



# PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY PLANNING COMMISSION ON December 17, 2024

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## LEGACY ESTATES SUBDIVISION – DESIGN PLAN

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- APPLICANT:** Carl G. Hartman  
3478 Holly Ridge Drive  
Cincinnati, OH 45245
- OWNER:** Noah Berkheimer and Richard Brown  
118 Mission Court  
Loveland, OH 45140
- ENGINEER:** Carl G. Hartman  
3478 Holly Ridge Drive  
Cincinnati, OH 45245
- REQUEST:** Requesting approval from the Clermont County Planning Commission for Legacy Estates Subdivision – Design Plan
- LOCATION:** The subject property (PIN 172520E016) is located along the north side of Branch Hill Guinea Pike approximately one-quarter mile west of its intersection with Wards Corner Road in Miami Township.
- HISTORY:** There is no relevant history for this property.

### DEVELOPMENT PROPOSAL:

Legacy Estates Subdivision – Design Plan consists of 10 residential lots and two open space lots on a vacant property. The subject property is surrounded by other subdivisions and some undivided land. The proposed land use is detached single-family residences which will match the existing land use pattern within the area. The total area is +/- 9.68 acres, and will include nonbuildable lots for detention purposes and +/- 1.13 acres of right-of-way. The project density would be +/- 0.968 dwelling units (gross) per acre for this subdivision.

### DEVELOPMENT DATA:

**Current Zoning:** “R-1” Residence District– a residential zone designed to provide land for low-density single-family detached housing units.

**Total Lots:** 10 units  
**Area in Lots:** +/- 7.84 acres  
**Area in Open Space:** +/- 0.55 acres

**Total Site Area:** +/- 9.68 acres  
**Area in R/W:** +/- 1.13 acres  
**Density:** +/- 0.968 du/a

**School District:** Loveland City School District

**Homes:**

**Number of Units:** 10

**Min. Lot Area:** +/- 20,000 sq. ft.

**Front Yard Setback:** 50 ft.

**Rear Yard Setback:** 35 ft.

**Min. Lot Width:** 100 ft.

**Side Yard Setback:** 10 ft.

**SITE ACCESS:**

The Design Plan shows access to all 10 lots off of a cul-de-sac. The lots all either take access directly off of the cul-de-sac or access it via a common driveway. There are lots that front on Branch Hill Guinea Pike and no permanent access will be directly given onto that road.

**STAFF ANALYSIS:**

Per the review of Legacy Estates Subdivision – Design Plan the development will follow all requirements pertaining to Article V of the *Clermont County Subdivision Regulations* based on conditions noted in the Design Plan Comment Review Meeting. There is one house on the property currently, and that home will stay on one of the lots. The proposed subdivision is an expected development and complements the land uses of the surrounding area. There are a number of conditions that must be met regarding the development of water and sewer connections and sidewalk construction. The applicant is aware of these conditions and agrees with them. Those conditions are detailed in the Legacy Estates Design Plan Review Letter that is attached.

The Planning Commission shall decide whether sidewalks along Branch Hill Guinea Pike is required and should take into consideration Township Comments. Miami Township reached out to my office after the Design Plan Review meeting to ensure this information is part of my report. The Miami Township 2023 Land Use Plan designates this area for Targeted Future Connections in their Pedestrian Connectivity Map. It is recommended that this sidewalk is included as part of this subdivision, as it is both specifically called out in the Township Land Use Plan and required by their Zoning Resolution. *I have attached specific comments from the Township as Exhibit G.*

Staff finds the development compatible with the surrounding development and character as it is similar to existing surrounding development. Departmental comments are below and the applicant and developer are aware of the requirements in order for this subdivision to be constructed.

**Clermont County Community & Economic Development Comments:**

1. It is difficult to see the lot lines, panhandles, and proposed access drives for the subdivision, please include a clearer image.
  - a. A maximum of 5 lots can be served by a common driveway.
  - b. All lots using common driveways shall provide a driveway easement and maintenance agreement noted on the record plat.
  - c. Where multiple panhandles abut in platted subdivisions, a reduction in the street frontage width may be provided if it is shown that adequate space exists for utilities and the vehicular access to the lots is provided by a common driveway
2. The lot size, except for open space lots, shall be no less than the minimum requirement of the applicable zoning regulation governing the tract in question.
3. All lots shall be a sufficient size to meet the requirements of the Clermont County Health District Regulations for the proper operation of wells and/or septic system or other on site waste disposal.
4. Are sidewalks being proposed? The Planning Commission will determine whether sidewalks are required along all regional arterials, suburban arterials, and primary collector streets.
5. Will the “non-buildable” lots be open space? Section 521 (Open Space Ownership) of the Clermont County Subdivision Regulations will apply to those lots if so.
6. Include land in “open space” listed in “Area Breakdowns” on cover sheet.
7. There is a typo in the adjacent subdivision located on sheet 2 of the plan set: it states “Winding WSoods” Sub.
8. Include subdivision information for land to the west of the subject property, I believe it is slightly different than Winding Woods.
9. Include property owner information for adjoining parcels of undivided land to the southeast of the property.
10. Include zoning of adjoining land (PUD across Branch Hill Guinea Pike).
11. Include information regarding minimum lot width (100 ft.) in Zoning Classification List.
12. Final Design Plan Drawings must include the date when it was drawn (if not already shown).

**Clermont County Engineer's Office Comments:**

Our office has completed the review of the above mentioned project. The following is a list of comments that we have regarding the submitted design plan.

- 1 General The proposed Lots numbers need to be adjusted. The lots need to be numbered in a consecutive order.
- 2 General Verify the correct lot numbers. Multiple lot number orders are shown upon the plans.
- 3 General Rock Channel Protection (RCP) will need to be provided at all storm sewer outfalls.
- 4 General The county road name needs to be changed to Branch Hill Guinea Road.
- 5 General The Stormwater Detention Basin Easements need to be provided for both basins. The Easements need to contain the entire embankment.
- 6 General Twenty (20) Foot Storm Sewer Easements need to be provided along the

- proposed storm sewers and outlet control structures.
- 7 General Legacy Estates Drive needs to be clearly labeled as a "Private Street" upon the plans.
  - 8 General The Forty (40) Foot Private Street Easement needs to be clearly labeled upon the plans.
  - 9 General General Note No. 4 needs to be revised. Ingress/egress using Legacy Estates Drive (Private STREET) needs to separate from the direct access not to Branch Hill Guinea Road.
  - 10 General Note upon the plans that Lot 6 has no direct access to Branch Hill-Guinea Road.
  - 11 General Lots 11 and 12 need to be labeled as Open Space Lots.
  - 12 General A general reminder regarding roadway geometry; the minimum allowable street grade is 0.4%, maximum street grade is 12% (10% preferred), and the minimum centerline curve radius is 200'.
  - 13 2/3 of 4 Centerline Curve Data needs to be provided for the Two (2) curves located between Stations 10+86.61 and 11+99.00. The minimum centerline curve radius is 200'.
  - 14 3 of 4 The Label for the Legacy Estates Drive Plan/Profile and Typical Section need to be changed to Private Street.
  - 15 3 of 4 The Label for the Belle-Meade Farm Drive Typical Section needs to be changed to Local Street - Class 1.
  - 16 3 of 4 The Belle-Meade Farm Drive Typical Section needs to be adjusted to match the Clermont County Local Street - Class 1 / Aggregate Base Typical Section. The Underdrains need to be added to the detail. Additionally, the Aggregate Base needs to be extended past the proposed concrete curbs.

**Clermont County Water Resources Department Comments:**

1. The current plan shows the sanitary sewer connection off the new cul-de-sac which will need to show the clean outs with a more visible label and symbol.
2. Label each sanitary sewer lateral and connection with type of connection, size. Label should be clearly visible, if using standard acronym(s) it should have a legend on that sheet.
3. The current plans show the proposed water main (currently under design); this is not the existing water main. Plans need to show connections to an existing water main which is labelled on the plan sheets. The existing water main will require Lots 1 through 4 to have access from across Branch Hill-Guinea Pike.
4. Appropriate spacing is required between utilities when placing water and sewer near each other in both the horizontal and vertical directions (see specifications on county website). Public and Private services shall not cross without approval from the Director of CCWRD.
5. Water meters are not shown or labelled on the plan sheets.
6. Missing applicable water utility details which include meter set details. Include W1.2 for valve restraint blocking for where water line ends. See the county website for details and provide in the plan sheets where appropriate.

7. The fire hydrant needs a labelled 15-foot easement for CCWRD.

**Clermont County W.M.S.C. Comments:**

1. Drainage Area  
Ensure the Drainage Area for the project is clearly identified and included in the submittal.
2. Drainage Calculations  
Provide detailed drainage calculations in compliance with the WMSC Subdivision Regulations.
3. Lot Number Consistency  
Verify that all Lot Numbers correspond across every sheet in the submittal package.
4. Emergency Spillway and Flood Routes  
Show all future emergency spillways and flood routes over private driveways with private drainage easements clearly marked.
5. Subdivision Sketch and Final Lot Numbers  
Ensure the Subdivision Sketch lots match the final lot numbers as assigned.
6. Drainage for Lots 1 & 2  
Demonstrate how Lots #1 and #2 will drain into the detention basin on Lot #12 rather than by natural flow to adjacent properties to the north.
7. Storm Sewer Easements  
Provide 20' private drainage storm easement designations, including cross-sections and detailed designs for all proposed storm sewers.

**Soil and Water Conservation District Comments:**

1. Detention and treatment will need to be provided for runoff from the subdivision as a whole. Under the current design plan, there is no detention or treatment of the runoff from several lots and the private drive.
2. Easements will be needed for both basins, storm sewers outside of the public road right-of-way, and the watercourse that runs along the northern boundary of the subdivision
3. Detention basin easements which incorporate the 100-year storm elevation should be contained within the non-buildable detention lots.
4. Capacity of detention and the water quality volume to be treated for the basin on Lot 12 shall be determined by the amount of runoff draining to the detention structure, including that coming from off-site. Alternatively, off-site runoff may be routed around the basin.
5. A downstream hydraulic analysis will be needed (recommended to Miami Trails Drive).
6. Due to the small number of lots, we recommend petitioning the Clermont County Engineer's Office to incorporate the storm sewer infrastructure outside the road right-of-way into the existing stormwater district.

