

**ANDERSON TOWNSHIP ZONING COMMISSION
DECEMBER 16, 2024**

The Anderson Township Zoning Commission held a regular meeting, duly called, on December 16, 2024, at 5:30 P.M. Present were the following members:

Jonathan Gothard, Acting Chair, Anne McBride, Acting Vice Chair, 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, Ben Yoder, Legal Counsel for Anderson Township and Mallory Clapp, UC Co-op. 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

Ms. McBride moved, Dr. Baker seconded, to approve the agenda for tonight's meeting with no modifications.

A unanimous vote was taken

Approval of Minutes

Ms. McBride moved, Mr. Gothard seconded, to approve the minutes for the June 24, 2024 Zoning Commission minutes.

3 Yeas

Ms. McBride moved, Dr. Baker seconded, to approve the minutes for the November 18, 2024 Zoning Commission minutes.

3 Yeas

Mr. Gothard swore in all those who wish to testify for Case 1-2016 PUD Major Adjustment, Case 4-2024 PUD, and Case 2-2011 PUD Major Adjustment.

CASE 1-2016 PUD MAJOR ADJUSTMENT

Mr. Drury stated that this is a quasi-judicial hearing for Case 1-2016 PUD Major Adjustment and read the staff report for an application filed by Kristopher Milner, Associate for KMK Law, on behalf of BEE Properties Inc, property owner, located at 4270 Round Bottom Road (Book 500, Page 170, Parcel 36), zoned "ID-PUD" Industrial Development Planned Unit Development.

Mr. Drury stated that 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.

Mr. Drury stated the tract is 4.421 acres, with approximately 845' on Round Bottom Road, the topography is relatively flat, and the existing use is Round Bottom Rentals.

Mr. Drury stated that 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."

Mr. Drury stated that 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.

Mr. Drury stated that 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.

Mr. Drury stated that 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.

Mr. Drury stated that 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.

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

enhanced infrastructure.

Mr. Drury stated that 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.

Ms. McBride asked if the dumpsters stored on site need to be additionally screened or if it meets the regulations. **Mr. Drury** replied that staff is not sure what the dumpsters or containers on site are being used for, since they weren't noted on the site plan.

Dan Utt, attorney for property owner, along with Barry Luppert, General Manager of Round Bottom Rentals, thanked staff for the accurate staff report and stated that the applicant was not aware that these were considered accessory structures until they received notice of violation from the Township. He stated that they believed that since the structures were temporary in nature that they did not require a permit. He stated after discussion with counsel, it was determined that coming back before the Zoning Commission was their best option to correct the violations. He stated that the open-air storage units protect equipment from weather and ultimately looks better than being uncovered. He stated that these are pre-engineered structures and that they are generated from repurposing other materials. He stated that originally the Hamilton County Building Inspector stated that they did not need permits, however, during the site visit, it was determined that they would. He stated that they understand the recommended conditions requested by staff, but that as it stands, these are the proper location for these structures and they will not be moved. He stated that they believe they meet the standard for approval of an Adjustment.

Ms. McBride asked if there will be more structures. **Mr. Luppert** replied no, two is all they need.

Ms. McBride asked about the dumpsters on site. **Mr. Luppert** replied that there is only one that is kept on site permanently but all the rest are part of the business and are available to be rented.

Mr. Gothard asked if all the items on the site are for available to be rented. **Mr. Luppert** replied that there are some materials from the two newly built structures on the site, and pods/storage containers that are either offices or rentals. He stated that the pods don't move very often.

Mr. Gothard asked if the leftover material from the construction will be removed. **Mr. Luppert** replied

that there are some steel beams and ultimately he doesn't know the plan for them. **Mr. Utt** clarified that they are not for a new structure.

Mr. Drury stated Article. 3.16, K, 2, related to screening and distances to the property line. **Mr. Drury** added that the landscaping that is there is what was approved during the original PUD.

No one wished to speak in favor or opposition of the case.

The public hearing was closed at 6:00pm.

