

AGENDA

THE HAMILTON COUNTY REGIONAL PLANNING COMMISSION
Room 805, County Administration Building
138 East Court Street
Cincinnati, OH 45202

JANUARY 8, 2015

Administrative Session – 12:30 PM
Development Review Session – 1:00 PM

Merrie Stillpass, Chairperson/Presiding Officer

1. ADMINISTRATIVE SESSION

SESSION CALLED TO ORDER
ROLL CALL OF COMMISSIONERS

ADMINISTRATIVE ACTIONS:

- A. ADM01: Disposition of Minutes, December 4, 2014 Regular Meeting
- B. ADM02: RPC Financial Report
- C. ADM03: MSD Contract
- D. ADM04: Election of Officers

PROGRAM REPORTS:

Zoning Services	Systems / Data Products
Planning Partnership	Community Planning
Community Development	OKI Board of Trustees
Other Reports	

2. DEVELOPMENT REVIEW SESSION (immediately following Public Hearing)

SESSION CALLED TO ORDER

PRELIMINARY SUBDIVISION PLANS:

- A. NAME: Colerain 15-01; Zillig Commercial
- APPLICANT: Edward C Zillig (owner); Ed Zillig, Zillig Excavation & Paving (developer); Robert G Rotehrt, Abercrombie & Associates, Inc. (applicant/engineer)
- LOCATION: 5560 Old Blue Rock Road on the southeastern corner of Blue Rock Road and Springdale Blue Rock Connector (Book 510, Page 230, Parcels 74-77 and Page 201, Parcel 43)
- TRACT SIZE: 19.0 acres
- TOTAL LOTS: 7

COUNTY ZONING MAP AMENDMENT:

- A. NAME: Green 2015-01; Artis Senior Living
- REQUEST: From: C Single-Family Residence
To: OO Planned Office
- PURPOSE: To construct a 72-unit assisted living facility for seniors with Alzheimer's disease and similar memory disorders
- APPLICANT: Thomas Jones, Artis Senior Living (applicant); Jenny E Dawson Tr., Simon & Edna Generoso Tr. (owners)
- LOCATION: On the south side of Bridgetown Road, approximately 240 feet east of Lakewood Drive (Book 550, Page 170, Parcels 136 & 137 AND Book 550, Page 173, Parcels 150 & 228)

TOWNSHIP ZONING MAP AMENDMENT:

- A. NAME: Colerain ZA2014-09; Chick-Fil-A
REQUEST: Major Modification to an approved Final Development Plan in an existing PD-B Planned Development Business District
PURPOSE: To modify the approved development plan to remove a portion of an existing shopping center parking lot to allow for a Chick-Fil-A Restaurant with a drive-thru and associated parking lot
APPLICANT: Chick-Fil-A, Inc. (applicant); Hauck Holdings Colerain LLC (owner)
LOCATION: On the southeastern corner of the Colerain Avenue and Mall Road intersection (Book 510, Page 102, Parcel 303 AND Page 103, Parcel 303)

3. ADJOURNMENT

NOTE: Individuals with disabilities requiring special accommodations to participate in or attend any meeting or hearing should call the Planning & Development Department at 946-4550 seven days prior to the meeting.

>>>>FOR ADDITIONAL INFORMATION ON ANY AGENDA ITEM, PLEASE CALL 946-4550<<<<

HAMILTON COUNTY
REGIONAL PLANNING COMMISSION

RECORD OF PROCEEDINGS DECEMBER 4, 2014

PAGE 1

SUMMARY OF ACTIONS

PRESIDING OFFICER: Stillpass
MEMBERS PRESENT: Franke, Linnenberg, Obert, Okum, Simpson (arrived 12:40), Stillpass
MEMBERS ABSENT: Sprague
STAFF PRESENT: Kinskey, Huth, Fazzini, Snyder, Ambrosius
LOCATION: Room 805, Administration Building
TIME: 12:30 AM – 2:52 PM

