

**ANDERSON TOWNSHIP ZONING COMMISSION
JANUARY 22, 2024**

The Anderson Township Zoning Commission held a regular meeting, duly called, on January 22, 2024, at 5:30 P.M. Present were the following members:

Ben Henson, Chair, Jonathan Gothard, Vice Chair, Brian Elliff, Michael Doenges and Janet Baker

Also present when the meeting was called to order were Paul Drury, Director of Planning and Zoning and Sarah Donovan, Assistant Director of Planning and Zoning. A list of citizens in attendance is attached.

Mr. Henson welcomed everyone and reminded all to sign in at the front of the doorway.

Approval of Agenda

Mr. Gothard moved, Mr. Elliff seconded, to approve the agenda for tonight's meeting with no changes. **A unanimous vote was taken**

Approval of Minutes

Mr. Henson stated that we do not have quorum to take a vote on minutes.

CASE 1-2024 ANDERSON

Mr. Drury stated that this is a public hearing for Case 1-2024 Anderson and read the staff report for an application filed by Josh Blatt, on behalf of John Henry Homes, on Eight Mile Development Company, property owner, located at 1303, 1291, 1279, and 1267 (Book 500, Page 41, Parcels 210, 1478, 212, 213, 1481), zoned "C" Single Family Residence.

Mr. Drury stated the applicant is requesting a zone change from "C" Single Family Residence to "DD" Planned Multiple Family Residence for the property located at 1303, 1291, 1279, and 1267 Eight Mile Road. The applicant is proposing to construct six two-story townhome buildings, with a total of 36 units, 15 off street parking spaces and landscaping. The overall proposed density is 7.09 units per acre, less than the allowed 7.26 units per acre.

Mr. Drury stated the tract is 5.0754 acres, with approximately 337' on Eight Mile Road, the topography on the site is relatively flat with a decrease in grade towards the east (Parcel 1481), the existing use is vacant land.

Mr. Drury stated that there were previously four single family residences on the properties, however, they have since been torn down and the land is vacant. Three of the parcels (500-41-212, 500-41-213, 500-41-1481) were approved for a Future Land Use Map amendment in 2019 for a change from "Single Family Residence" to "Transitional Residence." The Future Land Use Map amendment was approved, under a previous property owner, with the intent of constructing 24 condo units in one three story

building, with parking below, as well as 13 single family lots, known as Dacey's Landing.

Mr. Drury stated that the previous owner, then decided in 2021 to move forward with 16 single family lots on this site. Known as Hummingbird Court, the subdivision was approved through Hamilton County, but never constructed.

Mr. Drury stated that an open house was held in September of 2023 to discuss the Future Land Use Map amendment, as well as a potential Zone Change request. Notices were sent to property owners within 200' of all parcels under consideration. Six neighbors were present and expressed concerns of traffic along Eight Mile Road, density, buffering to adjacent single- family lots, and water with the creek running through the rear of the eastern most parcel. The current property owner applied and was approved for a Future Land Use Map amendment for two adjacent parcels (500-41-210, 500-41-1478) for a change from "Single Family Residence" to "Transitional Residence" in December of 2023.

Mr. Drury stated that Hamilton County Regional Planning Commission held a public hearing on January 4, 2024 in regards to Case 1-2024 Anderson. Hamilton County Regional Planning Commission staff recommended approval of submitted plans with conditions. The Hamilton County Regional Planning Commission vote resulted in 3 yes, 1 no, which is considered a recommendation of denial.

Mr. Drury stated that letters of correspondence from various agencies are attached for review. A summary of the issues raised by these agencies are as follows:

- County Engineer – Five comments, including the need for the applicant to submit an intersection Sight Distance Study for the driveway
- Hamilton County Planning & Development, Conservation District – Standard review comments
- Metropolitan Sewer District – Conditional availability of sewers
- Hamilton County Soil & Water – Standard review comments
- Cincinnati Water Works – No comments
- Ohio Department of Transportation – No comments
- Anderson Township Fire and Rescue – No comments
- Ohio Environmental Protection Agency – No comments
- The Hillside Trust – No comments

Mr. Drury stated that items for the Zoning Commission to consider include, but are not limited to the following:

Anderson Plan- Staff believes that the application in Case 1-2024 Anderson is consistent with the following sections of the 2022 Comprehensive Plan Update:

Land Use and Development: Anderson Township will be a well-planned community with a mixture of agricultural uses, residential neighborhoods, commercial centers, and an industrial base balanced with public uses, parks and other recreational uses.

All parcels in question have been approved for a Future Land Use designation of “Transitional Residence”. “Transitional Residence” is defined as: *Moderate density, detached or attached housing that provides a transition between single-family residential and other types of development, where such uses will effectively terminate the spread of higher intensity uses and conserve the adjacent residential neighborhoods. Related compatible uses include neighborhood serving schools, parks, churches and public facilities and does not include office, commercial, and industrial uses.*

The proposed application has a slightly lower density, 7.09 units per acre, than what is allowed within the “C” Single Family Residence zoning designation of 7.26 units per acre.

7.2.1 Protect single family neighborhoods from higher intensity uses by implementing landscape buffers or the development of transitional uses.

Housing:

4.1.2 Encourage the development of a variety of housing options, at varying price points, to attract and retain a diverse population and that include open spaces, sidewalks, trails and other neighborhood scale amenities.

4.1.3 Encourage the development and redevelopment of a variety of housing styles and densities in appropriate areas of the Township.

The Township should provide a variety of businesses and housing options to meet changing demographics and market demands.

Mr. Drury stated that the proposed development is non-compliant with the following articles of the Zoning Resolution:

Article 3.9, D, 2 – Front Yard Setback

No building shall be closer than forty (40) feet to any front or rear lot line.