DECISION

Ms. McBride moved, Mr. Gothard seconded to approve Case 1-2016 PUD Major Adjustment for the property of 4270 Round Bottom Road, for the property known as Round Bottom Rental, based on staff's findings, subject to the following conditions: no additional structures, regardless of temporary or permanent without obtaining permit and complying with the Zoning Resolution, that the applicant supply the accurate ISR including the gravel area, that the two structures considered tonight remain as shown on the site plan, however, if planned to be moved that it would require a Minor Modification with staff review, that the Township be able to inspect and site the property for any violations and that violations be addressed in a reasonable time.

2 Yeas, 1 No- Dr. Baker

The application failed to gain three affirmative votes to pass, therefore is considered a denial 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."

Mr. Gothard swore in additional residents who wish to testify for the following case.

CASE 4-2024 PUD

Mr. Drury stated that this is a public hearing for Case 4-2024 PUD and read the staff report for an application filed by Kristi Moorman, P.E, for ChoiceOne Engineering, on behalf of Robert Gerwin of Homes by Coach on behalf of Brand New Socks, LLC, property owner, located at 5505 Clough Pike (Book 500, Page 440, Parcels 61 & 237), zoned "A" Residence.

Mr. Drury stated that the applicant is requesting to approve a planned unit development application (PUD) to allow 19 Single Family lots on a total of 9.51 acres, with 4.09 acres (43.01%) of open space and an overall proposed density of 2 units per acre.

Mr. Drury stated the tract is 9.51 acres for the proposed development, part of 28.68 acre parcel, with

approximately 706.5 feet on Clough Pike, the topography is a steep slope south to the creek from Clough Pike, floodplain and floodway, and the existing use is Residential Vacant Land.

Mr. Drury stated that the applicant is proposing a Planned Unit Development (PUD) for the following subdivision:

- 19 single-family lots
- 9.51 acres developed, 4.09 acres open space
- 1.8 acres in Right of Way
- PUD 40' right-of-way for street, parking on one side.
- Minimum lot size: 7,700 SF
- Front Yard Setback: 20'
- Side Yard Setback: 5'
- Rear Yard Setback: 30'
- Minimum lot width: 70'
- The road profile identifies a 4' wide walk on both sides of the street, partially in the R/W and partially in an easement. There is also a walking path and a gazebo
- Four off-street parking spaces provided
- Landscape buffer along Clough Pike, min. 15' wide
- Cross access to adjacent properties

Mr. Drury stated that the proposed subdivision will be heard by the Hamilton County Regional Planning Commission and subject to the County's Subdivision Regulations. The subdivision falls within the "A" Residence District, which permits a minimum lot size of 20,000 SF.

Mr. Drury stated that in 2019, this property was considered in Case 7-2019 PUD for a Planned Unit Development for 32.625 acres for 66 Single Family lots, with 10.849 acres of developed area, 18.757 acres of open space and varying setbacks among the lots. At the June 26, 2019 Zoning Commission hearing, the proposal failed to receive three affirmative votes.

Mr. Drury stated that the Anderson Township Board of Township Trustees moved in Resolution 19-0815-03 to remand Case 7-2019 PUD back to the Zoning Commission for further review and decision with a five-member Commission.

Mr. Drury stated that Case 7-2019 PUD, "A-PUD and "C-PUD", was approved by the Anderson Township Zoning Commission on October 28, 2019.

Mr. Drury stated that On March 19, 2020, The Board of Anderson Township Trustees overturned the decision of approval made by the Zoning Commission in Case 7-2019 PUD, following briefings from the respective parties to the appeal and argument in front of the Board of Trustees on February 27, 2020.

Mr. Drury stated that the application is being reviewed by the Zoning Commission due to the request modified setbacks and lot sizes under the "A" Residence District. The proposed density for the PUD Plan

is within the zoning requirement, at 2 dwelling units per acre. The PUD will be reviewed under the standards found in Article 4.1 of the Zoning Resolution. In addition to compliance with the Township's Zoning Resolution, the development is also being reviewed under the Anderson Township Comprehensive Plan. If approved by the Anderson Township Zoning Commission, the subdivision will be reviewed by the Hamilton County Regional Planning Commission for compliance with the Hamilton County Subdivision Regulations.

