

**ANDERSON TOWNSHIP ZONING COMMISSION
MAY 22, 2023**

The Anderson Township Zoning Commission held a regular meeting, duly called, on May 22, 2023, at 5:30 P.M. Present were the following members:

Ben Henson, Chair, Jonathan Gothard, Vice Chair, Jay Lewis, Anne McBride, Brian Elliff

Also present when the meeting was called to order were Sarah Donovan, Assistant Director and Chris Cavallaro, Planner I. 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. Gothard moved, Mr. Lewis seconded, to approve the agenda for tonight's meeting with no changes. **A unanimous vote was taken: 5 yeas**

Approval of Minutes

Mr. Elliff moved, Mr. Lewis seconded to approve the minutes from April 24, 2023 Zoning Commission hearing with no edits.

4 Yeas, 1 abstain- Henson

CASE 1-2022 ANDERSON MAJOR MODIFICATION

Ms. Donovan read the staff report for an application filed by Richard A. Paolo, esq., Aronoff, Rosen & Hunt, on behalf of Beaver Creek Interests, LLC, and Wolfangel Development LLC, property owner, located at 1949 Wolfangel Road (Book 500, Page 430, Parcels 10 and 26), zoned "C-CUP" Single-family Residence-Community Unit Plan.

Ms. Donovan stated the applicant is requesting approval of a Major Modification to the Final Development Plan for Case 1-2022 Anderson. The applicant is requesting the following: Request A: Removal of sidewalk along the detention basin. Request B: Reduction of the front yard setback on Lot 3 from 30' to 27'. Request C: An increase in the depths of Lots 17-21 and Lots 26-30 by 20' and a reduction of open space area from 9.50 acres to 9.07 acres.

Ms. Donovan stated the tract is a net area of 17.2 acres, with approximately 200' on Wolfangel Road and 470' on Five Mile Road, the topography on the site slopes down from the north to a creek with steep slopes on the southern portion of the site, the existing use is a single-family home and barn.

Ms. Donovan stated that a Final Development Plan was approved in 2022 approving a new 36 lot subdivision, with 35 buildable lots and 1 open space lot, with minimum lot sizes of 6,480 SF, minimum lot width of 54', minimum front yard setback of 30' on lots 1-25, and lots 31-35, minimum front yard setback of 25' on lots 26-30, side yard setback of 5' and rear yard setback of 30'. The approved density is 2.03 units per net acre with 55% open space. A sidewalk along both sides of the new street was proposed,

with a mulch walking path in the open space that connects to the Mercy property to the south. A sidewalk from the new street, north along the property's Wolfangel frontage is proposed.

Ms. Donovan stated that the proposed Major Modification requests three variances from the approved Final Development Plan. The modifications to the CUP include: Reorienting the ball of the cul-de-sac approximately at its midpoint 15' to the south. Due to an encroachment onto a private drainage easement fronting Lot 2, a proposed reduction in the width of Lot 1 by 2.27' and increase of the width of Lot 2 by 2.27' to ensure the building pad and completed home will fit within the lot lines of Lot 2 without encroaching upon the drainage easement. Repositioning of lot lines for Lots 14-16 to accommodate the shifting of the center of the cul-de-sac 15' south to allow the open space to the north of the property to remain at 30'. An increase in the depths of Lots 17-21 and Lots 26-30 by 20' is proposed which will result in a reduction of open space from 9.5 acres to 9.07 acres. The open space will be reduced from 55% to 52.5%.

Ms. Donovan stated that a pre-submittal open house was held at the Anderson Center on January 5, 2022. Having notified surrounding property owners within 200', the overall concerns as a result of this open house were regarding the proposed landscape buffer along the northern property line, utilities (sewer and gas), and sight distance for the new road.

