

**ANDERSON TOWNSHIP ZONING COMMISSION
NOVEMBER 18, 2024**

The Anderson Township Zoning Commission held a regular meeting, duly called, on November 18, 2024, at 5:30 P.M. Present were the following members:

Jay Lewis, Chair, Brian Elliff, Acting Vice Chair Anne McBride, and Janet Baker, Alternate

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, and Mallory Clapp, 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

Ms. McBride moved, Mr. Elliff seconded, to approve the agenda for tonight's meeting with the modification that Case 1-2016 PUD Major Adjustment on the agenda be continued to next month. A unanimous vote was taken

Approval of Minutes

Mr. Lewis stated that we do not have the appropriate quorum to approve the minutes from June 24, 2024 Zoning Commission.

Dr. Baker moved, Mr. Elliff seconded, to approve the minutes for the October 28, 2024 Zoning Commission minutes.

3 Yes, 1 Abstain- Ms. McBride

Ms. Donovan swore in all those who wish to testify for Case 3-2024 PUD.

CASE 3-2024 PUD

Mr. Drury stated that this is a quasi-judicial hearing for Case 3-2024 PUD and read the staff report for an application filed by John Lucas, Project Manager for K4 Architecture, on behalf of United Dairy Farmers, Inc., property owner, located at 5275 Beechmont Avenue (Book 500, Page 430, Parcel 201), zoned "E" Retail and "H" Riverfront District.

Mr. Drury stated that the applicant is requesting a Planned Unit Development (PUD) approval to demolish the existing building and construct a new UDF gas station, size 6,323 SF, with 43 parking spaces, dumpster enclosure, patio area, landscaping and lighting.

Mr. Drury stated the tract is 1.93 acres (new lot), with approximately 412' on Beechmont Avenue and 306' on Elstun Road, the topography is relatively flat, starts to slope at the rear of the lot, and the existing use is a UDF gas station and convenience store.

Mr. Drury stated that the applicant is proposing to demolish an existing convenience store and fuel

canopy and construct a new UDF convenience store and gas station, size 6,323 SF with seven fuel pumps and canopy. The development will contain 43 parking spaces, dumpster enclosure, landscaping and lighting. Full access is proposed on Elstun Road, as well as a right in only on Elstun Road with a right-in / right-out on Beechmont Avenue. There is an existing sidewalk along Elstun Road, which was constructed by the Township and connects to the Little Miami Trail, as well as an existing crosswalk. A mixture of building materials is proposed (brick, aluminum vertical siding, cast stone, and metal). Retaining walls are proposed on the south and east property line. The applicant is proposing to increase the overall area of the parcel.

Mr. Drury stated that the existing UDF store and gas station was approved and constructed in 1989. A zoning certificate was issued in 2002 for a canopy expansion, two 24' x 24' expansions over the gas pump area with a maximum height to not exceed 18' high and relocation of an existing freestanding sign and light poles.

Mr. Drury stated that the Zoning Commission is reviewing the application because the proposed development will have an impervious surface ratio greater than 60%, (73.07%) which triggers the PUD overlay and the standards found in Article 4.1 of the Zoning Resolution.

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

Article 5.3, K, Lighting For Non-Single Family Uses: The lighting plan submitted does not show the varying zoning district lines and therefore compliance can't be determined. Staff would recommend a condition that a lighting plan with zoning lines be submitted.

Article 5.3, L, 5, b, i, A minimum of one (1) shade or evergreen tree per thirty (30) lineal feet of parking surface frontage and one (1) shrub per ten (10) lineal feet of parking surface frontage shall be planted along the perimeter of any parking area: On the east side of the property, the applicant is only showing 3 trees, where 4 are required. In addition, the landscaping area by the three spaces near the right in on Elstun Road are required to have additional bushes than what is shown.

General Plan Notes:

- Building and canopy setbacks shall be noted to the property lines R/W. The submitted plan does not show the rear setback.
- A surveyor stamped site plan will need to be submitted if approved for the Zoning Certificate.
- Staff would recommend that the sidewalk on Beechmont Avenue be removed and the landscaping area be expanded. There will not be a connection to the one on Beechmont due to the Township connection from the Little Miami Trail onto Elstun Road.
- A pedestrian connection from the sidewalk on Elstun to the building needs to be shown on the plan.
- The dumpster enclosure height is 7.5' and of a similar material to the building and therefore in compliance.
- Stacking spaces, size 9' x 20' need to be shown on the site plan for the gas pumps.

