

**ANDERSON TOWNSHIP ZONING COMMISSION
FEBRUARY 27, 2023**

The Anderson Township Zoning Commission held a regular meeting, duly called, on February 27, 2023, at 5:30 P.M. Present were the following members:

**Ben Henson, Chair, Jay Lewis, Acting Vice Chair, Anne McBride, Michael Doenges, Alternate, and
Brandon Guyer, Alternate.**

Also present when the meeting was called to order were Paul Drury, Director, Sarah Donovan, Assistant Director, and UC Co-op, Ashley Reynolds. A list of citizens in attendance is attached.

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

Approval of Agenda

Mr. Lewis moved, Mr. Guyer seconded, to approve the agenda for tonight's meeting with no changes.
A unanimous vote was taken: 5 yeas

Approval of Minutes

Mr. Lewis moved, Mr. Doenges seconded to approve the minutes from June 27, 2022 Zoning Commission hearing with no edits.
3 Yeas, 2 Abstain- Ms. McBride and Mr. Henson

Mr. Lewis moved, Mr. Doenges seconded, to approve the minutes from the January 23, 2023 Zoning Commission hearing, with no edits.
3 Yeas, 2 Abstain- Ms. McBride and Mr. Guyer

CASE 3-2022 FDP/MAJOR MODIFICATION

Mr. Drury read the staff report for an application filed by Craig Abercrombie and Associates, Inc., on behalf of Zicka Development Company Inc., and Diane Morgan, property owners, located at 1357 and 1349 Nagel Road (Book 500, Page 121, Parcels 184 and 60), zoned "DD" Planned Multiple Residence District.

Mr. Drury stated the applicant is requesting Final Development Plan review and Major Modification approval of Case 3-2022 Anderson. The applicant is proposing the combination of Phase 1 and Phase 2 of Nagel Village for a total of 8 duplex units, 1 single-family unit (17 units total) and an open space parcel. The proposed density is 17 units / 3.2409 acres or 5.25 units per acre, compared to Phase I which was a net area of 2.7973 acres, and a density of 5.66 units per acre.

Mr. Drury stated the tract is a net area of 3.2409 acres, with approximately 278.36' on Nagel Road, the topography on the site is relatively flat, with a slight decrease in grade towards the rear of the property towards the west, the existing use is vacant land, a newly installed private drive and a single family home.

Mr. Drury stated that the property at 1357 Nagel Road is currently under site development for Nagel Village- including utilities and road/curb work. Previously there was one single family residence on the property which was purchased by Anderson Township. The site was formerly operated as Firehouse Fields by the Anderson Township Park District, which ceased use of the area in 2008. In 2016, the property was under contract by The Mayerson Company, and was considered for a zone change with the new Stonegate Apartment buildings for a third building. The application was withdrawn and re-submitted for only two buildings, which left this 2.98-acre parcel remaining.

Mr. Drury stated that the property of 1349 Nagel Road is currently an occupied single-family residence.

Mr. Drury stated that Nagel Village Phase 1 (1357 Nagel Road) is currently under construction for 6 duplex units and 1 single family, for a total of 13 units. An open house was held in November 2018 to gain surrounding neighbor input of what residents envisioned the property becoming. Township staff issued a request for proposals for residential development in 2019 and ultimately the Board entered into agreement with Zicka Development to develop the site. Hamilton County Regional Planning Commission held a public hearing on December 3, 2020 regarding Case 3-2020 Anderson. HCRPC recommended approval with five conditions. The Anderson Township Zoning Commission held a public hearing on December 21, 2020 and recommended approval with ten conditions. The Board of Township Trustees held a public hearing on February 18, 2021 where the board approved the Zone Change with ten conditions. The Board then held a public hearing on July 15, 2021 to hear a Substantial Modification to Case 3-2020 Anderson for an amendment to Condition #6. The Board moved to approve the condition in Resolution 21-0715-02 as "That a landscape buffer shall be provided along the northern and eastern property line, consistent with the submitted landscape plan dated 6/4/2021". The Final Development Plan for Nagel Village Phase 1 was approved on July 26, 2021.

Mr. Drury stated that Nagel Village Phase 2 (1349 Nagel) is the adjacent property containing an occupied single family home. Hamilton County Regional Planning Commission held a public hearing on November 3, 2022 in regards to Case 3-2022 Anderson. HCRPC recommended approval with three conditions. The Anderson Township Zoning Commission held a public hearing on November 21, 2022 and recommended approval with seven conditions. Case 3-2022 Anderson was approved for an additional 2 duplex units during a public hearing held by the Anderson Township Board of Trustees on December 15, 2022. Nagel Village Drive, with an entrance off of Nagel Road, aligns with Pineterrace Drive and will be a private drive.

