

ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT

CASE 1-2020 PUD MAJOR ADJUSTMENT

1240 NAGEL ROAD- NAGEL APARTMENTS

FOR CONSIDERATION BY THE ANDERSON TOWNSHIP ZONING COMMISSION ON DECEMBER 15, 2025

APPLICANT: Joshua Blatt, Member of Hickory Woods Development Company, LLC, on behalf of Clous Anderson LLC, property owner.

LOCATION & ZONING: 1240 Nagel Road
Book 500, Page 121, Parcel 158
“E-PUD” Retail Planned Unit Development

REQUEST: The applicant is requesting a Major Adjustment to the approved Planned Unit Development in Case 1-2020 PUD in order to construct a 70-unit apartment complex. The applicant is proposing 38 one-bedroom units and 32 two-bedroom units for a total density of 28.76 units per acre. The applicant is proposing 127 parking spaces, and landscaping. The proposed impervious surface ratio is 83.3%.

SITE DESCRIPTION: *Tract Size:* 2.475 acres
Frontage: Approx. 240' on Nagel Road
Topography: Relatively flat
Existing Use: Vacant land, used as overflow car dealership parking

	<u>ZONE</u>	<u>LAND USE</u>
<i>North:</i>	“OO” Planned Office District	LCNB/The Goddard School
<i>South:</i>	“E-PUD” Planned Business District	APG
<i>East:</i>	“E-PUD” Planned Business District	Comboni Mission / Shopping Center
<i>West:</i>	“OO” Planned Office District/ “C” Single Family Residence	CPA, Law firm, and single family residence

PROPOSED DEVELOPMENT: The applicant is proposing to construct an apartment building with 70 units, including 38 one bedroom units and 32 two bedroom units, for a total density of 28.76 units/acre. The footprint of the proposed building is 21,147 square feet. The building is proposed to be four stories, for a total of approximately 84,588 square feet. The applicant is providing 127 parking spaces, cross access to adjacent properties, landscaping, parking lot lighting, a dumpster enclosure and an overall impervious surface ratio of 83.3%.

ZONING HISTORY: The five former office buildings were constructed in 1982.

An addition to the pole sign (located on Beechmont, adjacent to the driveway accessing Anderson Pub and Grill and retail center) was approved in 1989, size 8' x 17', 6". In 1990 the existing free-standing sign was approved for alterations, size 6' x 17', 6". From 1989-2000 various permits for face changes to the existing pole sign were approved. This pole sign, while advertising the office buildings, was not located on that parcel.

The five former office buildings were demolished in 2018. New addresses were assigned in 2020; from 8070 Beechmont Avenue to 1240 Nagel Road for Lot #1 and 1246 Nagel Road for Lot #2. (They have since been consolidated into one lot with the address of 1240 Nagel Road).

Case 1-2020 PUD was approved by the Zoning Commission on February 24, 2020, for the construction of a 10,000 SF Medical Office Building on Lot #1 and an 11,775 SF Day Care with an outdoor playground on Lot #2. The approval also included a 20' panhandle connecting to Nagel Road, 82 parking spaces, an ISR of 64% and a landscaping plan compliant with the Anderson Township Zoning Resolution. It was never constructed and has been used as overflow parking for adjacent businesses.

The Zoning Commission heard Case 1-2020 PUD Major Adjustment for Carriage Carwash on May 22, 2023. The Zoning Commission moved “to continue Case 1-2020 PUD Major Adjustment, for the property located at 1240 and 1246 Nagel Road with the public hearing in progress for additional information from the applicant and compliance with the Zoning Resolution.”

On June 26, 2023, the Zoning Commission approved Case 1-2020 PUD Major Adjustment for Carriage Carwash, with four conditions including: 1. The property of 1240 and 1246 Nagel shall be limited to the proposed free standing signage on Nagel Road, with a maximum height of 10'. No additional freestanding signage shall be permitted for this property. 2. That a lighting plan in compliance with the Anderson Township Zoning Resolution shall be submitted for approval, and the lights shall dim 30 minutes after closing. 3. That the submitted plans be revised to provide an ISR calculation. 4. That the proposed CMU material shall be an integral color. The car wash was also never constructed.

