

**ANDERSON TOWNSHIP ZONING COMMISSION
OCTOBER 23, 2023**

The Anderson Township Zoning Commission held a regular meeting, duly called, on October 23, 2023, at 5:30 P.M. Present were the following members:

Ben Henson, Chair, Jonathan Gothard, Vice Chair, Jay Lewis, Brian Elliff and Brandon Guyer (alternate)

Also present when the meeting was called to order were Paul Drury, Director of Planning and Zoning, Sarah Donovan, Assistant Director of Planning and Zoning and Makenzie Stewart, UC Co-op. 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. Lewis seconded, to approve the agenda for tonight's meeting with no changes. **A unanimous vote was taken: 5 yeas**

Approval of Minutes

Mr. Lewis moved, Mr. Gothard seconded to approve the minutes from June 26, 2023 Zoning Commission hearing with no edits. **4 Yeas- 1 abstain Mr. Guyer**

Mr. Henson swore in all those who wished to testify for Case 1-2023 PUD.

CASE 1-2023 PUD (Continuation)

Mr. Drury stated that this is a quasi-judicial hearing for Case 1-2023 PUD and read the staff report for an application filed by Michael Doenges, of Core Resources, on behalf of Anderson Land Holding's LLC, property owner, located at 6694 and 6700 Clough Pike (Book 500, Page 360, Parcels 94 and 33), zoned "E" Retail Business.

Mr. Drury stated the applicant is requesting a Planned Unit Development (PUD) approval for parking lot modifications, dumpster enclosure, and an existing tent to remain until the permit is expired, with an impervious surface ratio of 75.7% for 6694 Clough Pike and 86.2% for 6700 Clough Pike. A change of use to a restaurant / bourbon bar (proposed for 6700 Clough Pike) has been removed from the application, however, parking improvements are still proposed.

Mr. Drury stated the tract is .436 acres (6694 Clough) and .650 acres (6700 Clough), with approximately 49.9' (6694 Clough) and 82.61' (6700 Clough) on Clough Pike, the topography on the site is mostly flat, with a sharp increase in grade toward the rear of the site (east), the existing use is Anderson Township Pub and a vacant commercial structure.

Mr. Drury stated that the applicant is proposing a reconfigured, shared parking area for 6694 and 6700 Clough Pike for the existing Anderson Township Pub (ATP). An existing 525 SF temporary tent (size 15' x

35') located behind ATP is proposed to remain until the permit expires. The optimum parking for ATP is 41 spaces, with a permissible range of 37-45 spaces. The applicant is proposing 20 onsite spaces, and 19 offsite, for a total of 39 spaces. A shared parking agreement has been submitted with the application for the two properties. Cross access to the north and south is mentioned in the applicant's submittal letter, however, is not identified on the site plan.

Mr. Drury stated that the ATP building was constructed in 1957 and 6700 Clough was constructed in 1968. Both parking lots were nonconforming to the current parking regulations. The ATP was established in 1982. The current owners purchased ATP on March 10, 2020 and 6700 Clough on June 15, 2020. The former use of 6700 Clough Pike was SDH Controls.

Mr. Drury stated that Below is the history of communication with owners following a complaint received:

- August, 2020 – received email from Hamilton County Planning + Development / Stormwater that a complaint was filed for paving / expanding the rear parking area
- August, 2020 – Township contacted owner requesting an application for zoning to be made for work completed on the property
- September, 2020 – ATP submitted plan for review, however additional information was needed in order to determine zoning processes necessary
- June, 2022 – staff met onsite with owner to discuss future plans and request an application for zoning to bring property into compliance
- March, 2023 – Fire & Rescue responded to small fire and noticed an unpermitted tent behind building
- March, 2023 – Hamilton County Planning + Development posted the tent as “Unsafe Structure”
- March, 2023 – Planning and Zoning denied zoning certificate for tent with outstanding zoning violations on property
- April, 5, 2023 – Zoning certificate was issued for two temporary tents, to be removed May 23, 2023, pending outcome of Zoning Commission hearing
- April 5, 2023 – Building permit issued for two tents, occupancy approved April 18, 2023
- May 1, 2023 – PUD application submitted, however continued due to incomplete application.
- May 23, 2023 – Date listed on Zoning Certificate for the two temporary tents to be removed by.
- June 9, 2023 – Revised PUD application submitted.
- June 26, 2023 – Case 1-2023 PUD was continued due to an incomplete application.

