ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT

CASE ANDERSON 1-2024 PUD
WAWA – 5315 BEECHMONT AVENUE

FOR CONSIDERATION BY THE ANDERSON TOWNSHIP ZONING COMMISSION ON OCTOBER 28, 2024

APPLICANT: Mihail Sevastakis, PE, of Bayer Becker, on behalf of Wawa, on behalf of Robert C Hedlesten TR, property owner

LOCATION & ZONING: 5315 Beechmont Avenue
Book 500, Page 430, Parcel 208
"E-PUD" Retail Business Planned Unit Development

REQUEST: The applicant is requesting a Major Adjustment to the Planned Unit Development (PUD) approval in Case 1-2024 PUD on January 22, 2024. The request is for the construction of a 6,372 SF Wawa Fuel and Convenience Store with 41 parking spaces, dumpster enclosure, landscaping and lighting with an impervious surface ratio of 67.5%.

SITE DESCRIPTION:

Tract Size:	2.161 acres
Frontage:	Approx. 230' on Beechmont Avenue
	Approx. 430' on Elstun Road
Topography:	Steep increase in grade from north to south
Existing Use:	Former BP / Vacant Land

SURROUNDING CONDITIONS:

	ZONE	LAND USE
North:	"EE" Planned Business District	Skytop (apartments and retail)
	"E" Retail	Vacant
South:	"RM-2.0" Multi-family	Copper Hill Apartments (Cincinnati)
East:	"RM-1.2" Multi-family	Vacant (Cincinnati)
West:	*"*E" Retail	UDF / Vacant

PROPOSED DEVELOPMENT: The applicant is proposing to construct a Wawa Fuel and Convenience Store, size 6,372 SF with six fuel pumps and canopy. The development will contain 41 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. Variances are requested for the front yard setback on Beechmont and Elstun, as well as for the parking setback along Elstun.

ZONING HISTORY: 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 Hamiton County Auditor website.

The Zoning Commission approved a PUD for Wawa, size 5,919 SF with 50 parking spaces, dumpster enclosure, landscaping and lighting with an impervious surface ratio of 81.4%, on January 22, 2024, with 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 the Anderson Township Zoning Resolution Article 5.3, K, shall be submitted for approval.
3. That the dumpster enclosure shall be brought into compliance with Anderson Township Zoning Resolution Article 5.3, D, 8.
4. That any retaining wall exceeding 4' in height shall have a fence on top of the wall.
5. That any retaining wall on the property shall have architectural detail and not just be a flat cast in place wall.

A zoning certificate was issued for the project on May 23, 2024.

FINDINGS: 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. The revised site plan requires consideration for additional variances not reviewed during the January hearing, as well as the applicant requesting a retaining wall material inconsistent with Condition #5 of the original resolution.

Zoning Resolution Compliance

The proposed development is **non-compliant** with the following articles of the Anderson Township Zoning Resolution:

Article 3.14, C, 2, a, Lot and Yard Standards: The proposed front yard building setback is 13.25' on Beechmont Avenue, and 16.04' on Elstun Road, where 30' is required.

Article 5.2, 10, Additional Use, Height, and Area Regulations and Exceptions: The proposed canopy height is 25'-2"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. Parking along Elstun Road is setback 5' vs. the required 10', to a future R/W dedication.

Article 5.3, D, 8, b, Dumpsters and Trash Handling Areas for Non-Single Family Zoning Districts: The dumpster is proposed to be setback 26' from the R/W where dumpsters are required to be located in compliance with the same minimum setbacks as the main building as determined by the zoning district (30').

Article 5.5, Signage: Proposed wall signage for the building is not in compliance. A maximum of 250 SF of wall signage is permitted where 440 SF is proposed (excluding gas canopy which is an additional 31 SF).

Applicable Plans

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.

Anderson Plan

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.

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.

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. Grading is proposed for a future connection to the existing sidewalk at Spindlehill which is located offsite, in the City of Cincinnati. The sidewalk on the opposite side of Elstun connects to the Little Miami Scenic Trail.

Design Guidelines

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.