Ms. Donovan stated that Hamilton County Regional Planning Commission held a public hearing on February 10, 2022, in regard to Case 1-2020 Anderson. Their staff report recommended that the planned 30-foot natural landscape easement along the northern property line be plotted as a separate open space parcel and not within a landscape easement. This was presented as a solution to property owners clearing any foliage planted on this land or constructing anything in this space. Additionally, their staff report suggested that the applicant modify their submittal for "A-CUP" or "B-CUP" Residence zoning, rather than "C-CUP" Residence. However, the Regional Planning Commission stated that they felt that with the surrounding properties, "C" Residence was compatible in this area and moved forward with a recommendation to the Anderson Township Zoning Commission for approval. The applicant submitted updated plans to reflect HCRPC conditions, which included a new open space lot.

Ms. Donovan stated that The Anderson Township Zoning Commission held a public hearing on February 28, 2022, regarding Case 1-2022 Anderson and recommended approval with 9 conditions.

Ms. Donovan stated that the Board of Township Trustees held a public hearing on March 17, 2022, regarding Case 1-2022 Anderson and approved the zone change from "OO" Planned Office District to "C-CUP" Residence, Community Unit Plan with 9 conditions.

Ms. Donovan stated that the Zoning Commission held a public meeting to discuss the Final Development Plan for Case 1-2022 Anderson on April 25, 2022 and approved with 10 conditions.

Ms. Donovan stated that the Board of Township Trustees held a public hearing on May 19, 2022 for a Substantial Modification to the Resolution 22-0317-01 for the modification to condition #3 and #8, as well as the addition of condition #10.

Ms. Donovan stated that the applicant submitted for a Major Modification to be heard at the March 27, 2023 Zoning Commission hearing, but requested a continuation prior to the meeting.

Ms. Donovan stated that any modification to the approved Final Development Plan that fails to meet the requirements set forth in Article 5.1,C,1, but does not infringe upon a specific requirement or standard as set forth in the development's approving Resolution as adopted by the Board of Township Trustees shall be considered a Major Modification to the Final Development Plan. For approval, there shall be findings that any proposed changes to the Plan will be in substantial conformance with the intent of the approving Resolution including related conditions as adopted by the Board of Township Trustees.

Ms. Donovan stated that the following are the conditions set in Trustee Resolution #22-0519-01 on 05/19/2022:

1. That the development shall be limited to a maximum of 35 dwelling units.
2. That the landscape buffer area to the north shall be located on a separate open space parcel and not within a landscape easement. The dedicated open space parcel(s) shall be owned and maintained by a Homeowner's Association.
3. That the trees on lots 13-16 be surveyed for trees where no vegetation is proposed to be planted, and that additional trees be supplemented to provide a buffer.
4. That detailed signage and lighting plans in compliance with the Zoning Resolution shall be submitted as part of the Final Development Plan.
5. That further subdividing of the development shall be prohibited to assure conservation of all open space tracts.
6. That prohibitions/restrictions for the open space tracts shall be submitted as part of the Final Development Plan and approved by the Anderson Township Law Director to ensure preservation of existing trees and prohibit future development of the open space.
7. That the development shall comply with the Subdivision Rules and Regulations unless modified by the Regional Planning Commission.
8. That the landscaping plan submitted with the Final Development Plan include an increase in size of evergreens to 8'- 9' tall, include a mixture of trees including Tulip Poplar and American Basswood (or similar species), and that the plan notes the ANSI 3000 standards for landscaping and tree planting.
9. A sidewalk shall be installed along the Wolfangel Road frontage and continue south to the mulch trail across the creek to the private drive on the Mercy Hospital property to connect to State Road. The location of the proposed trail shall be approved by the Township and be made of woodchips.
10. That the landscape plan be modified to include additional shade trees in lieu of some of the ornamental trees in the buffer area to the north, as well as include additional shade trees in the grading area that extends into the open space parcel.

