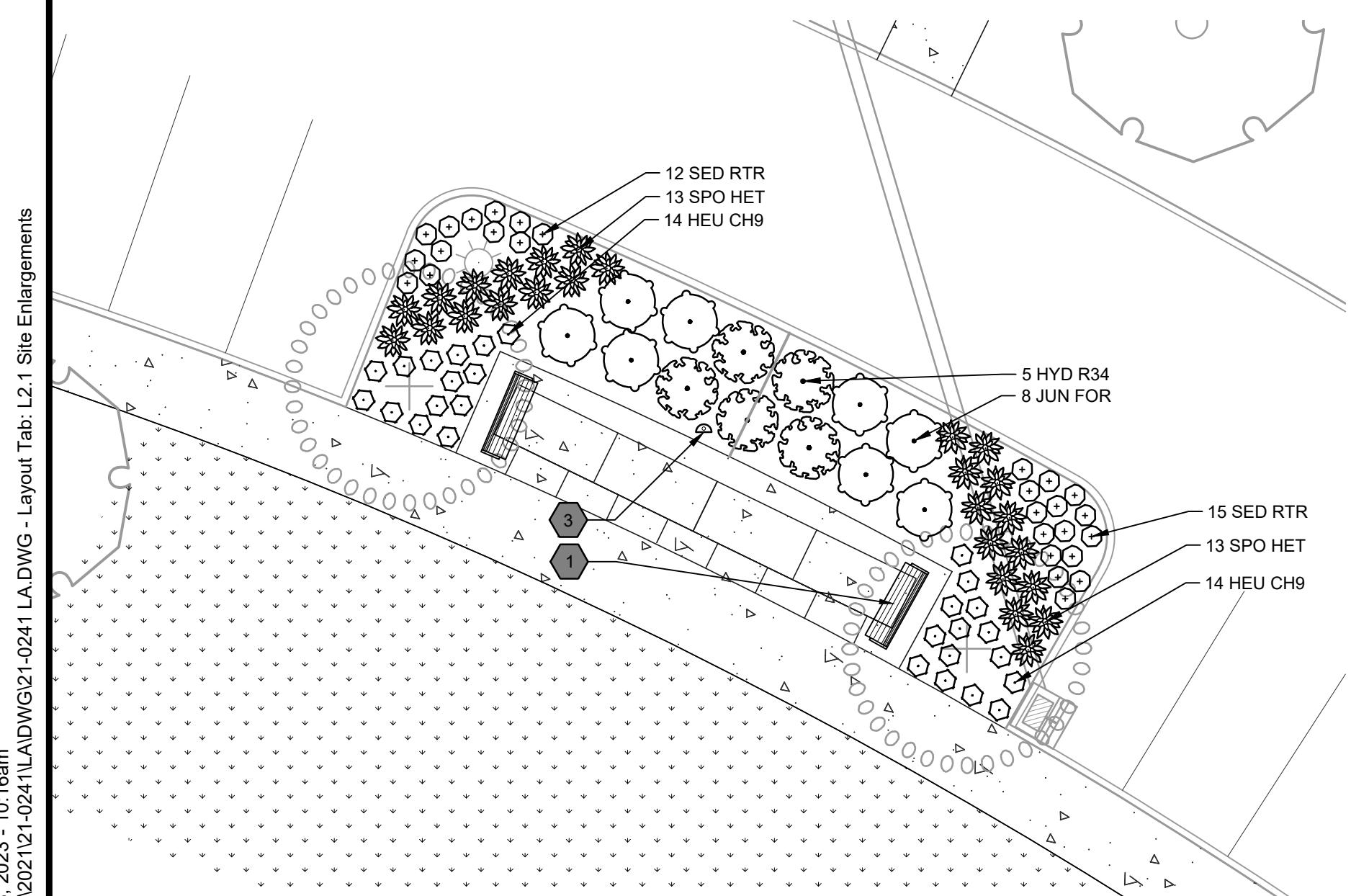
## **MONUMENT SIGN (FINAL MATERIALS TO COMPLIMENT ARCHITECTURE)**

### **NTS**



## **MONUMENT SIGN**

---



## **GREEN SPACE**

PLANT SCHEDULE MONUMENT SIGN					
EVERGREEN TREES	QTY	BOTANICAL NAME	COMMON NAME	TYPE	MIN. SIZE
JUN WIC	3	<i>Juniperus scopulorum</i> 'Wichita Blue'	Wichita Blue Juniper	B & B	6` Ht.
ANNUALS AND PERENNIALS					
HEU CH9	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT
HEU CH9	9	<i>Heuchera</i> x 'Cherry Cola'	Cherry Cola Coral Bells	1 gal	Clump
SED RTR	6	<i>Sedum telephium</i> 'Raspberry Truffle'	Raspberry Truffle Candy Stonecrop	1 gal	Clump
DECIDUOUS SHRUBS					
HYD R34	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT
HYD R34	6	<i>Hydrangea quercifolia</i> 'Ruby Slippers'	Ruby Slippers Hydrangea	5 gal	24" Ht.
ORNAMENTAL GRASSES					
PAN SH3	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT
PAN SH3	14	<i>Panicum virgatum</i> 'Shenandoah'	Switch Grass	3 gal	Clump
SPO HET	9	<i>Sporobolus heterolepis</i>	Prairie Dropseed	2 gal	Clump

## REFERENCE NOTES SCHEDULE MONUMENT SIGN

<u>SYMBOL</u>	<u>DESCRIPTION</u>	<u>DETAILS</u>
	Monument Sign	
<u>SYMBOL</u>	<u>DESCRIPTION</u>	<u>DETAILS</u>
	Lawn	

NOTE: PLANT QUANTITIES INCLUDED IN THE OVERALL PLANT SCHEDULE.

PLANT SCHEDULE GREEN SPACE					
ANNUALS AND PERENNIALS	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT
HEU CH9	28	Heuchera x 'Cherry Cola'	Cherry Cola Coral Bells	1 gal	Clump
SED RTR	27	Sedum telephium 'Raspberry Truffle'	Raspberry Truffle Candy Stonecrop	1 gal	Clump
DECIDUOUS SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT
HYD R34	5	Hydrangea quercifolia 'Ruby Slippers'	Ruby Slippers Hydrangea	5 gal	24" Ht.
EVERGREEN SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT
JUN FOR	8	Juniperus chinensis 'Sea Green'	Sea Green Juniper	B & B	30" Ht.
ORNAMENTAL GRASSES	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT
SPO HET	26	Sporobolus heterolepis	Prairie Dropseed	2 gal	Clump

## REFERENCE NOTES SCHEDULE GREEN SPACE

<u>SYMBOL</u>	<u>DESCRIPTION</u>	<u>QTY</u>	<u>DETAIL</u>
	Bench	2	
	Dog Waste Station	1	
<u>SYMBOL</u>	<u>DESCRIPTION</u>	<u>QTY</u>	<u>DETAIL</u>
	Lawn	2,032 sf	

NOTE: PLANT QUANTITIES INCLUDED IN THE OVERALL PLANT SCHEDULE.

## REFERENCE NOTES SCHEDULE WALKING TRAIL

<u>SYMBOL</u>	<u>DESCRIPTION</u>	<u>QTY</u>	<u>DETAIL</u>
	Bench	2	
	Dog Waste Station	1	
<u>SYMBOL</u>	<u>DESCRIPTION</u>	<u>QTY</u>	<u>DETAIL</u>
	Lawn	9,683 sf	