Findings: Building 1 is shown to be 31’ from the front property line along Eight Mile Road.

Mr. Drury stated that **Anderson Township Design Guidelines:**

Site Planning

Site planning goals include (but are not limited to), “Developments should be integrated into the commercial areas and the immediate context through street connections, sidewalks, connecting outdoor spaces, land use transition and compatibility, and building scale and character, which respects the uniqueness of each property and reinforces the Township’s sense of place and character and seeks a balance between serving both automobile and pedestrian movement.”

Findings: The applicant has submitted a landscaping plan which adequately buffers the site as a transitional residence development to the adjacent single family residence districts. In addition, the site provides sidewalks within the development, as well as along Eight Mile Road to create pedestrian access both to the site, as well as to Beechmont Avenue. While considered multi-family, the development is proposed to maintain a single-family residential scale by limiting the height of each building to two and a

half stories, which is what is permitted in the adjacent residence districts. In addition, the applicant has designed building 1 to have a street facing appearance, with garages in the back to eliminate additional driveways along Eight Mile Road.

Architecture

Building designs that thoughtfully consider scale, form, orientation, height, setback, massing, materials, color and architectural features.

Findings: The applicant submitted elevations for the buildings, which show a variety of materials, including stone and siding. The applicant is proposing to have the height at a maximum of two and a half stories, which is what is permitted in the adjacent single family residence districts. In addition, the applicant has stated that Building 3, which side faces Eight Mile Road will have a stone façade in order to provide a residential character to the side of the building.

Lighting

Exterior lighting should be designed to provide the minimum level of illumination necessary for security, safety and visual appeal for both pedestrians and vehicles. *The applicant submitted a lighting plan which is in compliance with the Anderson Township Zoning Resolution.*

Mr. Drury stated Anderson Trails Plan:

The proposed development identifies an interior sidewalk for the whole length of the south side of the private drive, as well as a portion of the north side of the private drive, as well as a 5' wide sidewalk along Eight Mile Road.

Staff is of the opinion that a future cross access easement should be provided to the northern most property line for emergency and pedestrian access. If the property to the north were ever to develop, this could give the future residents of both developments a pedestrian connection.

Tree Committee

The Committee provided a letter that states in part: *After reviewing the site plan, the Tree Committee was satisfied with the variety of trees and the species being proposed. The introduction of new species to the site will lead to a more diverse tree canopy as the committee attempts to minimize the risk from future tree pests and diseases.*

We also ask that the applicant follow ANSI A300 Standards for tree planting and future care of the proposed trees. The committee encourages the applicant to avoid volcano mulching when planting, avoid planting invasive species, and to select trees that grow well in small spaces. Proper maintenance includes pruning as recommended by ANSI A300 Tree Care Standards.

Mr. Drury stated that staff recommends approval of the request for a zone change from "C" Residence to "DD" Planned Multiple Family Residence District as:

1. The proposed zone change to "DD" is consistent with the Land Use map and text from the 2022 Anderson Township Comprehensive Plan Update and goals from the Housing and Land Use and

Development Chapters, as well as the Design Guidelines.

2. The proposal is in substantial conformance with the Anderson Township Zoning Resolution.
3. The essential character of the neighborhood will not be substantially altered by the development due to the residential character proposed between the height of the structures to the materials used and site planning strategies used. The proposed density is also less than the underlying requirement of the "C" Single Family Zoning District.
4. The health and safety of the neighborhood and the Township are maintained.
5. The proposed use of the site provides an opportunity for the applicant to realize a reasonable profit (not necessarily a maximum profit) from the applicant's use of the subject land.

Mr. Drury stated that the findings for the following variance are below:

Variance: Article 3.9, D, 2 – Front Yard Setback

No building shall be closer than forty (40) feet to any front or rear lot line. Findings: Building 1 is shown to be 31' from the front property line along Eight Mile Road.

1. Staff is of the opinion that the variance is not substantial. The applicant has modified the plans for Building 1 to have rear facing garages which come in off the private drive, rather than Eight Mile Road. If the building faced Eight Mile, there would be six additional driveways. The 9' variance allowed the driveways to go behind the buildings, as well as still provides ample room for a sidewalk and landscaping along the Eight Mile frontage.
2. The essential character of the neighborhood will not be altered, the houses that were previously on the site sat less than 30' from Eight Mile Road.
3. The variance will not adversely affect the delivery of governmental services.

Mr. Drury stated that Anderson Township staff recommends the following conditions if approved:

1. That the parcels be consolidated into one parcel.
2. That a future cross access easement to the northern property line for emergency and pedestrian access be shown on the Final Development Plan.

Mr. Doenges asked specifically what the mixture of materials are. **Mr. Drury** replied that staff will let the applicant speak to that.

Mr. Doenges asked what the benefit of having the parcels be consolidated. **Mr. Drury** replied that since these are proposed to be residential and rental, it would be one property parcel number and address, which makes it easier for the Hamilton County Auditor.

Mr. Elliff asked if there is decent and substantial natural vegetation where it is proposed to be kept on the plan. **Mr. Drury** referred to the drone photo and stated that the applicant can speak to the specific area.

Mr. Elliff asked about the status of Cherry Lane and the impact on the private drive. **Ms. Donovan** replied that Cherry Lane is a private drive, so the residents on Cherry are responsible for any improvements to the street and that this development would not have any impact to the existence of

Cherry Lane. Ms. Donovan also added that the applicant is proposing landscaping to buffer the development and Cherry Lane.

Mr. Elliff asked about the Trustee decision for the Land Use Change. **Ms. Donovan** replied that the Trustees ultimately approved the recent Future Land Use Map Change for the northern two parcels, pointing out that the Trustees also heard public testimony and commented on this being the stop for Transitional Residence on Eight Mile Road.