Mr. Drury stated that the proposed density is compliant with the "A" Residence zoning district, which permits one dwelling unit per 20,000 square feet. The applicant is proposing 2 units per acre. As stated above, the following area and setbacks are proposed:

- Minimum lot size: 7,700 square feet
- Front Yard Setback: 20'
- Side Yard Setback: 5'
- Rear Yard Setback: 30'
- Minimum lot width: 70'

Mr. Drury stated that the application is not consistent with the following Goals and Initiatives of the Anderson Plan:

Mobility:

- Anderson Township will be a community with a model sidewalk and bike trail system connecting residents to businesses, schools, recreation, entertainment and other public uses.

Sidewalks are required along all street frontages of new subdivisions. Sidewalks are not shown along Clough Pike. There is a proposed walking path in the open space shown, along with a gazebo. No details regarding the walking path were submitted. The road profile shows a 4' wide sidewalk, 1' in the R/W and 3' within a pedestrian easement. Since the front yard setbacks are proposed at 20', staff is concerned that the driveways will not be deep enough to provide adequate clearance for the sidewalks.

Quality of Place:

- Anderson Township will be a community that strives to be sustainable and resilient in its practices by balancing the demand for development and activities with the needs of our environment, recognizing that what we as a community do now will affect future generations of Township residents and businesses.

The proposed subdivision is approximately 9.51 acres of two much larger parcels, as well as being located in the floodplain. No information has been provided regarding the residual parcels and their futures, which is not under consideration in this Case.

Natural and Environmental Resources:

- The vast natural and environmental resources of Anderson Township will be protected for future generations.

The topography of the site is extremely steep, and Clough Creek traverses the site. Nine lots will be within the floodplain. Staff is concerned that this proposal has not yet been submitted to the proper County agencies and the Army Corps of Engineers for their review and response. The grading plan

submitted does not show the overall change in topography or the grading that will need to take place for the construction of homes. Clough Creek has shown visible signs of shifting in the last decade, which is cause for concern with this property. In addition, staff believes that additional information regarding potential retaining walls with the hillside should be submitted.

Mr. Drury stated that the landscaping plan submitted shows a small buffer along Clough Pike, however, does not provide specific species details or buffers to a neighboring property in lots 17-19. The landscaping plan also does not provide any trees that will remain or the amount of trees that will be removed due to grading.

Mr. Drury stated that the application is consistent with the following Goals and Initiatives of the Anderson Plan:

Housing:

- The Township should provide a variety of businesses and housing options to meet changing demographics and market demands.

Several examples of potential homes have been submitted with the application. All are single family residences.

Land Use and Development:

- Anderson Township will be a well-planned community with a mixture of agricultural uses, residential neighborhoods, commercial centers, and an industrial base balanced with public uses, parks, and recreational uses.

The proposed use is consistent with the Future Land Use Map in remaining a single-family residence district.

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

1. The proposed density for the development is consistent with the "A" Residence District. The zoning setbacks and lot sizes, however, are more consistent with the "C" Residence Zoning District.
2. The application is not consistent with the Vision and Goals of the Board of Trustees as outlined in the adopted Anderson Plan, specifically the goals and initiatives mentioned above in the Mobility, Quality of Place and Natural and Environmental Resources.
3. The use (single-family) is compatible with surrounding residential land uses; however staff has concerns regarding the lack of details on the plan submitted.
4. While there is 4.09 acres of open space (43%), a majority of it is in the floodplain. In addition, details regarding the residual acreage from the property has not been provided.
5. The applicant stated that development will be in one phase.
6. The proposed development is serviced adequately and efficiently by essential public facilities and services, however, staff believes that this site needs to be reviewed regarding Clough Creek, as well as the hillside.
7. There are no historical features on the site.