**Miami Township Comments:**

1. As noted in Mr. Hartman’s cover letter, if the pending variance request to delete the sidewalk span along Branch Hill Guinea Pike is NOT approved, then the drawings will need to be revised to include that walkway.
2. For lots 1 – 5, please add a note, shading or some other demarcation stating that accessory structures (e.g., fences, sheds, pools, etc.) are not allowed within the secondary front yard setback along Branch Hill Guinea Pike.
3. Several agencies have directed that the detention facilities are to be located on a separate non-buildable lot. As re-drawn, Lot 2 now does not meet MTZR 5.07, “Every lot or tract of land shall have a minimum of 100 feet at the building line. . .”
4. With the detention facilities being required on a separate parcel, it is preferable to specify that they be contained within a drainage district or ditch petition, which confirms ongoing maintenance into the future. Placement of the responsibility on a Home Owners Association, which is specified in General Note 5, creates the risk that there is no responsible party should the HOA become defunct.
5. a. Is there a requirement in the CC subdivision regulations that detention facilities be placed on their own separate parcel, or is that an agency preference? Technically, a nonconforming lot as to dimension and area -even if limited to a non-buildable lot containing a detention facility- could be denied as a nonconforming lot under the zoning minimum spatial requirements. We have provided some latitude for “non-buildable” retention lots to be platted, however, there needs to be reasonable assurances that the properties and facilities will be maintained indefinitely.
6. b. Can it be required to place the detention facilities within a ditch petition or stormwater district to ensure ongoing maintenance?

**STAFF RECOMMENDATION:**

Based on Staff Analysis, request a motion to **APPROVE** the Legacy Estates Subdivision – Design Plan with the following conditions:

1. All county and township departments' comments and conditions detailed in Legacy Estates – Design Plan Review Letter dated 12/10/24 be satisfactorily addressed.
2. Any future development of the site must comply with any and all regulations from Clermont County, Miami Township, the State of Ohio, or any other applicable agency.
3. Submit one (1) plan set with an original stamp and signature to the Department of Community & Economic Development Planning Division.

**Exhibits:**

- A. Legacy Estates – Design Plan Drawings

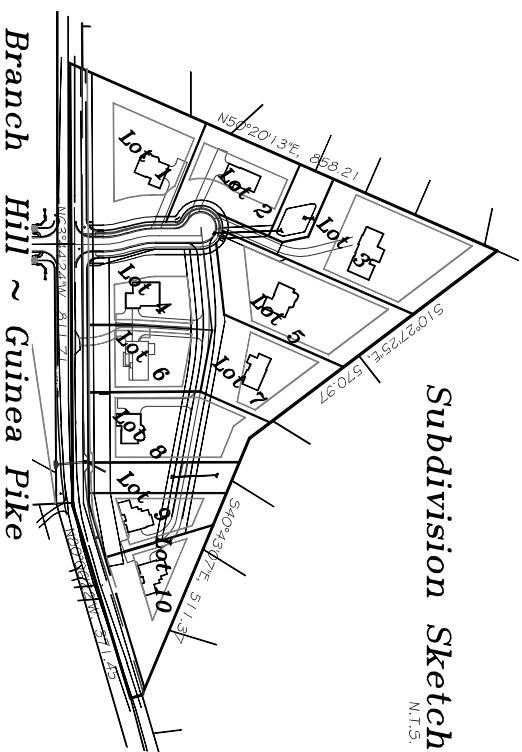
- B. Legacy Estates – Application
- C. Legacy Estates – Review Letter dated 12/10/24
- D. Parcel Map
- E. Context Map
- F. Zoning Map
- G. Comments from Miami Township dated 12/11/24

# Exhibit A

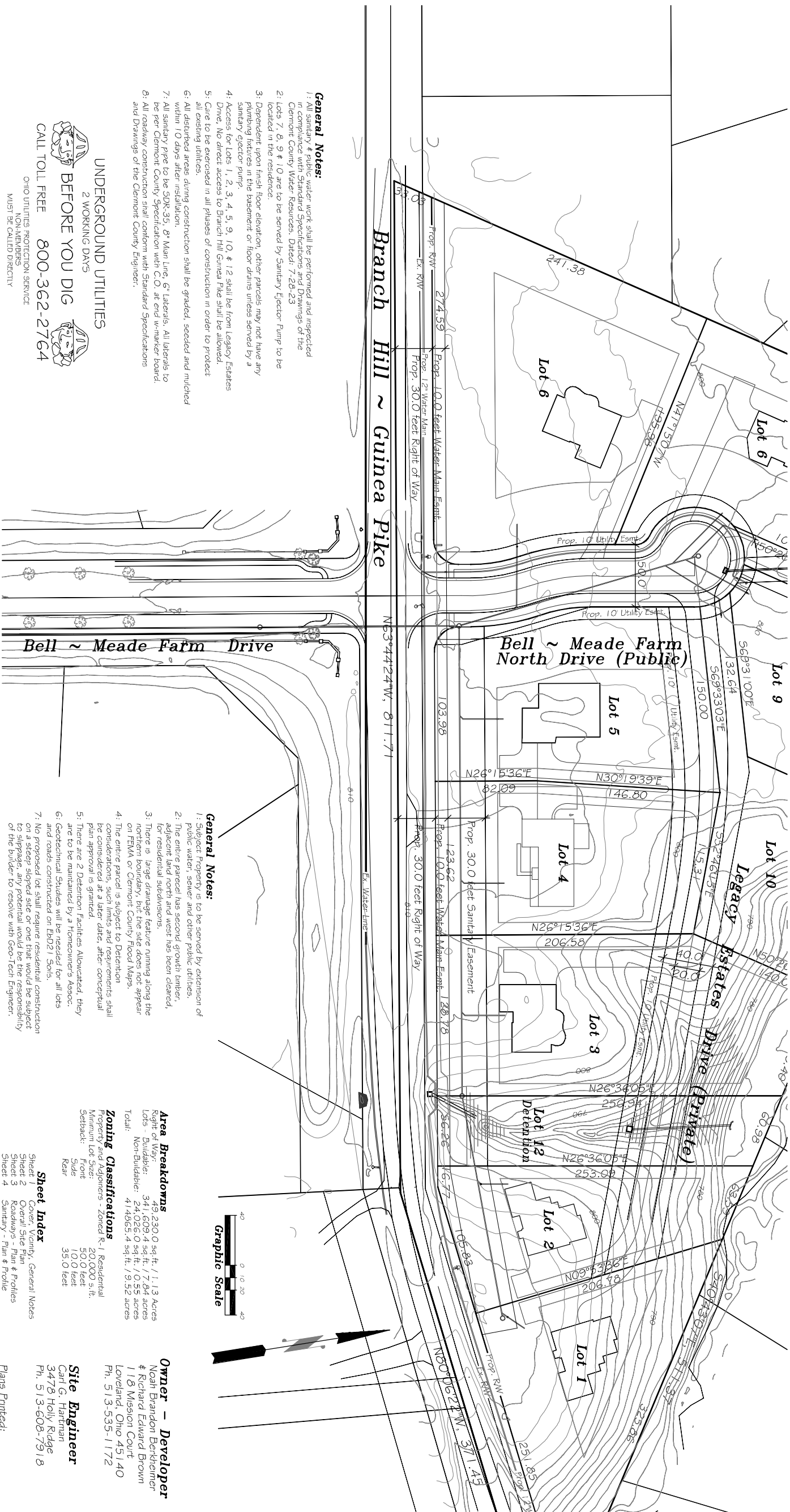


Vicinity Map  
N.T.S.

## Development Plans for **Legacy Estates** Miami Township, Clermont County, Ohio Howell's Military Survey No. 1776 Parcel No. 17-25-20E-016



Subdivision Sketch  
N.T.S.



**General Notes:**

- 1: All sanitary & public water work shall be performed and inspected in compliance with Standard Specifications at 7-28-23 of the Clermont County Water Resources. Dated: 7-28-23
- 2: Lots 7, 8, 9 & 10 are to be served by Sanitary Ejector Pump to be located in the residence.
- 3: Dependent upon finish floor elevation, other parcels may not have any plumbing fixtures in the basement or floor drains unless served by a sanitary ejector pump.
- 4: Access for Lots 1, 2, 3, 4, 5, 9, 10, & 12 shall be from Legacy Estates Drive. No direct access to Branch Hill Guinea Pike shall be allowed.
- 5: Care to be exercised in all phases of construction in order to protect all existing utilities.
- 6: All disturbed areas during construction shall be graded, seeded and mulched within 10 days after installation.
- 7: All sanitary pipe to be SDK-35, 6" Main Line, 6" Laterals. All laterals to be per Clermont County Specification with C.O. at end w-marker board.
- 8: All roadway construction shall conform with Standard Specifications and Drawings of the Clermont County Engineer.

**General Notes:**

- 1: Subject Property is to be served by extension of public water, sewer, and other public utilities.
- 2: The entire parcel has second growth timber, adjacent land north and west has been cleared, for residential subdivisions.
- 3: There is large drainage feature running along the north boundary, the site does not appear on FEMA or Clermont County Flood Maps.
- 4: The entire parcel is subject to Detention considerations, such limits and requirements shall be considered at a later date, after conceptual Plan approval is granted.
- 5: There are 2 Detention Facilities Allowed, they are to be maintained by a Homeowners Assoc.
- 6: Geotechnical Studies will be needed for all lots and roads constructed on EHD21 Soils.
- 7: No proposed lot shall require residential construction on a steep sloped site or one that would be subject to slippage, any potential would be the responsibility of the builder to resolve with Geo-Tech Engineer.