Mr. Elliff asked about the traffic impact study versus the site distance study discussed in the County Engineer's response. **Mr. Drury** replied that the applicant can touch more on the traffic impact study, however, the County Engineer stated that the development did not warrant a new study since one had been done for 37 units in the previous applications for this site.

Mr. Gothard asked if public services have looked at the potential easement to the north. **Mr. Drury** replied that it is a future easement, similar to ones we condition and approve in commercial projects and while the fire department has not looked at details of it, it is really in place in case the property to the north develops.

Mr. Henson asked about the reasoning behind the denial at Hamilton County Regional Planning Commission. **Ms. Donovan** replied that during the Hamilton County Regional Planning Commission meeting, that Township staff agreed with Hamilton County Regional Planning staffs' recommendations, however only four members were present. Therefore, when a motion of approval was made, the Commission voted with 3 yeas and 1 no, which due only having four members resulted in a recommendation of denial of the motion.

Josh Blatt, of John Henry Homes, stated that during the Hamilton County Regional Planning Commission, he believed the conversation was positive, but then the Commission voted and it was a denial, caught him by surprise. Mr. Blatt stated that the building materials will be reflective of the houses on Eight Mile, such as brick, siding and stone. He added that the heights will be similar as well, with nothing taller than two-stories. Mr. Blatt stated that the buffer they are providing surrounding the project is in order to protect the adjacent neighbors on Cherry as well as to the north. He stated that the ultimate goal is to create high end units. He stated that there have been multiple projects on this site that have not worked with the topography and they are looking to bring this project to life. He provided history of their company, as well as examples of projects they have done on the east side of Cincinnati. Mr. Blatt stated that they have heard the neighbors and concerns regarding traffic on Eight Mile Road. He stated that the Hamilton County Engineer stated that the number of units they are preparing to put in would not create an impact to warrant changes on Eight Mile Road.

Mr. Doenges asked what specifically the siding is. **Mr. Blatt** replied that it will be a thicker vinyl siding.

Mr. Doenges asked what the anticipated sale price is. **Mr. Blatt** replied that they will be rental units and they are currently estimating around \$2200 a month.

Mr. Doenges asked how the grade and the sewer is easier in this plan, compared to the 16 single family units, **Mr. Blatt** replied that with basements, it is hard to get the sewer in and the home sites were tight and compact.

Mr. Elliff stated that a cement board siding would probably be more ideal than a vinyl siding, and stated that it would probably look more attractive if the stone was around all sides of the homes. **Mr. Blatt** replied that the cement board does require more maintenance because it doesn't hold color as well. **Mr. Blatt** stated that if required, they could do it. He added that on all visible perimeters with the stone would look best.

Mr. Elliff asked what specifically the existing vegetation is on the northern property line that is proposed to stay. **Mr. Blatt** replied that their goal is to maintain the most existing vegetation as possible, but that if they need to add more vegetation in that area, they would absolutely do it.

Mr. Elliff asked if there is a letter from the Hamilton County Engineer. **Mr. Drury** replied that he has received an email from the County Engineer and that they are in agreement. **Mr. Blatt** stated that after the first round of public hearings, they went back to the Engineer and reconfirmed as well that they would not need to make any road improvements.

Mr. Gothard stated that the northern most corner's vegetation probably does need to be increased. **Mr. Gothard** asked if landscaping has been considered around the west property line, near the detention basin. **Mr. Blatt** stated that they are willing to add more if it is seen as needed, and that they want to make it the best possible screen for the existing and future residents.

Mr. Gothard stated that white pines grow quickly, but they tend to not mature very well. **Mr. Blatt** replied that they will be the sole owner and will replace any dead trees needed and will have a professional landscaper on site.

Mr. Henson asked if the landscaping will only be shrubs and flowers or if there will be any decorative trees on the interior. **Mr. Blatt** replied that it is the typical residential package for landscaping, but they would put more landscaping in if required to do so.

George Sullivan, 1294 Eight Mile Road, stated that this property was never intended for multiple residences. He stated that the first developer that tried this was turned down for their application. He stated that the traffic in front of this site is horrible. He stated that it is entirely too many units for this site. He stated that they won't be able to get a fire truck in there and that in the case of a serious fire, those in the development would be in danger, as well as the existing residents surrounding the site. He stated that they didn't come to the residents with a proposal, and they are jeopardizing the people already living on Eight Mile Road. **Mr. Sullivan** stated that the traffic numbers were not given to the residents about the number of cars and number of accidents that occur on Eight Mile and Beechmont. He stated that the people that live on and off Eight Mile should be the priority, not another new

development to shove more people in this area.

Linda Harrison, 8588 Denallen Drive, stated that the public hearing sign is very small and hard to see and that people might not even know about this proposed development due to the size of the sign. She stated that there is no sidewalk where this development is proposed to go which is not beneficial to the existing or future residents. She asked if the townhomes would be in line with the existing homes on Eight Mile Road. She stated that she is worried about the sewer system and its capacity. She stated that the Twelve Oaks development on Clough looks horrible because there is no sidewalk and no landscaping, whereas the development on Wolfangel, the Commons, is well landscaped and maintained. She asked what the folks on Cherry Lane will see. She stated that there are more rental units in the Township than we have ever had and asked how many are even completely rented.

