

**ANDERSON TOWNSHIP ZONING COMMISSION**

**April 22, 2024**

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

**Jay Lewis, Chair, Jonathan Gothard, Vice Chair, Ben Henson, Anne McBride, Brian Elliff and Ben Henson**

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 Johnny Wettengel (UC Co-op). A list of citizens in attendance is attached.

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

**Approval of Agenda**

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

**Approval of Minutes**

**Mr. Gothard moved, Mr. Elliff seconded**, to approve the minutes from the November 20, 2023 Zoning Commission hearing.

**3 Yeas, McBride and Henson- abstain**

**Mr. Gothard moved, Mr. Elliff seconded**, to approve the minutes from the February 26, 2024 Zoning Commission hearing.

**3 Yeas, Lewis and Henson- abstain**

**CASE 1-2024 FDP**

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

**Mr. Drury** stated the applicant is requesting a Final Development Plan approval to construct a housing development located at 1302, 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 that the applicant is also requesting a variance for a 27' front yard setback when previously approved for 31'. This distance did not change from the previous plan; however, it was not clearly marked on the plan.

**Mr. Drury** stated the tract is 5.0754 acres, with approximately 334' on Eight Mile Road, the topography

on the site is relatively flat with a decrease in grade towards the east, and that 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. The previous owner 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. Next, the current owner applied and was approved for a Zone Change request for the same two adjacent parcels (500-41-210, 500-41-1478) for a change of "C" Single Family Residence to "DD" Planned Multiple Residence District for the six townhome buildings with 36 units in total.

**Mr. Drury** stated that Hamilton County Regional Planning Commission held a public hearing on January 4, 2024, in regard 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 on January 22, 2024, the Anderson Township Zoning Commission held a public hearing for Case 1-2024 Anderson. After hearing public testimony, the Zoning Commission made a motion to recommend approval of the Zone Change with conditions.

**Mr. Drury** stated that The Board of Township Trustees held a public hearing on February 15, 2024, regarding Case 1-2024 Anderson and approved the Zone Change from "C" Single Family Residence to "DD" Planned Multiple Family Residence District with conditions.

**Mr. Drury** stated that Township staff believe 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 the plan is in compliance with the following sections of the 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 that 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.

**Mr. Drury** stated that the zone change approval required a future cross access easement 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.

**Mr. Drury** stated that 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 Resolution 2024-0215-01 provides a basis to evaluate this proposal. Below please find staff's notes on the site plan's compliance with these requirements:

Board of Township Trustees conditions:

(Note: the numbering below corresponds with conditions in Resolution)

1. That the parcels be consolidated into one parcel. **The applicant has stated the parcels shall be consolidated into a single tax parcel. Will need to be recorded.**
2. That a future cross access easement to the northern property line for emergency and pedestrian access be shown on the Final Development Plan. **Compliant**

**Mr. Drury** stated that the approval of Case 1-2024 Anderson shall include the following variance:

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. Building 1 is shown to be 27' from the front property line along Eight Mile.

1. 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 providing 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. Lewis** asked if the survey has been submitted yet for recording. **Mr. Drury** replied that the consolidation plat has not yet been submitted.

**Mr. Henson** asked if Cherry Lane has on-street parking. **Mr. Drury** replied that it's a private drive and that it does not have onstreet parking.

**Mr. Elliff** asked if the trees to the northern buffer are worth saving. **Mr. Drury** replied that he walked through the property on April 15<sup>th</sup> and some were maples, but that some of the larger trees actually were not on the applicant's property. He added that the three trees identified to remain are on the property, but larger trees to the northwest corner aren't on the property in question. **Mr. Drury** added that the applicant pulled the grading tighter to building #2 in order to not disrupt more of the ground.

**Ms. McBride** asked if building #2 is supposed to be 40 feet from the property line, where it is identified as 30'-2" or if that was an approved variance by the Board of Trustees. **Mr. Drury** replied that the setbacks on the plan are the same as what was approved by the Board of Trustees and the only variance being requested tonight is for the distance to the covered porch on building #1, which was just not called out during the Zone Change process.