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 existing ISR of the site is 58.2% and the applicant is proposing an increase in the ISR to 83.3%.

Zoning Resolution Compliance

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

Article 3.14, C, 1- Height Regulations: No building shall exceed three (3) stories or forty-five (45) feet in height.

The applicant is proposing a 4 story building, 52' from the average grade to the highest parapet.

Article 3.14, C, 2, d, ii- Intensity of Use: Every lot of tract of land on which there is erected a two-family dwelling or a multiple dwelling shall have a minimum width of fifty (50) feet at the building line and an area of not less than three thousand (3,000) square feet per family, except that the area regulation shall not apply to dormitories, fraternities, or

sororities where no cooking is done in individual rooms or apartments. Every lot on which there is erected a building for any other use permitted in "D" Residence District shall have a minimum width of sixty (60) feet and a minimum area of ten thousand (10,000) square feet. **The applicant is proposing 70 units total, which is a density of 28.28 units per acre, whereas the underlying "E" Zoning District allows for 14.52 units per acre. With a site total of 2.475 acres, the applicant would be permitted 35 units by right.**

Article 5.3, D, 8- Dumpsters & Trash Handling Areas for Non-Single Family Districts: d: Height and Construction of screen: Any fence or wall required under the Article shall have a height no greater than eight feet and no less than five feet.

The applicant did not submit an elevation for the dumpster enclosure.

5.3, K: Lighting for Non-Single Family Uses

The applicant did not submit a lighting plan for the site.

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." **While the proposed development does not contain a retail development, there are multiple businesses in front of the proposal that face Beechmont Avenue. In addition, the applicant is providing access into the shopping centers, creating connections between the residential and commercial aspects of the greater area.**

The application is consistent with the following Goals of the Anderson Plan:

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. **The proposal of apartment units located just off of Beechmont Avenue will allow for a connection between retail and residential uses. In addition, it creates a residential transition from the business district along Beechmont Avenue to lower intensity commercial and single family residential on Nagel Road.**

Land Use and Development Initiatives:

7.2.1 Protect single family neighborhoods from higher intensity uses by implementing landscape buffers or the development of transitional uses. **The applicant is proposing a substantial landscape buffer to the adjacent property to the north, which is not a single-family residence, however, is a lower intensity use than the proposed apartments. This will provide screening as uses transition between land uses along Nagel Road.**

7.3.3 Incorporate residential uses within the Beechmont corridor, to help provide the critical mass of population needed to support local and regional businesses in the Township. **This property is located right behind a restaurant and shopping center, as well as being adjacent to a shopping center.**

Anderson Trails Plan

Beechmont Sidewalks: There are existing sidewalks along the frontage of the site on Nagel Road that connect to sidewalks on Beechmont Avenue. There are also interior sidewalks around the site.

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.

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. The building is proposed to have parapets at varying heights to add visual detail.

Pedestrian Circulation: Connections to the public sidewalk are included in the redevelopment of this site.

RECOMMENDATION: Staff recommends approval based on the Planned Unit Development evaluation criteria (*Article 4.1, G*):

1. The proposed apartment building is consistent with underlying zoning district of “E” Retail Business.
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.
3. The use of an apartment building is compatible with surrounding retail 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. A timeline of construction was not submitted with the application.
6. The applicant is currently in conversations with MSD regarding sewer capacity.
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 height of the building and density, given the proximity to Beechmont Avenue.
9. The adequacy of the proposed pedestrian circulation system insulates pedestrian circulation from vehicular movement.
10. The adequacy of the provisions for visual and acoustical privacy. The applicant is proposing a landscaping buffer to the north, and is adjacent to commercial and office to the east and south.
11. The development does not include dedicated open space.
12. The development will not be detrimental to the present and potential surrounding uses.
13. The applicant is communicating with the Hamilton County Engineer's Office to determine what will be required. In addition, a stormwater detention will be provided underground. The applicant is also working with MSD on sewer availability.
14. The development is consistent with the Vision and Goals as adopted by the Anderson Township Board of Trustees.
15. The site does not contain land over 20% slope and is not located in the floodplain.