Jay Moore, 1311 Eight Mile Road, stated that in the northwest corner, there are trees right on the property line that the applicant is not showing. He stated that there is about 10 feet of elevation change in the northwest corner. He stated that Cherry Lane is getting orphaned in between this zone change, sticking them between a commercial district and the multi family residence. He stated that if you're going to go down Cherry Lane and look at the back of new townhomes, this might not be how we want to treat our existing residents. Mr. Moore stated that during the land use planning process, he had never been more disappointed with the elected officials. He noted that they told him to get with the change and accept that rental is the future. He added that while the traffic might not impact the entire Township, it will greatly impact the residents that live in the 2-mile radius around the site. He stated that the surrounding uses are all single family, and presented the district regulations for the "C" Single Family Zoning District. He stated that while this development might be 7 units per acre, it does not equate to what is actually allowed to be there currently. He stated that one entire acre will be used as a detention basin, which takes the density per acre to 9 units per acre, which is not equal the "C" Single Family. Mr. Moore stated that on page 33 of the Zoning Resolution, that the plan shall not be approved unless the Zoning Commission specifically makes a finding that the development will be harmonious to the overall neighborhood.

Susan Moore, 1311 Eight Mile Road, stated that they did not go to the Hamilton County Commissioners meeting and asked if someone could clarify the easement to the north. She stated that they are the property to the north and that the previous tenants of the single family homes to the south would drive through their property. She stated that she would like the easement explained to her because she is concerned over fire trucks using that and even pedestrians.

Jim Watson, MSP, 3700 Park 42 Dr., and Mr. Blatt responded to questions, stating that all of the units will be 2-story units and that they are the same distances setback from Eight Mile as the houses that were previously there. **Mr. Drury** added that the setbacks are compatible with the houses across the street on Eight Mile, as well as the ones further north. Mr. Drury stated that the sidewalk will extend across the front of the property on Eight Mile, connecting to the sidewalk adjacent to Cherry Lane and then would connect south to Beechmont.

Mr. Drury stated the reasoning behind the easement to the north and stated that it would only go to the property line, that the actual improvements are not proposed, and that it is just if future development were to happen to the north, then a connection would be under consideration.

Mr. Elliff asked if the fire department has reviewed this application. **Mr. Drury** replied that the fire department has reviewed this and that they did not have any comments. **Mr. Elliff** asked if MSD has reviewed this, **Mr. Drury** replied that staff has received a sewer availability letter.

Mr. Elliff asked for clarification on the sign that the Township posted. **Mr. Drury** replied that we have received concerns over the signs being visible and that the hope is it will bring attention to the property in question and direct people to the Township website.

Dr. Baker asked if there were details given on traffic. **Mr. Drury** replied that Hamilton County is the authority on Eight Mile Road and that they make the decisions on anything that will happen. He added that when an applicant submits an application to the Township, it is routed to the county. He stated that since there was a traffic study completed with a previous submittal, the current applicant updated the numbers and the County reviewed it again to see if improvements were warranted. It does not say that traffic is bad on Beechmont or Eight Mile and does not say that they need to fix all the traffic in the area, it just means that this application does not create an impact to warrant any improvements for the development. It does not say that study isn't warranted on Eight Mile in the future. **Mr. Drury** stated that the Township worked with ODOT to add a turn lane from Beechmont, as well as studied Clough and Eight Mile to make improvements there to help this. He stated that the Zoning Commission is here to look at land use and items from the adopted plans.

The public hearing was closed at 6:38 PM

DECISION

Mr. Gothard moved, **Mr. Doenges** seconded to approve Case 1-2024 Anderson, for the properties of 1303, 1291, 1279 and 1267 Eight Mile Road (Book 500, Page 41, Parcels 210, 1478, 212, 213 and 1481), as recommended by staff, with the conditions and variance from staff.

5 Yeas

CASE 10-1970 ANDERSON MAJOR MODIFICATION

Mr. Drury stated that this is a public hearing for Case 10-1970 Anderson Major Modification and read the staff report for an application filed by Garret Allegree, Property Manager for Anderson Square Apartments, on behalf of Anderson Square Apartments LLC, property owner, located at 7885 Beechmont Avenue (AKA 1100 King Louis Court) (Book 500, Page 203, Parcel 191), zoned "DD" Planned Multi-family.

Mr. Drury stated the applicant is requesting a Major Modification to the Final Development Plan for Case 10-1970 Anderson for the construction of a 960 SF barn for maintenance and storage.

Mr. Drury stated the tract is 6.353 acres, with approximately 40' on King Louis Court, the topography is relatively flat, with a small decrease in slope to the south, the existing use is Anderson Square Apartments.

Mr. Drury stated that the applicant is proposing the construction of a 960 SF barn for maintenance / storage for the Anderson Square Apartments. The barn is proposed to be a metal building, 24' x 40', 10' high, with beige walls and a dark green roof. It will replace two smaller sheds to the west of the main entrance, that have fallen into disrepair. The total square footage of the existing smaller sheds is approximately 395 SF. The old tennis court will also be removed during construction.

Mr. Drury stated that an application for a zone change, from "C" Residence to "DD" Planned Multi-family, Case 10-1970, was originally heard by the Rural Zoning Commission in December 1970, recommending approval. The Hamilton County Board of County Commissioners heard the case on March 16, 1971 and denied the zone change. An appeal was made to the Court of Common Pleas who overturned the County Commissioners decision on February 23, 1973, which left the property unzoned. On October 22, 1975, the Board of County Commissioners re-heard the case and approved the zone change to "DD" Planned Multi-family, for the as-built apartment community (68 units on 6.5 acres). The approval was based on a 50' buffer to property to the south and west, and 30' to the east.