	AGENDA ITEM	RPC ACTION	VOTE	
ADMINISTRATIVE ITEMS:	ADM38: Disposition of Minutes, October 1, 2014	Approval	4-0-2	
	ADM39: Disposition of Minutes, November 6, 2014	Approval	4-0-2	
	ADM40: RPC Financial Report	Approval	5-0-0	
	ADM41: Election of 2015 OKI Representative (David Okum, Representative; Merrie Stillpass, Alternate)	Approval	5-0-0	
	ADM42: Reschedule January 2015 Regular Meeting to January 8, 2015	Approval	6-0-0	
	ADM43: Authorize Executive Director to sign MOU with MSD	Approval	6-0-0	

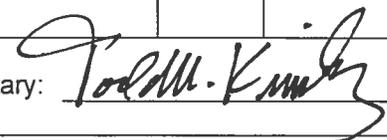
	AGENDA ITEM	AMENDMENT REQUEST	RPC ACTION	VOTE	CONDITIONS & CODES
TOWNSHIP ZONING MAP AMENDMENT:	Anderson 2014-05; S.E.M. Manor	Substantial Modification of the existing DD Planned Multiple Residence District	Approval	6-0-0	1, 2
	Colerain ZA2014-06; 6260 Colerain Commercial Daycare	From: R-6 Residential To: PD-B Planned Development Business	Denial	0-6-0	
	Colerain ZA2014-07; Kroger	From: B-2 General Business District, R-4 Suburban – Medium Residential District and PD-B Planned Development Business To: PD-B Planned Development Business	Approval	5-1-0	1, 3

	AGENDA ITEM	RPC ACTION	VOTE	
TOWNSHIP TEXT AMENDMENT:	Colerain ZA2014-08; Text Amendments	Approval	6-0-0	

ATTEST:

Chairman: _____

Secretary: _____



CONDITIONS AND CODES

1. Approval subject to standard covenants.
2. Approval subject to conditions recommended in the staff report.
3. Approval subject to conditions recommended by the RPC.
4. Approval pending receipt of favorable reports.

R = Received and accepted for processing.
C = Confirmed approval after review of compliance with conditions.
P = Postponed by applicant.
W = Withdrawn by applicant.

ABBREVIATIONS IN MINUTES

MSD - Metropolitan Sewer District
ODOT- Ohio Department of Transportation
SCS - US Soil conservation Service, Hamilton County Soil & Water Conservation Dist
DPW - Hamilton County Department of Public Works
ENG - Hamilton County Engineer
ZNG - Hamilton County Zoning Administrator
FPO - Township Fire Prevention Officer
TPZ - Township Planning/Zoning Officer
TT - Township Trustees

ADMINISTRATIVE ITEMS

ADM38: DISPOSITION OF MINUTES

MOTION: To approve the minutes of the Regular Meeting of the Regional Planning Commission, October 1, 2014.

Moved: Linnenberg Second: Okum

VOTE: AYE: 4 Linnenberg, Okum, Simpson, Stillpass
NAY: 0
ABSTAIN: 2 Obert, Franke

ACTION: APPROVAL

ADM39: DISPOSITION OF MINUTES

MOTION: To approve the minutes of the Regular Meeting of the Regional Planning Commission, November 6, 2014.

Moved: Linnenberg Second: Okum

VOTE: AYE: 4 Franke, Linnenberg, Obert, Okum
NAY: 0
ABSTAIN: 2 Simpson, Stillpass

ACTION: APPROVAL

ADM40: RPC FINANCIAL REPORT

MOTION: To approve the RPC Financial Report for November 2014 as presented.

Moved: Obert Second: Okum

VOTE: AYE: 5 Franke, Linnenberg, Obert, Okum, Stillpass
NAY: 0
ABSTAIN: 0

ACTION: APPROVAL

ADM41: ELECTION OF 2015 OKI REPRESENTATIVE

MOTION: To appoint David Okum as the 2015 OKI Representative and Merrie Stillpass as Alternate

Moved: Linnenberg Second: Obert

VOTE: AYE: 5 Franke, Linnenberg, Obert, Okum, Stillpass
NAY: 0
ABSTAIN: 0

ACTION: APPROVAL

ADM42: RESCHEDULE JANUARY 2015 REGULAR MEETING

MOTION: To reschedule the January 1, 2015 Regular Meeting to January 8, 2015

Moved: Obert Second: Okum

VOTE: AYE: 6 Franke, Linnenberg, Obert, Okum, Simpson, Stillpass
NAY: 0
ABSTAIN: 0

ACTION: APPROVAL

ADM43: AUTHORIZATION OF MOU WITH MSD

MOTION: To authorize the Executive Director to sign a Memorandum of Understanding between the Hamilton County Regional Planning Commission and the Metropolitan Sewer District for professional services provided by Planning & Development staff.