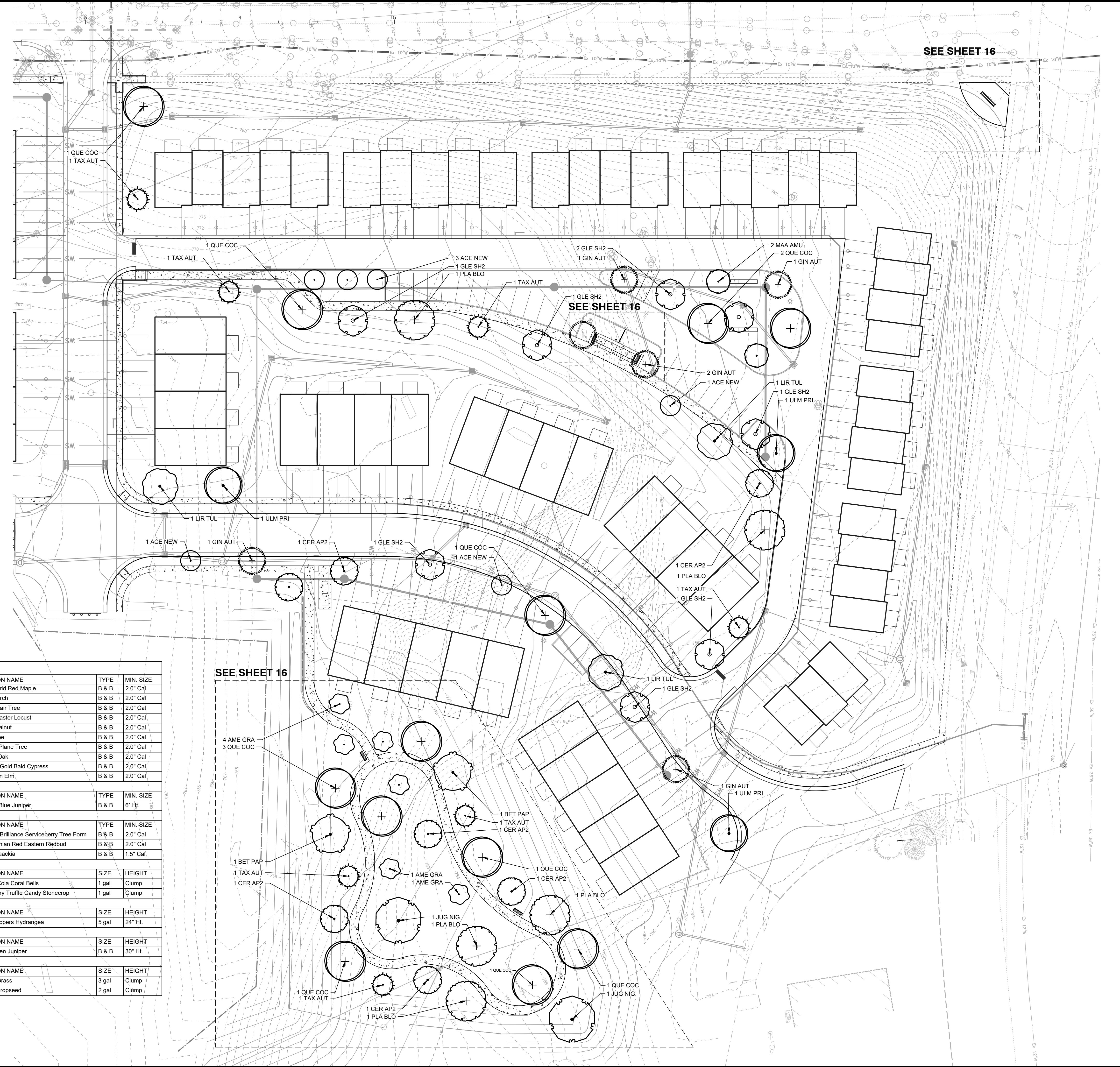
## **WALKING TRAIL "=20'**

### OVERALL PLANT SCHEDULE

#### PLANT SCHEDULE

DECIDUOUS TREES	QTY	BOTANICAL NAME	COMMON NAME	TYPE	MIN. SIZE
ACE NEW	6	Acer rubrum 'New World'	New World Red Maple	B & B	2.0" Cal
BET PAP	2	Betula papyrifera	Paper Birch	B & B	2.0" Cal
GIN AUT	6	Ginkgo biloba 'Autumn Gold' TM	Maidenhair Tree	B & B	2.0" Cal
GLE SH2	8	Gleditsia triacanthos inermis 'Shademaster' TM	Shademaster Locust	B & B	2.0" Cal
JUG NIG	2	Juglans nigra	Black Walnut	B & B	2.0" Cal
LIR TUL	3	Liriodendron tulipifera	Tulip Tree	B & B	2.0" Cal
PLA BLO	5	Platanus x acerifolia 'Bloodgood'	London Plane Tree	B & B	2.0" Cal
QUE COC	12	Quercus coccinea	Scarlet Oak	B & B	2.0" Cal
TAX AUT	7	Taxodium distichum 'Autumn Gold'	Autumn Gold Bald Cypress	B & B	2.0" Cal
ULM PRI	3	Ulmus americana 'Princeton'	American Elm	B & B	2.0" Cal
EVERGREEN TREES	QTY	BOTANICAL NAME	COMMON NAME	TYPE	MIN. SIZE
JUN WIC	3	Juniperus scopulorum 'Wichita Blue'	Wichita Blue Juniper	B & B	6" Ht.
ORNAMENTAL TREES	QTY	BOTANICAL NAME	COMMON NAME	TYPE	MIN. SIZE
AME GRA	6	Amelanchier x grandiflora 'Autumn Brilliance'	Autumn Brilliance Serviceberry Tree Form	B & B	2.0" Cal
CER AP2	7	Cercis canadensis 'Appalachian Red'	Appalachian Red Eastern Redbud	B & B	2.0" Cal
MAA AMU	2	Maackia amurensis	Amur Maackia	B & B	1.5" Cal
ANNUALS AND PERENNIALS	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT
HEU CH9	37	Heuchera x 'Cherry Cola'	Cherry Cola Coral Bells	1 gal	Clump
SED RTR	33	Sedum telephium 'Raspberry Truffle'	Raspberry Truffle Candy Stonecrop	1 gal	Clump
DECIDUOUS SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT
HYD R34	11	Hydrangea quercifolia 'Ruby Slippers'	Ruby Slippers Hydrangea	5 gal	24" Ht.
EVERGREEN SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT
JUN FOR	8	Juniperus chinensis 'Sea Green'	Sea Green Juniper	B & B	30" Ht.
ORNAMENTAL GRASSES	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT
PAN SH3	14	Panicum virgatum 'Shenandoah'	Switch Grass	3 gal	Clump
SPO HET	35	Sporobolus heterolepis	Prairie Dropseed	2 gal	Clump

NOTE: ALL DISTURBED AREAS TO BE RESEED AND STRAWED  
 ONCE TOPSOIL HAS BEEN INSTALLED.



THIS DOCUMENT AND ALL RELATED DETAIL DRAWINGS, SPECIFICATIONS, AND ELECTRONIC MEDIA PREPARED OR FURNISHED BY BOYER BECKER BBB ARE PRODUCED IN THE USA AND ARE INSTRUMENTS OF BBB'S PROFESSIONAL SERVICE, AND IS THE EXCLUSIVE PROPERTY OF BBB. NO DISCLOSURE, USE, REPRODUCTION, OR DUPLICATION IN WHOLE OR IN PART MAY BE MADE WITHOUT WRITTEN PERMISSION OF BBB AND IT IS DONE SO AT USER'S SOLE RISK. COPYRIGHT © ALL RIGHTS RESERVED.

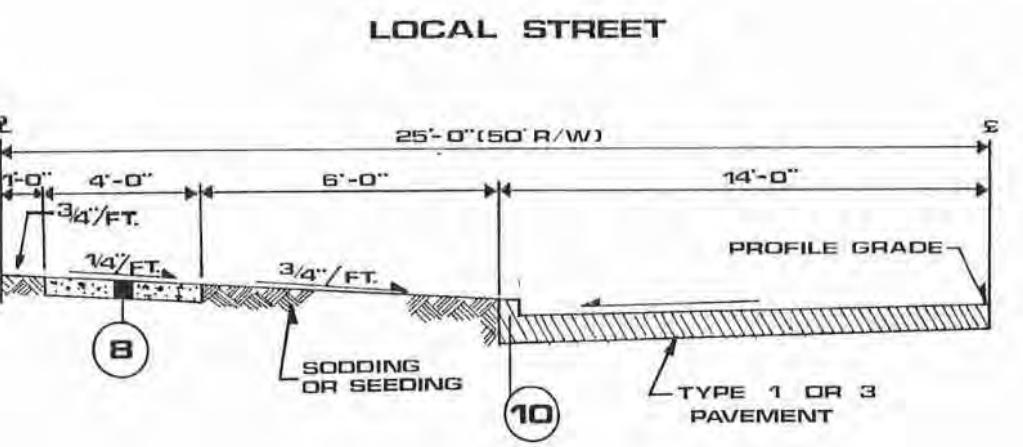
Item	Revision Description	Date	Drawn: CHK
PRELIMINARY			

**MORNINGSIDE WAYCROSS & SHARON ROAD**  
 651 SHARON ROAD, 628 WAYCROSS ROAD  
 FOREST PARK, HAMILTON COUNTY, OHIO  
 SECTION 17, TOWN 3, RANGE 1

**OVERALL PLANTING PLAN**

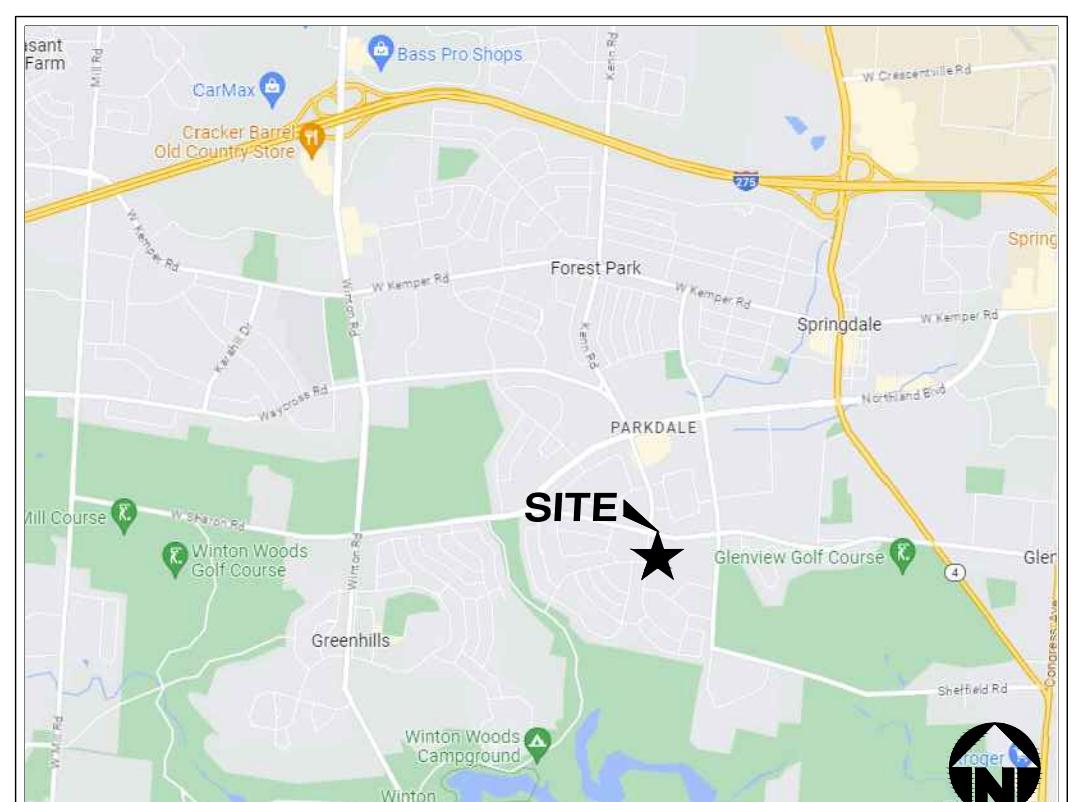
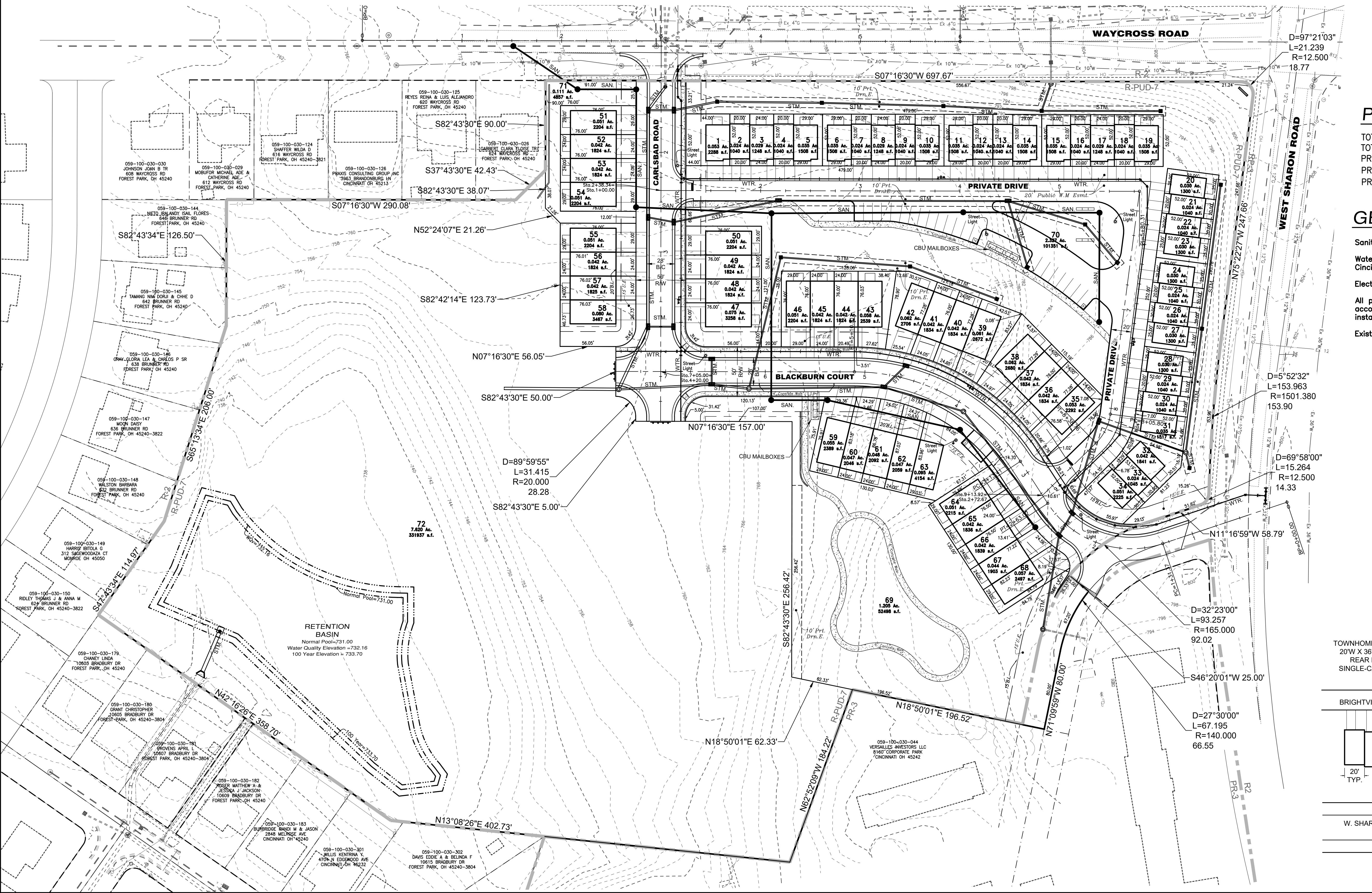
**boyer becker**  
 www.boyerbecker.com  
 6900 Tyler Road, Suite A  
 Mason, OH 45040 - 513.336.6000