Mr. Drury stated that the proposed development plan is compliant with the Anderson Township Zoning Resolution Article 3.9, F General Requirements for the "DD" zoning district:

1. The size and location of the tract in relation to surrounding property shall be such that in the proposed development, including landscaping and screening and other adjustments to the abutting land uses, can be made to harmonize with the neighborhood. The proposed plan shall not be approved unless the ATZC specifically makes a finding that the development will be harmoniously related to the overall neighborhood.
2. In furthering this objective, the location and arrangement of buildings, parking structures and areas, walks, lighting, and appurtenant facilities shall be adjusted to the surrounding land uses, and any part of the site not used for buildings or other structures, or for parking, loading or access ways shall be landscaped with grass, trees and shrubs or pedestrian walks. The proposed barn will be constructed to replace two existing accessory structures that have been located in this area for quite some time. While the new barn is larger, it will still be setback 45' to the north property line and 118' from the west property line.

Mr. Drury stated that the Resolution originally approved with Case 10-1970 Anderson approved a development plan with a buffer area of 50' from the west property line. The proposed barn will not disturb this area.

Mr. Drury stated that the Anderson Trails and Walkway Plan, as well as the Beechmont Plan are not

applicable.

Mr. Drury stated that the application is consistent with the goals and objectives of the Anderson Plan, and its vision area, goals and recommendations. Specifically, the application is consistent with the following Goals of the Anderson Plan:

Housing:

Anderson Township is home to diverse housing options to meet changing demographics and market demands.

The Township will ensure upkeep and maintenance of existing housing stock.

Land Use and Development:

Anderson Township will be a well-planned community with a mixture of parks, recreational uses, residential neighborhoods, commercial centers and an industrial base balanced with agricultural uses. The proposed barn replaces aging sheds and will allow the owner to improve storage and maintenance facilities for the apartment community.

Mr. Drury stated that Staff recommends approval of the Major Modification to Case 10-1970 Anderson, as:

1. The proposal is consistent with the conditions of the approving resolution for the development and the underlying "DD" Planned Multi-family Zoning District. The setbacks and buffering intent from Case 10-1970 will be maintained.
2. The proposed modifications are compatible with the site and surrounding uses. The new barn will not impact existing buffering to adjoining properties. Existing vegetation to the north and west will screen the barn and upgrade the existing storage conditions. Although the new barn is larger than the existing sheds, the removal of the tennis court will result in a reduction of the ISR (impervious surface ratio).
3. The development is served adequately and efficiently by essential public facilities and services, which are already in existence.
4. The modifications allow for the applicant to realize a reasonable profit from the property.

Mr. Henson asked for clarification in the minor versus major modification. **Mr. Drury** replied that because they are adding a structure to the property, that is why it is a major modification.

Garrett Allegree, Property Manager of Anderson Square Apartments, 1100 King Louis Court stated that he would be happy to answer any questions.

Mr. Gothard asked if it will be metal siding. **Mr. Allegree** replied yes and stated that the sides will be a beige color and the material will be metal.

Mr. Henson asked if they would be seeding where the tennis courts are removed. **Mr. Allegree** replied that yes, they will be removing the old surface and seeding around it.

DECISION

Mr. Elliff moved, Mr. Henson seconded to approve Case 10-1970 Anderson Major Modification for the property of 7885 Beechmont Avenue for the Anderson Square Apartments, as recommended by staff. 4 Yeas, 1 No- Gothard

Mr. Henson swore in all those who wished to testify in Case 1-2024 PUD.

CASE 1-2024 PUD

Mr. Drury stated that this is a public hearing for Case 1-2024 PUD and read the staff report for an application filed by John A Bayer, of Bayer Becker, on behalf of Wawa, on behalf of Robert C Hedlesten TR, property owner, located at 5315 and 5331 Beechmont Avenue (Book 500, Page 430, Parcels 21 and 7), zoned "E" Retail Business.

Mr. Drury stated the applicant is requesting a Planned Unit Development (PUD) approval for the proposed construction of a Wawa Fuel and Convenience Store, size 5,919 SF with 50 parking spaces, dumpster enclosure, landscaping and lighting with an impervious surface ratio of 81.4%.

Mr. Drury stated the tract is 1.89 acres total, with approximately 227' on Beechmont Avenue and 362' on Elstun Road, the topography is a steep increase in grade from north to south, the existing use is a former BP and vacant land.

Mr. Drury stated that the applicant is proposing to construct a Wawa Fuel and Convenience Store, size 5,919 SF with six fuel pumps and canopy. The development will contain 50 parking spaces, dumpster enclosure, landscaping and lighting. Full access is proposed on Elstun Road with a right-in / right-out on Beechmont Avenue. A future 12' wide ODOT multi-use trail is proposed on Beechmont Avenue that will connect to Mt. Washington and the Township's Elstun connector to the Little Miami Trail; and a 5' wide sidewalk is proposed on Elstun. A mixture of building materials is proposed (brick, composite wood siding, EIFS or stucco, and tile). Retaining walls are proposed around the majority of the site due to the steep topography.

Mr. Drury stated that the building on the property was constructed in 1973 and the last use of the property was a BP gas station. The BP has been closed since at least 2002 according to the Hamilton County Auditor website.

Mr. Drury stated that the Zoning Commission is reviewing the application because the proposed development will have an impervious surface ratio greater than 60%, which triggers the PUD overlay and the standards found in Article 4.1 of the Zoning Resolution.

Mr. Drury stated that the proposed development is non-compliant with the following articles of the Anderson Township Zoning Resolution:

Article 5.2, 10, Additional Use, Height, and Area Regulations and Exceptions: The proposed canopy height is 25.5' at the peak where a maximum height permitted is 18' (canopy is at an angle).

Article 5.3 D, 1, d, General Design Requirements for Parking and Loading Areas: A 10' streetscape buffer is required from the right-of-way line of any street. There is an area of parking along Beechmont Avenue that is setback 2-8' vs. the required 10', to a future R/W for the trail.