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. 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 both buildings were constructed prior to the current parking regulations. Therefore, this should be taken into consideration when retrofitting the parking lots versus new construction. The proposed development is non-compliant with the following articles of the Anderson Township Zoning Resolution:

Article 5.3, D, 1, e General Design Requirements for Parking and Loading Areas: The parking spaces on 6700 Clough are at a 0' setback to a residence zoning district to the east vs the required 10' setback.

Article 5.3, D, 1, f General Design Requirements for Parking and Loading Areas: No area is identified for screening at 6700 Clough, however, the adjacent property is a heavily wooded, steep hillside.

Article 5.3, D, 3, a General Design Requirements for Parking and Loading Areas: The parking spaces have been reduced to size 9' x 18' vs the required 9' x 19' to optimize parking for the site. Drive aisles are compliant at 24' for two-way traffic.

Article 5.3, D, 3, d or e General Design Requirements for Parking and Loading Areas: Wheel stops or curbs are required around the landscaping islands and perimeter of the parking area.

Article 5.5, Signage: The current free-standing sign is non-conforming. Two new wall signs have been added to ATP without zoning approval. The applicant has stated that it is their intention to keep the freestanding sign, and apply separately for any new wall signage.

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, the Beechmont 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 Neighborhood Retail, which is defined as "Low-intensity retail and services uses, that provide a transition between residential uses and other types of development, or that are compatible in terms of use and scale to adjacent residential neighborhoods. 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.

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

Mr. Drury stated that an existing sidewalk is located along the frontage of Clough Pike that was constructed with the Township's Clough Streetscape project in 2014. Pedestrian connections are provided from the building to the sidewalk along the street.

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.

Relationships to Surrounding Properties: Developments should be linked with the adjacent properties in the corridor and surrounding areas, in order to provide direct, safe, and convenient pedestrian, automobile, and bicycle access. The proposed development is sharing parking between two properties, and a potential cross access connection to the north and south is mentioned in the application letter. The cross-access easements shall also be identified on the site plan.

The proposal is inconsistent with the following elements of the Anderson Design Guidelines:

Relationships to Surrounding Properties: Developments should be linked with the adjacent properties in the corridor and surrounding areas, in order to provide direct, safe, and convenient pedestrian, automobile, and bicycle access.

Circulation: Connections with Adjacent Properties. Pedestrian and vehicular connections between parking lots and driveways on adjacent parcels should be provided wherever feasible to minimize turning movements onto major roadways. Internal connections should provide safe, direct access while discouraging vehicular shortcuts. Cross easements should be provided as required to facilitate circulation, and anticipate future connections.

The proposed development is sharing parking between two properties, and a potential cross access connection to the north and south is mentioned in the application letter, however, the future cross access easements shall also be identified on the site plan.

Signage:

Objectives: Signage that is not affixed to a facade shall be designed to complement the design of the building and in concert with the signage pattern and character of public and private development.

DESIGN GUIDELINES

- Height. Signage is encouraged to be erected at lower heights, maintaining clearance above landscaping and parked automobiles, and below power lines and mature trees.

- **Signage Support Structures.** The use of ground mounted signs are generally encouraged, as opposed to pole signs. Support structure for such signs shall be of materials that are compatible with the sign and surrounding site, preferably constructed with a stone base.

The existing free-standing sign is non-conforming. Staff is of the opinion that the sign should be brought into compliance with the recommendations of the Anderson Township Design Guidelines, and consistent with other compliant new signs in the Clough Corridor. This includes lowering the sign below the power lines to a monument style sign.

The unpermitted wall signs appear to be compliant and compliment the building. Separate zoning certificate applications should be submitted to bring these into compliance.

Two temporary tents are labeled “to remain”, however, the applicant’s letter states that they will be removed once the building permit expires. Temporary tents are only permitted by the Building Department for 6 months.