8. Modifications of the zoning or other regulations could be warranted if protections are put in place for stabilization of the creek, as well as the hillside.
9. Sidewalks are stated to be provided in the development, however, staff is concerned that vehicles will overhang the sidewalk with the proposed 20' front yard setback. In addition, no sidewalks are proposed along Clough Pike. No details were provided about the walking path.
10. The proposed development is single-family, consistent with surrounding properties; however, the applicant submitted minimal information about a buffer from the properties to Clough Pike.
11. The application includes 43% of open space.
12. The development has not been submitted for review by the property agencies regarding the creek and the hillside and therefore could be a detriment to surrounding uses.
13. The subdivision has not been reviewed by additional agencies, including the Hamilton County Engineer's Office.
14. The development is not consistent with the Vision and Goals as adopted by the Anderson Township Board of Trustees.
15. This standard looks at whether the development provides adequate protection of natural features on the property, including land over 20% slope, floodplain and wetland areas, areas permanently inundated by water, and areas protected by the Ohio Department of Natural Resources. Staff is of the opinion that currently the proposed PUD does not meet this standard in regard to Clough Creek and the steep slopes on the property.

Dr. Baker asked if we know the price point of the homes. **Mr. Drury** replied that the applicant can answer that.

Ms. McBride asked if the plan was routed to the Fire Department. **Mr. Drury** replied that it has not been routed to the Fire Department yet for the turning radius.

Robert Gerwin, Homes by Coach, 5725 Dragon Way, stated that five years ago they had 55 lots, at a small size, these lots have increased by 30% and the number of lots is reduced tremendously. He stated that they are planning to dedicate 50 feet of Right of Way along Clough Pike that will be maintained as a buffer. He stated that the sidewalk along Clough Pike was not part of the previous submittal, however, if that is something that the Commission wants, they can look into it. He stated that the previous submittal only had one main sidewalk, this will have two, however, with the front yard setback issue, it maybe necessary to limit it to one. The price point will be 800k and reducing the density so much creates a cost issue and sends the price up. He stated that the previous application of 66 lots was on the cut off of requiring a turn lane.

Kristi Moorman P.E, Choice One Engineering on behalf of the applicant, stated that in regards to the Army Corps and their requirements, they will only have to submit if they cross the high water line and will be working to revise the FEMA floodway map in order to not encroach. They are also looking into the detrimental impacts to up and downstream, which will be next steps after zoning. She stated that the Hamilton County floodway review and FEMA will be included in that review. **Mr. Gerwin** added that FEMA is 6 to 9 months out for review and it didn't make sense to do it without zoning approval first. He

stated that the prior application had the lots on the other side of the creek. He stated that there were questions in the staff report about buffer on lots 16-19, however, the grade is incredibly steep from the adjacent lot and they do not see it as necessary. **Mr. Gerwin** pointed out that the adjacent property is included in the application and that there will be an HOA for the property.

Ms. McBride asked if the property to the left is included in the 9 acres, **Mr. Gerwin** replied yes.

Ms. McBride asked about the site distance on Clough Pike. **Mr. Gerwin** replied that they did a study with the prior application. **Ms. Moorman** stated that with the prior application they did a site distance analysis with the County Engineer and the location for the driveway was determined to be the best. **Ms. McBride** asked if the analysis has been updated. **Mr. Gerwin** replied no, because the driveway hasn't moved. **Ms. McBride** noted that the conditions on Clough Pike might have changed within the last five years since the original analysis.

Ms. McBride asked about details and location for potential retaining walls. **Mr. Gerwin** replied that lots 17-22 will probably have 5-15' retaining walls and that will be the only ones on the site. **Ms. McBride** asked what they would look like and fencing. **Mr. Gerwin** replied that it will be a privacy style fence on top of the retaining wall.

Ms. McBride asked if they have engaged Hillside Trust. **Mr. Gerwin** replied no.

Mr. Gothard asked about the back of lot 13 intruding on the landscape buffer along Clough Pike and asked if it would be under HOA or property owner responsibility. **Mr. Gerwin** replied that they would do an easement on that lot so it would be HOA requirement and maintained by them.

Mr. Gothard asked if the gazebo near the walkway is in the floodway. **Mr. Gerwin** replied that the intent is to not be in it. **Mr. Gothard** asked if lot 12 would be at a further reduced setback. **Mr. Gerwin** replied that he is not sure. **Ms. Moorman** stated that as they progress through the modeling and the floodplain may adjust things north or south a bit. She added that the intent is to stay out of the floodway.