Drawing: 21-0241 LA  
 Drawn by: ADH  
 Checked by: MLB  
 Issue Date: 23-11-03  
 Sheet: 15



**CITY OF FOREST PARK**  
**LOCAL STREET DETAIL**

NOT TO SCALE



**FINAL PUD**  
**MORNINGSIDE**  
**WAYCROSS & SHARON ROAD**  
**651 SHARON ROAD, 628 WAYCROSS ROAD**  
**FOREST PARK, HAMILTON COUNTY, OHIO**  
**OCTOBER 2023**



**OWNER**

City of Forest Park  
 1201 West Kemper Road  
 Forest Park, Ohio 45240

**ENGINEER & SURVEYOR**

Bayer Becker  
 6900 Tylersville Road  
 Mason, Ohio 45040  
 (513) 336-6600

**DEVELOPER**

Cristo Homes  
 7594 Tylers Place  
 West Chester, OH 45069  
 (513) 755-0570

**PROJECT DATA**

TOTAL ACREAGE = 7.38± ACRES  
 TOTAL # UNITS = 68  
 PROPOSED DENSITY = 9.21 UNITS/ACRE  
 PROPOSED OPEN SPACE = 1.21 ACRES (16.4%)  
 PROPOSED # PARKING COUNT = 25

**GENERAL NOTES**

Sanitary to be tied into MSDGC system.  
 Water to be installed and connected to Greater Cincinnati Water Works system.  
 Electric and gas to be supplied by Duke Energy.  
 All public and private streets to be constructed according to typical section above. Material and installation specification per City of Forest Park.  
 Existing Zoning: R-PUD-7

**MORNINGSIDE**  
**WAYCROSS & SHARON ROAD**  
 651 SHARON ROAD, 628 WAYCROSS ROAD  
 FOREST PARK, HAMILTON COUNTY, OHIO  
 SECTION 17, TOWN 3, RANGE 1  
**FINAL PUD**

**bayer becker**  
 www.bayerbecker.com 204  
 1404 Race Street, Suite 304  
 Cincinnati, OH 45202 513.634.6151

Drawing: 21-0241 FPD  
 Drawn by: AOG  
 Checked by: JAB  
 Issue Date: 11-03-23  
 Sheet: 1 of 1

SCALE: 1" = 50'-0"

**TYPICAL UNIT DETAIL**



# Planning Commission Staff Report

## Rezoning 23-021: R-2 to R-PUD-7

**Meeting Date:** January 9, 2024 at 7:00 PM

**Applicant:** Maronda Homes

**Address:** 924 Halesworth Drive

**Land Area:** 12 acres

### I. Background and Analysis

The Winton Woods School District, as part of their facilities master plan, demolished the buildings on two former elementary school sites to prepare them for development. The district has reached an agreement to sell the land to Maronda Homes. This site is the former Forestview Elementary School at 924 Halesworth Drive. It is a 12-acre site with frontage on Halesworth Drive. The property backs up to homes on Smiley and Holderness Drives, and it is adjacent to the City's Bruce Ferguson Park.

The proposed rezoning and development plan is for the construction of two new streets and 46 attached single-family home sites. As can be seen on the plan, attached single-family means that pairs of homes are individually owned and located on their own lots, but share one wall in common. This is a method of clustering homes to maximize common open space, and it usually includes lawn and landscape maintenance for the whole development provided by a homeowner's association.

The development has one connection to the street network, in the same location as the former school driveway. Most of the lots have common open spaces behind them. The northern open space also would serve as an area for stormwater detention.

Street trees and decorative street lamps are part of the development plan.

The home plans show how the houses will be attached, with the garages in the center. This plan is very similar to the one that Cristo Homes has for the second phase of their development. In reviewing the proposed elevations, the unbroken roof expanse on the front should be broken up or articulated with either an offset or one or more dormers.

The plan calls for the sanitary sewer line to be routed underground through Bruce Ferguson Park to connect to the system at Hitchcock Drive. This is a requirement of the Metropolitan Sewer District, and the developer has agreed to compensate the city for the easement by reconstructing the parking lot, which is in need of repaving.

**Bulk Requirements.** All of the land is zoned R-2 (One-Family Residence), and the R-2 zone includes all of the surrounding property as well. The basic bulk requirements for the R-2 zone and for the proposed PUD plan are shown below:

Requirement	R-2	PUD
Minimum Lot Size	12,000 square feet	4,950 square feet
Minimum Lot Width	80 feet	45 feet (90 feet for both units)

Minimum Front Setback	30 feet	25 feet
Minimum Rear Setback	35 feet	30 feet
Minimum Side Setback	5 feet one side/18 feet total	5 feet one side/10 feet total
Minimum Floor Area	1,600 ranch/1,800 two-story	1,100 to 1,250

These basic requirements govern the spacing of lots and the placement of houses on the lots, with the goal of ensuring plenty of light and air, as well as a minimum amount of privacy. Some things that these requirements don't ensure include the quality of construction, tree preservation, efficient layout and/or common amenities in the development.

**Planned Unit Development.** The proposed R-PUD-7 zoning is a planned unit development, a type of zoning in which the site is laid out according to a development plan approved by the Planning Commission, and the lot sizes and setbacks in the plan replace the R-2 bulk requirements. This has potential benefits for both the developer and the city. The developer gains flexibility in design of the development, and the city can benefit in preserving open space, providing recreational areas, or with additional amenities provided for in the site plan. Overall benefits can include the provision of housing that meets the needs of current and future Forest Park homeowners.

**General Layout.** The attached ranches have a standard 25-foot setback along two new streets. Open space on the property is provided in two connected sections generally located to the rear of the properties. This will provide some additional buffering between the new and existing homes.

The gross density of the development is determined by calculating the number of units per acre of land, including streets, common areas and open spaces. This plan has a gross density of 3.8 units per acre. Net density excludes area dedicated as public-right-of-way, which would subtract about 2.5 acres from the calculation. The approximate net density of this development is 4.1 units per acre. The comparison with R-2 is shown below.

Development Type	Gross Density	Net Density	Open Space
PUD	3.8 units/acre	4.3 units/acre	2.77 acres
R-2 (100% developed)	3.11 units/acre	3.63 units/acre	0 acres

### The Current Housing Market

For added context, our regional housing market has a housing supply and affordability gap that many refer to as a "housing crisis". Home prices in Forest Park have roughly doubled over the past eight years, which is good news for incumbent and long-term homeowners, but bad news for first-time homebuyers. That is reflected in the projected prices for houses in this development, which are on the "affordable" side for new construction but will nonetheless start in the low \$300,000's, which even today is above the median price for all houses in Forest Park.

More broadly, when we have new construction occurring in Forest Park, it is a signal that our housing market is healthy and the community continues to be one where people choose to live. The new construction is perhaps more an effect than a cause, but I have noticed in my 20+ years with the city, that new development and construction has the tendency to raise morale, while periods with no new construction tend to raise fears and anxieties about the future direction of the community.

**Streets.** The development meets the city's requirements for street layout. It has two new streets, with a single entrance to the development. Halesworth Drive is classified as a collector street in the City's thoroughfare plan. On-street parking will be limited to one side of the street.

**Amenities.** The development will include decorative post-mounted street lamps as shown on the plan, and a mail collection centers. An entrance feature with a sign and landscaping are also shown on the plan. As noted elsewhere, land has been set aside for open and buffer space. For a development of this type, homeowner association management of all the grounds and landscaping provides a unified appearance to the development.

**Similar Developments:** The arrangement of the homes and the street and open space layout are similar to the second phase of Morningside by Cristo Homes, which was approved by the City early last year.

**Required Findings.** The Zoning Code lays out five areas for the Planning Commission to evaluate with a rezoning to an R-PUD zone. These are reproduced below with comments.

1	<b>Open space.</b> That the minimum common open space area has been reserved and is to be dedicated to the city or transferred to a homeowner's association; and that all necessary legal documentation relating to the dedication of common open space to the city or transferred to a homeowner's association be submitted.	The plan reserves 2.77 acres on two tracts as open space. This is 23% of the total land area, and it exceeds the required open space ratio. The tracts are shown on the plan. The northern tract also serves as a stormwater detention basin.
2	<b>Landscaping.</b> That any part of a planned unit development not used for structures, parking and loading areas, or streets should be landscaped or otherwise improved.	The landscaping is shown on sheet L1, and it primarily consists of street tree plantings. Additional landscaping is planned around the entrance sign.
3	<b>Consistent with purpose.</b> That the site development plan is consistent with the intent and purpose of these regulations to promote public health, safety, morals, and general welfare of city residents.	This plan is generally consistent with the purpose of the zoning code. It is a single-family development, though attached rather than detached, preserves some of the land as open space, and connects to the street pattern in a manner that is safe and compatible with the surrounding area.

## New Construction and the Housing Market

New home construction has two other positive effects on the housing market. First is that we have homeowners who are staying in their current home, even if it doesn't fit their current needs, because they don't want to leave Forest Park. New home construction provides these homeowners the opportunity to move to a home with a modern floorplan, no major maintenance expenses, and that can be outfitted and decorated to their taste. This also creates openings in the housing market for new residents to move into existing homes that otherwise wouldn't be on the market. The second positive effect is the number of new homes selling at prices in the upper half of the price range will tend to increase the price of the surrounding homes. This is due to the real estate appraisals, which use a method of comparable sales to determine a market value. Sellers use comparable sales to price their homes, and lenders use comparable sales to determine how much they will lend to a homebuyer. New construction and the comparable sales will tend to increase these for both sellers and lenders.

4	<p><b>Special conditions.</b> In addition, the Planning Commission may explicitly impose special conditions relating to the planned unit development with regard to type and extent of public improvements to be installed, landscaping, development, improvement, and maintenance of common open space, and any other pertinent development characteristics.</p>	<p>A complete set of conditions has not been developed as of this writing, and it will require discussion with the Planning Commission and the applicant.</p>
5	<p><b>Setback requirements.</b> Minimum distance between building and setback requirements on each development plan shall be established by Planning Commission.</p>	<p>These setbacks are shown on the plan. In general, they are smaller than the underlying R-2 zone, which is consistent with the goal of clustering the homes and preserving common open space.</p>

## II. Compatibility with Adopted Plans

**Comprehensive Master Plan.** This plan designates this property as “PS” for public schools in the land use section of the plan. The Parks, Recreation and Schools chapter also includes this land as a school and playground site. At a minimum, the Comprehensive Master Plan’s land use map should be amended to reflect the change from school to residential use.

**Thoroughfare Plan:** The internal street layout and the connections to the street network are consistent with the Thoroughfare Plan. The proposed right-of-way (50 feet) and street width (28 feet) are standard dimensions. The new local street connects to a collector street.

**Forest Park Redevelopment Plan:** The plan did not include this site as part of the City’s redevelopment strategy. The only school site that the Redevelopment Plan included was the Cameron Park school on Waycross Road.