Moved: Linnenberg Second: Simpson

VOTE: AYE: 6 Franke, Linnenberg, Obert, Okum, Simpson, Stillpass
NAY: 0
ABSTAIN: 0

ACTION: APPROVAL

ADJOURNMENT: The meeting was adjourned at 2:52 PM

ATTEST: Chairman: _____ Secretary: 

Note: This Record of Proceedings is not an exact transcription, but a condensed version representing the ideas expressed at the Regional Planning Commission meeting.

HAMILTON COUNTY
REGIONAL PLANNING COMMISSION

RECORD OF PROCEEDINGS – DECEMBER 4, 2014

PAGE 3

ZONE AMENDMENT: ANDERSON 2014-05; S.E.M MANOR

REQUEST: Substantial Modification of the existing DD Planned Multiple Residence District

PURPOSE: To allow construction of an addition to the rear of the existing two-story residence with reconfigured access and parking

APPLICANT: Richard Pansiera, agent for S.E.M. Manor, Inc. (applicant), S.E.M. Manor, Inc. (owner)

LOCATION: 1348 Pebble Court, at the southern terminus of the Pebble Court cul-de-sac, west of Nagel Road (Book 500, Page 201, Parcel 283)

TRACT SIZE: 5.38 acres

SPEAKERS: E. Fazzini, A. Hodson, R. Pansiera, J. Sieber

COMMENTS: (Summary of Topics)

Staff Comments:

1. **E. Fazzini** – Review of staff report

Applicant Comments:

1. **R. Pansiera** – Parking – we currently have 144 units and when we are finished we will still have 144 units. We are not adding units. We currently have 81 parking spaces and are adding 41 more, so we are not reducing the number of spaces.
2. 41 spaces should be more than adequate. We did a parking count on Monday and counted 76 cars during the day down to 50 at off peak times
3. We are doing what is needed to upgrade a 1970's-era facility to current standards.
4. Unit size will range from 528 sq. ft. and greater.
5. Some units will be 100% handicapped accessible. Every unit will be handicapped adaptable.
6. **J. Sieber** – We share on-site bus service with two other senior facilities in the area.

Public Official Comments:

1. **A. Hodson** – Township staff has worked with applicant and is in agreement with the staff summary, conditions and variances.

MOTION:
(re: consistency)

To accept staff findings that consistency with the adopted land use plan is required and that the Substantial Modification can achieve consistency with the adopted land use plan.

Moved: Obert

Second: Linnenberg

VOTE:
AYE: 6
NAY: 0
ABSTAIN: 0

MOTION: To find consistency with the adopted land use plan and to recommend approval of case Anderson 2014-05; S.E.M. Manor a request for a Substantial Modification to an existing DD Planned Multiple Residence District, subject to the standard covenants, conditions, and variances per Attachment A.

Moved: Simpson

Second: Okum

VOTE:
AYE: 6
NAY: 0
ABSTAIN: 0

RPC
RECOMMENDATION: (To the Anderson Township Zoning Commission)
Approval with Conditions

ATTEST: Chairman: _____ Secretary: 

Note: This Record of Proceedings is not an exact transcription, but a condensed version representing the ideas expressed at the Regional Planning Commission meeting.

Attachment A

The Regional Planning Commission recommends approval of case Anderson 2014-05; S.E.M. Manor, a Substantial Modification to an existing DD Multiple Residence District subject to standard covenants and the following conditions and variances:

Conditions:

1. That consistency with the adopted Design Guidelines for architecture be determined by the Anderson Township Zoning Commission as part of the Final Development Plan review and approval.
2. That right-of-way shall be dedicated along Beechmont Avenue in compliance with the Hamilton County Thoroughfare Plan.
3. That all dumpsters shall comply with the setback and screening requirements of Section 144 (H).
4. That all parking areas shall be in compliance with the Zoning Resolution dimension standards for parking space size, design, and aisle width.
5. That the existing access drive and walkway in the southeast corner of the site connecting to the nearby Township facilities shall be required to remain and indicated on the Final Development Plan.