Mr. Drury stated that staff is of the opinion that the revised application for improvements to ATP and parking area have many elements that are consistent with adopted Township plans. The revised plans have also addressed concerns raised in the previous staff report. Staff recommends approval based on the Planned Unit Development evaluation criteria (Article 4.1, G):

1. Compliance with this Zoning Resolution and with the purposes of the Zone District in which the proposed use and development is to be located. **The PUD Plan is compliant with the Zoning Resolution except for the requested variances for parking stall depths, parking lot landscaping, and parking setbacks to a residential property line (see below).**
2. Applicability of and consistency with adopted objectives and policies of the Township and County related to land use, as well as Township plans duly adopted by the Board of Anderson Township Board of Trustees and Hamilton County Regional Planning Commission, including, but not limited to the Anderson Township Comprehensive Plan. **The proposed use is consistent with Township adopted plans, including the following initiatives from the Comprehensive 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 free-standing sign is not consistent with the Anderson Township Design Guidelines and staff recommends a monument style sign.

3. Compatibility with surrounding land uses. **ATP opened in 1982 and has been compatible with**

the surrounding land uses which are retail in the Clough Pike Business corridor. There are nonconforming aspects of the property, specifically with the parking, and the proposed plan will bring the property into compliance. Noise complaints have been received in the past regarding outside music and this is addressed in #10 below.

4. Whether 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. **The parking improvements should enable adequate protection from surrounding property as the minimum number of spaces is provided. There is a variance request for the parking setback adjacent to a residential property line, however, the steep topography provides a natural buffer between uses. The applicant has also stated that cross access will be provided for future development to the north and south, consistent with Township plans.**
5. Whether the proposed phasing of the development is appropriate and the development can be substantially completed within the period of time specified in the schedule of development submitted by the applicant. **The applicant has provided a year time frame to complete the proposed project. The phasing of the bourbon bar is unknown and has been removed from the application.**
6. Whether the proposed development is served adequately and efficiently by essential public facilities and services which are in existence or are planned. **Compliant**
7. Whether significant scenic or historic features, as identified or contained in plans duly adopted by the Board of Anderson Township Board of Trustees and Hamilton County Regional Planning Commission, are adequately conserved. **Not applicable**
8. Whether modification of the zoning or other regulations are warranted by the innovative design of the development plan. **The variances requested provide the opportunity to bring a nonconforming parking lot closer to compliance while maximizing the number of spaces. Other natural features such as the wooded hillside to the east provide a natural buffer to residential properties that will minimize any negative impacts from the required parking setback.**
9. The adequacy of proposed pedestrian circulation system to insulate pedestrian circulation from vehicular movement. **The Township has previously provided a sidewalk along Clough Pike, and the applicant is providing striping to the front door of the building.**
10. The adequacy of the provisions for visual and acoustical privacy. **The applicant has provided recommendations from Spectra Tech Ltd. to minimize sound impacts from outdoor music. Recommendations include facing the band southwest, and potentially lowering the volume.**
11. Whether the development includes an appropriate amount of, and appropriate access to, dedicated open space. **Not applicable**
12. Whether the development will be detrimental to present and potential surrounding uses. **The use has been in operation since 1982 and has not been a detriment to surrounding uses.**
13. The consistency of the development with recommendations from Township, County, State and/or Federal agencies. **Compliant**
14. Whether the development is consistent with the Vision and Goals as adopted by the Anderson Township Board of Trustees. **Consistent with the Comprehensive Plan and Design Guidelines excepted as noted previously.**

15. Whether the development provides adequate protection of natural features on the property, including but not limited to, land over 20% slope, flood-plain and wetland areas, areas permanently inundated by water, and areas protected by the Ohio Department of Natural Resources. **Not applicable**

Mr. Drury stated that variances are requested from the following articles of the Zoning Resolution: **Article 5.3, D, 1, e General Design Requirements for Parking and Loading Areas:** The parking spaces on 6700 Clough are at a 0' setback to a residence zoning district to the east vs the required 10' setback.

Article 5.3, D, 1, f General Design Requirements for Parking and Loading Areas: No area is identified for screening at 6700 Clough, however, the adjacent property is a heavily wooded, steep hillside.