**Housing Action Plan:** This plan, which is pending adoption, shows the property as an area for development of new single-family housing.

## III. Procedure

The Planning Commission reviews and makes a recommendation to the City Council, which has the final decision on the rezoning. The City Council has a public hearing on this application scheduled for January 22, 2024.

## IV. Recommendation

This site is both a conundrum and an opportunity for the city. As most know, Forest Park is a planned community, and a key element of the planning and layout of the community were the sites for public schools. The sites are sizeable in area, ranging from 10 to 35 acres, and they are embedded in single-family neighborhoods, usually surrounded by single-family development, as is the case with this property. Aside from providing a place for education, the school properties are also areas of open land that provide a break from the pattern of single-family development in the surrounding area. In-filling this site with housing is a significant deviation from the Comprehensive Master Plan.

This deviation is perhaps necessary or inevitable due to changes in society and in public education over the 60 years since Forest Park was planned. The school district has been moving toward consolidation

over the past 30 years, beginning with the merger of the high schools, continuing with the closure of the Kemper Heights and Cameron Park Elementary Schools, and culminating in the current school district facilities plan. That plan not only called for demolition of the school on this property, it relies on the proceeds from selling the land to fund the renovation of the 825 Waycross property into administrative offices and an early childhood center.

These two plans are fundamentally in conflict and one of them will have to yield. The school district received considerable public input when developing their plan, although the focus was on the two campuses rather than the fate of the old school sites. The City's plan, for its part, is what residents, especially the adjacent property owners, bought into when they built or purchased their homes.

It should be noted that this plan mitigates the loss of open space by clustering the homes and leaving about  $\frac{1}{4}$  of the land undeveloped and preserved as open space. Such preservation may not be feasible if the land were to be developed with the standard R-2 zoning requirements.

As discussed in the sidebars, new construction has a generally positive impact on the housing market, increasing supply, providing opportunities to move up or downsize, and generally supporting higher prices in the existing housing stock through comparable sales appraisals.

In summary, I believe that this housing development will provide additional housing of a type that is in short supply in the City. It has the potential to provide housing options for seniors who want to downsize and stay in the community.

Other options such as a church, a private school, a community center, or expansion of Bruce Ferguson Park are possibilities, but none have been advanced to where they are known to be feasible options.

## **V. Suggested Motion**

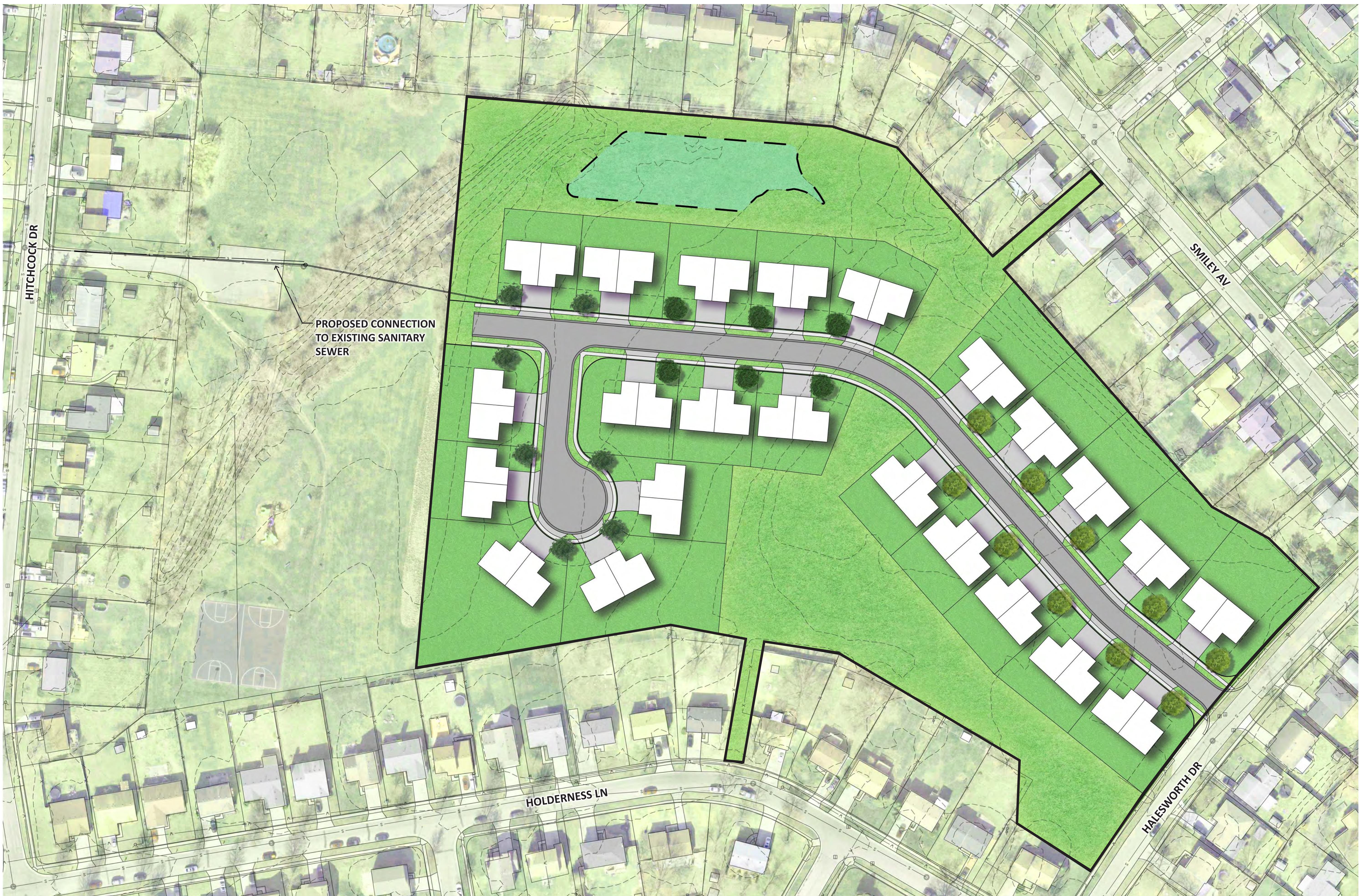
Move to recommend approval of Rezoning FPD 23-021 to the City Council, with the following conditions:

1. Increase the required front setback from 25 feet to 30 feet.
2. Utility boxes must be screened with landscaping if located in the front yard.
3. The front roofline of the standard house model must be revised to provide articulation with dormers or a similar feature.
4. Street names are to be approved by the Planning Commission and shall have names compatible with the surrounding section.

Respectfully submitted,

*Christopher A. Anderson*

Christopher A. Anderson, AICP  
Director of Community Development



# CLEARVIEW CROSSING

LAYOUT CONCEPT

PROJECT NUMBER 2344.00 | DATE: 23-11-08

[www.mspdesign.com](http://www.mspdesign.com)

October 26, 2023

**Christopher A. Anderson**  
Director of Community Development  
City of Forest Park  
1201 West Kemper Road  
Forest Park, Ohio 45240

Re: Proposed Zone District  
New Development Plan  
9211 Halesworth Drive  
Aka 924 Halesworth Drive  
City of Forest Park, Ohio  
MSP No. 23444.00

Dear Mr. Anderson:

On behalf of Maronda Homes, we are pleased to submit the proposed Zone Change Plat and corresponding New Development Concept Plan.

The proposed development is located along the northwest side of Halesworth Drive. The current zone is R-2 One Family Residence District. The proposed zone is R-PUD 7 Residential Planned Unit Development District.

46 single family duplex residential "owner occupied," one story on slab units are proposed, on 23 lots having a typical width of 90 feet at the front building line. The front, side and rear yard building setbacks are 25 feet, 5 feet and 30 feet respectively.

The subject site is approximately 1.3 miles away from the middle and high schools located at 1231 West Kemper Road and approximately 3 miles away from the primary, elementary and intermediate schools located at 147 Farragut Road.

Two open space areas are proposed, however it has yet to be determined if those spaces would be dedicated to the city or a home owners association. The total area of the two spaces is in excess of 3.7 acres.

Two car garages and two outside parking spaces are proposed. Off-street parking is in anticipated on one side of the road opposite from the fire hydrants and no spaces within the cul-de-sacs.

One mail collection center and four street lights are proposed along the new public streets. One Development Identification Sign is proposed at the new entrance.

A storm water detention basin is proposed north of lots 7-10.

We request the Planning Commission's consideration of this request at their November 14, 2023 meeting.

- Attached for your use include the following-
- Two full size and eight 11"x17" copies of the Zone District Change Plat.
- One copy of the Legal Description of proposed Zone District Change area.
- One copy of the Sewer Availability Letter.
- One copy of the Water Availability Letter.
- Two full size and eight 11"x17" copies of the Site Development Concept Plan.
- Two full size and eight 11"x17" copies of the Planting Plan.
- One copy of the Sample Covenants and HOA documents.
- Ten copies of the photograph of the Building Elevation View.
- One digital copy of the submittal documentation.

Also included is a pdf set of the aforementioned, the \$850.00 review fee and application. Please call or email me at rarnold@mspdesign.com when we may further discuss the project.

Sincerely,

McGill Smith Punshon, Inc.



Richard Arnold, LEED AP  
Executive Vice President

cc: Brian Hoesl, Maronda Homes  
cc: Todd Lipschutz, Maronda Homes  
cc: John Konovodoff, Maronda Homes  
cc: Andrew Dodds, MSP Design  
cc: Chris Balash, MSP Design