**Area Breakdowns**

Right of Way: 49,230.0 sq.ft. / 1.13 Acres  
 Lots - Builder: 341,609.4 sq.ft. / 7.84 acres  
 Non-Buildler: 24,026.0 sq.ft. / 0.55 acres  
 Total: 414065.4 sq.ft. / 9.52 acres

**Zoning Classifications**

Property and Adjacent - Zoned R-1 Residential Medium Density  
 Minimum Lot Size: 50,000 sq.ft.  
 Minimum Front Setback: 10.0 feet  
 Minimum Side Setback: 35.0 feet  
 Minimum Rear Setback: 35.0 feet

**Sheet Index**

Sheet 1 Cover, Vicinity, General Notes  
 Sheet 2 Overall Site Plan  
 Sheet 3 Roadways - Plan & Profiles  
 Sheet 4 Sanitary - Plan & Profile

**Owner - Developer**

Noah Brandon Berthomer  
 & Richard Edward Brown  
 118 Mission Court  
 Loveland, Ohio 45140  
 Ph. 513-535-1172

**Site Engineer**

Carl G. Hartman  
 3478 Holly Ridge  
 Ph. 513-608-7918

**Robert Shannon Field Services, LLC**  
 Robert Joseph Shannon  
 PROFESSIONAL SURVEYOR  
 1794 State Route No. 125  
 Amelia, Ohio 45102  
 (513) 797-4444 / RSField@fuse.net



**C. G. HARTMAN & ASSOC.**  
 PROJECT ENGINEER  
 3478 HOLLY RIDGE  
 CINCINNATI, OHIO 45245



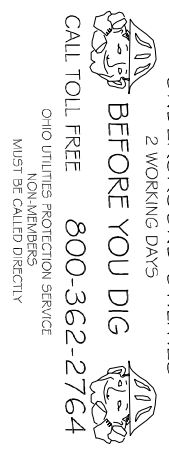
**Development Plans**  
 for  
**Legacy Estates**  
 Miami Township, Clermont County, Ohio  
 Howell's Military Survey No. 1776  
 Parcel No. 17-25-20E-016

Drawing No.:	
Job Number:	
Date:	
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Revision	Date

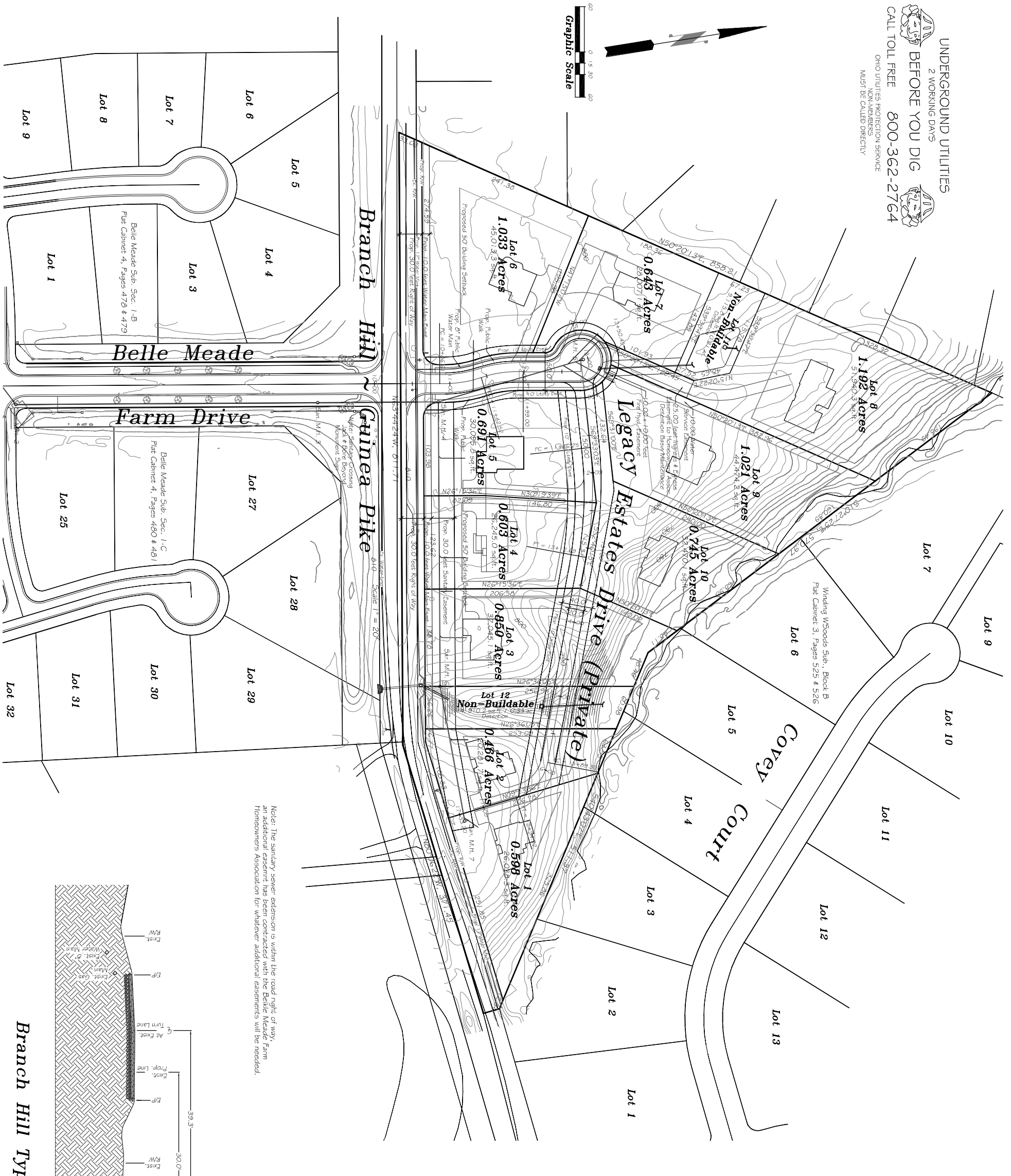
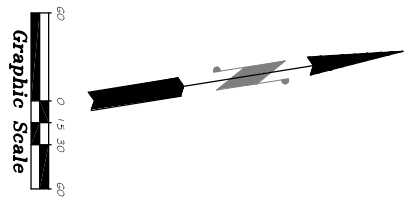
Sheet  
**1** of **4**

UNDERGROUND UTILITIES  
 2 WORKING DAYS  
**BEFORE YOU DIG**  
 CALL TOLL FREE 800-362-2764

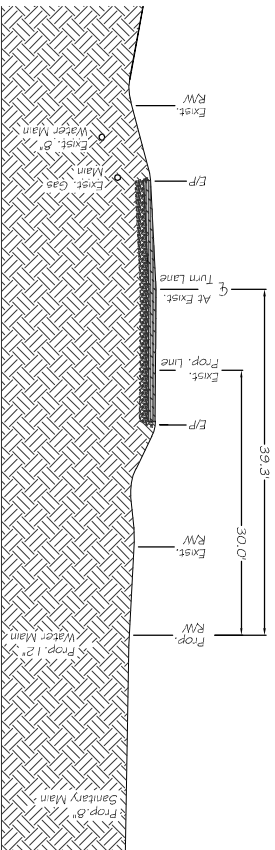


OHIO UTILITIES PROTECTION SERVICE  
 NON-MEMBERS  
 MUST BE CALLED DIRECTLY

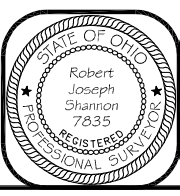
UNDERGROUND UTILITIES  
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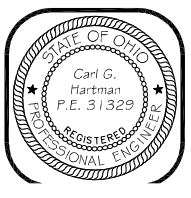
Note: The sanitary sewer extension is within the road right of way, an additional easement has been contracted with the Belle Meade Farm Homeowners Association for whatever additional easements will be needed.



Branch Hill Typical Section  
 Scale Hor. 1" = 10'  
 Vert. 1" = 10'



**Robert Shannon  
 Field Services, LLC**  
 Robert Joseph Shannon  
 PROFESSIONAL SURVEYOR  
 1794 State Route No. 125  
 Amelia, Ohio 45102  
 (513) 797-4444 / RSField@fuse.net