Article 5.3 D, 8, General Design Requirements for Parking and Loading Areas: The maximum height permitted for a dumpster enclosure is 8' and the proposed is 8'-8".

Article 5.3 E, Required Number of Parking Spaces: The required number of spaces for this use is 57 +/- 10%. Fifty spaces are provided where 51 are required. The spaces are 10'x20' where 9'x19' is required, therefore reducing the spaces to 9' wide, especially along the eastern property line, could result in meeting the required number of spaces.

Article 5.3, K, Lighting For Non-Single Family Uses: The lighting plan submitted is not in compliance with the Zoning Resolution. The requirements are for 0.75 foot-candles adjacent to a retail district, and .10 foot-candles to a residential district.

Article 5.5, Signage: Wall signage for the building is not in compliance. A maximum of 250 SF of wall signage is permitted where 337 SF is proposed (excluding gas canopy which is an additional 85 SF).

General Plan Notes:

- Building and canopy setbacks shall be noted to the property lines R/W.
- If approved, the parcels shall be consolidated.
- Landscape plan shall identify plants "provided", in addition to plants "required".

Mr. Drury stated that in addition to compliance with the Township's Zoning Resolution, the development is also being reviewed in light of adopted plans for this area, such as the Anderson Plan, the Anderson Trails and Walkways Plan, and the Anderson Township Design Guidelines.

Mr. Drury stated that the proposal is consistent with the goals and objectives of the Anderson Plan and its recommendations for enhancing economic activities. The Future Land Use classification identifies the site for General Mixed Use, which is defined as "Community and regional oriented businesses, offices, and services that are located primarily along major thoroughfares. These uses may be located in individual-user buildings, multi-tenant buildings, or mixed-use buildings. Buildings are encouraged to be located close to the road with the majority of parking located to the side and rear of buildings. Residential uses may be located in mixed-use buildings but should only be located on the second floors or higher or behind nonresidential buildings. The proposed use meets this description."

Mr. Drury stated that the application is consistent with the following Goals of the Anderson Plan:

Economic Vitality: The Township should attract a variety of businesses to meet changing demographics and market demands. With a focus on an expanded tax base with an increasing amount of land developed for a mixture of non-residential uses, this will attract new businesses and promote and retain existing businesses.

Land Use and Development: Anderson Township will be a well-planned community with a mixture of parks, recreational uses, residential neighborhoods, commercial centers and an industrial base balanced with agricultural uses.

Land Use and Development Initiatives: The Township will undertake economic development activities to help fill any vacant storefronts and businesses. The site has been vacant since at least 2002.

Mr. Drury stated that Anderson Trails Plan: Beechmont Sidewalks: Right-of-way for a proposed ODOT shared use trail is identified for the frontage along Beechmont Avenue. In addition, a 5' wide sidewalk along the Elstun frontage is identified.

Mr. Drury stated that the proposal is consistent with the following elements of the Anderson Design Guidelines:

Site Planning: Upgrading visual character and sense of human scale in spaces through particular attention to architecture, site planning, signage, landscaping, and lighting.

Landscaping: Incorporate appropriate plantings that are in scale with their surroundings. Separate roadways from commercial development by attractive landscape planter strips.

Architecture: Building design should be developed to a human scale through careful consideration of architectural forms, massing, detailing, number and use of materials, and color. The proposed building contains a mixture of building materials, on all sides, with two main entrances.

Service stations and convenience stores that sell gasoline should be designed with facade and roofline elements that reduce their scale and add architectural interest to the building. The proposed canopy exceeds the height requirement of the Zoning Resolution.

Pedestrian Circulation: Connections to the public sidewalk should be included in the site plan to encourage pedestrian use. Access routes leading to or from service stations and convenience stores should minimize conflicts with pedestrian circulation.

Mr. Drury stated that staff recommends approval based on the Planned Unit Development evaluation criteria (Article 4.1, G):

1. The proposed fueling center development is consistent with the "E" Retail District. The PUD Plan is compliant with the Zoning Resolution except for the requested variances for fuel canopy height and streetscape buffer requirements for parking spaces (see below), and the noncompliant items noted above.

2. The application is consistent with the Vision and Goals of the Board of Trustees as outlined in the adopted Anderson Plan. The application is consistent with the following Goals of the Anderson Plan as outlined above:
 - Economic Vitality:** The Township should attract a variety of businesses to meet changing demographics and market demands. With a focus on an expanded tax base with an increasing amount of land developed for a mixture of non-residential uses, this will attract new businesses and promote and retain existing businesses.
 - Land Use and Development:** Anderson Township will be a well-planned community with a mixture of parks, recreational uses, residential neighborhoods, commercial centers and an industrial base balanced with agricultural uses.
 - Land Use and Development Initiatives:** The Township will undertake economic development activities to help fill any vacant storefronts and businesses. The site has been vacant since at least 2002.
3. The use (fueling center) is compatible with surrounding retail land uses.
4. The size and physical features of the project area enable adequate protection of surrounding property and orderly and coordinated improvement of property in the vicinity of the site.
5. No proposed phasing was submitted.
6. The proposed development is serviced adequately and efficiently by essential public facilities and services, which are in existence on Beechmont Avenue.
7. There are no scenic or historical features, as identified or contained in plans duly adopted by the Anderson Township Board of Township Trustees and Hamilton County Regional Planning Commission, which would not be conserved.
8. Certain modifications of the zoning regulations may be warranted such as the reduced streetscape buffer on Beechmont Avenue. The lighting plan and total number of parking spaces should come into compliance with the underlying zoning conditions.
9. The adequacy of the proposed pedestrian circulation system insulates pedestrian circulation from vehicular movement.
10. Although adjacent to residential zoning and apartments on Spindlehill Drive, the topography and proposed retaining walls will help achieve visual and acoustical privacy.
11. The development does not include dedicated open space, other than the required parking lot landscaping.
12. The development will not be detrimental to the present and potential surrounding uses.
13. The development is consistent with recommendations from Township, County, State and/or Federal agencies. ODOT is requiring a Traffic Impact Study (TIS) for this proposed development and may require improvements to Beechmont and Elstun. In addition, ODOT is coordinating a 12' multi-use trail with the City of Cincinnati on Beechmont Avenue. Clarification is needed as to if a right-of-way dedication on Beechmont Ave or an easement is needed for the trail. This will determine the streetscape buffer variance requested on Beechmont Avenue. The streetscape buffer is measured from the right-of-way.
14. The development is consistent with the Vision and Goals as adopted by the Anderson Township Board of Trustees.
15. The development does not provide adequate protection to land over 20% slope.

