

**ANDERSON TOWNSHIP ZONING COMMISSION
NOVEMBER 20, 2023**

The Anderson Township Zoning Commission held a regular meeting, duly called, on November 20, 2023, at 5:30 P.M. Present were the following members:

Jonathan Gothard, Acting Chair, Jay Lewis, Acting Vice Chair, and Brian Elliff

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

Approval of Agenda

Mr. Lewis moved, Mr. Elliff seconded, to approve the agenda for tonight's meeting with no changes.
A unanimous vote was taken: 3 yeas

Approval of Minutes

Mr. Elliff moved, Mr. Lewis seconded to approve the minutes from the October 23, 2023 Zoning Commission hearing with no edits.
A unanimous vote was taken: 3 yeas

Mr. Gothard swore in all those who wished to testify for Case 2-2020 PUD Major Adjustment.

CASE 2-2020 PUD MAJOR ADJUSTMENT

Mr. Drury stated that this is a quasi-judicial hearing for Case 2-2020 PUD Major Adjustment and read the staff report for an application filed by Gillian Molnar, CAM of HILLS Properties, on behalf of Vantage Anderson LLC, property owner, located at 1445 Towne Center Way (Book 500, Page 202, Parcel 218), 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 2-2020 PUD) to allow for four large temporary banner signs, which exceed the size and timeframe permitted.

Mr. Drury stated the tract is 3.871 acres, with approximately 478' of frontage on Five Mile Road, approximately 661' on a private drive, and approximately 542' on Towne Center Way, the topography on the site decreases in grade from south to north, the existing use is apartments and a parking garage under construction.

Mr. Drury stated that the applicant is proposing to install four signs (#1- 150 SF, #2-140 SF, #3-120 SF, and #4- 240 SF) – three on the building (2 installed) and one on the temporary construction fence (installed) along Five Mile Road. The banners are made of white mesh. The applicant stated they would like to have the signs remain until they reach their stabilization (based on leased occupancy), or through

the end of 2024.

Mr. Drury stated that on May 18, 2020, in Case 2-2020 PUD, the Zoning Commission approved a multi-family development with 224 units, amenity area, a multi-level parking garage, with one story serving as the METRO Park and Ride and Anderson Center overflow parking. Construction is ongoing with occupancy expected in 2025.

Mr. Drury stated that the application is being reviewed by the Zoning Commission because the temporary signs are not in compliance with the temporary sign size standards as outlined in the Anderson Township Zoning Resolution. The sign exceeds the maximum of 32 SF per sign, measuring at #1- 150 SF, #2-140 SF, #3-120 SF, and #4- 240 SF. Additionally, the applicant has requested the signs be allowed to remain until they reach their leasing stabilization, or through the end of 2024, where a maximum of 48 days is allowed per the Anderson Township Zoning Resolution.

Mr. Drury stated that the existing sign is not in compliance with Article 5.5, E, 11 of the Anderson Township Zoning Resolution. The article reads, "Temporary signs greater in square footage than those exempted in Article 5.5, E, 7 and 8 are permitted in any office, retail, industrial or riverfront district, subject to the following limitations:

a. Such signs shall be limited to one sign per premises and shall not exceed thirty-two (32) sq. ft. per side with a maximum of two (2) sides. A property having more than 400 feet of street frontage shall be allowed to display one sign for each 400 feet of street frontage or part thereof, with a minimum distance of 175 feet between signs. Corner properties may use either street frontage, but not both street frontages, to determine the total length of the developed property.

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

1. The applicant has stated that the large temporary signs will help marketing efforts in this pre-leasing stage, prior to construction being complete. The applicant is using the size of the building and visibility to Five Mile Road / Towne Center Way for local marketing purposes. Allowable permanent wall signage for the building will be 500 SF which can be split on multiple facades. The applicant is proposing a total of 650 SF in temporary signage.
2. The applicant has stated that the temporary signs will be installed until they reach their leasing stabilization, or through the end of 2024. Staff finds that this timeframe has been consistent with other residential temp sign requests.
3. The temporary sign attached to the construction fence is located in the right-of-way of Five Mile Road. Township zoning cannot permit any signage in the right-of-way.