Article 5.3, D, 3, a General Design Requirements for Parking and Loading Areas: The parking spaces have been reduced to size 9' x 18' vs the required 9' x 19' to optimize parking for the site. Drive aisles are compliant at 24' for two-way traffic.

Mr. Drury stated that staff is of the opinion that the variances should be granted for the following reasons:

1. The variances are not substantial. The applicant is retrofitting an existing nonconforming lot and trying to maximize the number of spaces. The parking is located in the rear of the building, and the natural topography serves as a natural buffer to adjacent residential properties.
2. The essential character of the neighborhood would not be substantially altered and adjoining properties would not suffer a substantial detriment as a result of the variances. Parking has been existing in the rear of the property for some time and was previously gravel. Paving and landscaping will improve the nonconforming conditions.
3. The variance would not adversely affect the delivery of governmental services (i.e. water, sewer, garbage).
4. The property owner's predicament can be feasibly obviated through some method other than a variance. The owner is trying to maximize parking on the limited area they have to provide enough spaces and improve the situation. The parking setbacks could be met; however, many spaces would be lost.
5. The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. Staff is of the opinion that the spirit of the zoning requirement is being met. As stated previously, the wooded hillside provides a natural buffer to the residential uses to the east which are at a much higher elevation. The proposed paving and landscaping actually reduce the previous ISR and brings the property closer to compliance with zoning.

Mr. Drury stated that staff recommends the following conditions:

1. The size of the freestanding sign shall be brought into compliance with the Zoning Resolution, and the height shall be reduced to 10', consistent with the Design Guidelines that recommend a monument style sign.
2. A future cross access shall be identified on the site plan to properties to the north and south,

and a reciprocal easement for cross access shall be recorded prior to final occupancy.

3. Any change of use for 6700 Clough Pike shall be reviewed as a major adjustment to the PUD Plan by the Zoning Commission.
4. Recommendations regarding acoustical privacy from Sprecra Tech Ltd. (dated 10/2/2023) shall be implemented.

Mr. Lewis asked about the status of the tents. Mr. Drury replied that the tents went up during Covid without permits. Mr. Drury replied prior to the June Zoning Commission meeting, a zoning certificate was issued for the tents, with the thinking that a decision would be made in June. He stated that the Building Department issues temporary tents for 6 months, or it needs to come down or they will have to reapply for the permit and the tent will need to be reinspected. Staff believes based on the timeline of staff issuing the zoning certificate, that it should expire at the end of October.

Mr. Elliff asked about the landscaping as a buffer. Mr. Drury replied that there is already an existing wooded area buffering the commercial area and residential area.

Mr. Guyer asked how many parking spaces are on the site now. Mr. Drury replied that the parking lot was paved after the new owner took over. He added that staff did not do a full parking count because this application is to bring the applicant into compliance. However, they are showing 41 parking spaces.

Mr. Guyer asked specifically which direction the cross access would take place. Mr. Drury replied that it's recommended to the north and south, in addition to the two parcels under common ownership. Mr. Drury added that staff received a new site plan late last week that shows cross access identified.

Mr. Lewis asked for clarification on the Family Pet Center's parking spaces and if they are included in the count. Mr. Drury replied that they are not.

Mr. Henson asked for additional clarification. Mr. Drury replied that because they do not have a formal agreement, they are not included in the parking count.

Mr. Henson asked if a grading plan had been submitted. Mr. Drury replied that they did not submit a grading plan and their letter stated that a retaining wall is not required.

Mike Doenges, of Core Resources, on behalf of the applicant, stated that they spent the last couple of months working on the additional parking and discussing it with the neighbors and are not having much luck. Therefore they are continuing to work towards that for the bourbon bar, but in order to bring ATP into compliance, they are here tonight for PUD approval. Mr. Doenges stated that the monument style sign has not been designed because of the fact that the bourbon bar is still up in the air and they don't want to move forward with a sign that did or didn't include the bourbon bar. He stated that he asked it be a condition for them to take care of the sign within the next 12 months.

Mr. Doenges stated that the tents currently have an active permit. He stated that he received an email

today with continuance from the building department for approval through April of 2024. He stated that long term, the hope is to remove the tent and build a more permanent outdoor structure.

Mr. Doenges stated that there is an updated site plan showing cross access to the north and south and passed them out to the Board. He stated that the existing drive aisles would create the easiest pass through for cross access.

