

**ANDERSON TOWNSHIP ZONING COMMISSION
NOVEMBER 21, 2022**

The Anderson Township Zoning Commission held a regular meeting, duly called, on November 21, 2022, at 5:30 P.M. Present were the following members:

Jonathan Gothard, Acting Chair, Jay Lewis, Acting Vice Chair, Anne McBride, Brian Elliff and Brandon Guyer, Alternate

Also present when the meeting was called to order were Paul Drury, Director, and Sarah Donovan, Assistant Director of Planning and Zoning. 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

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

Approval of Minutes

Mr. Gothard stated that we do not have a quorum to approve the minutes from June 27, 2022.

Mr. Guyer moved, Mr. Lewis seconded, to approve the minutes from the September 26, 2022 Zoning Commission hearing, with no edits.
4 yeas, 1 Abstain- McBride

CASE 3-2022 ANDERSON

Mr. Drury read the staff report for an application filed by Craig Abercrombie, Abercrombie & Associates, Inc., on behalf of Zicka Development Company LLC, and Diane Marie Morgan, property owner, located at 1349 Nagel Road (Book 500, Page 121, Parcel 60), zoned "B" Single Family Residence.

Mr. Drury stated the applicant is requesting a zone change from "B" Single Family Residence to "DD" Planned Multiple Family Residence for the property located at 1349 Nagel Road. The applicant is proposing to construct two duplex units, a total of four living units, with a net area of 0.43 acre, and a density of 9.23 units per acre, with a 0.0619 acre of Open Space. This application will be referred to as Phase 2 of Nagel Village.

Mr. Drury stated the tract is .5025 acres, with approximately 75' on Nagel Road, the topography on the site is relatively flat, the existing use is a Single Family Residence with accessory structures.

Mr. Drury stated that Nagel Village is currently under construction for 6 duplex units and 1 single family, for a total of 13 units. The proposed Phase 2 would utilize the same private drive as Phase 1, Nagel Village Drive, with an entrance off of Nagel Road, aligned with Pineterrace Drive. This zone change was approved by the Trustees on February 18, 2021.

Mr. Drury stated that Hamilton County Regional Planning Commission held a public hearing on November 3, 2022 in regards to Case 3-2022 Anderson. The Hamilton County Regional Planning Commission recommended approval with three conditions.

Mr. Drury stated that letters of correspondence from various agencies are attached for review. A summary of the issues raised by these agencies are as follows:

- County Engineer – Four comments, including the dedication of 40' of right of way which is shown on the plans, and other right of way standards
- Hamilton County Planning & Development, Storm Water – Standard review comments
- Metropolitan Sewer District – Conditional availability of sewers
- Hamilton County Soil & Water – Standard review comments
- Cincinnati Water Works – No comments
- Ohio Department of Transportation – No comments
- Anderson Township Fire and Rescue – No parking on the private drive
- Ohio Environmental Protection Agency – No comments
- The Hillside Trust – No comments

Mr. Drury stated that the Anderson Township Planning and Zoning Staff are in agreement with the findings of the Regional Planning Commission, when they reviewed this case on November 3, 2022. Those findings from HCRPC are listed below (* Staff would like to note that the future land use designation for this site is General Mixed-Use, not Transitional Mixed-Use. However, staff believes that the findings from HCRPC are still applicable):

- The Comprehensive Plan Future Land Use Map designates the site as "Transitional Mixed Use," which is defined as "Housing, low-intensity office uses...and related compatible uses...that provide a transition between residential uses and other types of development." The proposed low density multi-family housing use, which would provide a transition between single-family uses to the north and higher density multi-family uses and church uses located to the south and west, would be consistent with this designation.
- Staff also reviewed the proposal for consistency with the text of the Comprehensive Plan. The Transitional Land Uses Guidelines Section of the Comprehensive Plan states, "Ensure the overall density of the development is compatible with adjacent developments in terms of lot sizes, density, character, and scale". The adjacent Nagel Village Subdivision approved for the land adjacent and to the north and west was approved at a density of 4.66 units per acre. Adding these four units into the subdivision would slightly increase the density of the overall development to 5.27 units per acre. Staff finds that the proposed two duplex buildings function as an expansion of an existing development with the similar lot sizes and similar overall density in compliance with this guideline.
- Further, the proposal for attached residential units (duplexes), the inclusion of sidewalks and providing a higher density than traditional detached single-family residential uses are all in compliance with the Transitional Land Uses Guidelines.