Ms. Donovan stated that the following are the conditions set in Zoning Commission Resolution #2022-0627-01 on 06/27/2022:

1. That the development shall be limited to a maximum of 35 dwelling units.
2. That the landscape buffer area to the north shall be located on a separate open space parcel and not within a landscape easement. The dedicated open space parcel(s) shall be owned and maintained by a Homeowner's Association.
3. That the trees on lots 13-16 be surveyed for trees where no vegetation is proposed to be planted, and that additional trees be supplemented to provide a buffer.
4. That detailed signage and lighting plans in compliance with the Zoning Resolution shall be submitted as part of the Final Development Plan.
5. That further subdividing of the development shall be prohibited to assure conservation of all open space tracts
6. That prohibitions/restrictions for the open space tracts shall be submitted as part of the Final Development Plan and approved by the Anderson Township Law Director to ensure preservation of existing trees and prohibit future development of the open space.
7. That the development shall comply with the Subdivision Rules and Regulations unless modified by the Regional Planning Commission.
8. That the landscaping plan submitted with the Final Development Plan include an increase in size of evergreens to 8' - 9' tall, include a mixture of trees including Tulip Poplar and American Basswood (or similar species), and that the plan notes the ANSI 3000 standards for landscaping and tree planting.
9. A sidewalk shall be installed along the Wolfangel Road frontage and continue south to the mulch trail across the creek to the private drive on the Mercy Hospital property to connect to State Road. The location of the proposed trail shall be approved by the Township and be made of woodchips.
10. That the landscape plan be modified to include additional shade trees in lieu of some of the ornamental trees in the buffer area to the north, as well as include additional shade trees in the grading area that extends into the open space parcel.
11. That the sidewalk be modified to curve rather than be on an angle and terminate on the south side of Wolfangel.

Ms. Donovan stated **Request A: Removal of sidewalk along the detention basin.**

The applicant explains that removal of the sidewalk would reduce safety risks of pedestrians along the detention basin. They explain that landscaping will go in place of where the current sidewalk is proposed. The Hamilton County Subdivision Regulations, in conjunction with the Anderson Township Trails and Walkways Plan, require the installation of sidewalks on existing streets and both sides of all new streets in the Township. Condition #9 and #11 refer to sidewalks in the development and connection of the mulch path to the Mercy property to the south. This pedestrian plan is part of the larger Township Trails Plan for a pedestrian connection along Wolfangel from Delas Cove to State Road. The Township is currently engineering a sidewalk from Delas Cove to the proposed Cross Creek Drive. By eliminating the sidewalk segment along the detention basin, a mid-block crossing is created. It is safer

and encouraged to have the cross walk at the intersection of Cross Creek Drive and Wolfangel, rather than a mid-block crossing. Staff is not of the opinion that variance A is in accordance with the approving Final Development Plan Resolution or the Anderson Township Trails Plan. Staff is of the opinion that there is not any risk to safety and feels that the sidewalk should continue along the basin to Wolfangel Rd. This sidewalk is approximately 15 feet from the basin allowing enough room for pedestrian activity and landscaping without posing a safety risk.

Request B: Reduction of the front yard setback on Lot 3.

The setback would be reduced from 30 feet to 27 feet and would be in the front yard as opposed to the rear yard, which was part of the March 27, 2023 request. According to the applicant the setback would have no impact on neighbors to the rear as previously outlined by a past staff report. The modification will provide sufficient space for the building pad and completed home to fit within the lot lines without encroaching on the open space and reducing impact on the neighboring properties to the north. However, this would be the only lot on Cross Creek Drive with a reduced setback to 27'. Staff is of the opinion that the lots need to be at consistent setbacks.

Request C: Increase depths of Lots 17-21 and Lots 26-30.

Lots will be increased by 20' in depth, reducing the area of open space from 9.50 acres to 9.07 acres to allow for walk-out homes to construct decks on the rear of the homes without encroaching on open space. The proposed plan also identifies a 30' front yard setback for Lots 26-30 whereas the original plan had proposed a 25' front yard setback. Staff is concerned with the reduction of open space and is of the opinion that the applicant should provide documentation on what types of trees would be removed, as was previously requested by the Zoning Commission. However, over 50% of the property will still be preserved open space, maintained by the HOA.

Ms. Donovan stated that the Anderson Plan states the following (p. 49): When faced with land-use related decisions, decision-makers should consider the following guidelines:

- Unless otherwise noted, lot sizes and subdivisions should be compatible with adjacent developments in terms of lot sizes, density, character, and scale. New development or redevelopment should not be detrimental to the general character of the surrounding neighborhoods.
- Sidewalks and walkways should be encouraged within any development and connect to adjacent sidewalks, mass transit stops, shopping, parks, institutional or other nonresidential uses and services.
- Landscaped buffers should be used as a natural separation between developments of different intensities (e.g., between a multi-family apartment building and a single-family subdivision).