Mr. Gothard stated that the grading plan was confusing and asked how much additional grading will take place for the detention basin, towards Clough Pike and near Clough Creek. **Mr. Gothard** asked if the site will be clear cut. **Mr. Gerwin** replied yes, it will need to be.

Susan Wheatley, 6104 Clough Pike, stated that they have been here before for this property and wanted to highlight why it failed because ultimately they are the same issues. She said that while the proposal is fewer lots, this is a delicate area. She stated that the last case also had a lack of information and stated that the staff report highlighted the deficiencies in the submittal. Ms. Wheatley went through the case history for the Board and the requirements for the applicant to resubmit from the Trustees before the Zoning Commission could hear this case again, such as information regarding grading, which she did not believe was sufficiently submitted for the new application. She stated that

the Citizens of Clough Pike appealed to the Trustees who overruled the Zoning Commission approval. The applicant then applied to the Court of Common Pleas and the applicant dismissed the case while they were working on their briefing. She stated that she did not hear anything today that convinces her that this developer will present the information that the Commission is looking for. She stated that the neighbors understand that this is zoned for single family housing and could be developed, but that this is minimal effort and it's not a responsible development for Anderson Township. She stated that while we need housing, this is not the plan and that she asks the Commission to deny it.

Tony Becker, 6104 Clough Pike, stated that he has been documenting the Clough Creek corridor for many years and values it as a water shed and has seen new developments along the creek for many years at this point. **Mr. Becker** presented photos with the volume of water, along with several of the houses that are in the 100 foot floodplain. He stated that he would be very concerned if he owned a house in the floodplain and floodway. He asked for details about the modifications to the creek. He stated that a house built in 2001, out of the floodplain and floodway is now experiencing a severe erosion event. He stated that Harmony Senior Living did expansive work in the creek, including pilons into the creek which were driven 32 feet into the ground and that the erosion is already visible along the edge and in aerials. He stated that the apartment complex on the opposite side of the creek from Harmony Senior Living lost an entire building due to the creek shifting. He noted the detention overflow next to the Harmony Senior Living facility, but all it has done is pushed the water further down.

Eric Russo, Hillside Trust Executive Director, stated that his organization advocates for responsible hillside development in the Cincinnati region and stated that this is his third time in front of the Zoning Commission regarding this property. He stated that without an accurate grading plan, looking at this plan is unrealistic. He stated that the geometry of the grading plan from the first application did not add up so without an updated grading plan for this site, there is no way to take into account how difficult it will be to develop. He stated that with the number of storms we are getting, we are now one of the 4th highest landslide vulnerable community in the country. He stated that no homeowner in Cincinnati can get landslide insurance and any damage will ultimately be onto the property owner and can cause long term hinderance to the community. He stated that this property could potentially be developed, but it will probably need to be much fewer lots.

Guy Wolf, 6001 Stirrup Road, thanked the staff for a thorough staff report with the plan the applicant submitted. He stated that the previous proposal was denied by the Board of Trustees, and it took a lot of lawyer time and money from residents to fight it. He stated that over one acre of the site is in the floodway, leaving 8 acres of buildable land. He stated that the 20% slope was an addition to the PUD regulations a couple of years ago and highly affects this site. He agreed with staff on the creek moving and is migrating north, closer to the proposed houses. He stated that everyone can intend to stay out of the floodway, but that doesn't mean they will. He stated that lot sizes will change the character of the neighborhood and that these small lots will completely change the neighborhood. He added that as a Zoning Board, it's their responsibility to make the right decision for the residents.

Dena Motz, 1002 Nimitz, stated that selfishly she would like to keep the green space, and that they own the lot adjacent to it. She stated concerns over the water and the speed of it. She stated that she has concerns over the fire trucks getting down the road, as well as potential accidents entering and exiting.

The applicant did not wish to speak again.

The public hearing was closed at 7:00 pm

DECISION

**Ms. McBride moved, Dr. Baker seconded to deny the application for a 19 lot subdivision on Clough Pike based on staff recommendations and overall lack of information.
3 Yeas**

Ms. McBride disclosed that Mike Brandi is a client of hers, but that she can remain unbiased during the case because the applicant will be leasing the site.

