

**ANDERSON TOWNSHIP ZONING COMMISSION
MAY 20, 2024**

The Anderson Township Zoning Commission held a regular meeting, duly called, on May 20, 2024, at 5:30 P.M. Present were the following members:

Jay Lewis, Chair, Jonathan Gothard, Vice Chair, Ben Henson, Anne McBride, Ben Henson, Janet Baker

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

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

Approval of Agenda

Mr. Gothard moved, Ms. McBride seconded, to approve the agenda for tonight's meeting with no changes.

A unanimous vote was taken

Approval of Minutes

Ms. McBride moved, M Henson seconded, to approve the minutes from the April 22, 2024 Zoning Commission hearing.

4 Yeas, 1 abstain- Dr. Baker

Mr. Gothard swore in all those who wished to testify in Case 1-2023 PUD Major Adjustment

CASE 1-2023 PUD MAJOR ADJUSTMENT

Mr. Drury stated that this is a public hearing for Case 1-2023 PUD Major Adjustment 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-PUD" Retail Planned Unit Development.

Mr. Drury stated the applicant is requesting a Major Adjustment to an approved Planned Unit Development (PUD) to keep a temporary tent in the parking lot with no stated timeframe for removal, and an extension of 6 months to 1 year to complete the work associated with the previously approved PUD.

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

Mr. Drury stated that the applicant is requesting to keep two existing temporary tents in the parking lot of the property of 6694 Clough Pike, ATP. The applicant did not provide the sizes of the tent or a timeframe of how long the temporary tents are proposed to remain. The applicant also is requesting an

extension of 6 months to 1 year to complete the work associated with the previously approved PUD.

Mr. Drury stated that there is a long history with this property, outlined in the staff report, but that most recently on October 23, 2023, the Zoning Commission held a public hearing for Case 1-2023 PUD and approved the Planned Unit Development for the properties of 6694 and 6700 Clough Pike in Resolution #2023-1023-01 with 6 conditions. As well as on April 22, 2024, a discussion item was brought to the Zoning Commission to interpret whether or not condition #6, which stated: "That the tents should be removed when the permit expires on April 17, 2024" meant that they could not be put back up. The Zoning Commission agreed that the intent was that the tents were to be removed permanently.

Mr. Drury stated that the Zoning Commission is reviewing the application because it is a Major Adjustment to the previously approved Planned Unit Development. The approved development in Case 1-2023 PUD has 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 approved Resolution #2023-1023-01, the application is also being reviewed for compliance with the Township's Zoning Resolution, the development is also being reviewed in light of adopted plans for this area, such as the Anderson Plan, the Anderson Trails and Walkways Plan, and the Anderson Township Design Guidelines.

Mr. Drury stated that The following are the Conditions and their current status from the Zoning Commission Resolution #2023-1023-01, as approved on October 23, 2024:

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, by April 17, 2024. **The applicant has received a permit for a new sign, however, it has yet to be installed.**
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. **A new site plan has not been submitted to staff for Zoning Certificate approval for the property of 6694 Clough Pike.**
3. Any change of use for 6700 Clough Pike shall be reviewed as a major adjustment to the PUD Plan by the Zoning Commission. **NA**
4. Recommendations regarding acoustical privacy from Sprectra Tech Ltd. (dated 10/2/2023) shall be implemented. **Staff has not been made aware of any modifications to the acoustical privacy.**
5. That the label on the site plan for the tents "to remain" be removed from the site plan. **The label "to remain" was removed from the site plan however, the applicant is now requesting that the tents be allowed to remain on the property with no set timeframe for removal.**
6. That the tents shall be removed when the permit expires on April 17, 2024. **The tents have not been removed.**

Mr. Drury stated that according to the Hamilton County Building Department, the process for receiving a tent permit is as follows:

- Receiving a zoning certificate from the local jurisdiction

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- Submitting and receiving approval from the Hamilton County Building Department
- Inspections by the Hamilton County Building Department and the local Fire Department

Mr. Drury stated that the instructions for filing a temporary tent permit state that the permit is only valid for 180 days and after that it can be removed and a new permit can be reapplied. In addition, the instructions state that all work performed must be in accordance with the Ohio Building Code, the International Fire Code, the Hamilton County Building Code, the Hamilton County Zoning Resolution (or Township), and all other applicable laws and ordinances. Without proper inspection, compliance cannot be confirmed.

Mr. Drury stated that the applicant is requesting:

1. That the tents be granted to remain on the property with no timeframe for removal. **The Hamilton County Building Department instructions state that tents must be removed after a period of 180 days. The tents on the property of 6694 Clough Pike have been installed since 2020 and the last permit expired in April of 2024.**
2. A time extension of 6 months to 1 year in order to complete the work associated with Case 1-2023 PUD. **Staff believes that this is referencing the Major Adjustment needed for the bourbon bar property (6700 Clough Pike), monument style sign and cross access easement for the parking as stated in Resolution #2023-1023-01. The property owner has purchased the property of 6666 Clough Pike (Family Pet Center) and the applicant has stated that they are currently working on a plan for all three properties.**

Mr. Henson asked if most of the conditions not being met would affect the status of the resolution. **Mr. Drury** replied that while the conditions aren't met, it doesn't affect the Resolution being in place.