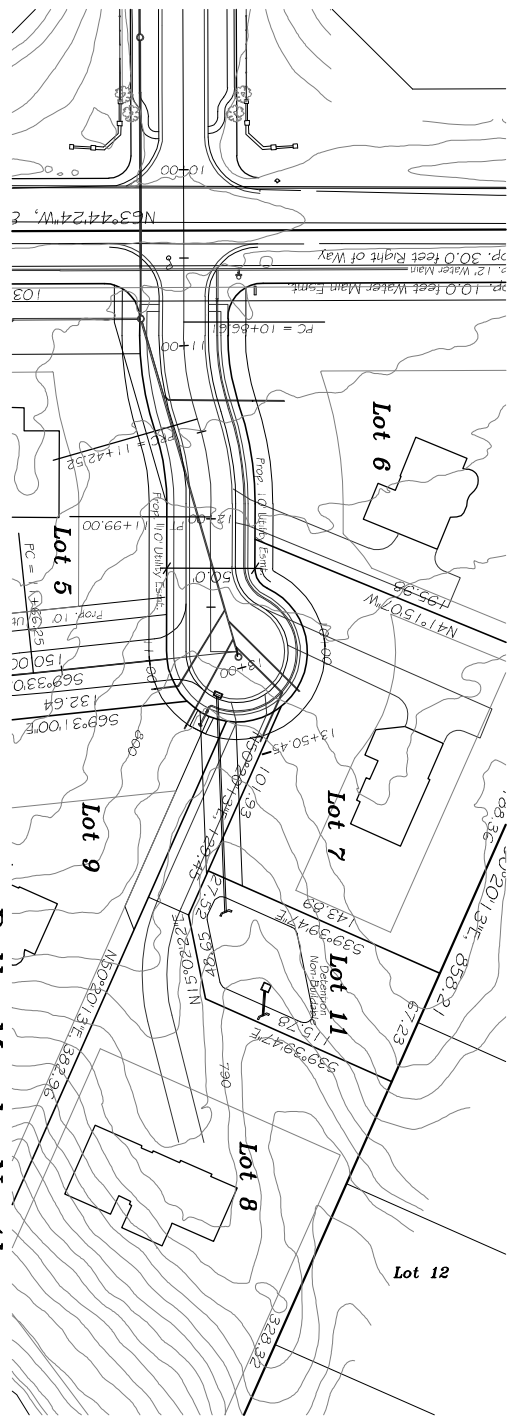


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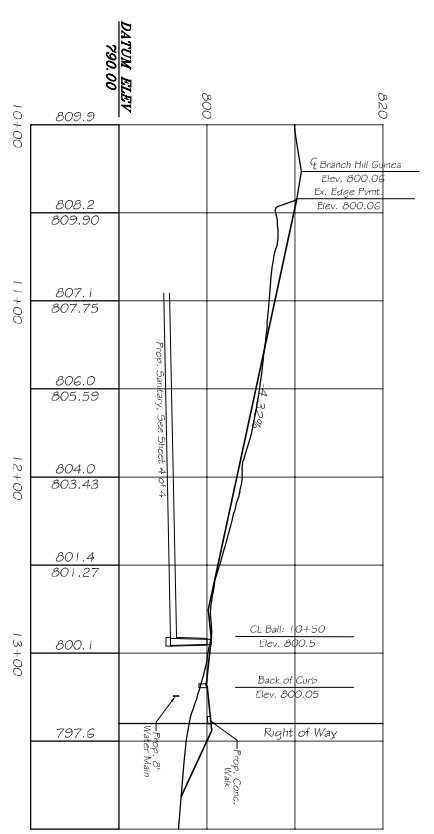
**Overall Site Plan**  
 for  
**Legacy Estates**  
 Miami Township, Clermont County, Ohio  
 Howell's Military Survey No. 1776  
 Parcel No. 17-25-20E-016

Drawing No.:	
Job Number:	
Date:	
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Revision	Date



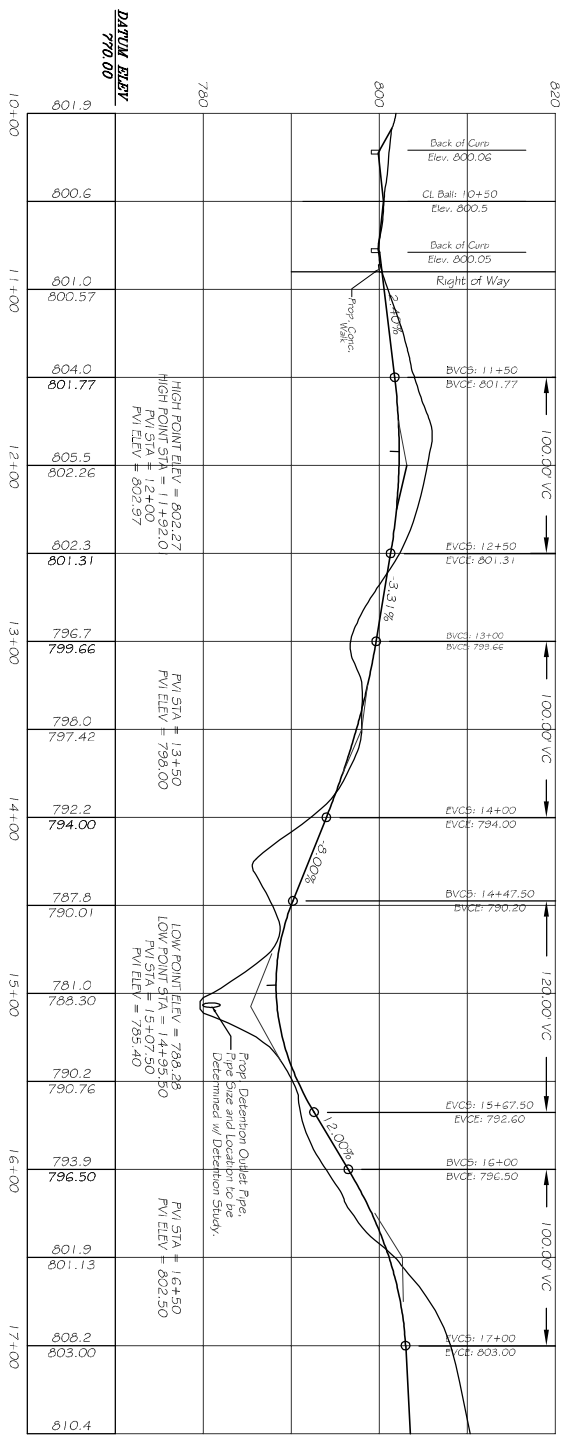
Belle Meade North  
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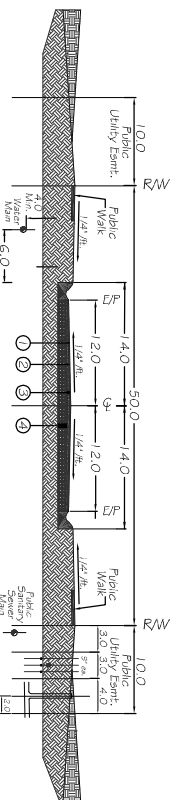
Belle Meade North  
Scale: 1" = 50'



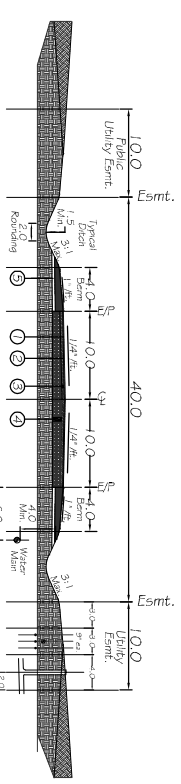
Branch Hill ~ Guinea



Legacy Estates Drive (Private)  
Scale: 1" = 50'



Public Road / Belle Meade North  
Local Street - Rural  
Aggregate Base  
N.T.S.

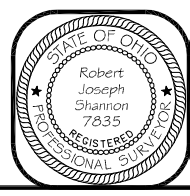


Legacy Estates Drive  
Private Drive Section  
Street in 40 Feet Easement  
Aggregate Base  
N.T.S.

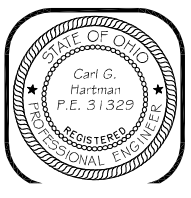
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- ② Item 407 - Tack Coat (Application Rate of 0.1 Gal/Sq Yd)
- ③ Item 446 - 3 1/4" Asphalt Concrete Intermediate Course, Type 1, PG64-22
- ④ Item 304 - 10" Aggregate Base

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- ④ Item 304 - 10" Aggregate Base

- ① Aggregate Drains, Per Dp-2.4



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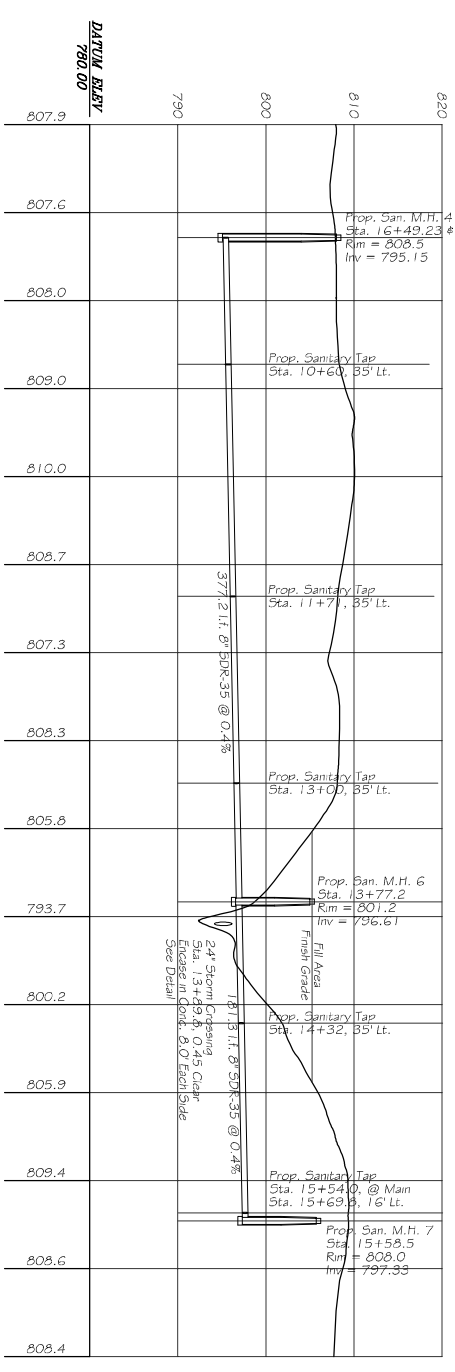
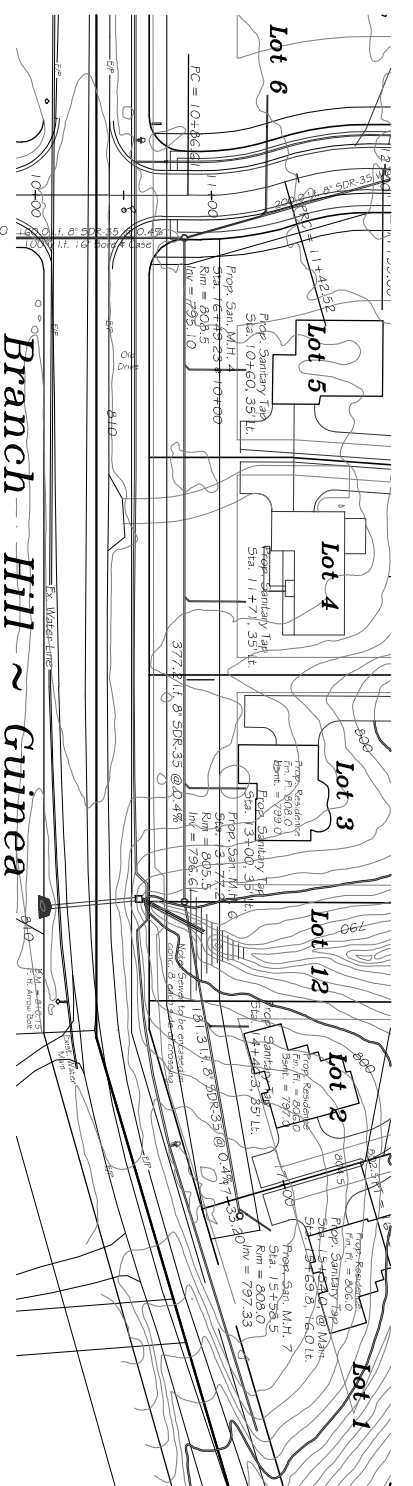