Variances:

1. Section 135.3 (3) – That 144 one-bedroom units be permitted on 5.38 acres where a maximum of 117 one-bedroom units are permitted.
2. Section 144 (A)(5)(6) – That the existing row of parking along the northern boundary of the site be permitted to be setback 5 feet from the property line where a 10-foot setback is required.
3. Figure 145-A – That 122 parking spaces be permitted for 144 units where 144 parking spaces are required for 144 beds.

HAMILTON COUNTY
REGIONAL PLANNING COMMISSION

RECORD OF PROCEEDINGS – DECEMBER 4, 2014

PAGE 4

ZONE AMENDMENT: COLERAIN ZA2014-06; 6260 COLERAIN COMMERCIAL DAYCARE

REQUEST: FROM: R-6 Residential
TO: PD-B Planned Development Business

PURPOSE: To allow for a mixed-use commercial day care and residence within the existing home, parking, a walkway and fencing.

APPLICANT: Jessica Smith-Allan (applicant), Cedarhill LLC (owner)

LOCATION: 6260 Colerain Avenue; on the southeast corner of the Colerain and Byrneside intersection (Book 510, page 74, Parcels 31 & 433)

TRACT SIZE: Approximately .41 acres (gross)

SPEAKERS: M. Melko, G. Milz, B. Fields

DISCUSSION: (Summary of Topics)

Staff Comments:

1. **M. Melko** – Review of Staff Report
2. **T. Kinsky** – This is not a marketable site for a single family house. A more appropriate use here would be for someone to buy the first two houses, demolish one of them and create a parking lot and to buffer themselves from the residences to the east. If this were a rezoning for an office use where three parking spaces was all that they needed it would be fine. But we have 36 children coming and going from the site at a very busy location with the homes to the east. That's where our trepidation comes from a standpoint of greater good of the community.
3. The land use plan in Colerain definitely calls this out as a non-residential area, but in this case it's not the use, it's the details.
4. I think that with the consent of all parties you can change the request, but it's not typically done that way. As a Planning Commission we have to make a recommendation based on this request, but the Zoning Commission can modify the request to a straight zone district

Public Official Comments:

1. **G. Milz** – My recommendation to the Colerain Township Zoning Commission was to make the two adjoining properties single letter business district to complete this and to encourage those properties to turn over to business uses. However, they are not in favor of approving single letter districts.
2. One issue that came up in the staff report was related to the finding that Type A daycare would be permitted and would be more appropriate for this location. That is actually incorrect – in Colerain Township, Type A daycare is only permitted in business districts. In this district right now, you could have a Type B daycare.
3. Now that we have gone through this exercise, what I would like to do is go back to the Colerain Township Zoning Commission with my original recommendation of changing this to a single letter business district. In that way the applicant could have a Type A, which doesn't have nearly as many requirements. But, the applicant would have to come back here for a rezoning.

Applicant Comments:

1. **B. Fields** – In talking to the applicant, she wants to back down from the current proposal. The site is extremely challenging and there is not enough space. The idea that she likes is to go with the Type A daycare and having a maximum of 12 children in the facility.

Commissioner Comments:

1. **Commissioner Obert** – This is an emerging corridor and has been for a number of years and we have isolated single family surrounded by higher intensity or commercial uses. A daycare is far less intense than an office or a retail use.
2. **Commissioner Simpson** -This site doesn't seem to be able to accommodate the use. If you were talking about half the number of children, it might be able to accommodate it, but this site is just too small.
3. **Commissioner Stillpass** – There is a commercial daycare across the street which was built for that purpose. The size of the parking is much larger than what is proposed here.
4. **Commissioner Okum** – I am concerned about the other hurdles that the applicant may have to deal with in the structure. Ingress and egress issues in case of emergencies. When you are using attic space for play areas for children with only one set of stairs those issues are important. There is also limited access out of the basement, which is a single door. The density of the site is also an issue and going to a B-2 district would still get you there, but I would still be concerned about the compliancy issues for daycare.