CASE 2-2011 PUD MAJOR ADJUSTMENT

Mr. Drury stated that this is a public hearing for Case 2-2011 PUD Major Adjustment and read the staff report for an application filed by Ryan Roosen, P.E for Woolpert, on behalf of Motley 7 Brew LLC, on behalf of Beechmont & Asbury LLC, property owner, located at 7753 Beechmont Avenue (Book 500, Page 203, Parcel 371), zoned "E-PUD" Retail Business Planned Unit Development.

Mr. Drury stated that the applicant is requesting to approve a Major Adjustment to the Planned Unit Development, Case 2-2011 PUD, to demolish an existing retail building and construct a 510 SF coffee shop with two drive thru lanes, pedestrian access, and landscaping.

Mr. Drury stated the tract is .489 acres, with approximately 78.05' on Beechmont Avenue, the topography is mostly flat with a slight decrease in grade to the south, and the existing use is Retail-Elements Massage and a vacant storefront.

Mr. Drury stated that the applicant is proposing to demolish a retail building which was approved in Case 2-2011 PUD, to construct a new 510 SF coffee shop with a drive thru canopy and patio canopy. The entire site was previously part of a larger parcel, however, the applicant has already separated this use into its own parcel through a land division. The applicant is also proposing to construct a separate cooler building, modify the existing parking area and add additional landscaping and lighting.

Mr. Drury stated that on September 26, 2011, the Zoning Commission heard a quasi-judicial hearing for Case 2-2011 PUD for 5.2 acres for a new mixed-use development, including four new structures on the site: a new bank, medical office, multi-tenant restaurant and stand-alone restaurant with parking, landscaping, lighting, sidewalks, dumpster enclosures and bicycle parking.

Mr. Drury stated that the purpose of the Planned Unit Development (“PUD”) Overlay District is to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services, orderly improvement of property in accordance with community plans, and to encourage innovation in the planning and building of all types of development without detriment to neighboring properties. The PUD regulations are intended to permit property to be used in a manner or intensity not permitted as of-right by the underlying district regulations. The application is being reviewed by the Zoning Commission because the removal/construction of a building within an existing PUD is a Major Adjustment of the approved plan. The Impervious Surface Ratio for the site is proposed to be reduced from 78% to 77%.

Mr. Drury stated that the following is not in compliance with the Anderson Township Zoning Resolution: Article 5.3, H, 1 Vehicle Stacking Space Requirements: Minimum Number of Stacking Spaces- the number of required stacking spaces shall be provided for in illustrations 5.10 and 5.11. (Restaurant= 8 stacking spaces) The applicant does not show stacking spaces on the site plan, however, stated on the plan that 22 are provided.

Article 5.3, J, 1, c Off-Street Loading Requirements: Minimum number of required spaces: the number of loading spaces required is as follows: retail and wholesale stores, eating and drinking establishments and all other commercial uses shall be required to have one (1) loading space. The applicant does not show a loading space on the site plan.

Article 5.3, K Lighting for Non-Single Family Uses: A lighting plan was submitted, however, does not show the new property lines. Lighting is measured to the property line, therefore a site plan showing the perimeter property line of the PUD needs to be submitted.

Mr. Drury stated additional Plan comments:

- The site plan needs to show the new property lines, as well as the setbacks from the building and canopies to the property lines.
- The landscaping plan submitted is in compliance, however, shows ash trees as being selected. Staff recommends a substitution of the ash tree as it may be susceptible to the Emerald Ash Borer.
- The applicant is proposing 26 parking spaces, where only 14 are required. While over the optimal parking amount, this is a shared parking lot for the medical office building to the rear and adjacent retail uses.

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 non-residential 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 site is located in Neighborhood Three of the Beechmont Plan which focuses on the Anderson Towne Center as a design catalyst, mixed-use is highly encouraged. Buildings should either be a minimum of two stories or have a mass that is equivalent to two stories in height. This will help define an edge that identifies the pedestrian space, brings the storefronts up closer to the street and allows the parking to be placed toward the side and rear of the facility. The applicant is proposing two pedestrian connections into the building area, as well as a patio with seating along Beechmont Avenue.

Mr. Drury stated that the proposed adjustment maintains pedestrian connectivity along Beechmont Avenue.