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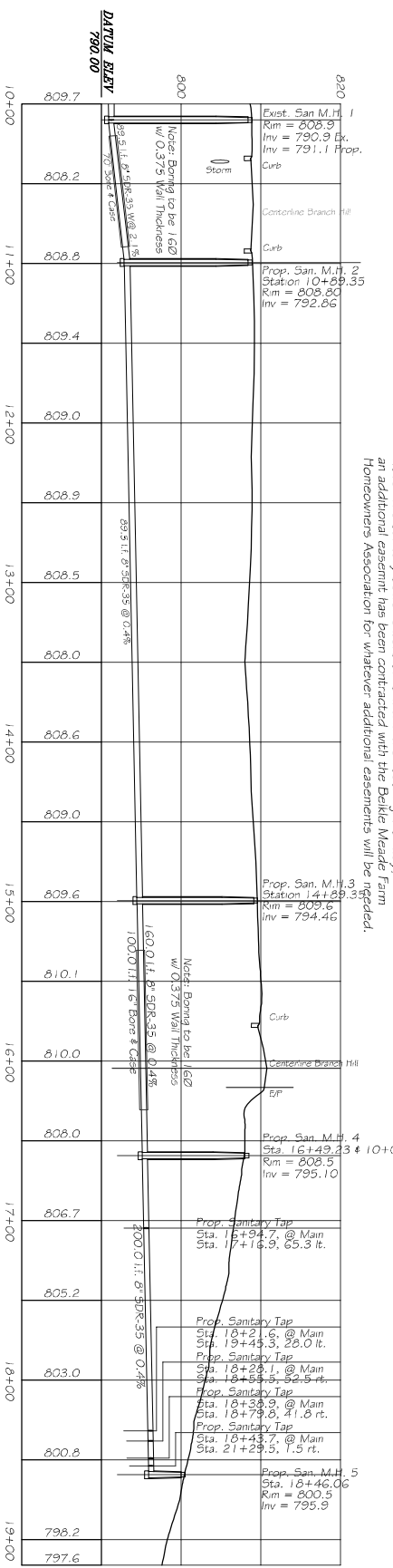
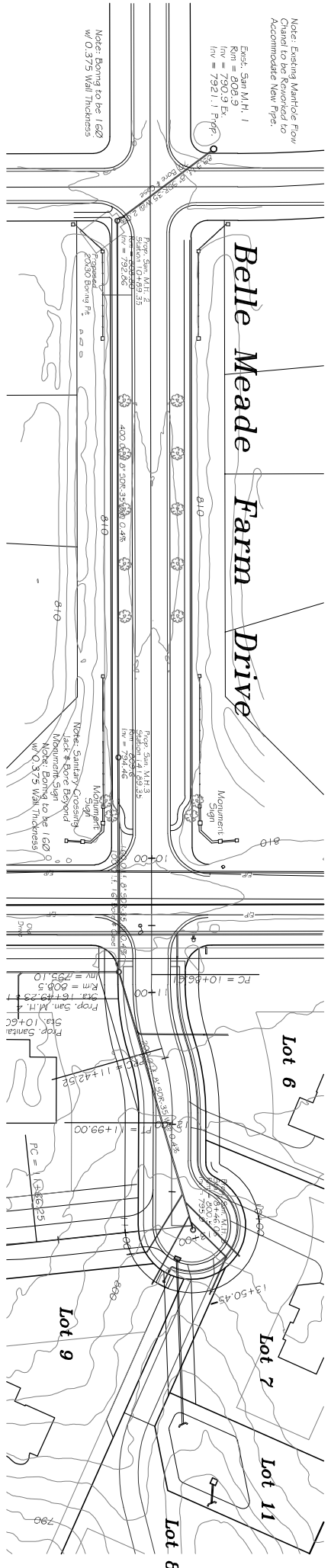
**Roadways - Plan & Profile**  
for  
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Miami Township, Clermont County, Ohio  
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Parcel No. 17-25-20E-016

Drawing No.:	
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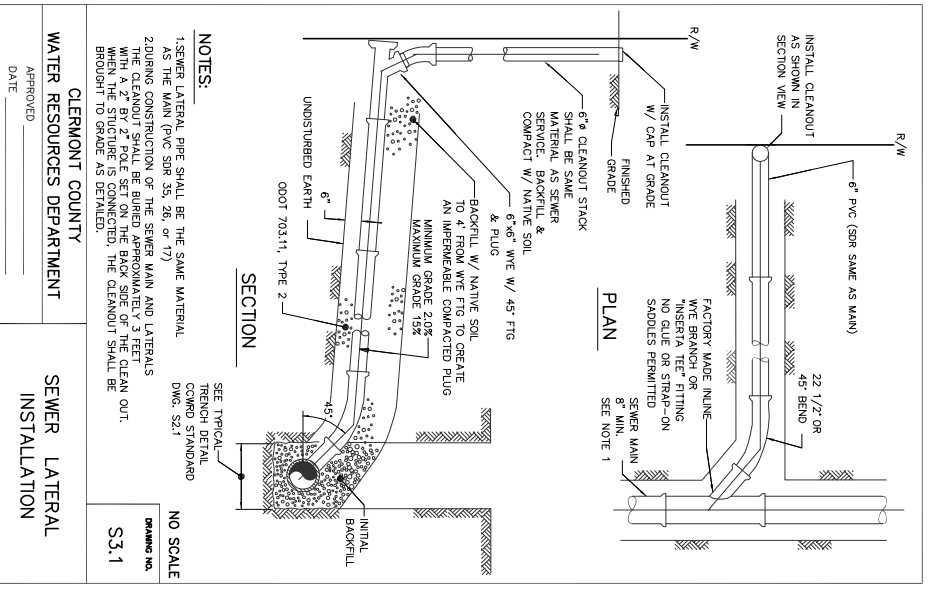
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Sanitary Along Branch Hill  
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Vert. 1" = 5'

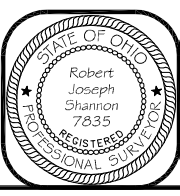


Sanitary Along Belle Meade  
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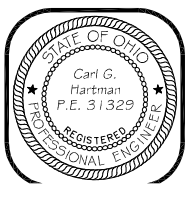


CLERMONT COUNTY  
WATER RESOURCES DEPARTMENT  
SEWER LATERAL  
INSTALLATION  
DRAWING NO. S3.1

**Robert Shannon**  
Field Services, LLC  
Robert Joseph Shannon  
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1794 State Route No. 125  
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**C. G. HARTMAN & ASSOC.**  
PROJECT ENGINEER  
3478 HOLLY RIDGE  
CINCINNATI, OHIO 45245



**Sanitary Sewer - Plan & Profile**  
for  
**Legacy Estates**  
Miami Township, Clermont County, Ohio  
Howell's Military Survey No. 1776  
Parcel No. 17-25-20E-016

Revision	Date

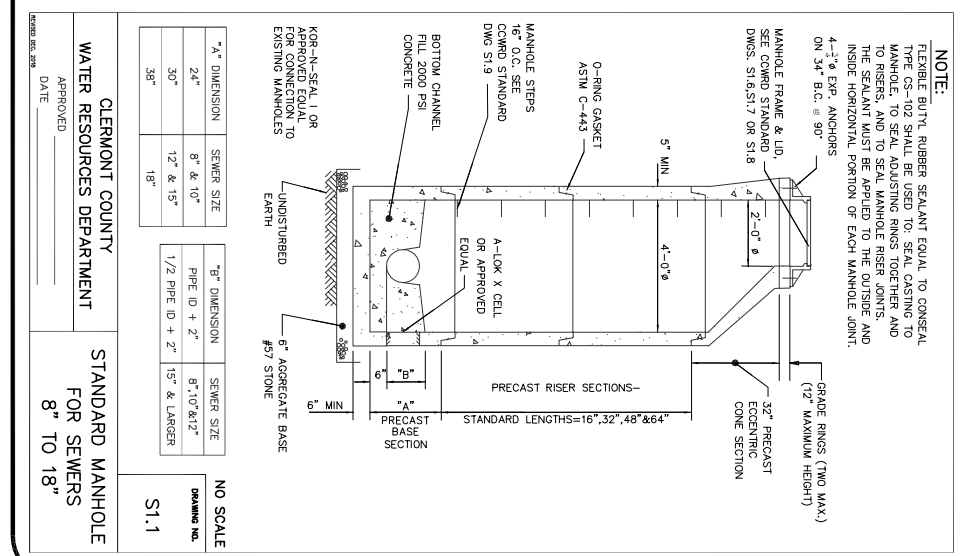
CLERMONT COUNTY  
WATER RESOURCES DEPARTMENT  
STANDARD MANHOLE  
FOR SEWERS  
8" TO 18"