Mr. Lewis asked if the continuance for the tent had been given to staff. Mr. Doenges replied that he got it this afternoon, so he can forward it to staff.

Mr. Lewis asked if the bourbon bar would have a separate sign or if it would be the same. Mr. Doenges replied that they would like to have a shared sign that is in compliance.

Mr. Guyer asked if there was a desire to use the open space between the Bourbon Bar and ATP. Mr. Doenges replied no because the plan for the Bourbon Bar included a large patio in that area.

Mr. Gothard asked if there would be curb around the landscape island. Mr. Doenges replied that around the landscape islands would be curbed. Mr. Doenges added that his preference would be that the middle of the parking areas are not curbed so that trailers or deliveries could pull through. Mr. Drury replied that would be consistent with what the Township requires.

Mr. Lewis asked if there is a formal agreement with the Family Pet Center. Mr. Doenges replied no, the Family Pet Center lets them park there, but it's not formal.

Christine Sheckels, 6894 Old Chapel, stated that she and her husband own the property behind ATP and are concerned about the noise level. She stated that it was a problem with the past and current owner in terms of sound coming from ATP. She stated that she would like to better understand the letter that was submitted from the acoustical engineer and if those recommendations have been put into place. Mr. Drury replied that the turned speakers were the recommendation and the applicant will have to speak to if anything has changed. Mrs. Sheckels replied that their concerns have been expressed to the owner and asked them to turn down the volume but that they are constantly dismissed by the owner.

Robert Franco, 2432 Royalview Court, stated that he is the closest house to the property in question and stated that he was at the meeting back in June. He stated his concerns are the same and that they are worried about the sound still. He was glad that a sound engineer has taken a look at this. He stated that the noise from the bands has not gotten any better with the new owner. He stated that there might be woods buffering the property, but that they do not do much for muffling the sound. He stated that if turning the band would help, he would encourage them to do it, however, he wanted to make sure that this is a new change and not something that has already been implemented. He asked if a physical barrier between the band and the residential area would address the sound and asked why it was not considered or put into the letter.

Mr. Doenges stated that the band orientation has not happened before, it is a new proposal. He stated that he also asked the question about the wall, and stated that the sound engineer said that the magnitude or size of the wall would be too extreme in that area in order to make a difference.

Mr. Lewis asked what the Township noise ordinance is. Mr. Drury replied that the Township does not have an entertainment noise ordinance, the only one that the Township has for outdoor noise is for construction. Mr. Lewis asked if it is out of the purview of the Zoning Commission to consider it. Mr. Drury replied no, it is listed in the PUD standards as number ten and can be looked at and considered by the Zoning Commission.

The public hearing was closed at 6:18 PM

DECISION

Mr. Elliff moved, Mr. Lewis seconded to approve Case 1-2023 PUD for the parking lot modifications, dumpster enclosure, and for the tents to remain until April 2024, that the freestanding sign be brought into compliance by April 2024 and approved by staff, that the requested variances be approved, subject to the four conditions recommended by staff, as well as the additional condition that the tents labeled "to remain" be removed from the site plan.

5 Yeas

CASE 2-2023 LUP

Mr. Drury stated that this is a public hearing for Case 2-2023 LUP and read the staff report for an application filed by Josh Blatt, on behalf of John Henry Homes, on behalf of Eight Mile Development Company LLC, property owner, located at 1291 & 1303 Eight Mile Road (Book 500, Page 41, Parcels 1478 and 210), zoned "C" Single Family Residence.

Mr. Drury stated the applicant is requesting approval of a Comprehensive Plan Future Land Use Map amendment from "Single-family Residence" to "Transitional Residence" to allow for a future zone change from "C" Residence to "DD" Planned Multi-family for property located at 1291 and 1303 Eight Mile Road (Book 500, Page 41, Parcels 1478 and 210). The overall plan also includes 1267 and 1297 Eight Mile Road, as well as parcel 500-41-1481, however, those parcels are not included in this application for a Future Land Use Map amendment. The applicant is proposing the construction of 36 luxury townhome units, consisting of six 2-story residential buildings.