- A loading space needs to be identified on the site plan.
- Staff would recommend additional street trees along the Beechmont Avenue frontage.
- The applicant submitted a sign package, including 89 SF of wall signage and a monument style sign, 8'-10 ½" tall, which is compliant.

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, 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 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.

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 application is consistent with the following in the Anderson Trails Plan:

Beechmont Sidewalks: There is an existing sidewalk along Beechmont Avenue and a cross walk connection across Elstun. However, because this sidewalk will not be expanding toward the Beechmont Levee, staff suggests removing the sidewalk along Beechmont to promote use of the sidewalk installed along Elstun connecting to the Little Miami Trail.

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.

Landscaping: Incorporate appropriate plantings that are in scale with their surroundings. Separate roadways from commercial development by attractive landscape planter strips. Staff believes there could be an increase of landscaping, especially street trees, on the side along Beechmont Avenue.

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, as well as with the gas pump canopy and dumpster enclosure.

Mr. Drury stated that 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. 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.

Mr. Drury stated that 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 required additional landscaping and the request for a lighting plan with zoning district lines.
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.
3. The use (convenience store and 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 on the site.
8. Certain modifications of the zoning regulations may be warranted such as the reduced streetscape buffer on Beechmont Avenue. The lighting plan and landscaping plan should come into compliance with the Anderson Township Zoning Resolution.
9. There applicant does not show a pedestrian connection from the sidewalk along Elstun Road into the site.
10. The site provides 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. A traffic study was not submitted and staff has not been made aware that one will be required.
14. The development is consistent with the Vision and Goals as adopted by the Anderson Township Board of Trustees.
15. The development does not have an intense slope.

Mr. Drury stated that staff DOES NOT recommend variances from the following articles of the Zoning Resolution:

Article 5.3, K, Lighting For Non-Single Family Uses: The lighting plan submitted does not show the varying zoning district lines and therefore compliance can't be determined. Staff would recommend a condition that a lighting plan with zoning lines be submitted.

Article 5.3, L, 5, b, i, A minimum of one (1) shade or evergreen tree per thirty (30) lineal feet of parking surface frontage and one (1) shrub per ten (10) lineal feet of parking surface frontage shall be planted along the perimeter of any parking area: On the east side of the property, the applicant is only showing 3 trees, where required 4 due to the proposed retaining wall. In addition, the landscaping area by the three spaces near the right in on Elstun Road are required to have additional bushes than what is shown.

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

1. That the lighting plan be resubmitted to show the zoning districts.
2. That a landscaping plan which meets the requirements of the Zoning Resolution be submitted.

Dr. Baker stated that she is being mindful of the lighting from this site as it relates to the Spindlehill Apartments that testified during the Wawa Case.

Mr. Elliff asked if details have been given on the retaining wall. **Mr. Drury** replied that we can ask the applicant for additional details.

Mr. Elliff asked if staff believes that the pedestrian connection should be a condition. **Mr. Drury** replied yes.

Ms. McBride asked if staff has considered the need for a connection from the bus stop to the site. **Mr. Drury** replied yes, there needs to be a pedestrian connection from the exterior sidewalk into the site.

Ms. McBride asked what the footcandle requirements are for the canopy. **Mr. Drury** stated that the Township doesn't have specific footcandle requirements as it relates to the canopy, just at the property line.

Ms. McBride stated that there is not a label for the entrance on Beechmont to be right in, right out.

Mr. Lewis asked what the existing impervious surface ratio is. **Mr. Drury** stated that it was not provided, so staff did not compare the two.

John Lucas, K4 Architecture, on behalf of the applicant, stated that they can update and submit new plans for the conditions that staff included in the staff report. Mr. Lucas stated that the entrance on Beechmont is currently identified as a full access, but it has been submitted to ODOT for their approval, but they don't have a final approval.