MOTION: I move to accept staff findings that consistency with the adopted land use is not required

Moved: Okum Second: Obert

VOTE: AYE: 6 Franke, Linnenberg, Obert, Okum, Simpson, Stillpass
NAY: 0
ABSTAIN: 0

MOTION: To recommend approval of case Colerain ZA2014-06; 6260 Colerain Commercial Daycare, a request for a zone amendment from R-6 Residential to PD-B Planned Development Business District, subject to the standard covenants for planned districts and the following conditions per Attachment A

Moved: Obert Second: Okum

VOTE: AYE: 0
NAY: 6 Franke, Linnenberg, Obert, Okum, Simpson, Stillpass
ABSTAIN: 0

RPC RECOMMENDATION: (To the Colerain Township Zoning Commission)
DENIAL

ATTEST: Chairman: _____ Secretary: 

Note: This Record of Proceedings is not an exact transcription, but a condensed version representing the ideas expressed at the Regional Planning Commission meeting.

Note: Revisions of the Staff recommendations as approved by the Regional Planning Commission are crossed out if deleted (i.e. ~~deleted by RPC~~) and shown underlined and in uppercase if added (i.e. ADDED BY RPC).

HAMILTON COUNTY
REGIONAL PLANNING COMMISSION

RECORD OF PROCEEDINGS – DECEMBER 4, 2014

PAGE 5

ZONE AMENDMENT: COLERAIN ZA2014-07; KROGER

REQUEST: FROM: B-2 General Business District, R-4 Suburban – Medium Residential District and PD-B Planned Development Business
TO: PD-B Planned Development Business

PURPOSE: To allow the construction of an approximate 134,000 square-foot Kroger building and associated parking with a Kroger Fuel Center.

APPLICANT: Steve Dragon, Vandecar (applicant); David C & Kimberlee H Sandusky, Herbert & Lisa A Schock, Emily I Emmons, Darla @4 Sears, Gregg D Freeland, JFD Realty LLC, Eli & Marilyn Garrett, Frank seminara, Charles & Tara N Rosselot, Daniel E & Bryon A Roos, Jeffrey S Clark, Minna K @3 Marinko, Grace C TR Beischel and Beischel Investments LP (owners)

LOCATION: On the northwestern corner of the intersection of Colerain Avenue and Springdale Road, including a portion of Yellowstone Drive (Book 510, Page 103, Parcels 8-13, 18-22, 26-28, 195 and 202)

TRACT SIZE: 14.76 acres

SPEAKERS: J. Huth, T. Kinskey, G. Milz, S. Dragon, P. Clark, J. Lindemann

DISCUSSION: (Summary of Topics)

Staff Comments:

1. **J. Huth** – Review of Staff Report
2. The residential properties surrounding the site are occupied.
3. **Kinskey** – At this time the residents on Yellowstone have two access points. This development would eliminate one of those access points.
4. Our subdivision rules are probably the reason that there are currently two access points in this subdivision. This would exceed the number of houses allowed with only one access point. We do sometimes exceed it, but typically it is for topographic reasons. That isn't the case here.

Public Official Comments:

1. **G. Milz** – I disagree with the recommendation for denial. An approval with conditions would be more appropriate.
2. A lot of the issues, such as landscaping and lighting, covered in the staff report will be resolved in the final development plan phase.
3. The biggest issue is the buffer between the adjoining residential properties. This is about iteration number 40 for this development plan. When it first came to the Township the building was larger, but Kroger was willing to work with us and reduced the size. With this plan we have gotten to a point where both Kroger and Colerain Township have the best plan for a Kroger Marketplace.
4. A lot of thought has gone into this process. This area is underserved by the current store and I am confident that this replacement will be a very attractive Marketplace that will better serve the residents.
5. Most of the residents are very excited about this development and the Township fully supports it.
6. The adjoining neighborhood has some issues. It is not sewerred, so many, if not most of the homes have septic systems and have been required by the Hamilton County Health Department to tap into the existing sewer. There are also some property maintenance issues.
7. There are no cross-access requirements in Colerain's Zoning Resolution that could help with connection to Stonecreek to the north.
8. When this plan came in for informal concept, our Zoning Commission was very clear that something substantial and significant was going to have to happen to buffer the

residences. What they pointed to was the buffering that Kroger used for their Marketplace in Harrison, which is substantial.