**Mr. Gothard** asked about the clarification in foot candles. **Mr. Drury** replied that it will need to be brought into compliance as this property is abutting a single family residence zoning district.

**Mr. Gothard** asked if the road will be a private or public street. **Mr. Drury** replied that it will be a private drive.

**Josh Blatt, of John Henry Homes, applicant**, stated that everything is substantially the same to what was presented during the first public hearing. He stated that they did do a tree study in order to minimize any impact. He stated that he has taken the feedback to heart and one thing he wanted to note is that they put substantial thought in the landscaping, as well as a buffer to Cherry. He added that they brought an example of the vinyl wrap, since it was understood as a concern of the hardy board discussion at the zone change hearing. He displayed the difference between standard vinyl and the premium vinyl that they use in their projects.

**Ms. McBride** asked if they are planning to use the vinyl. **Mr. Blatt** replied yes, that they have found that it holds up substantially better than other materials.

**Ms. McBride** asked if the grading moving has allowed the buildings to be out of the drip line for the trees. **Jim Watson, of MSP on behalf of the applicant**, stated that yes, the tree study showed that if the grading is modified, they would not interfere with the existing mature trees.

**Ms. McBride** asked if the 6-7' evergreens can be upgraded to 8-9' and if the white pine can be changed to a different tree. **Mr. Watson** replied that they modified the plan based on initial Zoning Commission comments and stated that the landscape architect told him that white pines get a bad reputation, and don't fail as often as they are claimed to and matches the quality of design they are proposing.

**Ms. McBride** asked for additional trees to be added to the north west property line in order to provide a complete screening.

**Mr. Gothard** asked if the finish could be brought down to cover the cmu foundation block on the buildings. **Tony Ravagnani, of TRA Design**, replied that something split block would be doable in order for it to not be a plain foundation.

**Mr. Gothard** asked if shields could be added to the light poles. **Mr. Blatt** replied that as long as it is within code, they are happy to do it.

**Mr. Gothard** asked if there is a curb on the southeast or a plan for a sidewalk on the southeast side of the drive. **Mr. Watson** replied that there is a curb on the north side to help with drainage and he said that once you hit the T-turn around area, it wouldn't serve a drainage function and would just be decorative.

**The public hearing was closed at 6:07 PM**

#### **DECISION**

**Ms. McBride moved, Mr. Gothard seconded to approve Case 1-2024 FDP, for the properties of 1303, 1291, 1279 & 1267 Eight Mile Road, as recommended by staff, in compliance with the applicable plans and that the following conditions be applied: 1. That if vinyl siding is used, it is a heavy gauge vinyl, 2. That the size of the proposed evergreens be increased to 8-9' at planting, 3. That there is a better mix, or 50/50 distribution of landscaping materials, specifically without white pine trees, 4. That there is a significant increase of plantings in the northwest corner, behind building #2, 5. That a photometric plan be revised to meet the Anderson Township Zoning Resolution, 6. That curbing be extended to include the T-turn around, 7. That the amount of CMU visible on building #1 be reduced or that a decorative CMU of split face or burnished be used.**

**3 Yeas, 2 No- Mr. Henson and Mr. Elliff**

**Mr. Lewis swore in all those who wish to testify in the following quasi-judicial hearing.**

### **CASE 2-2015 PUD MAJOR ADJUSTMENT**

**Mr. Drury** stated that this is a public hearing for Case 2-2015 PUD Major Adjustment and read the staff report for an application filed by Wendy Moeller, AICP, of Compass Point, on behalf of PSS 100 LLC @3, property owner, located at 7900 Beechmont Ave (Book 500, Page 201, Parcel 239), zoned "E-PUD" Retail Business- Planned Unit Development.

**Mr. Drury** stated the applicant is requesting approval of a Major Adjustment to the Planned Unit Development (Case 2-2015 PUD) to allow for 95 portable storage units to be placed to the side and behind the existing storage facility.