VARIANCE STANDARDS:

1. The property in question may not yield a reasonable return and there may not be any beneficial use of the property without the variance. **The property has been vacant since 2018 and the two previously approved PUD plans have not moved forward.**
2. The variance is substantial. **Staff is of the opinion that the variance for density and height could be substantial if the applicant was not providing the landscaping screening or the potential for the parapets to screen roof utilities, as well as making the building look visually appealing to the surrounding neighborhood.** While the applicant is requesting a 4 story structure, Stonegate apartments off of Nagel Road are three and a half stories, which sit farther away from Beechmont Avenue. In addition, the Comprehensive Plan calls for a mixture of housing opportunities and with the proposed height and density variances, the applicant is proposing a housing type which is needed in the Township.
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. **Adjoining properties will not suffer a substantial detriment since the applicant is proposing a substantial landscaping buffer. This property is also a transition from commercial uses on Beechmont to single-family uses north on Nagel. Permitted heights in the "E" retail district are 45', and the applicant is requesting 52' from the average grade to the highest parapet.**
4. The variance would not adversely affect the delivery of governmental services (i.e. water, sewer, garbage). **The applicant is working with MSD on sewer capacity.**
5. The property owner purchased the property with knowledge of the zoning restrictions. **The applicant is under contract to purchase the property and is aware of the Zoning restrictions and requirements.**

6. The property owner's predicament can be feasibly obviated through some method other than a variance. **The applicant has stated that the variance for density is the only way to make an apartment building work on a limited amount of acreage. This property has had two previous PUDs that have not moved forward.**
7. The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. **A variance for the height and density could uphold the zoning requirement if the additional height for the upper parapet is used to shield utilities on the roof.**

If approved, staff recommends the following condition:

1. Bike racks should be added in a strategic location to serve residents and visitors to the site.
2. Approval from the Hamilton County Engineers Office on any roadway / access improvements shall be received prior to issuance of a zoning certificate.

GENERAL STANDARDS FOR

PUD PLAN APPROVAL:

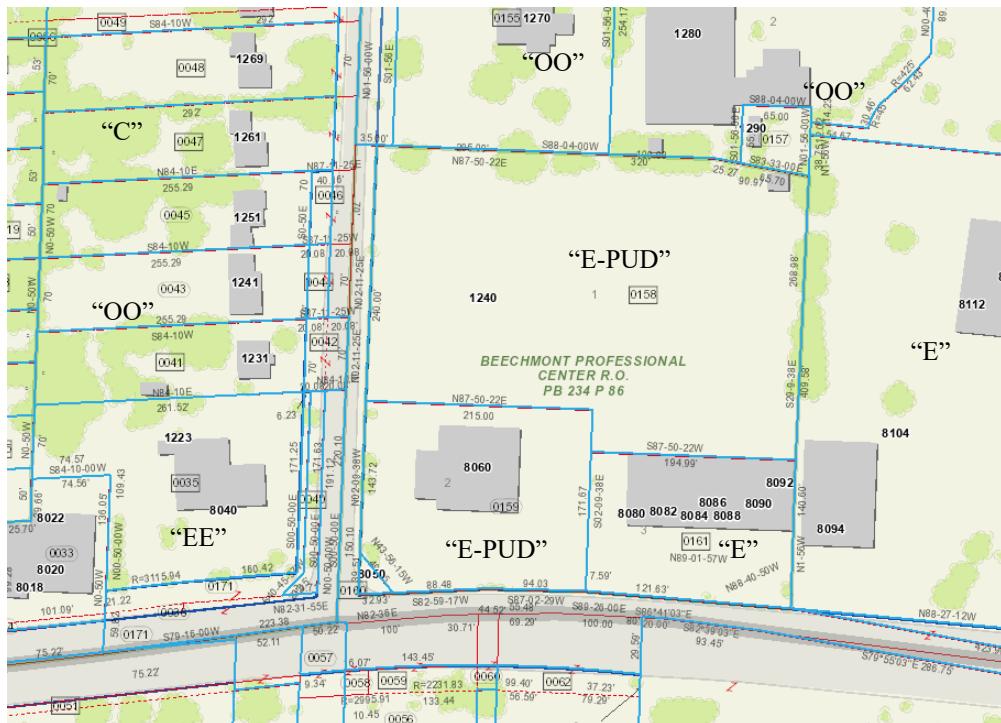
In determining whether a PUD Plan filed pursuant to this Article shall be approved or recommended for approval, the Director of Planning and Zoning, the Anderson Township Zoning Commission, and the Anderson Township Board of Trustees shall apply the following general standards.