Mr. Drury stated the tract is .9928 acres (parcels under consideration), with approximately 154' on Eight Mile Road, the topography of the site is flat, the existing use of the property is vacant land, previously there were two houses on the site.

Mr. Drury stated that surrounding zoning is all "C" Single Family Residence

Mr. Drury stated that the parcels under consideration are currently vacant parcels, which previously had single family houses on each lot. The parcels were purchased in May of 2023 by the Eight Mile Development Company LLC, with the intent that they would be combined with the adjacent parcels. The three adjacent parcels of 500-41-212 (1279 Eight Mile), 500-41-213 (1267 Eight Mile), and 500-41-1481 (rear adjacent parcel- does not have an address), were approved for a Future Land Use Map amendment in 2019 for a change from "Single Family Residence" to "Transitional Residence".

Mr. Drury stated that since this is a land use plan review, the Zoning Commission should focus on determining whether "Transitional Residence", such as the proposed townhomes, would be a suitable use. If the applicant proceeds with a zone change application, then analysis of more detailed elements, including, but not limited to the following, will occur:

- Existing vegetation, impervious surface / storm water detention, density, traffic generation and circulation, internal vehicular traffic circulation, pedestrian circulation, parking areas, buffering, utilities, building, and archaeological features.

Mr. Drury stated that The Future Land Use Map in the 2022 Anderson Plan Update identifies the parcels in question as "Single-family Residence", which does not include attached housing. The applicant is seeking a change to "Transitional Residence" which 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, church and public facilities and does not include office, commercial and industrial uses.

Mr. Drury stated that The following General Land Use guidelines in the 2022 Anderson Plan are suggested for amendments (p. 49):

- All new development or redevelopment should reflect the foundational goals of this Comprehensive Plan. The goals provide broad guidelines for all decisions.
- Density and development standards should be evaluated in a case-by-case manner in accordance with the character. These areas are defined by the Future Land Use Plan.
- Unless otherwise noted, lot sizes and subdivisions should be compatible with adjacent developments in terms of lot sizes, density, character, and scale. New development or redevelopment should not be detrimental to the general character of the surrounding neighborhoods.
- New development should take into consideration that the development of vacant or agricultural use of previously undeveloped land will result in some level of increased traffic and/or impacts on community services.
- If the overall proposed development is compatible with adjacent developments, flexibility should be given in the actual lot size and site layout when environmental resources (e.g., river conservation area, floodplains, and steep hillsides) are preserved. Flexibility should be given even if the preserved areas would otherwise be considered as "unusable" or "undevelopable" under standard development procedures.
- Sidewalks and walkways should be encouraged within any development and connect to adjacent

sidewalks, mass transit stops, shopping, parks, institutional or other nonresidential uses and services.

- Landscaped buffers should be used as a natural separation between developments of different intensities (e.g., between a multi-family apartment building and a single-family subdivision).

Mr. Drury stated that specific to Transitional Residential Land, the following guidelines are suggested (p. 50):

- The proposed use reflects the foundational goals of the Comprehensive Plan. The goals provide broad guidelines for all decisions.
- Ensure the overall density of the development is compatible with adjacent developments in terms of lot sizes, density, character, and scale.
- The proposed uses may include attached residential housing units.
- Sidewalks and walkways should be provided to connect the development to adjacent sidewalks, mass transit stops, shopping, parks, institutional or other nonresidential uses and services.
- Landscaped buffers should be provided along boundaries with residential subdivisions.
- This proposed use will provide higher density housing options for millennials and empty nesters.

Mr. Drury stated that the following Goals of the 2022 Anderson Plan Update are applicable goals and initiatives to consider for the proposed land use amendment:

Housing (Chapter 4)

- 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.
- 4.2.1 Improve pedestrian connectivity between the Beechmont corridor and adjacent residential areas.

Land Use and Development (Chapter 7)

- 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 recreational uses.
- 7.1.5 Balance land uses in a manner consistent with the economic and aesthetic priorities identified in this plan and other associated studies.
- 7.3.3 Incorporate residential uses within the Beechmont corridor to help provide the critical mass of population needed to support local and regional businesses in the Township.