Mr. Drury stated that should the Zoning Commission approve the temporary signs, staff recommends that a condition be placed regarding the length of time the signs shall be installed, as well as limiting additional temporary signs for this property until these have been removed.

Mr. Lewis asked for clarification on the Township being able to permit the fence in the right of way. **Mr.**

Drury replied that the Township is not able to permit anything in Hamilton County Right of Way, and it has been confirmed with the County that they will not permit the signage on a fence in the Right of Way.

Mr. Elliff reiterated the temporary sign regulations and asked if they could have two or three signs at 32 sq. ft. on each street. **Mr. Drury** replied yes, and that they fall into the bonus formula with the amount of road frontage, so they would actually be able to have 500 sq. ft. of permanent signage for the whole building and the applicant could determine which side of the building it is allocated to.

Mr. Gothard asked if there are any issues with the construction fencing being in the right of way. **Mr. Drury** replied that the county has not expressed any issues with it.

Gillian Molnar, of Hills Properties, 1445 Towne Center Way, stated that the staff report accurately described the signage and stated that the signs are already helping drive people into their office. She stated that they feel like the signage will really help assist them to get the property full. She stated that they would like the signage to remain until they are at the desired stabilization number to make sure they are reaching the maximum number of people possible.

Mr. Lewis asked what the stabilization number is. **Ms. Molnar** replied it is usually 90-95% leased. She stated that with a brand new product, the goal is to get the maximum number of people living there as soon as possible. She stated that other companies wait until a project is complete and then start leasing, however, that they pre-lease their projects.

Mr. Elliff asked how relevant wall signage is versus online efforts. **Ms. Molnar** replied that with the demographic they are trying to reach, this signage has been very helpful. She noted that with the amount they've preleased so far, they are targeting existing Township residents who want to downsize.

Mr. Elliff asked if Hills typically puts banners up without addressing the Planning and Zoning staff. **Ms. Molnar** replied that it was truly a mistake on their part and that they have two other buildings under construction and didn't need to get approval there.

Mr. Gothard asked what the anticipated completed construction is. **Ms. Molnar** replied probably end of 2024, spring of 2025. **Mr. Gothard** asked when people will first move in. **Ms. Molnar** replied May/June 2024.

Mr. Gothard asked where the permanent signs will be. **Ms. Molnar** replied that there will be a monument style sign and then another sign on the north side of the building.

Mr. Lewis asked if the 500 sq. ft. would require the applicant to come back before the Zoning Commission. **Mr. Drury** replied, no, they would be allowed to do that just with a permit. **Mr. Drury** explained the process on calculating wall signage for larger buildings with the bonus formula.

Sarah Hendricks, of Hills Properties, 4901 Hunt Road, stated that there are a lot of new buildings under

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construction and that they pride themselves on the aesthetic matching what they are building. She stated that they do not want it to be a distraction. She stated that the company they are working through for the permanent signage plans to get approval from Zoning before installation.

Sarah Kitzmiller, 1828 Stonehouse Lane, stated that she is a Township resident, who grew up here, and believes that this project will fully contribute to the growth of the Towne Center development.

The public hearing was closed at 6:00 PM

DECISION

Mr. Elliff moved, Mr. Lewis seconded to approve Case 2-2020 PUD Major Adjustment, for the property of 1445 Towne Center Way, as recommended by staff with the removal of the sign on the fence in the right of way within one week of this approval, allowing signs labeled 2, 3, and 4, with the four conditions recommended by staff and for the temporary signs to be removed when permanent signage is installed or by 12/31/2024.

3 Yeas

The next regular meeting would be held on December 18, 2023, at 5:30 p.m. at Anderson Center.

Respectfully submitted

A large, stylized handwritten signature in black ink, appearing to read 'Jay Lewis', is written over the typed name below.

Jay Lewis, Chair