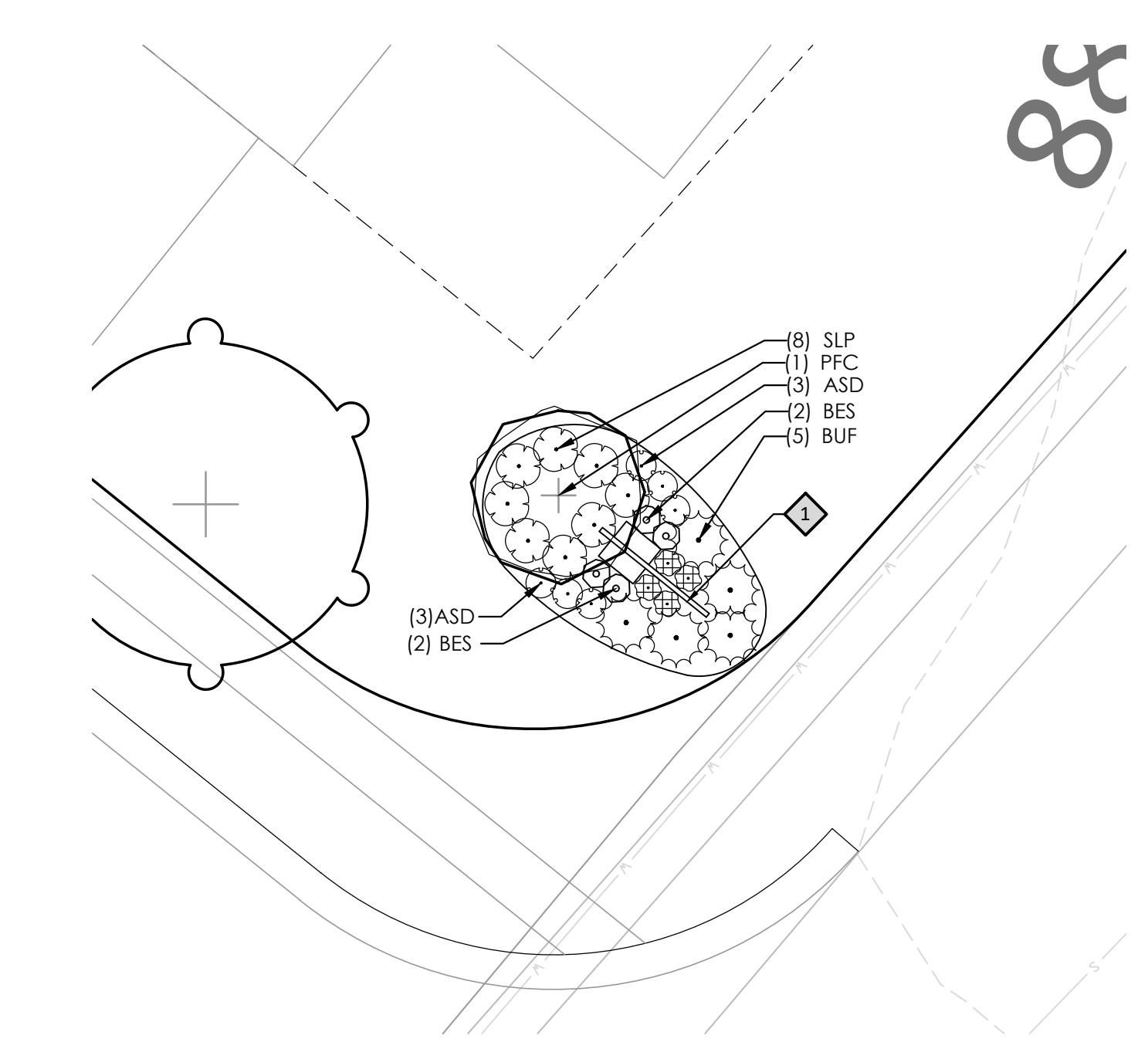
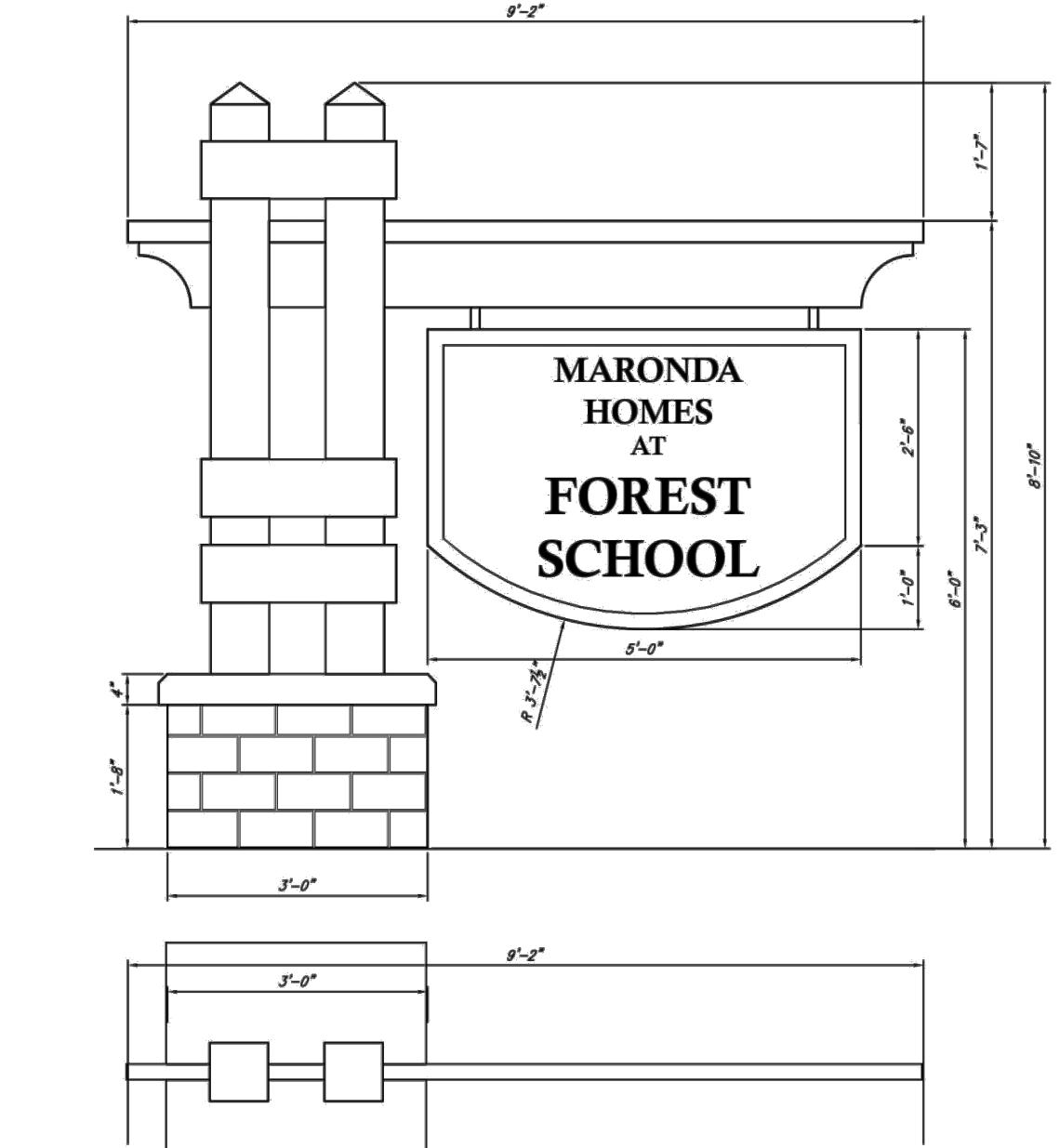
# CLEARVIEW CROSSING AT HALESWORTH CITY OF FOREST PARK HAMONT COUNTY, OHIO



## PLANT SCHEDULE SITE

SHADE TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE
OGM	7	Acer rubrum 'October Glory' TM	October Glory Maple	2' - 2 1/2" CAL. B&B
ALE	10	Ulmus parvifolia 'Allee'	Allee Lacebark Elm	2' - 2 1/2" CAL. B&B
GVZ	6	Zelkova serrata 'Green Vase'	Green Vase Zelkova	2' - 2 1/2" CAL. B&B

SCALE IN FEET  
0 50 100 200 300



## PLANT SCHEDULE ENTRY SIGN

ORNAMENTAL TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE
PFC	1	Malus x 'Prairifire'	Prairifire Crab Apple	6'-7' B&B
PERENNIALS				
ASD	6	Leucanthemum x superbum 'Alaska'	Alaska Shasta Daisy	#1 CONT.
LPS	4	Perovskia atriplicifolia 'Little Spire' TM	Little Spire Russian Sage	#1 CONT.
BES	4	Rudbeckia fulgida 'Goldsturm'	Goldsturm Black-eyed Susan	#1 CONT.
DECIDUOUS SHRUBS				
SLP	8	Spirea x bumalda 'Little Princess'	Little Princess Spirea	#3 CONT.
EVERGREEN SHRUBS				
BUF	5	Juniperus sabina 'Buffalo'	Buffalo Juniper	#3 CONT.

## CODED NOTES:

1. SITE I.D. MONUMENT SIGN, SEE DETAIL 2, SHEET L-101

Sheet Title

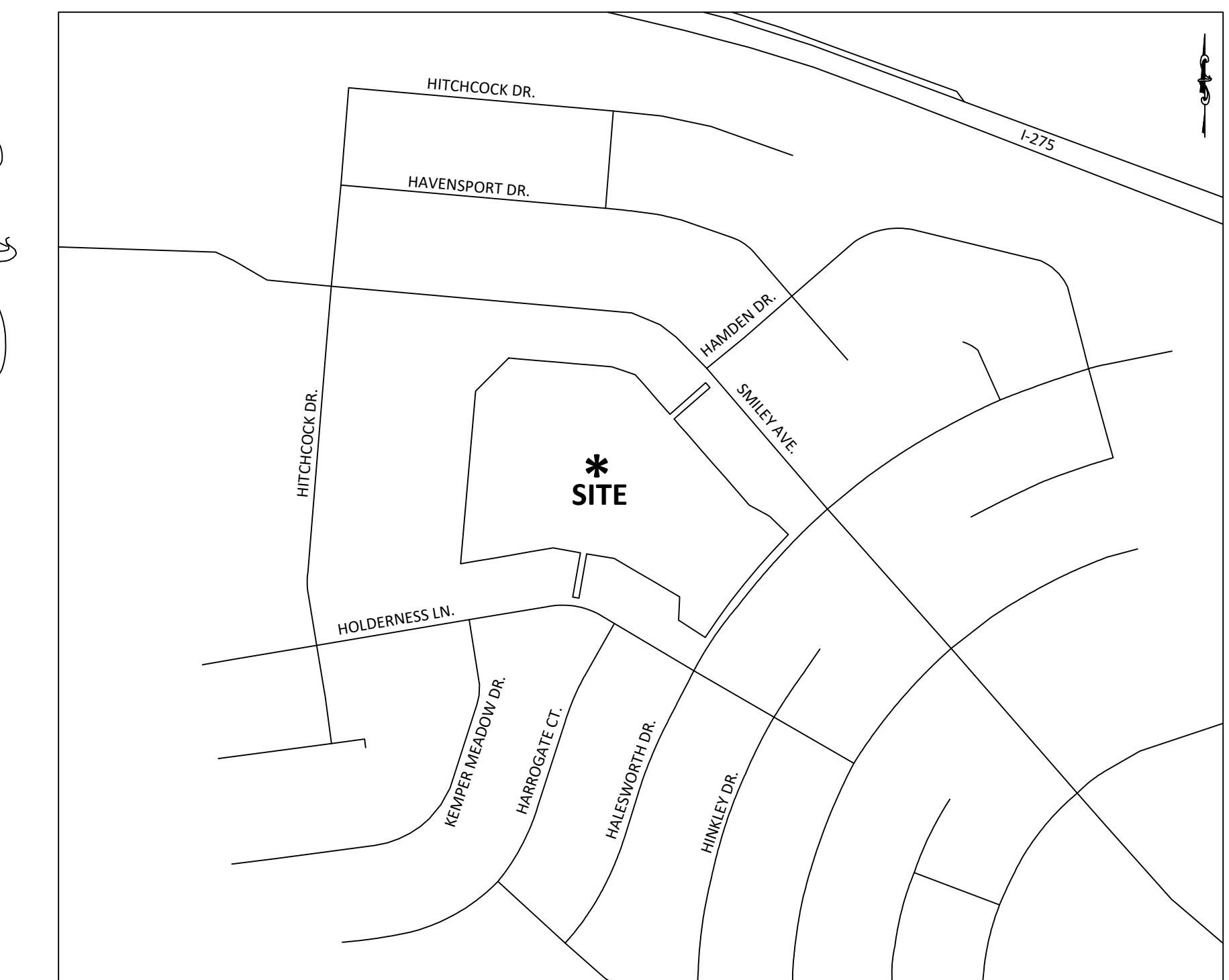
## SITE DEVELOPMENT LANDSCAPE PLAN

Project Number 2344006-PLA  
Drawing Scale 1" = 100'  
Sheet Number L1  
File Number 23444  
811 OR 1-800-362-2764  
Before You Dig  
CALL TWO WORKING DAYS BEFORE YOU DIG  
(NON MEMBERS MUST BE CALLED DIRECTLY)