Mr. Drury stated staff recommends approval based on the Planned Unit Development evaluation criteria (Article 4.1, G):

1. Staff is of the opinion that proposed use of a coffee shop with drive thru is consistent with the approved plan of Case 2-2011 PUD.
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; **Compliant as noted above, with consistency with the Economic Vitality and Land Use and Development chapters of the Comprehensive Plan.**
3. Compatibility with surrounding land uses; **Compliant – the proposed use will still be compatible with the surrounding neighborhood.**
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; **Compliant – The proposed building is keeping parking to the rear of the site, which is compatible with the adjacent buildings along Beechmont Avenue. The applicant needs to submit a lighting plan showing footcandles at the perimeter property line of the PUD.**
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; **Compliant**
6. Whether the proposed development is served adequately and efficiently by essential public

- facilities and services which are in existence or are planned; **Compliant**
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; **NA**
 8. Whether modification of the zoning or other regulations are warranted by the innovative design of the development plan; **Compliant**
 9. The adequacy of proposed pedestrian circulation system to insulate pedestrian circulation from vehicular movement; **The sidewalk along Beechmont Avenue will remain and there will be two pedestrian connections into the site.**
 10. The adequacy of the provisions for visual and acoustical privacy; **Compliant**
 11. Whether the development includes an appropriate amount of, and appropriate access to, dedicated open space; **NA**
 12. Whether the development will be detrimental to present and potential surrounding uses; **Compliant – the development will not be detrimental to surrounding uses. The use will be remaining a retail use.**
 13. The consistency of the development with recommendations from Township, County, State and/or Federal agencies; **Compliant**
 14. Whether the development is consistent with the Vision and Goals as adopted by the Anderson Township Board of Trustees. **Compliant with adopted plans such as the Comprehensive Plan and Beechmont Plan.**
 15. Whether the development provides adequate protection of natural features on the property, including but not limited to, land over 20% slope, floodplain and wetland areas, areas permanently inundated by water, and areas protected by the Ohio Department of Natural Resources. **NA**

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

1. That new lighting plan shall be submitted which shows the footcandles at the new property lines and perimeter.
2. That a surveyor stamped and signed site plan be submitted which shows the setbacks from the buildings (store and cooler) and canopies to the property lines.
3. That a new landscaping plan be submitted to show a different variety of tree.
4. That all conditions in Case 2-2011 PUD remain in place.

Ms. McBride asked if we require applicants to provide parking for their patio area. **Mr. Drury** replied yes, but that they have enough parking due to the lot going from two tenants to one and a shared parking agreement across the development.

Ms. McBride stated that she is concerned overall with the location of the driveway in proximity to the right turn in.

Ryan Roosen P.E, Woolpert on behalf of the applicant, 1208 Walnut St, stated that he is the engineer for the project, and that they will be removing the existing building, constructing a new one, that the

driveway will be a double drive thru, similar to Chick fil a, and that they will provide a separate drawing with the stacking spaces shown. He stated that there will be about 20 stacking spaces in the drive thru area. He stated that 7 Brew has 300 locations across the country. He stated that walkability was something that they heard as a concern from staff. He stated that they are including stairs from Beechmont, as well as ADA access from BW3's which will require an easement. He stated that they are going to try to maintain the elevation in order to not disturb the regional detention basin. He stated that they will be using the existing dumpster and the existing light poles shared between the bank and this site. He stated that they will add another light pole on the north side near the sidewalk. They are planning to add stop signs, stop bars and one-way signs from the drive thru to the Beechmont Avenue access.

Ms. McBride asked where the order point is in the drive thru. **Matthew Weymouth, 5831 Stewart Road**, stated that its an experiential retail, that they will have people with iPads and going directly to the cars, with beverage runners taking items to the cars. He added that customers can receive orders from any point in the dark grey area.

Ms. McBride asked about the shared dumpster. **Mr. Weymouth** replied that its shared with BW3's.

Ms. McBride asked about adding additional trees, as well as the siding material on the cooler. **Mr. Weymouth** replied that the siding is very similar to a hardy board material.

Ms. McBride asked about screening the mechanical units on the rooftop. **Mr. Weymouth** replied that they can do it.