NO SCALE  
DRAWING NO. SI.1

"A" DIMENSION	SEWER SIZE	"B" DIMENSION	SEWER SIZE
24"	8" & 10"	PIPE ID + 2"	8"10" & 12"
30"	12" & 15"	1/2" PIPE ID + 2"	15" & LARGER
36"	18"		

CLERMONT COUNTY  
WATER RESOURCES DEPARTMENT  
APPROVED \_\_\_\_\_  
DATE \_\_\_\_\_

Sheet  
4 of 4



**NOTE:**  
FLEXIBLE BUTYL RUBBER SEALANT EQUAL TO CONSTRUCTION SPECIFICATIONS SHALL BE USED TO SEAL MANHOLE TO SEAL ADJUSTING RINGS TOGETHER AND TO RISERS, AND TO SEAL MANHOLE RISER JOINTS. THE SEALANT MUST BE APPLIED TO THE OUTSIDE AND INSIDE HORIZONTAL PORTION OF EACH MANHOLE JOINT.  
4-1/2" EXP. ANCHORS  
ON 34" B.C. @ 90°  
GRADE RISERS (TWO MAX.)  
(12" MANHOLE HEIGHT)  
SEE C&M&D STANDARD  
DWGS. SI.6, SI.7 OR SI.8  
MANHOLE FRAME & LID  
DIMS. SI.6, SI.7 OR SI.8  
32" PRECAST  
ECCENTRIC  
CONCRETE  
SECTION  
PRECAST  
BASE  
SECTION  
STANDARD LENGTHS=16", 32", 48" & 64"  
A-LOCK X CELL  
OR APPROVED  
EQUAL  
POTENTIAL  
CONCRETE  
BOTTOM CHANNEL  
WITH  
16" O.C. SEE  
C&M&D STANDARD  
DWG. SI.9  
MANHOLE STEPS  
16" O.C. SEE  
C&M&D STANDARD  
DWG. SI.9  
O-RING GASKET  
ASTM C-443  
5" MIN.  
4'-0" @  
4'-2'-0" @  
UNDISTURBED  
EARTH  
6" MIN.  
6" MIN.  
6" ASPHALT BASE

# Exhibit B

## CLERMONT COUNTY PLANNING COMMISSION APPLICATION FOR DESIGN PLAN REVIEW

Date NOV. 20, 2024

A/P # \_\_\_\_\_

Name of Subdivision LEGACY ESTATES

Location NORTHSIDE OF BRANCH HILL GUNEA RD. OPPOSITE OF BELLE MEADE FARM DRIVE

Township MIAMI Military Survey HOWELL'S M.S. 1776

Complete Parcel Identification Number (PIN) 17.25.20E.016

Have ALL Concept Plan Review Letters been Obtained? YES  
*(See Design Plan Review Required Items Checklist, provide Documentation upon submittal)*

Name of Applicant CARL G. HARTMAN - AGENT FOR OWNER

Address 3478 HOLY RIDGE DRIVE

City CINCINNATI State OHIO Zip 45245

Phone 513-608-7918 Fax - Email engineercarlhartman@gmail.com

Name of Owner of property to be subdivided NOAH BERKHEIMER & RICHARD BROWN

Address 118 MISSION COURT

City LOVELAND State OHIO Zip 45140

Phone 513-535-1172 Fax - Email rbrown@mikebrownconstructionllc.com  
SOBREVOR. ROBERT SHANNON

Name of applicant's surveyor or engineer ENGINEER - CARL G. HARTMAN

Address ENGINEER - 3478 HOLY RIDGE DRIVE

City CINCINNATI State OHIO Zip 45245

Phone 513-608-7918 Fax - Email engineercarlhartman@gmail.com

Acreage owned 9.68 AC Acreage proposed to be subdivided 9.52 AC total parcel

Current Zoning Classification R-1 RESIDENCE

Proposed Zoning Changes NONE

Proposed Land Use SINGLE FAMILY SUBDIVISION

Is this a proposed "Special Development"? (See Article VII Sub Reg's) NO  
*(If yes, please attach completed "Special Development" Form)*

\* BUILDABLE

DEVELOPMENT CHARACTERISTICS:

Number of proposed lots 9\*

Typical lot width 100' @ Building Setback

Number of proposed unit's 9\*

Typical lot area 20,000 S.F. - MIN.

Single Family

Multi-Family \_\_\_\_\_

Acreage to be devoted to recreation, parks or open space NONE

Recreation facilities to be provided NONE

Proposed method of supplying water service PROPOSED PUBLIC MAIN & EXTENSION OF MAIN

Proposed method of sanitary waster disposal EXTENSION OF PUBLIC SANITARY SEWERS

*(If on-site disposal systems are proposed, please attach letter certifying Board of Health approval).*

APPLICATION FOR DESIGN PLAN REVIEW

Name of Subdivision LEGACY ESTATES

Are you requesting any variances from the Subdivision Regulations? NONE  
(If yes, please attach completed variance application form(s))

List all materials or attachments submitted:

- | Number       | Item  |
|--------------|---|
| A. <u>10</u> | <u>COMPLETED APPLICATION</u>                |
| B. <u>10</u> | <u>SETS OF COMPLETE DESIGN PLAN</u>         |
| C. <u>1</u>  | <u>CD OF SET OF DESIGN PLAN</u>             |
| D. <u>10</u> | <u>11"X17" REDUCED SETS OF DESIGN PLAN</u>  |
| E. <u>10</u> | <u>TRANSITUAL LETTER</u>                    |
| F. <u>10</u> | <u>CONCEPT REVIEW LETTERS FROM AGENCIES</u> |
| G. <u>10</u> | <u>SOILS MAP</u>                            |

AFFIDAVIT

I, CARL G. HARTMAN, the applicant herein, do apply for Design Plan approval for LEGACY ESTATES subdivision. I fully understand that the purpose of a Design Plan Review is to examine the basic design factors of a subdivision in order to ascertain whether the proposed design is acceptable and complies with applicable subdivision rules and regulations. I further understand that said Design Plan Review is conducted to approve the subdivision's overall design before detailed engineering and construction plans are submitted for administrative approval. I understand that the Design Plan Review requested constitutes a formal subdivision review pursuant to Section 711.10 of the Ohio Revised Code, and I specifically waive any rights to an approval under said statute until such time as this application for Design Plan Review is submitted to the Commission for approval and is deemed **COMPLETE** by their authorized representative. I certify that I have read the foregoing document and have answered all questions fully and frankly. The answers are complete and true of my own knowledge.

State of Ohio  
County of CLEVELAND

Carl G. Hartman R.E., P.S.  
Signature of Applicant

Subscribed and sworn to before me  
This 21st day of November A.D. 2024

[Signature]  
Notary Public

CURT G. HARTMAN, Attorney at Law  
NOTARY PUBLIC - STATE OF OHIO  
My Commission has no expiration  
2020, Section 147.03 O.R.C.

For Official Use

Date Received _____	Review Fee Paid _____ Check # _____
Action Taken: _____ _____	

**CARL G. HARTMAN P.E., P.S.**  
**3478 HOLLY RIDGE DRIVE**  
**CINCINNATI, OHIO 45245**  
**513 608 7918**

[engineercarlhartman@gmail.com](mailto:engineercarlhartman@gmail.com)

**Leonard Kendall**  
**Clermont County Planning Commission**  
**Main Street**  
**Batavia, Ohio 45103**

**Leonard**

**Re, Design Plan submittal**  
**Legacy Estates**

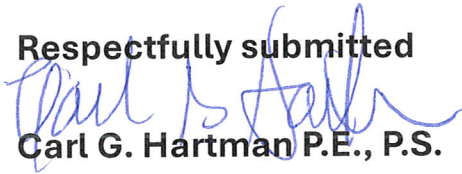
**In support of our request for Design Plan approval, we as agent for the wner are submitting the following;**

- **10 copies of**
  - **Completed application**
  - **Complete design plan --- 24 x 36**
  - **Complete design plan --- 11 x 17**
  - **Soils Map**
  - **Review letters of concept plan by the following agencies**
    - **Clermont Soil & Water Conservation District**
    - **Clermont County Water Resources Department**
    - **Clermont County Engineer**
    - **Clermont County Permit Central**
    - **Miami Township**
    - **Clermont County Public Health**
      - **All comments have been included in the design plans except for the Miami Township not pertaining tom sidewalks along Branch Hill Rd. A request for a variance from the Township Board of Zoning Appeals has been submitted. A public hearing is scheduled for December 4<sup>th</sup>. If unsuccessful a sidewalk will be included on the construction plans.**
- **A CD version of the design plan**

- Check for the application fee in the amount of \$450.00. Does not include the two unbuildable lots for storm water detention

If we can provide any additional information please advise.

Respectfully submitted



Carl G. Hartman P.E., P.S.



SOILS MAP  
LEGACY ESTATES

# Exhibit C



BOARD OF COUNTY COMMISSIONERS  
DAVID L. PAINTER • CLAIRE CORCORAN • BONNIE BATCHLER

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT

December 10, 2024

Design PL #759-2024

Carl G. Hartman  
3478 Holly Ridge Drive  
Cincinnati, OH 45245

Noah Berkheimer and Richard Brown  
118 Mission Court  
Loveland, OH 45245

## Re: Legacy Estates Subdivision – Design Plan Review

The Department of Community & Economic Development (CED) has completed its review of the Design Plan for Legacy Estates Subdivision. Please see the comments below:

### Township Conditions:

1. As noted in Mr. Hartman's cover letter, if the pending variance request to delete the sidewalk span along Branch Hill Guinea Pike is NOT approved, then the drawings will need to be revised to include that walkway.
2. For lots 1 – 5, please add a note, shading or some other demarcation stating that accessory structures (e.g., fences, sheds, pools, etc.) are not allowed within the secondary front yard setback along Branch Hill Guinea Pike.
3. Several agencies have directed that the detention facilities are to be located on a separate non-buildable lot. As re-drawn, Lot 2 now does not meet MTZR 5.07, "Every lot or tract of land shall have a minimum of 100 feet at the building line. . ."
4. With the detention facilities being required on a separate parcel, it is preferable to specify that they be contained within a drainage district or ditch petition, which confirms ongoing maintenance into the future. Placement of the responsibility on a Home Owners Association, which is specified in General Note 5, creates the risk that there is no responsible party should the HOA become defunct.
  - a. Is there a requirement in the CC subdivision regulations that detention facilities be placed on their own separate parcel, or is that an agency preference? Technically, a nonconforming lot as to dimension and area -even if limited to a non-buildable lot containing a detention facility- could be denied as a nonconforming lot under the zoning minimum spatial requirements. We have provided some latitude for "non-buildable" retention lots to be platted, however, there needs to be reasonable assurances that the properties and facilities will be maintained indefinitely.
  - b. Can it be required to place the detention facilities within a ditch petition or stormwater district to ensure ongoing maintenance?