Mr. Drury stated that as part of the Zone Change approval for Case 3-2022 Anderson (Phase 2), the Anderson Township Board of Trustees conditioned that the applicant submits for a Major Modification of Case 3-2020 FDP, Phase 1, with the Final Development Plan submittal for Case 3-2022 Anderson, so that the site is reviewed by the Zoning Commission as one.

Mr. Drury stated that Items for the Zoning Commission to consider include, but are not limited to the following:

Zoning Resolution Compliance

Article 5.3, L: Landscaping and Buffering: Parking and loading areas shall be designed to minimize the visual impact of parked cars as viewed from public right-of-ways and adjacent properties through the use of plantings and earth berms.

Findings: A landscape plan has been submitted that shows a buffer between the adjacent properties. However, to the south, the buffer includes both an existing hedge line and additional plantings. These additional plantings are shown on a neighboring property in which the applicant does not own. A formal agreement between property owners has not been submitted.

Article 5.5: Signage:

Findings: A sign was submitted as part of the Final Development Plan for Phase 1, and staff issued a permit for this sign on 2/9/2023. In addition, there is a 24 SF temporary sign on the site. A permit has not yet been issued for this sign, however, the applicant is stating that they would like to request that the sign remain on the site for 3 years.

Mr. Drury stated that staff believes that the application is consistent with the following goals of the Anderson Plan:

People and Housing: *The Township will be comprised of high-quality neighborhoods with diverse, well-maintained housing.*

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

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 other recreational uses.*

Anderson Trails Plan

The proposed development identifies an interior sidewalk on one side of the private drive. Proper connections need to be made to the existing sidewalks on the north and south side of the private drive along Nagel Road.

Mr. Drury stated that the Township's Economic Development Committee also reviewed the Phase 1 and Phase 2 and submitted a letter in support during the zone change process.

Mr. Drury stated that the applicant has previously shown compliance for Phase 1, through the Final Development Plan approval for Case 3-2020 Anderson. The Trustee Resolution below is R# 22-1215-01, for the Zone Change of Phase 2, Case 3-2022 Anderson.

The Hamilton County Regional Planning Commission, the Anderson Township Zoning Commission, and/or by the Board of Township Trustees conditions:

(Note: the numbering below corresponds with conditions in the Resolution):

1. That a lighting plan that meets the minimum standards of the Zoning Resolution shall be submitted as part of the Final Development Plan. **A lighting plan was not submitted, however, the applicant stated during the Zone Change hearings that no street lighting will be added.**
2. That no new signage shall be permitted in the Zone Change area. **No additional signage was submitted. The applicant has not yet received a permit for the temporary sign on the property, and is requesting that it be able to stay on the property for three years.**

3. That sidewalks shall be provided along the entire frontage of Nagel Road and connected to sidewalks within the development in accordance with the Anderson Township Zoning Resolution. **The applicant is proposing an internal sidewalk on one side of the street, as well as connecting to the adjacent existing sidewalks, with a crosswalk at Pineterrace Drive.**
4. That the applicant submits for a Major Modification of Case 3-2020 FDP, Nagel Village Phase 1 with the Final Development Plan submittal for this Case, Case 3-2022 Anderson, so the Zoning Commission will be able to review the site as one. **Compliant**
5. That the two curb cuts on Nagel Road for the existing single-family residence be removed. **Compliant**
6. That brick and stone features be added to all elevations of all units and submitted with the Final Development Plan. **Compliant**
7. That a landscape buffer between the site be provided to adequately provide a screen from the office and residential uses and that the landscaping plan submitted include information for an arborist regarding the three large trees on the property, their health and proper measures that would need to be taken to preserve the trees. **The applicant has submitted a landscaping plan that includes the existing buffer, as well as additional plantings. However, the additional plantings are on the neighboring property. Staff has not yet received a formal agreement between property owners for this. In addition, the applicant submitted a letter from an arborist regarding the trees, stating that 2 of 3 of them will need to be removed.**

Mr. Drury stated Township Staff recommends the following conditions if approved:

1. That a formal agreement between property owners be submitted regarding the landscaping buffer.
2. All previous conditions from Resolution 2021-0726-01 (Case 3-2020 FDP) shall still apply.
3. That the temporary sign on the property shall be removed once all units have been sold or at the end of three years- February 2026.

Mr. Doenges asked for clarification regarding the temporary sign. **Mr. Drury** replied that the temporary sign was put in place without a permit, he added that the applicant did come in to take care of the permanent and temporary sign and staff suggested that the temporary sign be addressed during Zoning Commission since the applicant requested an extended period of time.

Ms. McBride asked how long we have permitted other temporary signs. **Mr. Drury** replied that it ranges from 2-3 years.

Ms. McBride noted that when we approve these for several years, we do request that they add landscaping around them.

Mr. Drury noted that we are starting to encourage applicants to consider what signs they want while they are going through the Zoning Commission hearing process in case it requires additional time.

Mr. Lewis asked who will be responsible for ongoing maintenance requirements of the shrubs. **Mr. Drury** replied that we can ask the applicant.