Mr. Lucas stated that the colors for the freestanding sign and two of the wall signs are not correct on the slides and appears to have scanned incorrectly.

Dr. Baker asked for an explanation of the lighting plan. **Mr. Lucas** replied that there is a difference between the requirement for the "D" and "E" Zoning Districts, so they will submit a complete plan.

Mr. Elliff asked if the intersection is full movement today. **Mr. Lucas** replied that yes, it is full movement.

Mr. Elliff asked for details on the retaining wall. **Mr. Lucas** replied that it is typically a cobblestone or limestone material, but it will have architectural details.

Tim Lang, Director of Real Estate for UDF, stated that they used the Rosetta stone product on a property in West Chester and it looks really attractive. He stated that the Linder family owns the property and want it to look the best it can.

Mr. Lewis asked what the height of the retaining wall is. **Mr. Lang** stated that its from about 4' to 12' at the back. He stated that they own additional properties adjacent to this one and are going to work on making it as functional as possible.

Mr. Elliff asked for further explanation of staff's recommendation of removing the sidewalk along Beechmont. **Mr. Drury** replied that staff is working on a larger connection on the Elstun side and the portion of sidewalk on the property's Beechmont frontage will not be connecting.

Ms. McBride asked if mechanical equipment will be screened on four sides. **Mr. Lang** replied that they haven't shown that on the plan, but that it is possible to do so.

Ms. McBride asked how the fuel tanker will arrive on site. **Mr. Lang** replied that it is proposed that they will come in from Beechmont, wrap around the storm and load from the passenger side.

Ms. McBride asked if the outdoor area will be similar to the one on Birney. **Mr. Lang** replied it will be similar, just slightly different but will have the hanging lights and patio tables.

No one wished to speak in favor or opposition.

The public hearing was closed at 6:04 pm.

DECISION

Ms. McBride moved, Dr. Baker seconded to approve Case 3-2024 PUD for the property of 5275 Beechmont Avenue, UDF, as recommended by staff, with the following conditions: that a pedestrian connection be extended from Elstun to store, as well as from the bus stop to the pavement area, a compliant landscaping and lighting plan be submitted, roof mounted mechanical be screened, an increase in landscaping on Beechmont that was previously a sidewalk, that the retaining wall be constructed of decorative material, and that the access point on Beechmont be right in and right out only.

4 Yeas

Ms. McBride recused herself from the following case.

CASE 4-2014 ANDERSON MAJOR MODIFICATION

Mr. Drury stated that this is a public hearing for Case 4-2014 PUD Anderson Major Modification and read the staff report for an application filed by Alex Barnett, Permit Manager for Atlantic Sign Company, on behalf of Kroger Limited Partnership I, property owner, located at 7580 Beechmont Ave (Book 500, Page 202, Parcel 214), zoned "EE" Planned Major Modification.

Mr. Drury stated that the applicant is requesting a variance for 535.15 SF of wall signage where 500 SF is permitted per Article 5.5, G, 2, a of the Anderson Township Zoning Resolution. Currently 434.55 SF of wall signage is installed.

Mr. Drury stated the tract is 14.173 acres, with approximately 405' of frontage on Beechmont Avenue and approximately 360' of frontage on Wolfangel Road, the topography is relatively flat with a small decrease in grade to the north, and the existing use is Kroger and Kroger Fuel.

Mr. Drury stated that the applicant is proposing an additional 100.6 SF of wall signage for Kroger, for a total of 535.15 SF where a maximum of 500 SF is permitted. The following three new signs are proposed:

Sign 1 – "Liquor Control" – 67 SF replacing 18 SF

Sign 2 – "Pick-up Letter Set" – 63 SF (new)

Sign 3 – "Pick-up Pharmacy Drive-thru" – 95.4 SF replacing 106.8 SF

Mr. Drury stated that a zoning certificate was issued in 2004 for the construction of the existing Kroger building including drive through lanes for the pharmacy and bank, plus a building and canopy for gasoline sales, parking improvements, landscaping, lighting and sidewalks. The Board of Township Trustees approved a Zone Change on December 18, 2014, Case 4- 2014 Anderson, for a 50,000 SF (approximate) addition to the existing Kroger for a gross total of 176,343 SF. A total of 814 parking

spaces were approved. A future development area at the corner of Beechmont and Wolfangel was also approved, with approximately 18,500 SF in two buildings on one acre. The Final Development Plan for Phase I (Kroger addition) was approved in February 2015 and Phase II (outlot) was approved in May 2015.

