



ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT

CASE 1-2016 PUD MAJOR ADJUSTMENT

ROUND BOTTOM RENTALS - 4270 ROUND BOTTOM ROAD

FOR CONSIDERATION BY THE ANDERSON TOWNSHIP ZONING COMMISSION ON MARCH 24, 2025

APPLICANT: Kristopher Milner, Associate for KMK Law, on behalf of BEE Properties Inc, property owner

LOCATION & ZONING: 4270 Round Bottom Road
(Book 500, Page 170, Parcel 036)
"ID - PUD" Industrial Development Planned Unit Development

REQUEST: The applicant has installed (without permits) two portable structures, size 138.90' x 47.89' and 17.55' high and 69.78' x 41.04' and 10.5' high on the property to shelter equipment stored on the property.

SITE DESCRIPTION: *Tract Size:* 4.421 acres
Frontage: Approximately 845' on Round Bottom Road
Topography: Relatively flat
Existing Use: Round Bottom Rentals

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
<i>North:</i>	"ID" Industrial Development	Evans Landscaping
<i>South:</i>	"ID" Industrial Development	Evans Landscaping Parking
<i>East:</i>	"ID" Industrial Development	Vacant Industrial Land
<i>West:</i>	"ID" Industrial Development	Evans Landscaping

PROPOSED DEVELOPMENT: The applicant has installed (without permits) a portable structure, size 138.90' x 47.89' (approx. 6,500 SF) and 17.55' high on the property to shelter equipment stored on the property. The applicant stated that "the structure does not have any foundation or footers, has no lighting or utilities, and is situated and anchored to the existing parking and storage lot."

A second structure was identified on the site during the inspection on 11/8/2024 that had been installed since August. This structure is 69.78' x 41.04' (2,863 SF) and 10.5' high, with a front yard setback of 64.33' from the right-of-way.

ZONING HISTORY: The applicant purchased the property in May, 2013 and began making improvements to the property prior to receiving zoning approval. The PUD request proposed a change of use from The Brewer Company which used the site as storage, maintenance, and repair of trucks / equipment to Round Bottom Rental. Round Bottom Rental is a commercial, equipment rental business. There are two buildings on the site, and a blighted house was removed. The larger is used for the retail component of the business and small equipment repair. The smaller building is used for storage. A twenty-car parking lot was constructed and is primarily used for employees who work across the street at Evans Landscaping. The number of driveways along the County road were reduced from 5 to 3. Decorative fencing and parking lot lighting was installed. The Zoning Commission

approved the PUD in February 2016 with one variance for a parking lot setback of 5' from the right-of-way vs 10'. This decision was appealed by the applicant, but the appeal was later dropped.

A violation letter was sent to the applicant on August 7, 2024 regarding a structure constructed without permits. During the inspection on 11/8/2024, an additional structure appeared to have been constructed. A site visit was scheduled with the applicant's attorneys, Hamilton County Building Inspectors, and Township staff on 11/20/2024. It was clarified by Hamilton County that building permits are required for the two new structures once zoning has been resolved. An updated site plan was submitted via email on 11/18/2024 and included with a revised submittal on 11/25/2024. No impervious surface ratio (ISR) was provided.

On December 16, 2024, the Zoning Commission heard Case 1-2016 PUD Major Adjustment. As a result of the quasi-judicial hearing, a motion was made to approve the PUD application. The motion received two affirmative votes, where three affirmative votes to pass are required per the Anderson Township Zoning Commission by-laws, which state: "The failure of any proposed amendment or supplement to receive a minimum of three (3) affirmative votes shall constitute a recommendation against such an amendment or supplement and the vote shall be so reported to the Township Trustees."

The applicant filed an appeal of the December 16, 2024 Zoning Commission decision to the Board of Township Trustees. At the February 20, 2025 Board of Township Trustees meeting, the Board of Trustees moved to remand Case 1-2016 PUD Major Adjustment back to the Zoning Commission to be heard by a Zoning Commission Board of five members.

FINDINGS:

Zoning Resolution Compliance

The two structures are compliant with the setbacks required in Article 3.16, G of the Zoning Resolution. No landscaping or lighting plans were submitted, and an ISR was not provided. There is existing landscaping and fencing that was installed in 2016.

Applicable Plans

Anderson Plan

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 Ancor Area will continue to be the Township's target site for future economic development and enhanced infrastructure.

RECOMMENDATION:

The two structures are compliant with setbacks in the ID zoning district and are consistent with other structures on nearby properties. The structures are used to shelter rental equipment, also consistent with the underlying PUD. The ISR was not provided so it is unclear if the structures created additional impervious area or if they were constructed on existing impervious surfaces. No information was provided on landscaping and lighting, which is existing.

If approved, staff recommends the following conditions:

1. Building permits shall be obtained for all structures.
2. If these two structures are relocated on site, a minor adjustment to the PUD is required, and an application for a zoning certificate shall be submitted.
3. If new structures are proposed, a major adjustment application shall be submitted to the Zoning Commission for review.

**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.

Property Map



Aerial Map



Topography Map



Zoning Map