Ms. McBride asked if we have a photo of the magnolia tree. Mr. Drury pointed out the tree that staff believes they are considering a magnolia, however, staff disagree that it's a magnolia.

Craig Abercrombie, 8111 Cheviot Road, on behalf of the applicant, stated that they have located the hedge line on their survey and it is along the property line. He stated that a formal agreement between the property owners will be no problem, as well as a maintenance agreement. He also added that placing landscaping around the temporary sign would not be an issue.

Mr. Lewis asked when the temporary sign went in. **Joe Farruggia, Zicka Development Group**, replied that it probably went in late last year. Mr. Drury replied that the variance would be based off the date of tonight's meeting.

Mr. Guyer asked what the timeline for construction is proposed to be, as well as why the sign is required for three years. Mr. Farruggia replied that with the market being up and down, and the cost of construction, it will just take time. He noted that it is anticipated that the market will be flat this year and pick up next.

Mr. Doenges asked about the trees anticipated to be removed. Mr. Farruggia noted that the pine will stay, but that the two trees in the back will have to be removed. He added that he met with the dentist from Sea of Smiles and he is in agreement with the landscaping plan, and they are working on a written formal agreement for maintenance. He also added that the trees are valuable to development and wish that they could keep the existing trees.

Ms. McBride commended the applicant for being able to keep the trees on the mound after they had been moved.

Ms. McBride noted that Mr. Farruggia said it will sit for a year, and asked how he will keep it well maintained. Mr. Farruggia replied that the front entrance will be buttoned up, mowed, and they will see what landscaping they can do around the perimeter without interfering with the construction. He also stated that they will probably construct the first duplex as you enter as a sample for the rest of the development.

Mr. Lewis asked for clarification on what will be built. Mr. Farruggia replied that they will build one of the duplexes, with the hope of selling it and pick up momentum to build the rest.

Mr. Lewis asked for clarification on the tree in the back remaining. Mr. Farruggia, looking at the landscaping plan, noted that he was mistaken and based on the distances of the duplexes, it will have to be removed.

Ms. McBride asked again if the landscape architect mistakenly called the pine, the magnolia in the letter. Mr. Farruggia agreed to disregard the letter and that they will save the mature pine tree at the front of the property.

Steve Wood, 8109 Pineterrace Drive, noted that the sidewalk currently jigs around the storm drain and asked if it will be reconfigured or addressed because it is dangerous. Mr. Drury replied that staff is aware of the issue, and we are in communication with the County Engineer and Mr. Farruggia in order to get it fixed. Mr. Wood also noted that there is definitely not a magnolia on the property. Mr. Wood asked if there will be additional pine trees for screening along the duplex on Nagel. Mr. Wood asked if a flashing light could be installed for the crosswalk across Nagel.

Mr. Farruggia replied that he has talked to the county about widening the sidewalk, but the catch basin hasn't been brought up. He stated that they might be able to put up reflectors or something similar in order to make it apparent in the dark. Mr. Farruggia stated that originally they had parking spaces as you enter from Nagel, but those were eliminated during the Final Development process due to a condition, so that landscaping was removed as well. He noted that they always do more landscaping than on the plan, so there may end up being additional landscaping in this area.

Public hearing closed at 6:10 PM

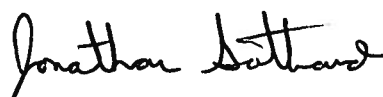
DECISION

Ms. McBride moved, Mr. Lewis seconded to approve Case 3-2022 Final Development Plan/Major Modification, for the property of 1357 and 1349 Nagel Road, with the three staff recommended conditions, as well as the following conditions 1. That landscaping be placed around the temporary sign and maintained with a plan submitted and approved by staff. 2. That the pine tree on the south east corner of the site be preserved, as well as any other mature trees during construction with the installation of fencing to keep equipment away from it. That the fence be erected at the dripline of the tree and the area within the fence not be disturbed or used for storage of any materials, vehicles, etc.

The meeting was adjourned at 6:17 PM

The next regular meeting would be held on March 27, 2023, at 5:30 p.m. at Anderson Center.

Respectfully submitted,



Jonathan Gothard, Acting Chair

**ANDERSON TOWNSHIP ZONING COMMISSION
SIGN-IN SHEET
MONDAY, FEBRUARY 27, 2023 AT 5:30 P.M.
ANDERSON CENTER, 7850 FIVE MILE ROAD**

PLEASE PRINT - THANK YOU

NAME:

ADDRESS:

| NAME: | ADDRESS: |
|-------------------|--------------------------|
| Jeremy Louis | |
| Connor Louis | |
| JOE FARROW | 7861 E. KEMPERS RD 14524 |
| CRAIG ABERCROMBIE | 8111 CHEVOT RD 45247 |
| Steve Wood | 8109 Pethers |
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