Ms. Donovan stated that staff recommends denial of the Major Modification request for the following: Request A: Removal of sidewalk along detention basin; Request B: Reduction of the front yard setback on Lot 3 from 30 feet to 27 feet; and Request C: An increase in the depths of Lots 17-21 and Lots 26-30 by 20' and a reduction of open space area from 9.50 Acres to 9.07 Acres, for the following reasons:

1. The modifications are not consistent with the intent of the approving Resolution including related conditions as adopted by the Board of Township Trustees.
2. The proposed modifications are not compatible with the site and surrounding uses.
3. The proposed modifications are not consistent with General Land Use guidance provided in the 2022 Anderson Plan.
4. Removal of the sidewalk is not consistent with the Hamilton County Subdivision Regulations and the 2018 Anderson Trails Plan.

Mr. Elliff asked which plan in the packet compares the difference in lot lines from what was approved to what is being requested. Ms. Donovan replied the applicant can go into further discussion about the comparison, but the submitted plans for this hearing did not have both.

Mr. Elliff stated that there were a number of other things listed in the submitted letter that were not addressed in the staff report and asked if those issues have been resolved. Ms. Donovan replied that anything that was mentioned in the letter, but not in the staff report did not require a Major Modification and could have been done administratively.

Ms. McBride asked if they would have to go through Regional Planning for the modification to the sidewalk for a variation to the sidewalk regulations. Ms. Donovan replied that she believed it would.

Mr. Lewis asked if staff has discussed other safety mitigation possibilities with the applicant. Ms. Donovan replied that they have proposed decorative split rail fencing along lot 1, but nothing around the basin or sidewalk.

Rick Paolo, esq., on behalf of Beaver Creek Development, stated that Ms. Donovan stated during the staff report that decks do not require a variance, so they might be down to one issue, rather than three. Mr. Paolo stated that after their submittal in March, they went back to different consideration based on the March staff report. He stated for Lot 3, that lot is 75' wide, where as the adjoining are at 55' wide, following the natural curvature of the street. He stated that the visual impact of a 3' setback would be to keep lot 3 in line with the remaining street. He stated that the 3' setback is really only going to be on a half of the house due to the curve in the lot. He stated that the 3' change in the front yard setback will allow them to not have to encroach into the rear yard setback whatsoever.

Rich Arnold, of MSP, on behalf of Beaver Creek Development, stated that the 3' variance is only really necessary for half of the house because of where the curve currently sits with the building window.

Mr. Henson asked about what the front of houses look like. **Joe Farrugia, Beaver Creek Development**, stated that they are still working on the final designs of the home, but that the development will be a maintenance free concept in the \$800,000 range.

Mr. Arnold stated that in the comparison of plans, he believed it was more important to compare the FDP tree line to what is being requested in the Major Modification. He stated that the red means that

they are removing more trees and green means that they are saving more from the FDP. He stated that it is a net gain of about 600 square feet. He stated when they submitted their initial Major Modification, they were requesting an adjustment for lots 14-16 and in order to not request this, they shifted the cul de sac down in order to still have the approved sizes of lots 14-16.

Fred Bowling, Landscape Architect for the applicant, stated that they went back and added additional shade trees and evergreen trees to the plans from the recommendation over a year ago when the Zoning Commission first heard the case. He stated that looking at the south of the site, there is a lot of honey suckle and black locust, and noted that the most desirable trees on the site are near the creek line.

Ms. McBride asked what the caliper size of the trees to be removed are in terms of quality of trees with caliper inches. Mr. Bowling replied that he did not look specifically at the caliper of the trees in question.

Ms. McBride stated looking at Lot 3, how far do they need the setback to be to the east property line. Mr. Arnold replied probably 35' from the east property line, but with the curve, Lot 3 is wider at close to 70', so at 35' is probably where they will need that 3' variance.