Mr. Henson asked what the implications are of an applicant ignoring deadlines. **Mr. Drury** replied that for the tents, the responsibility would be the building department, zoning and the fire department and for the PUD, the responsibility would be our zoning staff and is ultimately why they are in front of the Zoning Commission tonight.

Mr. Henson stated that this submittal is only slightly different than what was seen in October, however there are differences, and asked if it should be vetted as a whole new plan. **Mr. Drury** replied that the site plan was not reviewed as a whole, and that staff asked for a plan that shows the tents that are being requested to stay, so that is what the Zoning Commission should consider tonight.

Mike Doenges, Core Resources, stated that the sign has been submitted to Hamilton County for the foundation due to the floodway and that is moving forward. He stated that the construction will proceed after that. He stated that the applicant submitted for a new zoning certificate for the tents prior to the expiration date and were told by staff that a new zoning certificate could not be given and that the tents need to come down. He stated that there were questions in the intent from the October 2023 meeting minutes. He stated that because the applicant thought they could leave the tents up, they booked several events in that tent and thought it was a bigger disservice to the community to take

the tents down and cancel events. Mr. Doenges stated that the applicants have purchased the Family Pet Center to the north in order to have a solidified parking solution and access. He stated that they are planning to come back to the Zoning Commission with all three properties to show how they will be connected. He stated that the survey of the Family Pet Center is underway, but that easements are being currently being completed by the attorneys.

Dr. Baker asked why events were scheduled after the tent was supposed to be taken down. **Mr. Doenges** stated that they interpreted the October minutes differently than staff and thought they could reapply for the tents once that deadline had passed.

Mr. Henson stated that in the submitted letter, the applicant states that the owner is not aware of any inconvenience to adjacent property owners, however during the previous hearings for this Case, there were several testimonies made regarding the impact of the noise on surrounding property owners. **Mr. Doenges** replied that the owner is aware of the discussion from the last meeting.

Mr. Gothard asked if the Resolution was considered as well as the minutes in the interpretation by the owners. **Mr. Doenges** replied that they did read the Resolution, but questioned if it is a deed restriction on the property or if the tents in question just needed to be taken down. **Mr. Gothard** replied that the Resolution stated that the tents were to be removed, and that they still have not been.

Mr. Gothard asked if the acoustical improvements have been made. **Mr. Doenges** replied that he is not sure if the improvements have been completed, however, the owner is aware and are in agreement to doing the improvements as conditioned.

Mr. Lewis asked if the applicant asked has the date he applied for the Hamilton County Building Department permit. **Mr. Doenges** replied that he didn't have the exact date, but knew it had been submitted. *Mr. Drury went to look up the exact date for the record.

Mr. Lewis asked if there are set plans for the Family Pet Center. **Mr. Doenges** replied that there are no immediate plans.

Diane Seeman, 2436 Royalview Ct., stated that she lives directly up the hill from the property and that the tents are currently in use and the noise has not been taken care of. She stated that while the owner is aware of the complaints, its similar to how they are treating zoning, they do what they want to do. She stated that they say that they will be compliant, but never do anything to address what they need to. She stated once they have three buildings, with the amount of people, that the sound is traveling directly up the hill with no consideration of those up the hill. She stated that the owners push the boundaries at every turn and are ultimately not being good neighbors.

The public hearing was closed at 5:57 PM

Mr. Drury stated that the building department permit was applied for on February 27, 2024.

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DECISION

The Board discussed making two motions on the request.

Ms. McBride moved, Mr. Gothard seconded to deny Case 1-2023 PUD Major Adjustment, for the properties of 6694 and 6700 Clough Pike, for the tents to remain on the property with no timeline for removal, and that the tents be removed from the property by June 1, 2024.

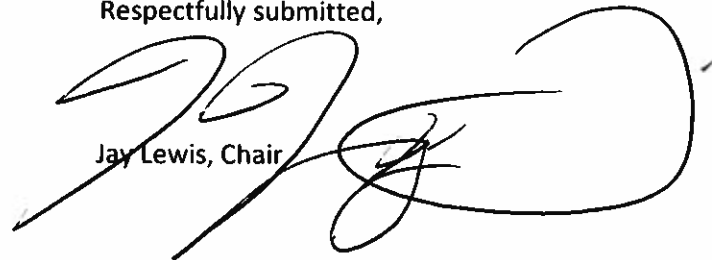
3 Yeas, 2 No- Dr. Baker, Mr. Henson

Ms. McBride moved, Mr. Gothard seconded to modify the request in Case 1-2023 PUD Major Adjustment, for the properties of 6694 and 6700 Clough Pike for an extension of six months to one year, for the monument style sign to be constructed by July 30, 2024 and the easements requested during the PUD approval in October be recorded and given to the Township by June 30, 2024.

5 Yeas

The next regular meeting would be held on June 24, 2024, at 5:30 p.m. at Anderson Center.

Respectfully submitted,

A large, stylized handwritten signature in black ink, consisting of several loops and flourishes, positioned above the printed name.

Jay Lewis, Chair