Mr. Drury stated that Staff recommends variances from the following articles of the Zoning Resolution: **Article 5.2, 10, Additional Use, Height, and Area Regulations and Exceptions:** The proposed canopy height is 25.5' where a maximum height permitted is 18'.

Article 5.3 D, 1, d, General Design Requirements for Parking and Loading Areas: A 10' streetscape buffer is required from the right-of-way line of any street. There is an area of parking along Beechmont Avenue that is setback 2-8' vs. the required 10'.

1. The variances are not substantial. The canopy height is consistent with the building height (25') and is designed at an angle, complimenting the architectural style of the building. The parking setback will be separated at grade by a retaining wall.
2. The essential character of the neighborhood will not be altered and adjoining properties will not suffer a substantial detriment as a result of the variances. Building heights vary greatly in this area with UDF across Elstun to the Skytop Apartments opposite Beechmont. This location is also at the base of the Beechmont hill with varied topography. The applicants have stated the reduced streetscape buffer is needed for the proposed R/W for the multi-use trail which connects to the Little Miami trail connector along Elstun.
3. The variance would not adversely affect the delivery of governmental services (i.e. water, sewer, garbage).
4. The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. The site is challenging due to the steep topography as evidenced by the retaining walls along the periphery of the site. Although variances are requested, staff is of the opinion that the proposed development is still consistent with the Design Guidelines and adopted Township Plans (Comprehensive Plan and Trails and Walkways Plan).

Mr. Drury stated that if approved, staff recommends the following conditions:

1. The two parcels, 500-430-021 and 500-430-007, shall be consolidated.
2. That a lighting plan in compliance with ATZR Article 5.3, K shall be submitted for approval.
3. That the dumpster enclosure be brought into compliance with ATZR Article 5.3, D, 8.
4. That the wall signage be brought into compliance with ATZR 5.5, G, 2.

Mr. Doenges asked for clarification on where they are not compliant with the lighting plan. **Mr. Drury** showed on the PowerPoint where they are in violation. **Mr. Doenges** stated that he is trying to take into consideration where the retaining wall is compared to the light directions and if it would block some of the light.

Mr. Elliff asked if the property surrounding is owned by the same owner. **Mr. Drury** replied no- Spindle Hill Apartments owns property and so does Susan Beckman.

Mr. Elliff asked about the pedestrian connection to the building from Elstun and Beechmont. **Mr. Drury** replied with clarification on the PowerPoint showing where the site plan is marked for connection.

Mr. Henson asked if the UDF canopy across the street is taller than 18'. **Mr. Drury** replied that he is not

sure of the exact height.

Mr. Henson asked if the viability of the trail is contingent on the five parking spaces along Beechmont.

Mr. Drury stated that he would rather the applicant speak on the status of the trail and that the applicant is working with ODOT on that.

Mr. Henson asked if the plan triggered a steep slope review. **Mr. Drury** replied that it probably has not been submitted to the county yet for their review.

Patrick Warnement, 260 W. Baltimore, of Wawa and John Bayer, of Bayer Becker stated that they were here on behalf of the applicant and would answer any questions.

Dr. Baker asked if the grade changes will cause the parking lot to be flat. **Mr. Bayer** replied that there will be a very large retaining wall, but that the parking lot and walkways will be flat.

Mr. Warnement provided background information on Wawa, their company and their desire to be a community partner. **Mr. Bayer** stated that staff discussed the proposal at length and that they are in agreement with everything but the condition to bring the signage into size regulation. **Mr. Bayer** stated that their site is laid out to match the delivery method to the customers, and that the back of the property is not actually the "back", that it is specifically for those coming for the food, coffee, etc. in order to let customers avoid the gas and front area of the site. He provided an overview of the signage requested. **Mr. Warnement** added that they do not franchise their stores, they are all company owned and managed.

Dr. Baker asked if they are out of compliance with zoning because of the amount of signage or the overall amount. **Mr. Bayer** replied that zoning allows 250 SF of signage, but they have 337 SF of total signage.

Mr. Doenges asked if they are in agreement with the other recommended conditions. **Mr. Bayer** replied yes.

Mr. Doenges asked what the timeline is. **Mr. Warnement** replied that as soon as **Mr. Bayer** is done with site work, it will probably take 6 months to build, but they are planning on opening in January 2025.

Mr. Elliff asked if it is the rear sign that is throwing off the total amount of signage. **Mr. Drury** replied that all three wall signs are different sizes, so there's not one specific sign that is causing the total to be over.

Mr. Elliff asked if this approval will create a precedent in the Township for businesses wanting additional signage. **Mr. Drury** replied that while the rear entrance is unusual, having three sides of a business visible from roadways is not, so in staff's opinion, they should bring the signage into compliance to be consistent throughout the Township.