Mr. Bowling stated that the new layout preserves about 600 square feet of tree canopy compared to the Final Development Plan.

Mr. Bowling stated that to the north, they wanted to protect the privacy of the neighbors to the north, but that there is a combination of shade trees and evergreen trees.

Mr. Gothard asked how there is able to be additional tree coverage gained, when the lots are getting bigger. He asked if there are safeguards in place to prevent owners from taking those trees down. Mr. Arnold replied that with the decision of the decks, there was an opportunity to do less grading and to save more trees.

Mr. Henson asks the applicant to address the removal of the sidewalk.

Mr. Paolo stated that they initially proposed not to include the sidewalk along the detention basin and that the reason for that is because of safety concerns. Mr. Paolo read an email from Debbie Calhoun from Hamilton County engineers office which included the proposed sketch which is now in the application with the mid-street crossing. He stated that Mr. Farruggia has no problem putting in the sidewalk as proposed but is concerned with safety with the steep drop off. He stated that if the Commission requires the sidewalk, he will put hedging along it as well.

Mr. Paolo stated that increasing the depths of the lots was purely in order to include the decks, but that if there is no variance required for a deck, then they would like to have additional conversations.

Ms. Donovan stated that an uncovered deck is not required to meet the rear yard setback, however, if the deck is covered and attached to the house, that becomes an addition, which needs to meet the rear

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yard setback. Mr. Paolo asked if a pergola would need a variance if not attached. Ms. Donovan replied if not attached to the house, it would be an accessory structure and would need to be 3' from rear and side property lines. Mr. Farruggia stated that he anticipates that people will want these to be covered decks and would prefer to move forward with the variance for the lot depths rather than coming back for each lot.

Mr. Paolo replied that the loss of open space is less than half of an acre and they believe that this request is more than reasonable considering that over 50% of the site being open space.

Ms. McBride asked about construction fencing. Mr. Farruggia replied that they use silt fencing, but if you request orange fencing, we will add orange fencing.

Mr. Paolo stated that when staff recommended denial of the request for the sidewalk, the applicant can go either way with putting it in vs not. However, Mr. Paolo stated that he disagrees with staff's statement that the plan is not in compliancy with the approving resolutions and plans that have been presented before the Zoning Commission.

Public hearing closed at 6:09 PM.

DECISION

Ms. McBride moved, **Mr. Gothard** seconded in regards to **Case 1-2022 Anderson Major Modification, Cross Creek Subdivision, located at 1949 Wolfangel Road, as recommended by staff, that the variance for Request A be denied, Request B be approved with the condition that the variance apply to only 35' from the east property line, and that Request C be denied.**

5 Yeas

Mr. Henson swore in all those who wished to testify for **Case 1-2020 PUD Major Adjustment.**

CASE 1-2020 PUD MAJOR ADJUSTMENT

Ms. Donovan read the staff report for an application filed by J Christopher M. Starke of WT Group, on behalf of Clous Anderson, LLC, property owner, located at 1240 and 1246 Nagel Road (Book 500, Page 121, Parcel 158), zoned "E-PUD" Retail Business.

Ms. Donovan stated the applicant is requesting a Major Adjustment to the Planned Unit Development approved with Case 1-2020 PUD to construct a 5,630 sq. ft. building for the purpose of a car wash, with landscaping, lighting, stacking spaces, parking spaces and detention basin.

Ms. Donovan stated the tract is a net area of 2.43 acres, with approximately 132' on Nagel Road, the topography on the site is nearly flat, the existing use is a parking lot/vacant land.

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Ms. Donovan stated that the applicant is proposing to construct a 5,630 SF automatic car wash building, stacking area, vacuums, parking, landscaping, lighting, detention area and new signage.

Ms. Donovan stated that the five former office buildings were constructed in 1982.

Ms. Donovan stated that 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.

Ms. Donovan stated that 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.

Ms. Donovan stated that 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.

Ms. Donovan stated that 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.