### CED Conditions:

1. It is difficult to see the lot lines, panhandles, and proposed access drives for the subdivision, please include a clearer image.
  - a. A maximum of 5 lots can be served by a common driveway.
  - b. All lots using common driveways shall provide a driveway easement and maintenance agreement noted on the record plat.
  - c. Where multiple panhandles abut in platted subdivisions, a reduction in the street frontage width may be provided if it is shown that adequate space exists for utilities and the vehicular access to the lots is provided by a common driveway

2. The lot size, except for open space lots, shall be no less than the minimum requirement of the applicable zoning regulation governing the tract in question.
3. All lots shall be a sufficient size to meet the requirements of the Clermont County Health District Regulations for the proper operation of wells and/or septic system or other on site waste disposal.
4. Are sidewalks being proposed? The Planning Commission will determine whether sidewalks are required along all regional arterials, suburban arterials, and primary collector streets.
5. Will the “non-buildable” lots be open space? Section 521 (Open Space Ownership) of the Clermont County Subdivision Regulations will apply to those lots if so.
6. Include land in “open space” listed in “Area Breakdowns” on cover sheet.
7. There is a typo in the adjacent subdivision located on sheet 2 of the plan set: it states “Winding WSoods” Sub.
8. Include subdivision information for land to the west of the subject property, I believe it is slightly different than Winding Woods.
9. Include property owner information for adjoining parcels of undivided land to the southeast of the property.
10. Include zoning of adjoining land (PUD across Branch Hill Guinea Pike).
11. Include information regarding minimum lot width (100 ft.) in Zoning Classification List.
12. Final Design Plan Drawings must include the date when it was drawn (if not already shown).

CCEO Conditions:

- |    |          |   |
|----|----------|---|
| 1  | General  | The proposed Lots numbers need to be adjusted. The lots need to be numbered in a consecutive order.   |
| 2  | General  | Verify the correct lot numbers. Multiple lot number orders are shown upon the plans.  |
| 3  | General  | Rock Channel Protection (RCP) will need to be provided at all storm sewer outfalls.   |
| 4  | General  | The county road name needs to be changed to Branch Hill Guinea Road.  |
| 5  | General  | The Stormwater Detention Basin Easements need to be provided for both basins. The Easements need to contain the entire embankment.  |
| 6  | General  | Twenty (20) Foot Storm Sewer Easements need to be provided along the proposed storm sewers and outlet control structures.   |
| 7  | General  | Legacy Estates Drive needs to be clearly labeled as a "Private Street" upon the plans.  |
| 8  | General  | The Forty (40) Foot Private Street Easement needs to be clearly labeled upon the plans.   |
| 9  | General  | General Note No. 4 needs to be revised. Ingress/egress using Legacy Estates Drive (Private STREET) needs to separate from the direct access not to Branch Hill Guinea Road.   |
| 10 | General  | Note upon the plans that Lot 6 has no direct access to Branch Hill-Guinea Road.   |
| 11 | General  | Lots 11 and 12 need to be labeled as Open Space Lots.   |
| 12 | General  | A general reminder regarding roadway geometry; the minimum allowable street grade is 0.4%, maximum street grade is 12% (10% preferred), and the minimum centerline curve radius is 200’.  |
| 13 | 2/3 of 4 | Centerline Curve Data needs to be provided for the Two (2) curves located between Stations 10+86.61 and 11+99.00. The minimum centerline curve radius is 200’.  |
| 14 | 3 of 4   | The Label for the Legacy Estates Drive Plan/Profile and Typical Section need to be changed to Private Street.   |
| 15 | 3 of 4   | The Label for the Belle-Meade Farm Drive Typical Section needs to be changed to Local Street - Class 1.   |
| 16 | 3 of 4   | The Belle-Meade Farm Drive Typical Section needs to be adjusted to match the Clermont County Local Street - Class 1 / Aggregate Base Typical Section. The Underdrains need to be added to the detail. Additionally, the Aggregate Base needs to be extended past the proposed concrete curbs. |

WMSC Conditions:

1. Drainage Area  
Ensure the Drainage Area for the project is clearly identified and included in the submittal.
2. Drainage Calculations  
Provide detailed drainage calculations in compliance with the WMSC Subdivision Regulations.
3. Lot Number Consistency  
Verify that all Lot Numbers correspond across every sheet in the submittal package.
4. Emergency Spillway and Flood Routes  
Show all future emergency spillways and flood routes over private driveways with private drainage easements clearly marked.
5. Subdivision Sketch and Final Lot Numbers  
Ensure the Subdivision Sketch lots match the final lot numbers as assigned.
6. Drainage for Lots 1 & 2  
Demonstrate how Lots #1 and #2 will drain into the detention basin on Lot #12 rather than by natural flow to adjacent properties to the north.
7. Storm Sewer Easements  
Provide 20' private drainage storm easement designations, including cross-sections and detailed designs for all proposed storm sewers.

WRD Conditions:

1. The current plan shows the sanitary sewer connection off the new cul-de-sac which will need to show the clean outs with a more visible label and symbol.
2. Label each sanitary sewer lateral and connection with type of connection, size. Label should be clearly visible, if using standard acronym(s) it should have a legend on that sheet.
3. The current plans show the proposed water main (currently under design); this is not the existing water main. Plans need to show connections to an existing water main which is labelled on the plan sheets. The existing water main will require Lots 1 through 4 to have access from across Branch Hill-Guinea Pike.
4. Appropriate spacing is required between utilities when placing water and sewer near each other in both the horizontal and vertical directions (see specifications on county website). Public and Private services shall not cross without approval from the Director of CCWRD.
5. Water meters are not shown or labelled on the plan sheets.
6. Missing applicable water utility details which include meter set details. Include W1.2 for valve restraint blocking for where water line ends. See the county website for details and provide in the plan sheets where appropriate.
7. The fire hydrant needs a labelled 15-foot easement for CCWRD.

S.W.C.D Conditions:

1. Detention and treatment will need to be provided for runoff from the subdivision as a whole. Under the current design plan, there is no detention or treatment of the runoff from several lots and the private drive.
2. Easements will be needed for both basins, storm sewers outside of the public road right-of-way, and the watercourse that runs along the northern boundary of the subdivision
3. Detention basin easements which incorporate the 100-year storm elevation should be contained within the non-buildable detention lots.
4. Capacity of detention and the water quality volume to be treated for the basin on Lot 12 shall be determined by the amount of runoff draining to the detention structure, including that coming from off-site. Alternatively, off-site runoff may be routed around the basin.
5. A downstream hydraulic analysis will be needed (recommended to Miami Trails Drive).



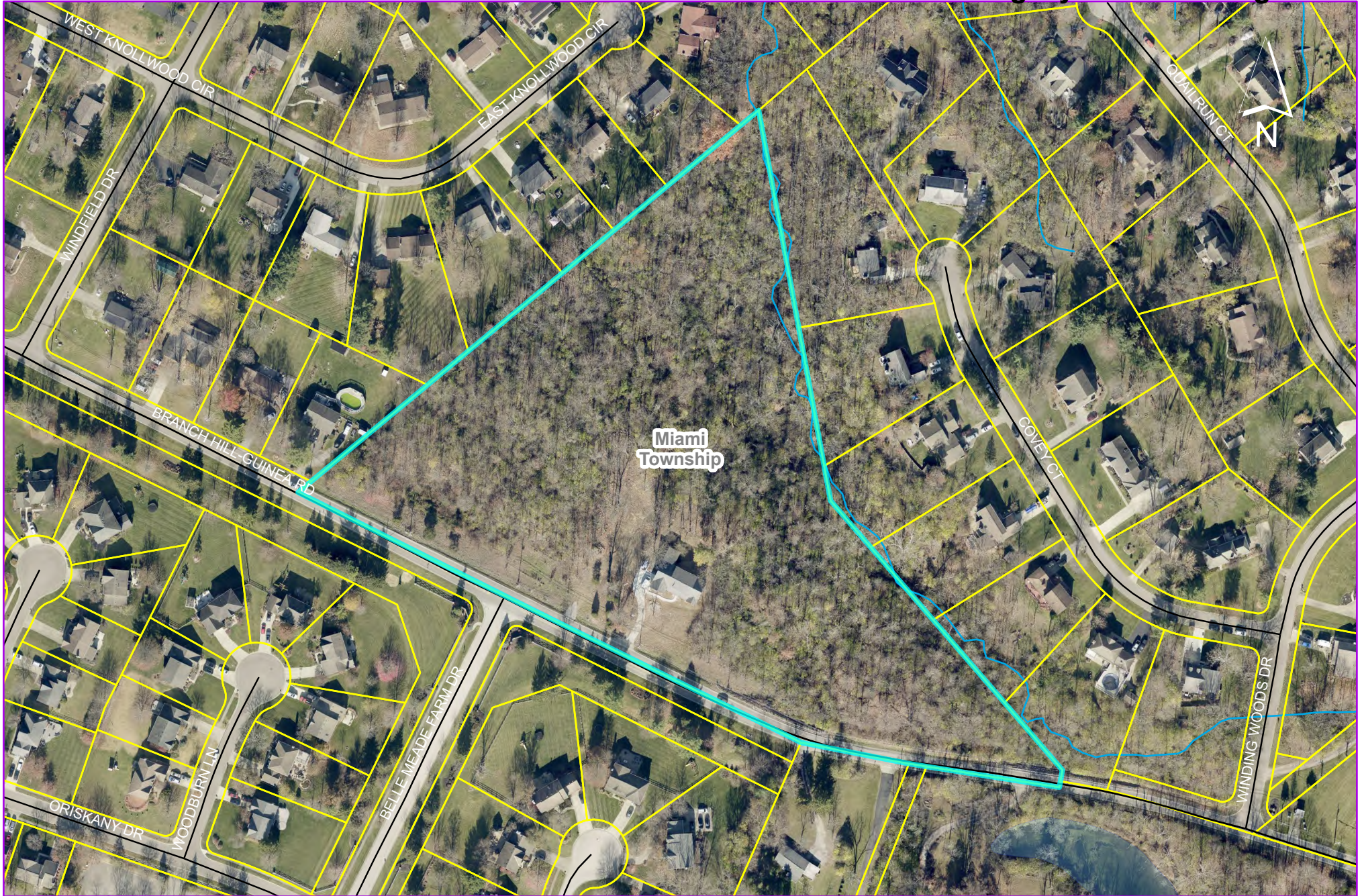
6. Due to the small number of lots, we recommend petitioning the Clermont County Engineer's Office to incorporate the storm sewer infrastructure outside the road right-of-way into the existing stormwater district.