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;

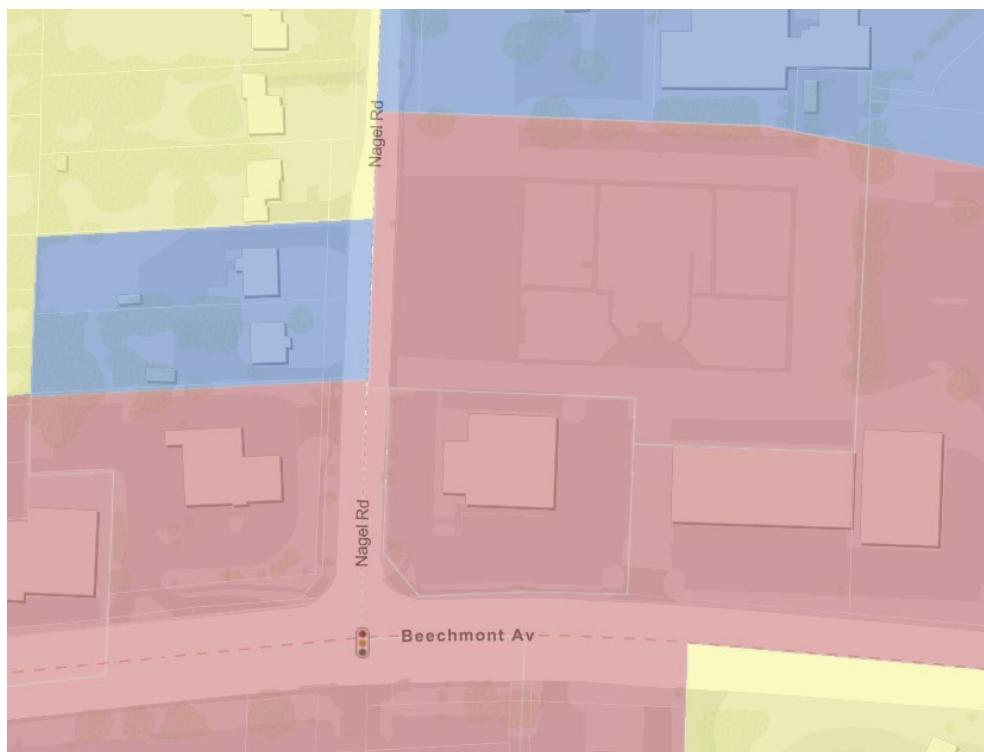
12. Whether the development will be detrimental to present and potential surrounding uses;
13. The consistency of the development with recommendations from Township, County, State and/or Federal agencies;
14. Whether the development is consistent with the Vision and Goals as adopted by the Anderson Township 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 essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
3. The variance would not adversely affect the delivery of governmental services (i.e. water, sewer, garbage).
4. The property owner purchased the property with knowledge of the zoning restrictions.
5. The property owner's predicament can be feasibly obviated through some method other than a variance.
6. The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.



Property Map



Zoning Map



Looking at the Northern most drive on Nagel Road



Looking east to the adjacent shopping center and cross access



Looking south towards Beechmont Avenue



Looking north towards adjacent office uses



Looking south towards Beechmont Avenue, including existing sidewalks



Looking north on Nagel Road, including adjacent businesses and sidewalk



Drone photo looking at both entrances on Nagel Road to the site



Drone photo showing the cross access from the properties on Beechmont Avenue to the site



Drone photo showing adjacent shopping center with two cross access points