Ms. Donovan stated that the applicant's proposal is to develop the entirety of the parcel for the use of a carwash, including vacuums, parking, landscaping, lighting and detention basin. The property has an existing sidewalk, which was not identified on any of the plans and needs to be accounted for. In addition, the property has several cross-access areas to adjacent properties, as well as parking spots behind the rear of adjacent properties which are currently in use. Staff recommends that cross access easements and shared parking agreements be recorded and submitted prior to a zoning certificate being issued if approved.

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

Article 3.14, C, 2, a, Lot and Yard Standards: The submitted plans do not show the right-of-way to Nagel Road nor the required setback from this right-of-way line, so staff is not able to determine if the site plan is compliant with setbacks.

Article 5.3, D, 2, c, Sidewalks Along a Public Street: There is an existing sidewalk along Nagel Rd on the site, which has not been identified on the plan sheets. With proposed landscaping in the vicinity of where it is located, staff recommends that plans be resubmitted to show the sidewalk. There also needs to be a connection provided from the existing sidewalk to the interior of the site.

Article 5.3, D, 4, Parking requirements for Physically Disabled: while ADA spots are marked, details for signage were not provided and are required.

Article 5.3, D, 9, General Design Requirements for Parking and Loading Areas: The applicant must provide two bicycle parking spaces with locking accommodations and placed within reasonable access to the main entrance.

Article 5.3, D, 8, Dumpsters & Trash Handling Areas for Non-Single-Family Districts: Elevations were not provided for the dumpster enclosure.

Article 5.3, G, 2, Alternative Parking- Shared Parking: There are existing parking spaces on the property which are used by adjacent commercial buildings. These parking spaces are proposed to remain and similarly to the cross-access easements, staff believes that shared parking agreements need to be recorded before zoning certificate approval is given.

Article 5.3, K, Lighting For Non-Single Family Uses: The lighting plan submitted is not in compliance with the Zoning Resolution. The requirements are for 0.50 foot-candles adjacent to an office district, 0.75 foot-candles adjacent to a retail district, and .10 foot-candles to a residential district. In addition, the maximum height for light poles allowed is 24 feet, and the submitted application has lights being mounted higher than 24'. Staff recommends that a new lighting plan be submitted in compliance with the Anderson Township Zoning Resolution.

Article 5.5, Signage: The applicant is proposing one monument style sign on Nagel Road. The proposed sign is of similar style to surrounding signs and is being proposed at under 10' high. The applicant's site was previously owned by Comboni Missionaries, who remain the owners of the Anderson Retail shopping center to its south, at 8080 Beechmont Avenue. In 1989, Comboni Missionaries constructed a free-standing sign to advertise for the previous office park on the applicant's site. This free-standing sign is nonconforming.

Article 5.5, G, 1, a: One free-standing sign is permitted per premises in "O", "O-1", "OO", "E", "EE", "H", "ID", "FF", and "GG" Districts only, except that on premises with developed property having more than 400 feet of street frontage, additional signs are permitted on a single premise subject to a maximum of one free-standing sign for each 400 feet of street frontage or part thereof and a minimum distance of 175 feet between signs.

The Anderson Retail Center on Beechmont Avenue, owned by Comboni Missionaries, has two free-standing signs on a property with 156' of street frontage, where 400' is required. Also, the free-standing

sign is 29' in height and has 264 SF of surface area, where 15' in height and 100 SF of surface area are the maximums. These signs are nonconforming.

The applicant has stated that "we have an agreement in principle and are working to finalize details and put the agreement to paper" to use the sign on Beechmont Avenue. The Beechmont sign is not under consideration with this PUD request as it is located on a separate parcel and under separate ownership. Staff is also of the opinion that the sign is considered off-premise for the PUD in question. The applicant is proposing to modify the look of the sign, but not the height.

Ms. Donovan 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, the Beechmont Plan and the Anderson Township Design Guidelines.

Ms. Donovan 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.

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.

Land Use and Development Initiatives: The Township will undertake economic development activities to help fill any vacant storefronts and businesses. The site has been vacant since 2018.

Ms. Donovan stated Beechmont Sidewalks: The Township is actively involved in the construction of sidewalks and other paths along the Beechmont corridor to help improve pedestrian safety and accessibility.