# HALESWORTH DRIVE

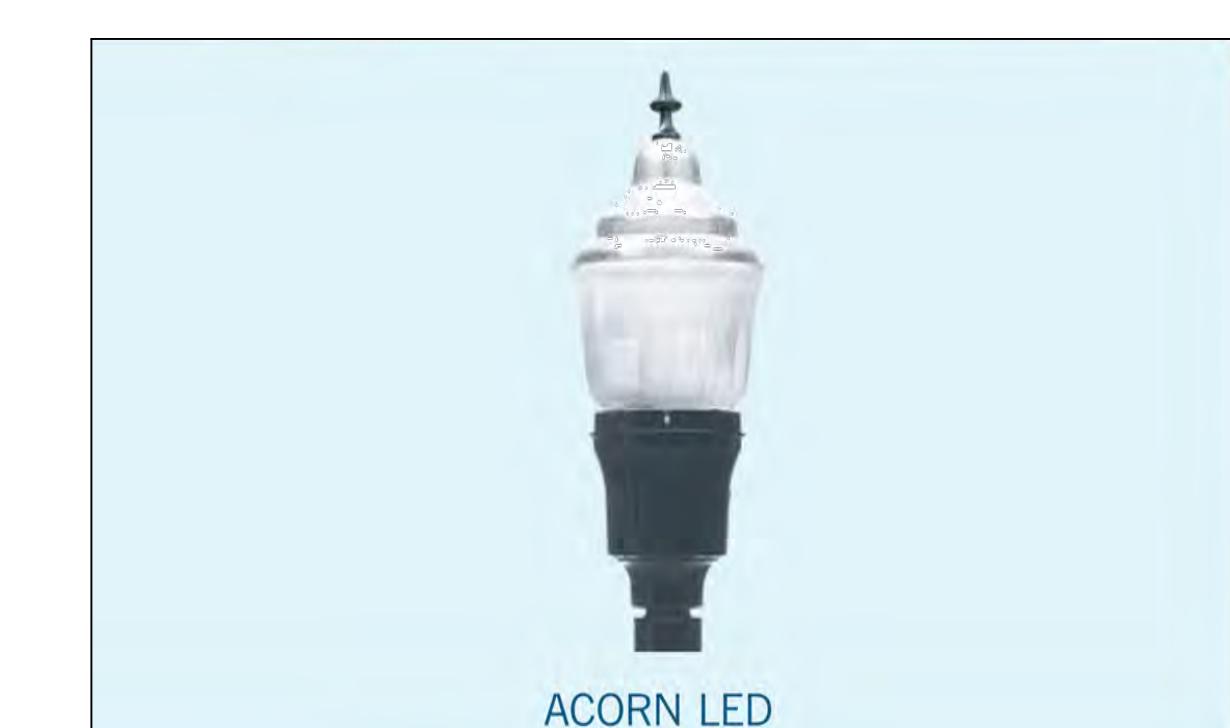
## CITY OF FOREST PARK HAMONTON COUNTY, OHIO



### DEVELOPMENT DATA

EXISTING ZONE:	R-2
PROPOSED ZONE:	R-PUD 7
AREA:	11.9551 Ac. (522,505 S.F.)
TYPICAL LOT SIZE:	90'x110'
USE:	SINGLE-FAMILY ATTACHED
BUILDING TYPE:	RANCH DUPLEX SLAB
NUMBER OF UNITS:	46
FRONT YARD SETBACK:	25 FT.
SIDE YARD SETBACK:	5 FT.
TOTAL SIDE YARDS:	10 FT.
REAR YARD SETBACK:	30 FT.
MINIMUM LIVABLE AREA:	1100 S.F.
AVERAGE LIVABLE AREA:	1250 S.F.
TOTAL FLOOR AREA (FA):	46*1,250=57,500

SPACE RATIO	OPEN SPACE (OSR)=3.8	LIVING (OPEN) SPACE (LSR)=2.69	RECREATION SPACE (RSR)=0.18	FLOOR AREA (FAR)=0.2
REQUIRED	218,500 S.F.	154,675 S.F.	10,350 S.F.	104,501 S.F.

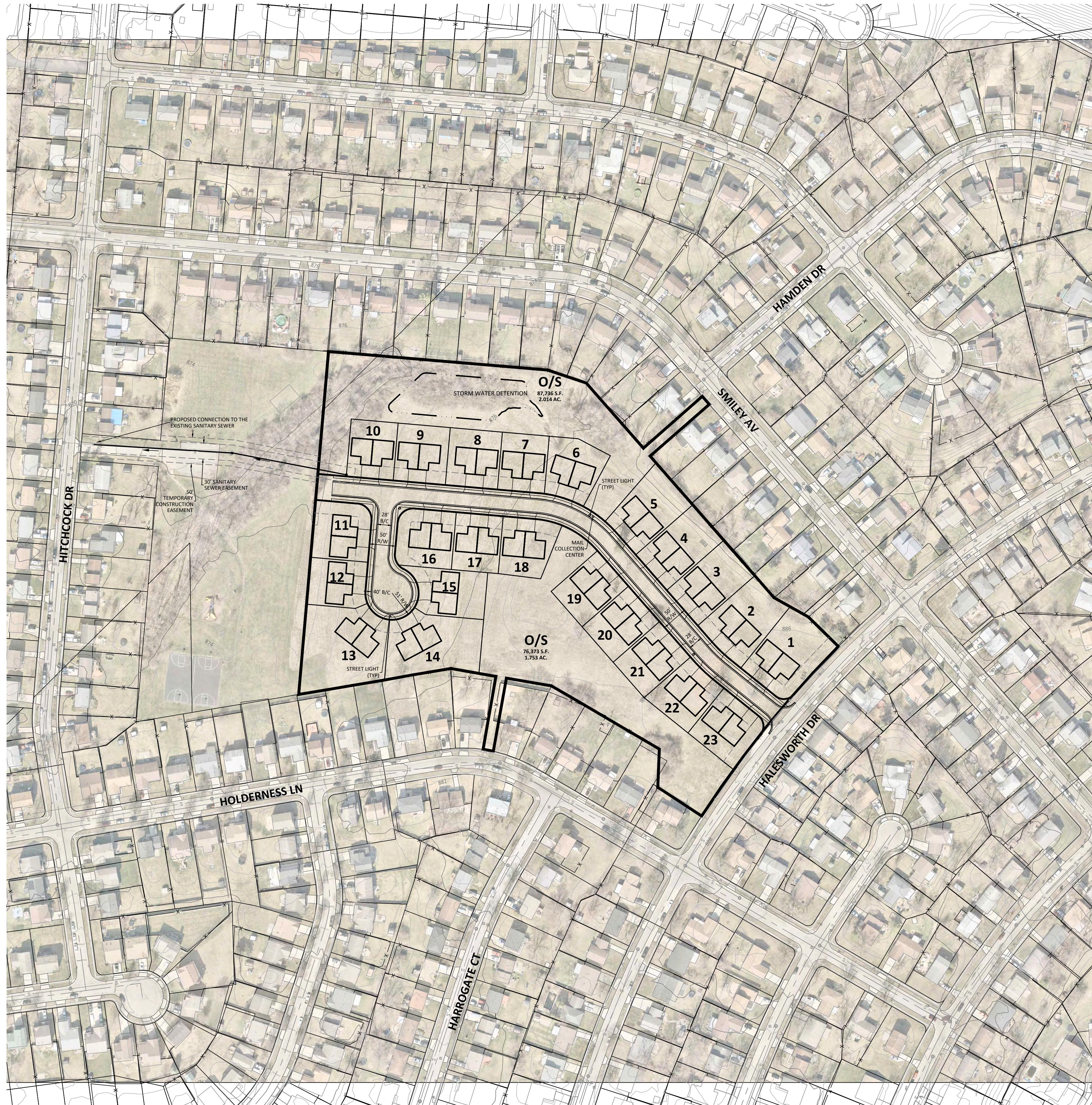


### TYPICAL STREET LIGHT

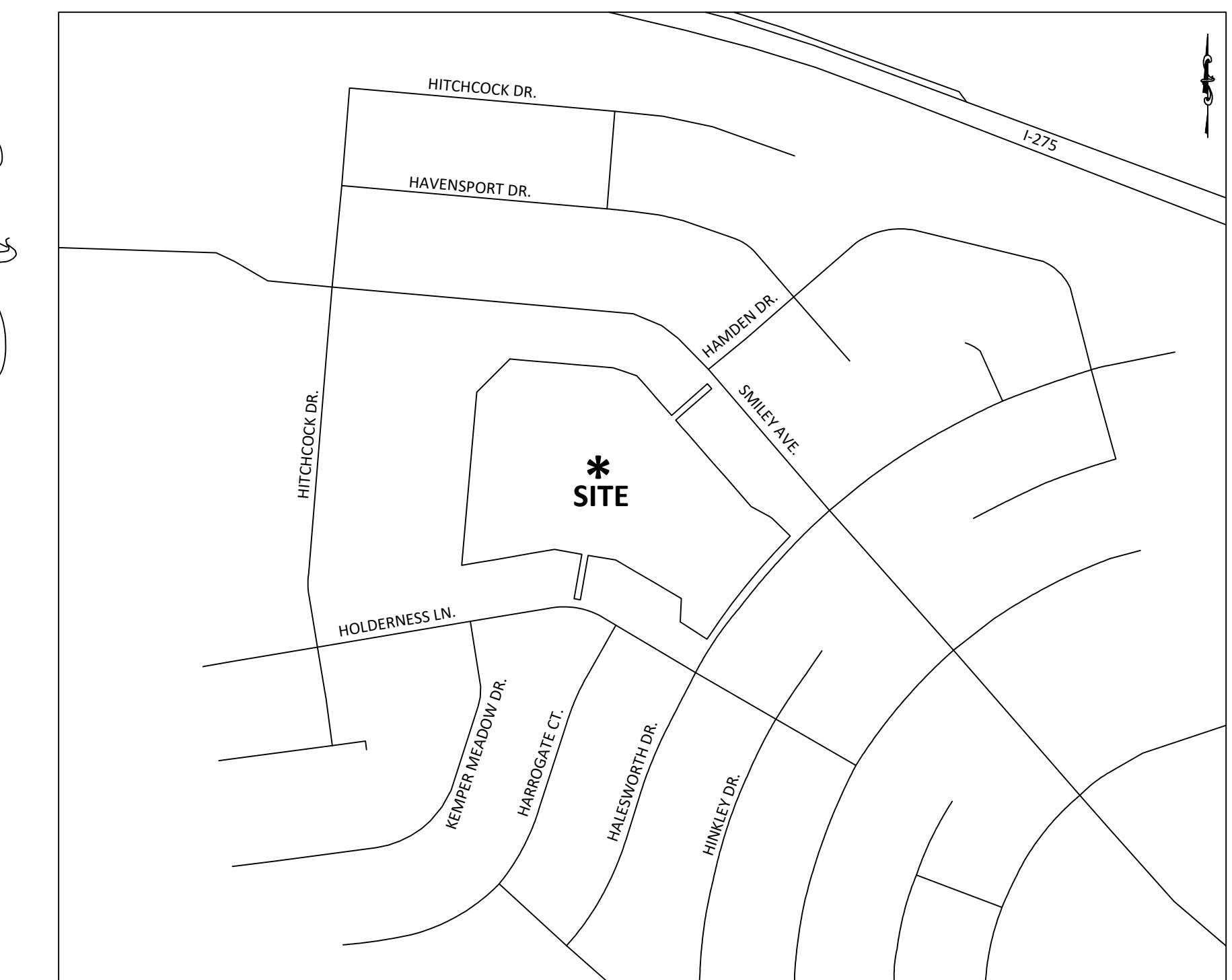
NOTE: PROPOSED MOUNTING HEIGHT IS 12 FEET.