**Mr. Drury** stated the tract is 9.384 acres, with approximately 300' on Beechmont Avenue and approximately 328' on a private drive, the topography on the site is mostly flat, and that the existing use is an indoor storage facility with outdoor vehicle storage.

**Mr. Drury** stated that the applicant is proposing to place 95 outdoor storage containers replacing the current vehicle storage approved with Case 9-2002 BZA. These containers would range in size from 5' x 10' to 10' x 30' and reach up to 9'-2" in height. Currently vehicles of up to 12' in height excluding antennas are allowed to park on the site. The storage containers will be portable, but the applicant intends to have these containers be stationary and secured to the ground in a semi-permanent manner. The applicant is also proposing to expand the outdoor storage area by approximately 11,000 SF, extending south towards Beechmont Avenue. This area would be enclosed with a new fence / access gate (6' tall ornamental aluminum), and screened with 5' tall Spring Grove Arborvitae. The containers would not extend beyond the front of the building. A 24' wide cross access drive to IHM and Hawkins Lane would be maintained. The existing fencing and screening along the western and northern property lines is proposed to remain.

**Mr. Drury** stated that the zoning history is as follows:

- Case 11-1993 BZA
  - Approved outdoor display area for Frank's Nursery and Crafts
- Case 7-1998 BZA
  - Allowed for the construction of a storage facility up to 108,000 SF in size.
  - Outdoor storage explicitly not permitted.
  - Required all storage compartments be accessed only from within an enclosed building.
- Case 9-2002 BZA (resolution attached)
  - Permitted outdoor vehicle storage in contradiction to case 7-1998 BZA.
  - Vehicles up to 12' in height are permitted to be stored in the lot, vehicles over 9' in height must be stored behind the building line.
  - No outdoor storage will be permitted within 500' of Beechmont Avenue ROW.

- Privacy fence of up to 8' in height permitted.
- 10 evergreens of no less than 8' tall were required to be planted in front of the privacy fence.
- Case 2-2015 PUD
  - Approved the PUD application for Fresh Thyme grocery addition.

**Mr. Drury** stated that the decisions made on this property from 1993 to 2002 were reviewed by the Anderson Township Board of Zoning Appeals (BZA) as the Township's PUD regulations were not yet in place. Therefore, the changes to the property that required variances were reviewed through the BZA. In 2006 the Township adopted its PUD regulations. Therefore, the case in 2015 was reviewed as a PUD case as over 60% of the property is impervious surface.

**Mr. Drury** stated that the application is being reviewed by the Zoning Commission because self-storage facilities are not permitted within the "E" zoning district and the existing PUD does not include outdoor storage containers at the facility. The addition of outdoor self-storage containers would be a major adjustment to the approved PUD.

**Mr. Drury** stated that the application is not consistent with the following Article of the Zoning Resolution: **Article 3.14, B, 22** Retail business District Regulations: A building or premises may not be used for storage warehouses.

The applicant is requesting a modification and expansion of the outside storage area that was approved with Case 9-2002 BZA.

**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 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 non-residential 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.



**Mr. Drury** stated that the site is located in Neighborhood Four of the Beechmont Plan which encourages parking lot connections between neighboring properties, substantial quality building materials, and varied massing of buildings. Other recommendations are primarily related to landscaping and lighting. The outside storage area is mostly screened from Beechmont Avenue and surrounding properties by existing fencing and vegetation. The proposed fencing and screening should be solid and complement adjacent properties. Cross access to adjacent properties is maintained.

**Mr. Drury** stated that the proposed adjustment maintains pedestrian connectivity within Pinnacle Plaza, as well as to Beechmont Avenue and adjacent properties.