An existing sidewalk is located along the frontage of Nagel Road. No connections are proposed from the existing sidewalk into the site.

Ms. Donovan 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.

Ms. Donovan stated that the proposal is inconsistent with the following elements of the Anderson Design Guidelines:

Architecture: The submitted elevations describe a stucco like material and masonry wall primarily being used on the building. Staff is of the opinion that a mixture of materials be used to not just give the appearance of what the applicant is describing, but to fit the character of the neighborhood as well. This development is providing a transition from Beechmont Avenue to the residential area along Nagel and should reflect as such.

Site Planning: Encourage increased walking and bicycling by providing safe, attractive, interconnected facilities. Pedestrian and vehicular connections between parking lots and driveways on adjacent parcels should be provided wherever feasible to minimize turning movements onto major roadways. Internal connections should provide safe, direct access while discouraging vehicular shortcuts. Cross-access easements should be provided as required to facilitate circulation and anticipate future connections.

Lighting: Provide appropriate levels of lighting to ensure visibility and safety in both pedestrian and vehicular areas while avoiding over-illumination.

Ms. Donovan stated that the site borders Neighborhood Four and falls within Neighborhood Five of the Beechmont Plan.

The proposed development achieves the following of the Beechmont Plan:

- Parking Lot connections between neighboring properties
- Street trees and landscaping
- Landscape areas and trees within parking lots

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

1. The proposed carwash development is consistent with "E" Retail districts.
2. The application is consistent with the Vision and Goals of the Board of Trustees as outlined in the adopted Anderson Plan.
3. The use (carwash) is compatible with surrounding retail and office 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 Nagel Road and Beechmont Avenue.
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. Design plans submitted have not provided enough detail to warrant modifications to zoning or other regulations. The staff recommends that more detail design plans are submitted to confirm the proposal meets Anderson Township Design Guidelines and the Beechmont Plan.
9. The adequacy of the proposed pedestrian circulation system does not insulate pedestrian circulation from vehicular movement. The applicant did not provide a sidewalk connection from the existing sidewalk on Nagel Road into the proposed development.
10. The proposal does not include provisions for visual and acoustical privacy.
11. The development does not include dedicated open space, however the ISR appears less than the previous office development.
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.
14. The development is consistent with the Vision and Goals as adopted by the Anderson Township Board of Trustees.
15. 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.

Ms. Donovan stated that if approved, staff recommends the following conditions:

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.
3. That the submitted plans shall be revised to show the existing sidewalk, as well as a sidewalk connection to the proposed building, and the proposed right of way along Nagel Road.
4. That the submitted plans be revised to provide an ISR calculation.
5. That a dumpster elevation shall be submitted and consistent with a mixture of building materials.
6. That the elevations be modified to show a mixture of building materials, consistent with recommendation from the Anderson Township Design Guidelines.
7. That the site plan be resubmitted to show bike racks and vertical handicap signs.
8. That shared parking agreements and cross access easements shall be recorded and submitted to staff.

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Mr. Lewis stated that it appears that there are a lot of unknowns and asked if staff tried to resolve this before it came to the Zoning Commission. Ms. Donovan replied that we received plans after the deadline but did send a number of questions to the applicant, some of which were answered and the applicant received our staff report prior to tonight.

Mr. Henson asked if the setback will be from the roadway or if it is labeled incorrectly on the plan. Ms. Donovan replied that the setback needs to be from the right-of-way, which is not shown on the plans, as well as the existing sidewalk is missing on the plans.

Mr. Elliff asked what the impervious surface ratio is of this site. Ms. Donovan replied that it was not submitted with their site plan, but that this is before the Zoning Commission tonight because it was already zoned as a PUD and because they submitted something that did not match what was approved in 2020, it needed to be revisited by the Zoning Commission.

Mr. Lewis stated that it appears traffic can enter off of Beechmont Avenue and asked if cleaning up the accessways to Beechmont should be cleaned up during this development, with concerns on left outs on Beechmont and potentially moving people to signalized exits. Ms. Donovan replied that they are not modifying any of the entrances to the site and while people will access this site from Beechmont Avenue, they do not have frontage on Beechmont, so the Zoning Commission cannot place conditions on what is not part of the PUD.