- Based on the above findings staff finds that the proposal would be consistent with the Anderson Township Comprehensive Plan map and text.

Mr. Drury stated that in addition, Anderson Township 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 market 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.

Mr. Drury stated Zoning Resolution Compliance:

Article 5.3, D, 1, f – Off Street Parking

All off-street parking areas for five (5) vehicles or more shall be screened on any side that adjoins or faces a property in any Residence District.

Findings: Phase 2 is not proposing any additional off-street parking areas for five or more vehicles.

However, there will be two vacated curb cuts to Nagel Road. Staff would recommend that a condition be added to remove both curb cuts.

Article 5.3, D, 2, c, 1 – Sidewalk

Any use or building established after the adoption of this Article shall be required to provide a four (4) foot wide sidewalk along all public streets for the full length of street frontage.

Findings: A 5' wide sidewalk shall be provided along the Nagel Road frontage, connecting to the sidewalk to the north (previously approved with Phase 1), and extending to the property line to the south to connect to the existing Sea of Smiles Dentistry sidewalk.

Article 5.3, K -- Lighting For Non-Single Family Uses

Findings: A lighting plan was not submitted.

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: No landscaping plan has been submitted. Staff is of the opinion that there needs to be buffering between this development and the Sea of Smiles Dentistry property to the south. In addition, there are no separate parking areas proposed for Phase 2.

There are a couple of mature existing trees on the single-family property that staff believe would be viable if proper construction practices are put in place.

Article 5.5: Signage:

Findings: A sign was submitted as part of the Final Development Plan for Phase 1, however, staff has not issued a permit for this sign and it is currently under construction. In addition, the applicant has installed a temporary sign without a permit as well.

Mr. Drury stated Anderson Township Design Guidelines:

Site Planning

Site planning goals include (but are not limited to), "Developments should be integrated into the commercial areas and the immediate context through street connections, sidewalks, connecting outdoor spaces, land use transition and compatibility, and building scale and character, which respects the uniqueness of each property and reinforces the Township's sense of place and character and seeks a balance between serving both automobile and pedestrian movement."

Findings: No landscaping plan was submitted; however, the site plan does illustrate that site will be integrated into Phase 1, and will connect to existing sidewalk connections.

Architecture

Building designs that thoughtfully consider scale, form, orientation, height, setback, massing, materials, color and architectural features.

Findings: The applicant has not submitted rear or side elevations for the duplex units. However, on the front elevations submitted, the applicant is including a mixture of materials, including: stone veneer, brick, and concrete. A condition from Phase I included "That brick and stone features be added to all elevations of all units and submitted with the Final Development Plan."

Lighting

Exterior lighting should be designed to provide the minimum level of illumination necessary for security, safety and visual appeal for both pedestrians and vehicles.

Findings: No lighting plan was submitted.

Mr. Drury stated Anderson Trails Plan:

The proposed development identifies an interior sidewalk on one side of the street, as well as a proper connection to the sidewalk to the north and south.

Mr. Drury stated Economic Development Committee:

The Economic Development Committee has reviewed the plans and is in the process of reviewing a letter of support for the application.

Mr. Drury stated that staff recommends approval of the request for a zone change from "B" Residence to "DD" Planned Multiple Family Residence District as:

1. The proposed zone change to "DD" is consistent with the Land Use text from the 2022 Anderson Township Comprehensive Plan Update and goals from the People and Housing and Land Use and Development chapters.
2. The proposed use is compatible with the surrounding neighborhood and continues to stabilize the neighborhood by promoting transitional zoning in development, as an extension of Nagel

Village Phase 1, from a large multifamily development to the single family north on Nagel Road and east on Pineterrace Drive, and office / institutional uses located south on Nagel.