Mr. Drury stated that the parcels in question, 0.9928 acres, are under consideration for a Future Land Use Map amendment from "Single Family Residence" to "Transitional Residence". This map amendment, once approved, would allow the applicant to apply for a Zone Change for the two parcels in question, as well as three others (500-41-212, 213 & 1481). The overall proposed development includes six 2-story townhome buildings, for a total of 36 units.

Mr. Drury stated that however, under consideration in this application is whether or not the land use of “Transitional Residence” should be continued to the two parcels to the north of what was previously approved in 2019.

Mr. Drury stated that the parcels in question will continue a transition area from the office and retail on Beechmont Avenue to the south, to single-family uses to the north. Scale of the building will be an important consideration if a zone change application is submitted. To be a true transition use, the building will need to be a “step down” from the uses on Beechmont to the south. Building placement along with extensive buffering will be necessary to minimize impacts to the homes on Cherry Lane, Woodglen Drive, and Eight Mile Road.

Mr. Drury stated that the current Future Land Use designation permits single family housing but does not permit attached housing. The requested land use designation is very similar, however permits attached housing. The Anderson Plan Housing Chapter encourages the development of a variety of housing options, as well as a variety of housing styles and densities in appropriate areas.

Mr. Drury stated that the Zoning Commission’s decision is a recommendation to the Board of Trustees, who will hold a public hearing at their November 16, 2023 meeting. The Trustees will forward their recommendation to Hamilton County Regional Planning Commission, who could then consider such a modification at their December 7, 2023 or January 4, 2024 meeting. If the modification to the Land Use Plan is approved, the applicant could then choose to submit a zone change application.

Mr. Drury stated that staff recommends approval of the request for a future land use map amendment from “Single-family Residence” to “Transitional Residence,” as:

1. The development of this site for “Transitional Residence” reflects the goals and initiatives of the 2022 Comprehensive Plan Update as stated previously in the staff report.
2. Continuing the “Transitional Residence” land use designation to the parcels under consideration, would allow the applicant to apply for a zone change for an attached style of housing. Attached housing would create a variety of housing options in this area of the Township, which does not currently exist along Eight Mile Road.
3. The overall density proposed for the development of 36 units is slightly less than the permitted density of the current and adjacent “C” Residence zoning. The proposed density is 7.09 units / acre and “C” residence permits 7.26 units / acre.
4. Scale of the building and buffering to adjacent single-family residences will be critical to ensure a transition from Beechmont Avenue.

Mr. Lewis asked for clarification on the difference between single family and transitional residence. **Mr. Drury** read the definitions from the Land Use section of the Comprehensive Plan.

Mr. Elliff asked if the two lots considered tonight were discussed during the land use map change in 2019 and during the comprehensive plan update in 2022. **Mr. Drury** stated that during the

comprehensive plan update the lots were actually approved for a subdivision first called Dacey's landing, then Hummingbird Court and made it all the way to the Improvement Plan process. They were not considered because staff felt like the single family development was moving forward, however it didn't.

Mr. Henson noted the change in the lower density and confirmed with Mr. Drury that this is accurate.

Mr. Henson asked if there is any plan to clean up the property in the meantime while they are working on approvals. Mr. Drury stated that while it's not an active construction site, the site can go back to a natural state. He stated that they are not required to maintain a vacant lot, even though staff believes the basements should have been filled in when the previous owner removed the structures.

Mr. Elliff asked for clarification on what staff meant in the report as a "step down", Mr. Drury replied that it means lower in scale and size from what is on Beechmont Avenue.

Josh Blatt, applicant, 9102 Reed Hartman Highway, stated that they have tried to mow and maintain the site better than it looked from what they inherited when they purchased it. He provided an overview of his company, John Henry Homes, which he owns with his brother. He stated he has several people here with him tonight that work on this project with him, including the engineer and the architect. He stated that they want to change these parcels to Transitional Residence in order to create a comprehensive plan for the overall 5 acres. He also showed a rendering of what the development is proposed to look like with the 36 townhomes.

Mr. Elliff asked if Loveland Station is a rental or a for sale product, Mr. Blatt replied that it is rental and that all three projects mentioned were rental. He stated that this product will also be rental.