Mr. Drury stated that the approving resolutions for the Zone Change and Final Development Plan did not contain specific language for wall signage, therefore, the maximum signage permitted is per Article 5.5, G, 2, a of the Zoning Resolution.

Applicable Plans

Mr. Drury stated that the *Anderson Trails and Walkways Plan* is not applicable.

Beechmont Plan

Mr. Drury stated that this property falls within Neighborhood 3 of the Beechmont Plan which encourages "Buildings that promote a pedestrian-friendly environment" and "Two story massing with unique details." (p. 44)

Mr. Drury stated that the following Goals of the Anderson Plan should be considered when evaluating this application:

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:

The Beechmont Corridor will be a viable and attractive destination for residents, as well as a regional destination for Greater Cincinnati.

Design Guidelines

Mr. Drury stated that the guidelines for building-mounted signs include the following:

- **Design.** Facade-mounted signs should be designed as an integral element of the architecture. The shape and materials of the sign should complement the architectural features on the building.
- **Location.** Signs should not be mounted in locations that obscure architectural details on the building. Signage should be mounted on vertical surfaces without projecting above the fascia trim.
- **Signage Placement.** Signage on awnings, windows, and other facade elements shall be designed to complement and be consistent with the building architecture.

Mr. Drury stated that Staff recommends approval of the Major Modification to Case 4-2014 Anderson, as:

1. The proposed signage is reasonable compared to other storefronts in the Towne Center that are permitted 20% of their façade. The proposed signage is proportional to the façade of the Kroger building.
2. The proposed modifications are compatible with the site and surrounding uses in the Anderson Towne Center. The building is over 176,000 SF and set back approximately 400' from Beechmont Avenue, and 360' from Wolfangel, with a slight decrease in grade from the roadways.
3. The proposed signage is consistent with the Design Guidelines and Anderson Plan as the shape and materials of the sign complement the architectural features on the building, as well as existing signage.
4. The modifications allow for the applicant to realize a reasonable profit from the property. The proposed signage is on the front of the building and side that faces the parking lot, not the rear that faces a residential area.

Mr. Drury stated that if approved, the following condition be placed: that all temporary signage on the property be brought into compliance with the Anderson Township Zoning Resolution.

Mr. Lewis asked if the methodology for sign calculation is the same across the Township. **Mr. Drury** replied yes, it's the same across the Township and that this site is the perfect example of a big box store and how they are allowed 500 SF.

Dr. Baker asked if staff had asked for the signage to be brought into compliance. **Mr. Drury** replied yes, the original request was a larger amount of signage and staff has worked for months with the applicant to get it to this point.

Alex Barnett, 2328 Florence Ave, of Atlantic Sign Company, stated that generally he would agree that everyone knows it is Kroger, but when you can see the sign more easily, the drivers in the lot are able to spend less time driving around looking for where they are going. He stated that they believe that leads to a safer environment. He stated that originally, Kroger had wanted much larger signs and that they've been working with staff to get the submittal to this point. He stated that he did check with the state of Ohio and they are not required to have the liquor sign to be compliant, however, Kroger has gone through a massive rebrand and are trying to unify their signage. He stated that being able to find the pharmacy drive thru as easily as possible eliminates a burden to a customer. He stated that he believes this is comparable to the size of the building.

No one wished to speak in favor or opposition.

The public hearing was closed at 6:24 pm

DECISION

Mr. Elliff moved, Dr. Baker seconded to approve Case 4-2014 Anderson Major Modification for the property of 7580 Beechmont Avenue, Kroger, based on the findings from staff, with the condition that temporary signage be brought into compliance before a zoning certificate is issued.

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3 Yeas

The next regular meeting would be held on December 16, 2024, at 5:30 p.m. at Anderson Center.

Respectfully submitted,



~~Jay Lewis, Chair~~

JONATHAN R. GOTHARD, VICE-CHAIR