If you have any questions or concerns regarding any of my comments, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. Kendall", is written over the word "Sincerely,".

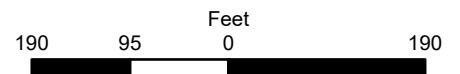
Leonard Kendall, AICP  
Clermont County Department of Community and Economic Development  
101 East Main Street, Third Floor, Batavia, OH 45103  
P. 513-732-7904 [lkendall@clermontcountyohio.gov](mailto:lkendall@clermontcountyohio.gov)



**PROPERTY INFORMATION:**

Parcel Number: 172520E016

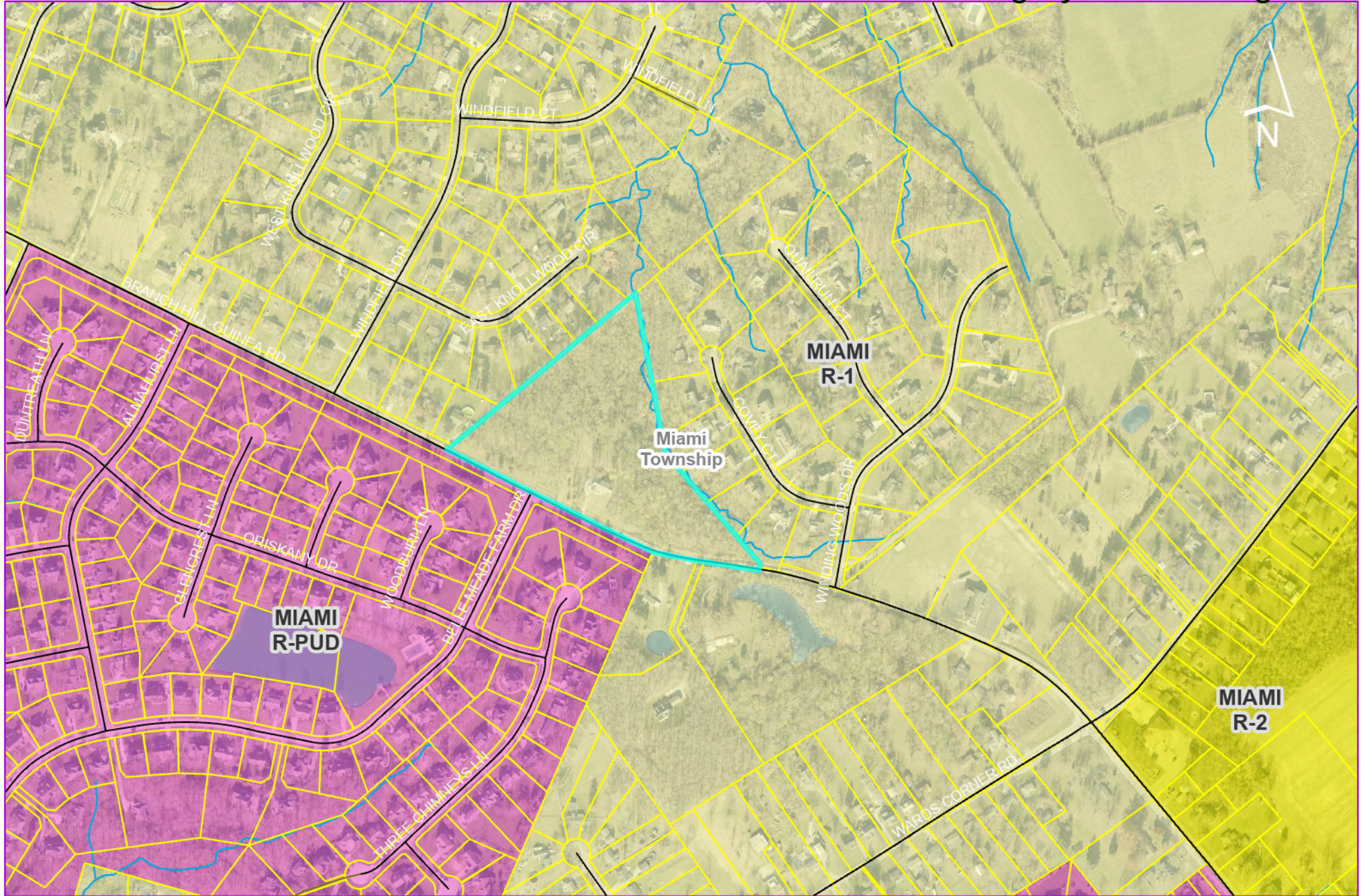
Total Site Area: +/- 9.68 ac.





**PROPERTY INFORMATION:**  
 Parcel Number: 172520E016  
 Total Site Area: +/- 9.68 ac.





**PROPERTY INFORMATION:**

Parcel Number: 172520E016

Total Site Area: +/- 9.68 ac.



# Exhibit G

BOARD OF TRUSTEES  
MARY MAKLEY WOLFF  
KENDAL A. TRACY  
MARK C. SCHULTE

FISCAL OFFICER  
ERIC C. FERRY

ADMINISTRATOR /  
PUBLIC SAFETY DIRECTOR  
STEPHEN M. KELLY



ADMINISTRATION  
513-248-3725  
513-248-3730 (FAX)  
COMMUNITY DEVELOPMENT  
513-248-3731  
SERVICE DEPARTMENT  
513-248-3728  
POLICE DEPARTMENT  
513-248-3721  
FIRE & EMS  
513-248-3700  
RECREATION  
513-248-3727

## MIAMI TOWNSHIP

6101 MEIJER DRIVE • MILFORD, OH 45150-2189

December 11, 2024

*Via e-mail*

Mr. Leonard Kendall, AICP  
GIS Analyst 2  
Clermont County  
Community + Economic Development  
101 E. Main St  
Batavia, OH 45103  
[LKendall@ClermontCountyOhio.gov](mailto:LKendall@ClermontCountyOhio.gov)

Cc: Carl Hartman, PE, PS  
[Engineercarlhartman@gmail.com](mailto:Engineercarlhartman@gmail.com)

Re: Legacy Estates Subdivision, Miami Township (Clermont County), OH

Dear Leonard:

Following the Design Plan review meeting for Legacy Estates Subdivision at your office on 12/10, we wanted to submit to you these comments to be shared with the Clermont County Regional Planning Commission (“RPC”) about the proposed subdivision. Based upon discussion in that meeting, it appears Mr. Hartman and the Legacy Estates development team agree with these comments and just need some assistance in how to proceed to satisfy all agencies. We would respectfully request the RPC to consider the following:

1. The RPC require as a condition of approval that, in addition to the interior public street, that sidewalks be installed along the subdivision boundary fronting on Branch Hill Guinea Pike the length of the subdivision frontage. Installation of that sidewalk span is required by Miami Township Zoning Resolution (“MTZR”) Section 25.08C, which states as follows:

#### *25.08 SIDEWALKS*

*C. In any case where a platted subdivision or multi-family development abuts a collector or arterial street, sidewalks shall be provided along the collector or arterial for the entire distance the property abuts said street.*

On December 4, 2024, the developer was heard by the Miami Township Board of Zoning Appeals on his request for a variance to waive the sidewalks, which was denied.

2. The RPC require a condition that for lots 1 – 5, please add a note, shading or some other demarcation stating that accessory structures (e.g., fences, sheds, pools, etc.) are not allowed within the front yard setback along Branch Hill Guinea Pike.
3. The RPC require a condition that all lots including detention lots must meet the minimum dimensions of the zoning district. Substandard lots may be approved if necessary for detention, only if demarcated as “unbuildable” AND if there is means such as a ditch petition or stormwater district in place prior to the record plat being recorded to guarantee future maintenance. In such case, all buildable lots still **MUST** meet minimum zoning dimensional requirements. Alternatively, placement of the retention facilities on a portion of a buildable lot would be acceptable as well.

Based on discussion in the Design Plan review meeting, we understand the development team will be reaching out to the Clermont County Engineer’s Office for assistance in creating the district or ditch petition if necessary.

Township Planner Jamie Kreindler is planning to attend the 12/17 RPC meeting should there be any questions. Thank you for considering these comments.

Sincerely,



Brian Elliff  
Planning & Zoning Administrator

Cc: Jamie Kreindler, Township Planner