# HALESWORTH DRIVE

## CITY OF FOREST PARK HAMONTON COUNTY, OHIO



SCALE IN FEET  
0 50 100 200 300



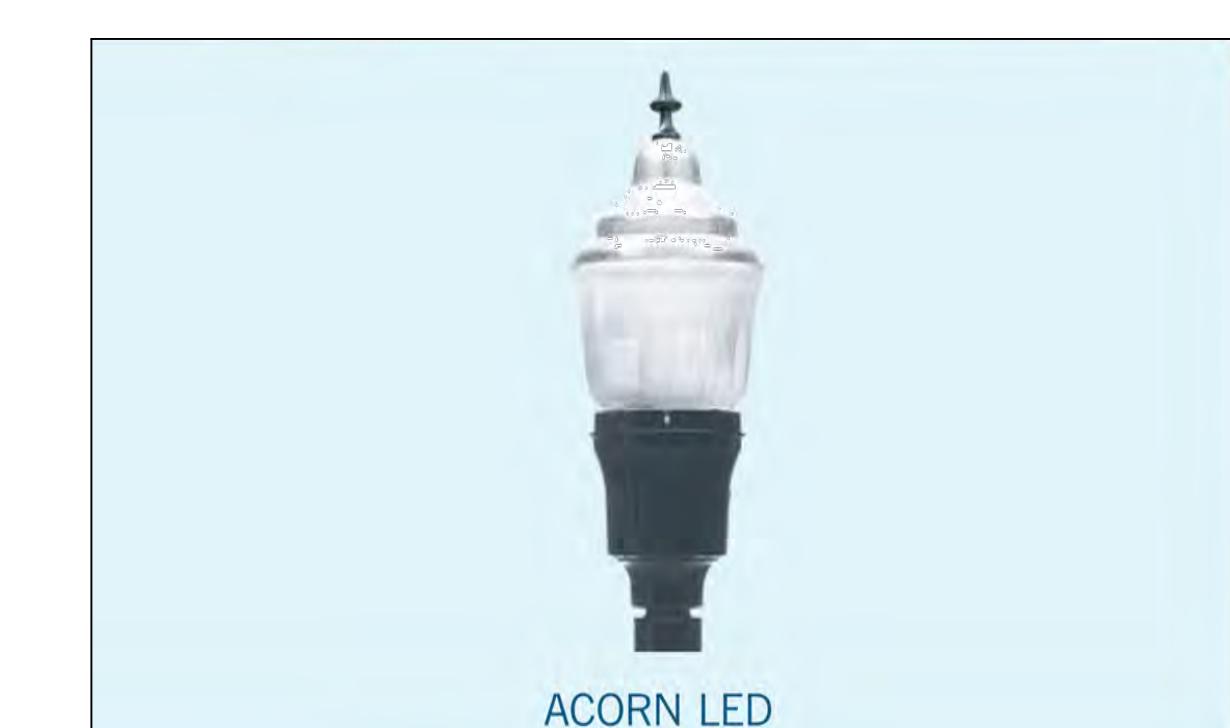
VICINITY MAP

N.T.S.

### DEVELOPMENT DATA

EXISTING ZONE:	R-2
PROPOSED ZONE:	R-PUD 7
AREA:	11.9551 Ac. (522,505 S.F.)
TYPICAL LOT SIZE:	90'x110'
USE:	SINGLE-FAMILY ATTACHED
BUILDING TYPE:	RANCH DUPLEX SLAB
NUMBER OF UNITS:	46
FRONT YARD SETBACK:	25 FT.
SIDE YARD SETBACK:	5 FT.
TOTAL SIDE YARDS:	10 FT.
REAR YARD SETBACK:	30 FT.
MINIMUM LIVABLE AREA:	1100 S.F.
AVERAGE LIVABLE AREA:	1250 S.F.
TOTAL FLOOR AREA (FA):	46*1,250=57,500

SPACE RATIO	OPEN SPACE (OSR)=3.8	LIVING (OPEN) SPACE (LSR)=2.69	RECREATION SPACE (RSR)=0.18	FLOOR AREA (FAR)=0.2
REQUIRED	218,500 S.F.	154,675 S.F.	10,350 S.F.	104,501 S.F.



TYPICAL STREET LIGHT

NOTE: PROPOSED MOUNTING HEIGHT IS 12 FEET.



Ranch Duplex



## Planning Commission Staff Report

### Rezoning 23-022: R-2 to R-PUD-7

**Meeting Date:** January 9, 2024 at 7:00 PM

**Applicant:** Maronda Homes

**Address:** 1501 Kingsbury Rd

**Land Area:** 28 acres

### I. Background and Analysis

The Winton Woods School District, as part of their facilities master plan, demolished the buildings on two former elementary school sites in order to prepare them for development. The district has reached an agreement to sell the land to Maronda Homes. This site is the former Winton Forest Elementary School at 1501 Kingsbury Road. It is a 28-acre site consisting of a developed portion where the school building, parking lot, driveways, playground, and lawns were located, and an undeveloped forested section on the southwest part of the site.

**Bulk Requirements.** All of the land is zoned R-2 (One-Family Residence), and the R-2 zone includes all of the surrounding property as well. The basic bulk requirements for the R-2 zone and for the proposed PUD plan are shown below:

Requirement	R-2	PUD
Minimum Lot Size	12,000 square feet	6,000 square feet
Minimum Lot Width	80 feet	55 feet
Minimum Front Setback	30 feet	25 feet
Minimum Rear Setback	35 feet	30 feet
Minimum Side Setback	5 feet one side/18 feet total	5 feet one side/10 feet total
Minimum Floor Area	1,600 ranch/1,800 two-story	1,300 (1,500 average)

These basic requirements govern the spacing of lots and the placement of houses on the lots, with the goal of ensuring plenty of light and air, as well as a minimum amount of privacy. Some things that these requirements don't ensure include the quality of construction, tree preservation, efficient layout and/or common amenities in the development.

Most of the surrounding properties, except for those on Oakstand Drive, were developed before the R-2 requirements were adopted in 1986. Properties on Kingsbury, Lincolnshire, and Norbourne have an average lot that is 65 feet by 130 feet, with an area of 8,450 square feet. Properties on Lemontree and Oakstand have an average lot that is 92.5 feet by 130 feet, with an area of 12,025 square feet.

There is one non-residential property adjacent to the site: a day-care center at 11505 Lincolnshire, built in 1972. Under the current zoning it is a legal non-conforming use.

**Planned Unit Development.** The proposed R-PUD-7 zoning is a planned unit development, a type of zoning in which the site is laid out according to a development plan approved by the Planning Commission, and the lot sizes and setbacks in the plan replace the R-2 bulk requirements. This has

potential benefits for both the developer and the city. The developer gains flexibility in design of the development, and the city can benefit in preserving open space, providing recreational areas, or with additional amenities provided for in the site plan. Overall benefits can include the provision of housing that meets the needs of current and future Forest Park homeowners.

**General Layout.** The majority of the site is planned for a 95-unit single-family subdivision. The number of lots was reduced by the applicant to better match the sizes of the adjacent single-family lots. The standard lot size is 55 feet x 120 feet and 6,600 square feet. The larger lots on this plan are shown shaded in blue. The areas where the lots are larger are along Kingsbury, in the cul-de-sac, and along the curving portions of the road.

The gross density of the development is determined by calculating the number of units per acre of land, including streets, common areas and open spaces. This plan has a gross density of 3.8 units per acre. Net density excludes area dedicated as public-right-of-way, which would subtract about 2.5 acres from the calculation. The approximate net density of this development is 4.1 units per acre. The comparison with R-2 is shown below.

Development Type	Gross Density	Net Density	Open Space
PUD	3.8 units/acre	4.1 units/acre	6.75 acres
R-2 (100% developed)	3.11 units/acre	3.63 units/acre	0 acres

**Lot Widths.** The typical lot width of 55 feet is narrow for Forest Park. The majority of the residential lots in the city are 65 feet wide. Only two subdivisions have lots less than 65 feet wide. The Forest Ridge subdivision (Elkwood Drive) was developed with 60-foot lots. The Heather Glen subdivision on Kemper Meadow and Holderness Drives has lot widths of 50 and 55 feet. These subdivisions represent about 5% of the single-family units in the city. The other 95% are at least 65 feet wide.

Heather Glen was developed in the late 1990's and it sold very well, with a build-out that was about twice as fast as projected. Nonetheless, residents of Forest Park often describe the houses in Heather Glen as "crowded," which is evidence that the difference between 65 feet and 55 feet is noticeable.

Another nearby comparison is the Springrose subdivision in Springdale (site of the recent CitiRama home show). Lots in this development have widths between 40

#### The Current Housing Market

For added context, our regional housing market has a housing supply and affordability gap that many refer to as a "housing crisis". Home prices in Forest Park have roughly doubled over the past eight years, which is good news for incumbent and long-term homeowners, but bad news for first-time homebuyers. That is reflected in the projected prices for houses in this development, which are on the "affordable" side for new construction but will nonetheless start in the low \$300,000's, which even today is above the median price for all houses in Forest Park.

More broadly, when we have new construction occurring in Forest Park, it is a signal that our housing market is healthy and the community continues to be one where people choose to live. The new construction is perhaps more an effect than a cause, but I have noticed in my 20+ years with the city, that new development and construction has the tendency to raise morale, while periods with no new construction tend to raise fears and anxieties about the future direction of the community.

feet along Kemper Road to 80 feet on one of the cul-de-sacs. Most of the lots, however, are either 50 or 60 feet wide.

It may be useful to estimate the number of lots that could be developed using the same street pattern and open space set-asides, but with wider lots. The following table is broken down by street and the lots fronting each street. Seven lots on the Street C cul-de-sac are the same across all scenarios because increasing the width would likely not affect the number, as they are on an inside curve or at the end of a cul-de-sac.

The following section was provided to the applicant for discussion. As a result, they have made modifications to the plan, mainly by increasing the lot widths along Kingsbury, but did not wholly adopt any of the scenarios.

			Number of Lots					
Lot Numbers (revised plan)	Street	Total frontage	Original plan	60' width	65' width	60/65' mix	65' outer lots	Revised Plan
Lots 40-42, 82-95	Kingsbury	950	18	15	14	14	14	17
Lots 43-45	Lincolnshire	325	6	5	5	5	5	3
Lots 1-3, 56-81	Street A	1,800	32	30	27	30	32	29
Lots 21-39, 46-55	Street B	1,700	33	28	26	28	33	29
Lots 4-13	Street C	750	14	12	11	12	14	10
Lots 14-20	Cul-de-sac	n/a	7	7	7	7	7	7
	<b>Totals</b>	5,525	103	90	83	89	98	95
	<b>Net Change</b>		0	-13	-20	-14	-5	-15

In addition to what is on the plan, the numbers above estimate how many lots would fit into the same development pattern with:

- All lots at a minimum of 65 feet
- All lots at a minimum of 60 feet
- Lots facing Kingsbury & Lincolnshire minimum 65 feet, all other lots 60 feet.
- Lots facing Kingsbury & Lincolnshire minimum 65 feet, all other lots per plan (55 feet).

These scenarios take into consideration that Kingsbury and Lincolnshire are the only surrounding streets where new houses will be across the street from existing houses. The reduction of lots ranges from 5 to 20 units, or 4.5% to 18% of the total.