Mr. Gothard asked if there any parallel parking on the north south drive, he stated no but they expect tenants to park in driveways and that those parallel parking spaces are really only intended for guests.

Mr. Henson asked if the applicant has spoken to the neighbor adjacent, Mr. Blatt replied that at this time, they have not approached the neighbor.

George Sullivan, 1294 Eight Mile Road, stated that he lives directly across from where they are building. He stated that his main concern is traffic that this development will create. He stated that traffic currently backs up dramatically during rush hour during the week. He stated that the construction of this product will change the whole area, it is just too much for this area of Eight Mile Road. He stated that Speedway is planning on expanding and will cause twice as much traffic at that intersection which is just not set up to handle it. He stated that there have been two really bad accidents in front of his house. He also stated that the applicant did not take time to discuss the project with the neighbors, who have been there their whole lives. He stated that it's not a community project, but that they only care about that property.

Jay Moore, 1311 Eight Mile Road, asked if the 24 condos were ever approved for this site. He stated

that the density does not work out compared to the 2018 submittal. He stated that during the last land use plan, their neighbors and himself did not put up a fight because they believed it was going to be single family residence. He stated that staff does a great job with the Comprehensive Plan, and in the most recent update, those lots were left single family. He stated that he does not see a reason why the Future Land Use Map should be changed less than a year later. He stated that Cherry Lane is single family, well kept and is technically that transitional area that the staff report calls for. He stated that this development is dramatically more intense than Cherry Lane. He stated that it was previously a single family development and sees no reason why this property couldn't go back to single family.

Mr. Elliff asked if the neighbor to the north, Marjory Florco Trustee is in the audience, Mr. Moore stated no.

Matt Smith, 1278 Winstone Court, reiterated that the traffic is already bad on Eight Mile and stated that he moved to this area because he liked how it already is, not because he wanted to change it.

Debra Porta, 8488 Shenstone Drive, stated that Eight Mile is one of the few roads that goes from the south side of the Township to the north side of the Township. She stated that Eight Mile and Beechmont is probably the second highest traveled intersection to Five Mile Road. She stated that she does not believe that this development is a fit for the property. She stated that it is really going to add a lot of traffic.

The public hearing was closed at 7:07 PM.

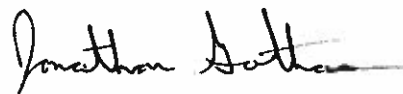
DECISION

**Mr. Lewis moved, Mr. Henson seconded to recommend approval of Case 2-2023 LUP, for the property of 1291 & 1303 Eight Mile Road, to change the Future Land Use Map designation from "Single Family Residence" to "Transitional Residence" based on staff's recommendations.
3 Yeas- 2 no- Mr. Elliff & Mr. Gothard**

The meeting was adjourned at 7:18 PM

The next regular meeting would be held on November 20, 2023, at 5:30 p.m. at Anderson Center.

Respectfully submitted,



Jonathan Gothard, Acting Chair

**ANDERSON TOWNSHIP ZONING COMMISSION
SIGN-IN SHEET
MONDAY, OCTOBER 23, 2023 AT 5:30 P.M.
ANDERSON CENTER, 7850 FIVE MILE ROAD**

PLEASE PRINT - THANK YOU

NAME:	ADDRESS:
Al Ackel	Woodglen Dr
Rick HAST	Woodglen Dr
Eric Kottner	Eight mile rd.
Jim Watson	MSD Inc
Christine Sheekels	6894 Old Chapel Dr.
Jay + Susan Moore	Eight mile Rd
MICHAEL DOENGES	7795 FIVE MILE RD.
MARY FRANCO	2432 ROYALVIEW CT.
Robert Franco	2432 Royalview Ct
TONY RAVAGNANI	1641 PINEBLUFF LN
TRACEY HAWKINS	1286 WINSTONE CT
Matt Smith	1278 Winstone Ct
Jon Blatt	11025 Reed Hartman Hwy.
JOSH BLATT	11025 Reed Hartman Hs
Eli Aebihl	Cherry Ln.
GEORGE SULLIVAN	1294 8 MILE
Aron Myles	Ginger Ln
R S Gross	Cherry Ln
Debi + Marie Porta	Shenstone Dr.
Kilbourne	Lindarwood Ln.