Mr. Gothard asked if there is an update from ODOT and the City of Cincinnati, **Mr. Bayer** replied that they have submitted to Hamilton County and ODOT and are waiting on answers from their traffic study and are waiting for confirmation on what the right of way requirements will be for the trail. He stated that ODOT has governance for the trail and is in the process of completing engineering. He stated that the variances they are requesting from the Township provide ample room for the trail.

Mr. Gothard asked if the trail construction would be constructed with the building or until the trail is done. **Mr. Bayer** replied that the trail will not be built until the whole trail along Beechmont is, **Mr. Gothard** stated that this response means that there will not be any sidewalk along Beechmont Avenue when the Wawa site is completed.

Mr. Gothard asked what the facing of the retaining wall will be. **Mr. Bayer** replied that they are still waiting for a final answer, however, in the past they have looked like stone adjacent material.

Mr. Gothard asked what the height of the fence is on Beechmont and Elstun. **Mr. Bayer** replied that it is a guard rail and will be 42" high. **Mr. Gothard** asked if there is willingness to add the fence to the other retaining wall. **Mr. Bayer** replied that they will add it as a safety measure.

Mr. Gothard asked if the 8' high dumpster enclosure will screen everything. **Mr. Warnement** replied that 8' will screen all things necessary.

Mr. Gothard asked if it is possible to bring the canopy height down. **Mr. Warnement** replied that the canopy is actually trademarked, so that they tend to not deviate from this design, however, they can if it becomes an issue.

Mr. Henson asked if reducing the parking spaces in one section would get them the extra 1 space that they need. **Mr. Bayer** replied that they can reduce the parking space size on the south side of the property and gain the required additional 1 space.

Mr. Henson asked how many Wawas are planned for 2025. **Mr. Warnement** replied 10 in Ohio, 10 in Kentucky, 10 in Indiana.

Mr. Gothard asked how many employees are there proposed to be per location. **Mr. Warnement** replied 40 employees and that they have extremely high retention rates. **Mr. Gothard** asked how many employees are on shift at a time. **Mr. Warnement** replied no less than 3 at any time, that first shift has 10.

Dr. Baker asked if this store size is average for Wawa. **Mr. Warnement** replied that some of the older stores are smaller, but compared to the recently built stores, this size is very similar.

The public hearing was closed at 7:55 PM

DECISION

Mr. Doenges moved, Mr. Elliff seconded to approve Case 1-2024 PUD, for the property of 5315 and 5331 Beechmont Avenue, for Wawa Convenience and Fuel Center, as recommended by staff with variances (including wall signage), with the following conditions: 1. That the parcels shall be consolidated, 2. That a lighting plan in compliance be submitted, 3. That the dumpster enclosure be a maximum of 8' high, 4. That any retaining wall exceeding 4' in height have a fence, 5. That any retaining wall have an architectural detail, not just a flat cast in place wall.

5 Yeas

Discussion Item- Case 1-1987 Anderson Major Modification

Mr. Drury stated that at the June 26, 2023 Zoning Commission meeting, an expansion and drive-thru improvements were approved for Chick-fil-A (8598 Beechmont Avenue) with 12 conditions (resolution attached). As the applicant was in communication with the owner to satisfy Condition #12 (owner authorization), it was discovered that some of the original building square footages on previous plans were incorrect. In addition, "Building F" was removed from the plan in 1995, which impacts Condition #4 that states "300 square feet from the yet to be built portion of Building "B1" and 684 SF of proposed Building "F" shall be transferred to Building "H", to allow the size to exceed the previous limit of 4,000 sq. ft." Please see below for a summary:

Building F – removed from the plan in 1995

Building B1 (7,389 SF) – not constructed

Building H (4,000 SF) – Chik-fil-A

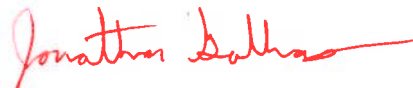
300 SF allocated from Building B1 in 2006 for the construction of Chik-fil-A

684 SF to be allocated from Building B1 for 2023 Chick-fil-A expansion

The Zoning Commission discussed and agreed to modify Condition #4 to: "4. Approximately 300 square feet from the yet to be built portion of Building "B1" (2006) and 684 SF (2023) of Building "B1" shall be transferred to Building "H", to allow the size to exceed the previous limit of 4,000 sq. ft."

The next regular meeting would be held on February 26, 2024, at 5:30 p.m. at Anderson Center.

Respectfully submitted,



Jonathan Gothard, Vice Chair

**ANDERSON TOWNSHIP ZONING COMMISSION
SIGN-IN SHEET
MONDAY, JANUARY 22, 2024, AT 5:30 P.M.
ANDERSON CENTER, 7850 FIVE MILE ROAD**

PLEASE PRINT - THANK YOU

| NAME: | ADDRESS: |
|-----------------------|-------------------------------|
| Janet Basso | 8283 Smeby Pk. DA 45298 |
| Garret Allegree | 7885 Bechtman |
| Amy Hartley | 947 Duxbury Ct. |
| JONY RAVAGNANI | 1641 PINEBLUFF 45255 |
| Josh Bell | 11025 Reed Hartman Hwy 45242 |
| BOB & TRACEY HEDLSTEN | 3905 BEACH ST 45227 |
| Patrick Warrnment | 260 W, Baltimore Pike 19068 |
| Jay + Susan Moore | 1311 Eight mile rd 45255 |
| Don & Linda Harrison | 8588 Denallen Dr 45255 |
| John Bayer | 6900 Tylersville Rd Mason OH |
| GEORGE SWILAN | 294 EIGHT MILE RD 45255 |
| Jon Blatt | 11025 Reed Hartman Hwy. 45242 |
| Margaret Traufman | |
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