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

1. Staff is of the opinion that the container units are consistent with the approval from the BZA in 2002;
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; **Compliant as noted above, with consistency with the Economic Vitality and Land Use and Development chapters of the Comprehensive Plan.**
3. Compatibility with surrounding land uses; **Compliant – with screening, the use has very limited visibility, and should be less visible than the current vehicle storage. The proposed storage containers will have a maximum height of 9'-2" whereas vehicles of 13' are currently permitted.**
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; **Compliant – the outside storage is proposed to increase in area, however in an underused parking lot.**
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; **Compliant**
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; **NA**
8. Whether modification of the zoning or other regulations are warranted by the innovative design of the development plan; **Compliant – additional landscaping is proposed which will adequately screen the outdoor storage.**
9. The adequacy of proposed pedestrian circulation system to insulate pedestrian circulation from vehicular movement; **No changes are proposed to the current pedestrian network.**

10. The adequacy of the provisions for visual and acoustical privacy; **Compliant – site is adjacent to a school playfield and an open space area to the north.**
11. Whether the development includes an appropriate amount of, and appropriate access to, dedicated open space; **NA**
12. Whether the development will be detrimental to present and potential surrounding uses; **Compliant – the outdoor storage use was approved 22 years ago and has not been detrimental to surrounding uses. The storage containers would remain in the same place where currently vehicles come and go.**
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. **Compliant with adopted plans such as the Comprehensive Plan and Beechmont Plan.**
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. **NA**

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

1. Substantial compliance with the plans dated April 1, 2024 is required.
2. If operation of the primary use, that being indoor storage, ceases, then this resolution, which authorizes outdoor storage containers, shall be revoked and the containers shall be removed.

**Mr. Lewis** stated that he used to rent an RV space, as well as worked with a little league group that rented storage units in the past, but currently does not.

**Ms. McBride** stated that the applicant's representative, Mrs. Moeller, used to work for her, however, it has been a number of years since her employment.

**Mr. Henson** stated that 8' pine trees used to be in an aerial, and asked if we knew when they were removed. **Mr. Drury** replied that he did not know the exact year of removal, but that the applicant might know.

**Mr. Elliff** asked if there is already privacy fence all around. **Mr. Drury** replied that he believes that there is, but would like the applicant to speak to that since there are a number of fencing types on the property.

**Mr. Henson** asked if moving forward encroaches on the 500' setback. **Mr. Drury** replied, yes it does.

**Ms. McBride** asked if they will still meet the parking requirements because of the increase in units. **Mr. Drury** replied that staff did not do a parking count because the shopping center is so over parked.

**Wendy Moeller, Compass Pointe Planning**, stated that she agrees with the staff summary and stated that when she reviewed this application, the property is still well in compliance with the parking regulations. She stated for the outdoor storage would probably average one person driving in a day, and not using a parking space. She stated that they see this as an improvement to the site and that they will be paving the parking area before the storage units are put in place. She stated that the intent of the units is to be placed and anchored to the ground and will not be rolled in and rolled out, like temporary PODS. She stated that this is really just changing a variation of outdoor storage to a better appearance outdoor structure with improvements to landscaping and fencing. She stated that with the already approved residential space behind them, IHM and the surrounding commercial uses, they will not be increasing noise or vehicular traffic to this area. She stated that anticipated completion is within a year. She stated that the evergreens Mr. Henson referred to were removed prior to the current owner purchasing the shopping center and that they will be replacing what was previously there, as well as adding additional plantings.

**Josh Lowenstein, 3616 Marburg Ave, property owner** stated that his primary goal with this property is to create cohesion through the shopping center, as well as evolve in order to meet demand with the property. He stated that they are close to several apartment complexes and could be beneficial to residents.

**Mr. Lewis** stated that within the gate, there are a couple of doors for people to go in and drop things off and if losing those areas will affect business. **Mr. Lowenstein** replied that any loading areas will be remaining and that the placement of the units will be the same as where the RVs currently are. **Mr. Lewis** asked if the driveway will go the whole way around the building, **Mr. Lowenstein** replied yes. **Mr. Lewis** asked if it is one way or two way traffic. **Mr. Lowenstein** replied that it will be one way with directional signage.