At the January meeting, the appearance of the retaining walls was discussed as the site will be surrounded on all sides with very large walls. The wall at the corner of Elstun and Beechmont will be approximately 10' tall, and the wall along the southeast property line ranges in height from 15'-20' tall. The Zoning Commission placed a condition that the retaining walls *shall have architectural detail and not just be a flat cast in place wall.* A design was chosen that met this condition when the zoning certificate was issued in May, 2024. The applicant is now proposing a cast in place wall that contradicts this condition.

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.

RECOMMENDATION: 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.
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 required a Traffic Impact Study (TIS) for this proposed development and improvements to Beechmont and Elstun are shown on the plan. In addition, ODOT is coordinating a 12' multi-use trail with the City of Cincinnati on Beechmont Avenue.
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.

Staff recommends variances from the following articles of the Zoning Resolution:

Article 3.14, C, 2, a, Lot and Yard Standards: The proposed front yard building setback is 13.25' on Beechmont Avenue, and 16.04' on Elstun Road, where 30' is required.

Article 5.2, 10, Additional Use, Height, and Area Regulations and Exceptions: The proposed canopy height is 25'-2" where a maximum height permitted is 18'. A variance A variance for 25.5' was granted in January, 2024.

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. The parking along Elstun Road is setback 5' vs the required 10'. A parking setback variance of 2-8' was previously approved along Beechmont Avenue.

Article 5.3, D, 8, b, Dumpsters and Trash Handling Areas for Non-Single Family Zoning Districts: The dumpster is proposed to be setback 26' from the R/W where dumpsters are required to be located in compliance with the same minimum setbacks as the main building as determined by the zoning district (30').

1. The variances are not substantial. By moving the building closer to the intersection, this allows for parking to be to the side of the building along Beechmont, and the fueling pumps to be located behind the store. There will be an approximate 10' tall wall at the corner of Elstun and Beechmont that will provide separation from the road and the proposed building. 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, like the building, will be separated at grade by a retaining wall. The dumpster enclosure, while located in the front yard setback, will be screen by the retaining wall along Elstun, and Western Red Cedar evergreen trees.
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.
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).

If approved, staff recommends the following conditions from the previous approval (as applicable):

1. That any retaining wall exceeding 4' in height shall have a fence on top of the wall.
2. That any retaining wall on the property shall have architectural detail and not just be a flat cast in place wall.
3. That the wall signage be brought into compliance with the previous granted variance of 337 SF max. (excluding gas canopy signage proposed at 31 SF)

**Staff is not supportive of additional wall signage as the main building is proposed at a reduced front yard setback, which will increase visibility of the wall signage. Previous signage was approved at 337 SF where this application is requesting 440 SF. The free-standing sign is proposed at 71.5 SF which is compliant.*

GENERAL STANDARDS FOR PUD PLAN APPROVAL:

In determining whether a PUD Plan filed pursuant to this Article shall be approved or recommended for approval, the Director of Planning and Zoning, the Anderson Township Zoning Commission, and the Anderson Township Board of Trustees shall apply the following general standards.

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;
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;

3. Compatibility with surrounding land uses;
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;
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;
6. Whether the proposed development is served adequately and efficiently by essential public facilities and services which are in existence or are planned;
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;
8. Whether modification of the zoning or other regulations are warranted by the innovative design of the development plan;
9. The adequacy of proposed pedestrian circulation system to insulate pedestrian circulation from vehicular movement;
10. The adequacy of the provisions for visual and acoustical privacy;
11. Whether the development includes an appropriate amount of, and appropriate access to, dedicated open space;
12. Whether the development will be detrimental to present and potential surrounding uses;
13. The consistency of the development with recommendations from Township, County, State and/or Federal agencies;
14. Whether the development is consistent with the Vision and Goals as adopted by the Anderson Township Board of Trustees.
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.

VARIANCE STANDARDS TO BE CONSIDERED:

1. The property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
2. The variance is substantial.
3. The essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
4. The variance would not adversely affect the delivery of governmental services (i.e. water, sewer, garbage).
5. The property owner purchased the property with knowledge of the zoning restrictions.
6. The property owner's predicament can be feasibly obviated through some method other than a variance.

7. The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Property Map

Topography Map

Aerial Map

View of site looking east across Elstun Rd

View of site looking east across Elstun Rd

View looking south along Elstun

View looking north from Spindel Hill Dr- January 2024

View looking east across Elstun Rd

View looking southeast across Beechmont

View looking south across Beechmont