Ms. McBride repeated that her big concern is the exit from the drive thru and the tight entrance from Beechmont Avenue. **Mr. Weymouth** replied that he understands the concern and would not build a store that could have a major issue.

Mr. Gothard stated that he also has concerns over the turn.

Mr. Gothard asked about an indented area in pavement towards the south of the patio on the site plan. **Mr. Roosen** replied that it's a grass area next to sidewalk area.

Ms. McBride asked about the blue neon. **Mr. Weymouth** replied it is part of their branding and that it's not a bright or obnoxious light. **Ms. McBride** asked staff to check the Zoning Resolution regarding neon.

Mr. Gothard asked about days that wrap around the building and if they have a way to mitigate potential traffic areas. **Mr. Weymouth** replied that they have days once in a blue moon called swag day, and they hire details or additional staff to cover that.

Mr. Drury replied that neon is not prohibited, but that we don't allow scrolling or flashing.

The public hearing was closed at 7:38 pm

DECISION

Ms. McBride moved, Dr. Baker seconded to approve Case 2-2011 PUD Maj Adj for 7733 Beechmont Avenue for Motely 7 Brew, as recommended by staff with the following conditions that all mechanical units on site be screened, that a stop sign/left turn only sign be located at the access point of the drive thru, be flashing, a speed hump and striping be added to the exit of the drive thru, that additional landscaping of non-deciduous species be located north and south of cooler and if space on the east side and additional landscaping west of the sidewalk.

3 Yeas

The next regular meeting would be held on January 27, 2025, at 5:30 p.m. at Anderson Center.

Respectfully submitted,



Jonathan Gothard, Acting Chair

**ANDERSON TOWNSHIP ZONING COMMISSION
SIGN-IN SHEET**

**MONDAY, DECEMBER 16, 2024 AT 5:30 P.M.
ANDERSON CENTER, 7850 FIVE MILE ROAD**

PLEASE PRINT - THANK YOU

NAME:	ADDRESS: <i>Mimi & Garrett Lopez</i>
<i>Matthew Weymuth</i>	<i>MWeymuth Rancher@att.net</i>
<i>Meg Collin</i>	<i>2216 Heather Hill 45244</i>
<i>Kristi Moorman</i>	<i>8956 Glendale Milford Rd</i>
<i>Jane Misiewicz</i>	<i>6001 Stirrup Rd.</i>
<i>Guy Wolf</i>	<i>6001 Stirrup Rd.</i>
<i>ERIC RUSSO</i>	<i>710 TUSCULUM AVE</i>
<i>Susan Wheatley</i>	<i>6104 Clough Pike</i>
<i>Dan WOT</i>	<i>One East 4th Street Cincinnati</i>
<i>Reece Evans</i>	<i>4350 Mt Carmel Rd</i>
<i>Barry Luppert</i>	<i>2011 Big Apple Dr 45103</i>
<i>Kris Milner</i>	<i>1 East 4th St, Cincinnati, 45202</i>
<i>R. Pulskamp</i>	
<i>Jim Schussler</i>	<i>4003 Bonwood Ave Dr</i>
<i>Robert Gawn</i>	<i>PO Box 4311 Cincinnati 45243</i>
<i>Anthony Becker</i>	<i>6104 Clough 45244</i>
<i>Thip & Tim Singh</i>	<i>759 Akley</i>
<i>Mike Anderson</i>	<i>6444 Wildhaven Way</i>
<i>D-Gilman</i>	<i>6179 Crittenden Dr.</i>
<i>Brandon Thacker</i>	<i>7985 Meadowcreek Dr</i>
<i>Alicia Sanders</i>	<i>5785 Dragon Way</i>
<i>Adam Schlessel</i>	<i>5480 Clough Pike</i>
<i>Jon Ivack</i>	<i>6117 Turpin Hills Dr</i>
<i>Chree King</i>	<i>2862 PATERSON FARM LANE</i>
<i>Denise & Matt Metz</i>	<i>1002 W. Witz Ln C/O 45230</i>
<i>Tami Garcia</i>	<i>5073 Signal Hill Ln 45244</i>