Mr. Elliff stated that there is a decent amount of landscaping at the front, but it appears that there is just turf between this site and the Goddard school. Ms. Donovan replied correct, the Zoning Resolution does not require landscape buffer between similar intensity of uses.

Mr. Lewis adding a note about noise concern from the carwash to the Goddard school.

Chris Starke with WT Group, applicant, stated that there are a few unknowns, but they would have no problem with adjusting the landscaping toward the Goddard School and are also prepared to bring the plans into compliance in regard to zoning issues.

Ms. McBride stated she doesn't like to design on the fly and is not prepared to move forward because the application has a lot of empty information.

Mr. Lewis agreed and stated that it is not the Zoning Commission's place to complete the application.

Mr. Henson asked the applicant if they would like to request a continuation from the Zoning Commission or if they would like to proceed with the public hearing. **Mr. Starke** replied that he would like to proceed.

Mr. Starke stated that every nuance is being worked with Carriage House in order to bring a

neighborhood style carwash to each community. He added that rather than a straight brick building, they use quick brick and siding and added that they are willing to minimize the stucco look. He stated that they want to serve the community in the best way that they can with the newest technology. He stated that there is a quick dry door that will help buffer some of the noise of the carwash. He stated that their noises blend with the sound of the roads. He stated that they are still working on the surface area and will work to design the site in compliance with the Zoning Resolution.

Mark Reinhart owner of the Goddard School, stated that he has a couple of questions including what kind of carwash this is and if there will be employees or if people will be out of their cars and at the vacuums. He also asked what the hours of operation will be, and stated that he appreciated the Zoning Commission discussing the landscaping. He added that on the access drive, there is a small maintenance gate that is accessible through that access drive and asked if it will still be possible. He stated that it is used for his landscaper.

Charan Jackson representative of the owner/operator, stated that customers would stay in their car during the wash, but would have the opportunity to get out of their car to vacuum. Operating hours are Mon-Sat 7:30am – 7pm, Sunday 8am-6pm. The vacuums will be located on the south side of the property.

Mr. Elliff asked if there are employees that clean the inside or if there are vacuums. Mr. Starke replied that the vacuums are on the south side of the property and can choose to do it before or after the carwash.

Ms. McBride stated that there are three dumpster locations shown on the plan and asked for clarification. Mr. Starke replied that there is just one dumpster in the lower right corner of the site, one towel hut and one vacuum maintenance area. Ms. McBride asked if staff received elevations of those. Ms. Donovan replied no.

Mr. Gothard asked about the type of materials being used on the site and stated that CMU and brick are very different things. Mr. Starke replied that they use Quick Brick which is a form of structural CMU and it provides the base for carrying the load to the rest of the structure.

Mr. Gothard stated that Mr. Starke's testimony stated one towel hut, but there are actually four labeled on the plan. Mr. Starke noted that it is incorrect.

Mr. Gothard stated that the Zoning Commission would like know what materials the accessory structures will be made out of. Mr. Starke replied that they will be made out of similar material as the building.

The public hearing was closed at 6:51 PM

DECISION

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**Ms. McBride moved, Mr. Lewis seconded 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.
5 Yeas**

The meeting was adjourned at 6:54 PM

The next regular meeting would be held on June 26, 2023, at 5:30 p.m. at Anderson Center.

Respectfully submitted,



Ben Henson, Chair

**ANDERSON TOWNSHIP ZONING COMMISSION
SIGN-IN SHEET
MONDAY, MAY 22, 2023 AT 5:30 P.M.
ANDERSON CENTER, 7850 FIVE MILE ROAD**

PLEASE PRINT - THANK YOU

NAME:	ADDRESS:
CHRIS STARKE (WTG)	2675 PRATON AVE, HOFFMAN ESTS ILLINOIS 60192
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JOE SCHIMM	3573 Sumbria Hwy
JOE DOLD	2697 MONTICELLO DR
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