I would prefer that the majority of the development have a minimum 65 foot lot, but a mix of 60 and 65 foot lots would accomplish much the same in compatibility with the surrounding area while gaining 7 lots in comparison with the 65-foot lot scenario.

The number of lots in the development could also change based upon a modified street layout, adjusting the open space acreage or other changes.

As noted, the revised plan mostly retains the interior lot widths, and increases the outer lot widths to 65 feet.

**Streets.** The development meets the city's requirements for the street layouts. It has three new streets, with two places to enter or exit the development. The connections to Kingsbury and Norbourne are to streets that are classified as collector streets in the City's thoroughfare plan (which is the reason that both streets are wider than average). There are sidewalks on both sides of the street. The 28-foot street width is standard and provides two 10-foot travel lanes and one 8-foot parking lane. On-street parking will be limited to one side of the street.

**Amenities.** The development will include decorative post-mounted street lamps as shown on the plan, and mail collection centers in three locations. An entrance feature with a sign and landscaping are also shown on the plan. As noted elsewhere, land has been set aside for a playground, and for preservation of the forested portion of the site.

**Similar Developments:** Maronda's [Northridge Crossing](#) is a new subdivision being built in Colerain Township. It has homes at a similar price point as proposed here and the lots are 65 feet wide. It is located on the west side of Pippin Road, between Compton Road and Galbraith Road. (Turn from Pippin onto Noelle Drive).

**Required Findings.** The Zoning Code lays out five areas for the Planning Commission to evaluate with a rezoning to an R-PUD zone. These are reproduced below with comments.

1	<b>Open space.</b> That the minimum common open space area has been reserved and is to be dedicated to the city or transferred to a homeowner's association; and that all necessary legal documentation relating to the dedication of common open space to the city or transferred to a homeowner's association be submitted.	The plan reserves 6.75 acres on two tracts as open space. This is 23% of the total land area, and it exceeds the required open space ratio. The tracts are shown on the plan and are currently the parts of the property with forest cover. The larger of the two tracts is a wetland environment.  An area of about 1/3 acre has been set aside next to Lot 64 for a playground.
---	---	---

## New Construction and the Housing Market

New home construction has two other positive effects on the housing market. First is that we have homeowners who are staying in their current home, even if it doesn't fit their current needs, because they don't want to leave Forest Park. New home construction provides these homeowners the opportunity to move to a home with a modern floorplan, no major maintenance expenses, and that can be outfitted and decorated to their taste. This also creates openings in the housing market for new residents to move into existing homes that otherwise wouldn't be on the market. The second positive effect is the number of new homes selling at prices in the upper half of the price range will tend to increase the price of the surrounding homes. This is due to the real estate appraisals, which use a method of comparable sales to determine a market value. Sellers use comparable sales to price their homes, and lenders use comparable sales to determine how much they will lend to a homebuyer. New construction and the comparable sales will tend to increase these for both sellers and lenders.

2	<b>Landscaping.</b> That any part of a planned unit development not used for structures, parking and loading areas, or streets should be landscaped or otherwise improved.	The landscaping is shown on sheet L1, and it primarily consists of street tree plantings. Additional landscaping is planned around the entrance sign.
3	<b>Consistent with purpose.</b> That the site development plan is consistent with the intent and purpose of these regulations to promote public health, safety, morals, and general welfare of city residents.	This plan is generally consistent with the purpose of the zoning code. It retains the single-family development pattern of the surrounding area, preserves some of the open space, and connects to the street pattern in a manner that is safe and compatible with the surrounding area.
4	<b>Special conditions.</b> In addition, the Planning Commission may explicitly impose special conditions relating to the planned unit development with regard to type and extent of public improvements to be installed, landscaping, development, improvement, and maintenance of common open space, and any other pertinent development characteristics.	A complete set of conditions has not been developed as of this writing, and it will require discussion with the Planning Commission and the applicant.
5	<b>Setback requirements.</b> Minimum distance between building and setback requirements on each development plan shall be established by Planning Commission.	These setbacks are shown on the plan. In general, they are smaller than the underlying R-2 zone. I recommend that the front yard setback be increased from 25 to 30 feet, in order to maximize the amount of off-street parking.

## II. Compatibility with Adopted Plans

**Comprehensive Master Plan.** This plan designates this property as “PS” for public schools in the land use section of the plan. The Parks, Recreation and Schools chapter also includes this land as a school and playground site. At a minimum, the Comprehensive Master Plan’s land use map should be amended to reflect the change from school to residential use.

**Thoroughfare Plan:** The internal street layout and the connections to the street network are consistent with the Thoroughfare Plan. The proposed right-of-way (50 feet) and street width (28 feet) are standard dimensions. The new local streets connect to collector streets, which are 35 feet (Kingsbury) and 36 feet (Lincolnshire) wide.

**Forest Park Redevelopment Plan:** The plan did not include this site as part of the City’s redevelopment strategy. The only school site that the Redevelopment Plan included was the Cameron Park school on Waycross Road.

**Housing Action Plan:** This plan, which is pending adoption, shows the property as an area for development of new single-family housing.

## III. Procedure

The Planning Commission reviews and makes a recommendation to the City Council, which has the final decision on the rezoning. The City Council has a public hearing on this application scheduled for January 22, 2024.

## IV. Recommendation

This site is both a conundrum and an opportunity for the city. As most know, Forest Park is a planned community, and a key element of the planning and layout of the community were the sites for public schools. The sites are sizeable in area, ranging from 10 to 35 acres, and they are embedded in single-family neighborhoods, usually surrounded by single-family development, as is the case with this property. Aside from providing a place for education, the school properties are also areas of open land that provide a break from the pattern of single-family development in the surrounding area. That is particularly true in this case, as it is one of the most “embedded” of the six properties that currently or formerly had schools on them. In-filling this site with housing is a significant deviation from the Comprehensive Master Plan.

This deviation is perhaps necessary or inevitable due to changes in society and in public education over the 60 years since Forest Park was planned. The school district has been moving toward consolidation over the past 30 years, beginning with the merger of the high schools, continuing with the closure of the Kemper Heights and Cameron Park Elementary Schools, and culminating in the current school district facilities plan. That plan not only called for demolition of the school on this property, it relies on the proceeds from selling the land to fund the renovation of the 825 Waycross property into administrative offices and an early childhood center.

These two plans are fundamentally in conflict and one of them will have to yield. The school district received considerable public input when developing their plan, although the focus was on the two campuses rather than the fate of the old school sites. The City’s plan, for its part, is what residents, especially the adjacent property owners, bought into when they built or purchased their homes.

It should be noted that this plan mitigates the loss of open space by leaving about  $\frac{1}{4}$  of the land undeveloped and preserved as open or forested space. Such preservation may not be feasible if the land were to be developed with the standard R-2 zoning requirements.

As discussed in the sidebars, new construction has a generally positive impact on the housing market, increasing supply, providing opportunities to move up or downsize, and generally supporting higher prices in the existing housing stock through comparable sales appraisals.

The developer has revised the plan to provide 55-foot lots on the interior of the development and they have stated that a development is not feasible with larger lots, due to the land and infrastructure costs, matched with a price range for the houses that has a ceiling as well as a floor. Absent any tax incentives or tax-increment financing (which the city has not offered, and the school district does not support), the development will not pay its way with a further reduction in the number of lots.

In my opinion, 65-foot lots would be very compatible with this area and are very common throughout the community. I would prefer that all the lot widths be increased to that size. For their part, the applicant has made changes to try to address this concern while preserving their ability to construct the development.

In summary, I believe that this housing development will deliver what we can expect from a new single-family subdivision in this area. Furthermore, single-family housing is the only type of development that is under consideration on this land. Due to the location and surrounding development, non-residential

development would create too many negative externalities (noise, lighting, traffic), and multi-family or attached housing would create a higher density node in the middle of the neighborhood. That would be a good strategy for the City as a whole, but it does not fit in well within a purely residential area.

Other options such as a church, a private school, a community center, or a park are possibilities, but none have been advanced to where they are known to be feasible options.

## **V. Suggested Motion**

Move to recommend approval of Rezoning FPD 23-022 to the City Council, with the following conditions:

1. Increase the minimum lot width to 65 feet and the minimum lot area to 7,800 square feet for all lots in the development.
2. Increase the required front setback from 25 feet to 30 feet.
3. Utility boxes must be screened with landscaping if located in the front yard.
4. All homes must have a covered front entry.
5. All homes must have basements.
6. Street names are to be approved by the Planning Commission and shall have names compatible with the surrounding sections.

Respectfully submitted,

*Christopher A. Anderson*

Christopher A. Anderson, AICP  
Director of Community Development



October 26, 2023

**Christopher A. Anderson**  
Director of Community Development  
City of Forest Park  
1201 West Kemper Road  
Forest Park, Ohio 45240

Re: Proposed Zone District  
New Development Plan  
1501 Kingsbury Drive  
City of Forest Park, Ohio  
MSP No. 23445.00

Dear Mr. Anderson:

On behalf of Maronda Homes, we are pleased to submit the proposed Zone Change Plat and corresponding New Development Concept Plan.

The proposed development is located along the south side of Kingsbury Drive and east side of Norbourne Drive. The current zone is R-2 One Family Residence District. The proposed zone is R-PUD 7 Residential Planned Unit Development District.

110 single family detached residential two story basement and on slab homes are proposed, in three phases, on lots having a typical width of 50 feet at the front building line. The front, side and rear yard building setbacks are 25 feet, 5 feet and 30 feet respectively.

The subject site is approximately 1 mile away from the middle and high schools located at 1231 West Kemper Road and approximately 3 miles away from the primary, elementary and intermediate schools located at 147 Farragut Road.

A playground is proposed east of the first intersection east of Norbourne Drive which is anticipated to be maintained by a Home Owners Association. Two larger open spaces are also proposed, however it has yet to be determined if those spaces would be dedicated to the city or a home owners association. The total area of the three spaces is approximately seven (7) acres.

Two car garages and two outside parking spaces are proposed. Off-street parking is anticipated on one side of the road opposite from the fire hydrants and no spaces within the cul-de-sacs.

Twelve street lights and three mail collection centers are proposed along the new public streets. One Development Identification Sign is proposed at the new entrance off of Norbourne Drive.

A storm water quality detention basin is proposed west of lots 5-8. An isolated wet land was delineated west of the proposed storm water quality detention basin.

We request the Planning Commission's consideration of this request at their November 14, 2023 meeting.

- Attached for your use include the following-
- Two full size and eight 11"x17" copies of the Zone District Change Plat.
- One copy of the Legal Description of proposed Zone District Change area.
- One copy of the Sewer Availability Letter.
- One copy of the Water Availability Letter.
- Two full size and eight 11"x17" copies of the Site Development Concept Plan.
- Two full size and eight 11"x17" copies of the Site Development Landscape Plan.
- One copy of the Sample Covenants and HOA documents.
- Ten 11"x17" copies of the 1520 Building Elevation Views.
- Ten 11"x17" copies of the 1680 Focus Building Elevation Views.
- Ten 11"x17" copies of the 1997 Focus Building Elevation Views.
- One digital copy of the submittal documentation.

Also included is a pdf set of the aforementioned, the \$850.00 review fee and application. Please call or email me at rarnold@mspdesign.com when we may further discuss the project.

Sincerely,

McGill Smith Punshon, Inc.



Richard Arnold, LEED AP  
Executive Vice President

cc: Brian Hoesl, Maronda Homes  
cc: Todd Lipschutz, Maronda Homes  
cc: John Konovodoff, Maronda Homes  
cc: Andrew Dodds, MSP Design  
cc: Chris Balash, MSP Design