3. The health and safety of the neighborhood and the Township are maintained.
4. The proposed use of the site provides an opportunity for the applicant to realize a reasonable profit (not necessarily a maximum profit) from the applicant's use of the subject land.

Mr. Drury stated that this approval shall be based on the following conditions:

As recommended by the Hamilton County Regional Planning Commission:

1. That a lighting plan that meets the minimum standards of the Zoning Resolution shall be submitted as part of the Final Development Plan.
2. That no new signage shall be permitted in the Zone Change area.
3. That sidewalks shall be provided along the entire frontage of Nagel Road and connected to sidewalks within the development in accordance the Anderson Township Zoning Resolution.

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

1. That the applicant submit 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.
2. That the two curb cuts on Nagel Road for the existing single-family residence be removed.
3. That brick and stone features be added to all elevations of all units and submitted with the Final Development Plan.

Craig Abercrombie, Abercrombie and Associates, on behalf of Zicka Development, 8111 Cheviot Road, stated that they did not turn in a light plan because it will be the same as phase 1, with only having lighting on the building and not on the street. Mr. Abercrombie stated they did not submit a landscaping plan because they need to work with the dentist to create the buffer that works for both of them.

Mr. Lewis asked what the issue is with the signage. **Joe Farruggia, 7861 East Kemper,** stated that they put up the permanent sign and the temporary sign, however, with getting approval for the permanent sign during the Final Development Plan, he thought they had received the proper approval but that they will take care of it.

Mr. Gothard asked if the two mature trees on site will be maintained, **Mr. Farruggia** replied that they will have to trim them a bit, but that they will try to save them. He added that they will work with the dentist to increase the amount of landscaping buffer.

Mr. Gothard asked if a landscaping plan will be submitted, **Mr. Farruggia** replied yes, it will be submitted with the Final Development Plan.

Public hearing closed at 5:48 PM

DECISION

Ms. McBride moved, Mr. Lewis seconded to recommend approval Case 3-2022 for the property of 1349 Nagel Road, for Nagel Village Phase 2, as recommended by Hamilton County Regional Planning and Anderson Township Planning and Zoning staff, including the three conditions from Hamilton County Regional Planning and the three conditions recommended by Staff, as well as the additional condition 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 from an arborist regarding the three large trees on the property, their health and the proper measures that would need to be taken to preserve the trees.

Discussion Item

The Zoning Commission discussed a sign proposal submitted by HL signs, on behalf of Tri Health, as it varies from what was presented in Case 3-1986 Anderson Major Modification, heard by the Zoning Commission on September 26, 2022.

The proposed signs include one 64 SF sign on the north elevation, and three 36 SF sign on the south, east and west elevations.

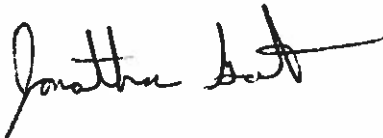
The Zoning Commission determined that the application is substantially different from what was presented during the Major Modification hearing on September 26, 2022 and requested that the applicant make a formal submittal to the Zoning Commission for the December meeting.

The meeting was adjourned at 6:05 p.m.

The next regular meeting would be held on December 19, at 5:30 p.m. at Anderson Center.

Respectfully submitted,

Jonathan Gothard, Acting Chair



**ANDERSON TOWNSHIP ZONING COMMISSION
SIGN-IN SHEET
MONDAY, NOVEMBER 21, 2022 AT 5:30 P.M.
ANDERSON CENTER, 7850 FIVE MILE ROAD**

PLEASE PRINT - THANK YOU

NAME:

ADDRESS:

| NAME: | ADDRESS: |
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| JE FRUGGIN | 7861 E. KEMPER RD. 45249 |
| CRAIG ABELE | 8111 CHEVLOT RD. 45247 |
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