**Mr. Henson** asked about the different type of fencing on the property. **Mr. Lowenstein** stated that there is power equipment in the back with chain link around it, that he isn't sure when that was put in, but that they will be making it consistent.

**Mr. Gothard** asked what the hours of access are. **Mr. Lowenstein** replied that currently the hours are 6am to 10pm and that will be remaining the same.

**Mr. Gothard** asked what the opacity of the proposed privacy fence in the front is. **Mr. Lowenstein** replied that in the front it is proposed to be an ornamental fence, so it will be see through.

**Mr. Gothard** asked if the landscaping and privacy fence can be extended in order to be a buffer to IHM. **Mr. Lowenstein** replied that it is doable.

**Ms. McBride** asked if the storage units are corrugated metal. **Mr. Lowenstein** replied that they will be a combination of corrugated and smooth.

**Ms. McBride** asked if the storage units will have advertising. **Mr. Lowenstein** replied that they will not have advertising.

**Mr. Lewis** asked if the units are taller than the fence. **Mr. Lowenstein** replied yes.

**Ms. McBride** stated that her preference would be for privacy fencing around the entire site, with arborvitae.

**Ms. McBride** asked how tenants handle trash. **Mr. Lowenstein** replied that there is a dumpster on site, which is serviced.

**Ms. McBride** asked about lighting changes. **Mr. Lowenstein** replied that the current lighting will be adequate for the new storage.

**Mr. Elliff** asked what setback was applied to the storage units and what the current setbacks are. **Ms. Moeller** replied that the setback should be from the property line, however, no setback was established with this PUD and that existing recreational vehicles are parking on the property line. She stated that there are utility lines behind the fence, so the fence is pushed in a little bit off the property line.

**Mr. Elliff** asked what the new fence across the south will be. **Ms. Moeller** replied that it is proposed to be the ornamental with arborvitae in front of it.

**Mr. Henson** asked if the current tenants are being evicted or if it will continue after the storage containers are in place. **Mr. Lowenstein** replied that there will be no outdoor vehicle storage once the containers are in place.

**The public hearing was closed at 6:57PM**

#### **DECISION**

**Ms. McBride** moved, **Mr. Gothard** seconded to approve Case 2-2015 PUD Major Adjustment, for the property of 7900 Beechmont Avenue, as recommended by staff, in compliance with the applicable plans and that the following conditions be applied in addition to the two conditions recommended by staff: 1. That there shall not be any advertising or signage on the exterior of the proposed units, 2. That the fencing on the south side shall be extended on the western property line and that it will be an 8' privacy fence, 3. That the south side and around the western property line shall have 8' arborvitae trees planted 10' on center, 4. That there shall be no changes in site or building mount lighting, 5. That a minimum of 413 parking spaces on the site be maintained, 6. That all existing vehicles and trailers on site be removed prior to the installation of the outdoor storage units, 7. That any items on site be either stored in the building or within the exterior storage units and that no materials be left outside.

**4 Yeas, 1 No- Mr. Henson**

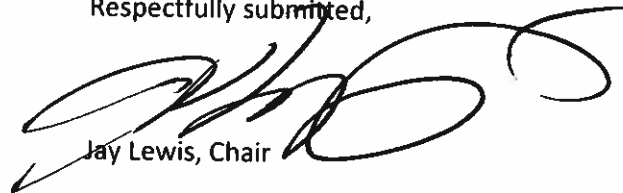
Zoning Commission  
April 22, 2024  
Page 13

**Discussion Item**

The Zoning Commission discussed the interpretation of condition #6 placed on Case 1-2023 PUD for ATP. The Zoning Commission agreed that the tents were allowed during Covid and were long over the allowed period, not to have a continuous rolling permit and that the tents need to come down when the permits expired. The intent of the condition was for the tents to be removed.

The next regular meeting would be held on May 20, 2024, at 5:30 p.m. at Anderson Center.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jay Lewis", written in a cursive style.

Jay Lewis, Chair