9. The Township will work out details for the fuel center canopy and interior landscaping with the developer. We have strong enough lighting regulations to mitigate the impact on the residential properties.

Applicant Comments:

1. **S. Dragon** – This is a challenging site. The existing store is undersized and doesn't serve the market well. Kroger has been looking for an opportunity to put in a full-sized Marketplace in this trade area for quite some time and we believe that this is the only feasible option available.
2. We have been through multiple iterations and looked at multiple building orientations trying to address the concerns that we have heard related to buffering, access, and compatibility to the surrounding uses. We feel like we've come a pretty good way with this plan. Kroger even reduced the size of the prototype store that they wanted to build.
3. We feel that we have a plan that is well designed that will mitigate many of the negative impacts to surrounding uses. It fits with the character of the corridor and we think it will be a tremendous asset overall to Colerain Township.
4. We believe we can buffer effectively with fencing and landscape screening. If there is a safety concern with a second point of access, I think we can accommodate that. I think there is a potential benefit to eliminate the through traffic on Yellowstone to the light at the mall. Some residential traffic is not conducive to going through subdivisions, this would keep it more private, residential only access. It is only a right in, right out at Yellowstone and Colerain now. It is not a full in and out drive. The primary access to the subdivision is off of Springdale. We are willing to address the concerns to the extent that it is possible.
5. The expense of purchasing the additional four houses is too great for Kroger given the twelve residential and multiple commercial properties that we have had to assemble. We are at a tipping point in terms of the cost of this project becoming unfeasible. I believe that purchasing the additional houses would kill the deal.

Public Comments:

1. **P Clark** – There are more than four houses in the subdivision that will be affected by this development. It will be more difficult to sell homes if this development goes in.
2. Residents on Yellowstone have had multiple issues with the Stonecreek Development. Promises were made that have not held up.
3. This is a very nice subdivision and there will only be one way out for over 100 houses.
4. Why do we have to take subdivisions and houses? Why can't they take businesses instead?
5. Where Flattop comes out on Springdale it is only two lanes.
6. **J. Lindemann** – I like what is going on in Colerain. The mall renovation, restaurants, and Stonecreek have been good. But this did not come without a price and that price is being paid by this subdivision.
7. The Health Department required that we upgrade our septic systems at a high cost, and now we are being required to tap into the sewer at more cost.
8. The Stonecreek development devalued our properties.
9. They want to take almost 1/3 of the houses on Yellowstone. A \$200,000 home is only worth \$74,000.
10. It is not feasible to have residential homes 15 feet from a commercial development.
11. There are over 100 houses in the subdivision and to narrow it down to only one access is not feasible.
12. Right now in my backyard I hear the noises of trucks and dumpsters. With this it will be on two sides of my house.
13. I think it will be good for the community and a lot of people want this development, but it is at an extreme cost to the residents of my subdivision.
14. At least seven more properties need to be purchased to give us a sufficient buffer.
15. If Byrider loses a portion of their lot they will be loading and unloading more often on Yellowstone

16. The concrete barrier on Colerain Avenue in front of the development should be re-designed for better traffic flow.

Commissioner Comments:

1. **Commissioner Okum** – We need to consider the proximity of the dock area to the residences. I see four houses as an issue, and those are driving the impact on the street. If it were not for those four houses, I would feel more comfortable with this zone change.
2. A cross easement that would allow traffic to move between this site and Stonecreek would be helpful.
3. I am concerned about the location of the fuel center canopy, interior landscaping, and lighting impacts on the adjoining residents.
4. We are only an advisory board in this process, however we can recommend conditions in the following areas: 1) a cross access connection to Stonecreek - if Kroger adds it to the plan it may give the Township leverage to convince Stonecreek to allow it; 2) requiring an emergency access to Yellowstone; 3) require that the lighting on this site does not impact the adjacent residential properties; 4) and requiring intense buffering between this site and the adjacent residential properties.
5. **Commissioner Simpson** – There are so many questions that cannot be answered at this time, and we can only vote on what is before us.
6. I would like to get to a point where we can approve this today and come up with conditions that address the concerns of buffering and access that we have discussed.
7. Kroger is purchasing twelve houses in the subdivision, why not the other four, would purchasing them kill the deal?
8. **Commissioner Linnenberg** – I am concerned about the number of houses that will be served by only one access point. We may be going against our own subdivision rules by allowing this.
9. Any conditions, whether cross access or buffering, are up to Colerain Township.
10. As far as I'm concerned, what is proposed is too big for the site.
11. **Commissioner Franke** – Recent actions by this Commission have allowed significant numbers of lots on a single access I'm going to support this based on what I've seen and what I know about the area, and Colerain Township's support. There will be a positive impact way beyond what we are looking at here. It's up to Colerain to deal with the buffering issues. At the end of the day, it would shock me if those houses that we are talking about on Yellowstone don't get purchased by Kroger. That's not my call either, that's part of the process.
12. **Commissioner Stillpass** – Consideration should be given to adding a breakthrough gate for emergency access from the adjoining subdivision through parking lot.

MOTION: I move to accept staff findings that consistency with the adopted land use is not required

Moved: Okum Second: Linnenberg

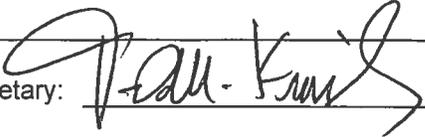
VOTE:
AYE: 6 Franke, Linnenberg, Obert, Okum, Simpson, Stillpass
NAY: 0
ABSTAIN: 0

MOTION: To recommend approval of case Colerain ZA2014-07; Kroger, a request for a zone amendment from B-2 General Business District, R-4 Suburban – Medium Residential District and PD-B Planned Development Business to PD-B Planned Development Business with conditions per Attachment A.

Moved: Okum Second: Franke

VOTE:
AYE: 5 Franke, Obert, Okum, Simpson, Stillpass
NAY: 1 Linnenberg
ABSTAIN: 0

RPC
RECOMMENDATION: (To the Colerain Township Zoning Commission)
APPROVAL with Conditions

ATTEST: Chairman: _____ Secretary: 

Note: This Record of Proceedings is not an exact transcription, but a condensed version representing the ideas expressed at the Regional Planning Commission meeting.

Attachment A

The Regional Planning Commission recommends approval of case Colerain ZA 2014-07; Kroger, a request for approval of a zone amendment from B-2 General Business District, R-4 Suburban – Medium Residential District and PD-B Planned Development Business to RP-B Planned Development Business, subject to the standard covenants for planned districts and the following conditions:

:

Conditions:

1. THAT CROSS ACCESS BE PROVIDED ON THIS SITE TO A FUTURE STONECREEK CONNECTION.
2. THAT EMERGENCY ACCESS TO THE NEW TERMINUS OF YELLOWSTONE BE PROVIDED.
3. THAT LIGHTING IMPACTS ON RESIDENTIAL USES BE CONSIDERED WITH DOWN LIT CUT, OFF LIGHT FIXTURES AND NON-GLARE IMPACT ON THE ADJACENT RESIDENTS.
4. THAT APPROPRIATE BUFFERING BETWEEN THE RESIDENCES ADJACENT TO THE DEVELOPMENT BE PROVIDED.

Note: Revisions of the Staff recommendations as approved by the Regional Planning Commission are crossed out if deleted (i.e. ~~deleted by RPC~~) and shown underlined and in uppercase if added (i.e. ADDED BY RPC).

Restricted Fund Balance Sheet
Dec-2014

Fund: 998 - Non Entity

Subfund: 010 - Regional Planning Gen. Oper.

2014 November Unencumbered Fund Balance	257,932.20
2014 December Revenue	12,955.00
2014 December Expenses	48.68
Unencumbered Fund Balance	270,838.52
Encumbrances	17,191.75
2014 December Fund Balance	253,646.77

**Restricted Fund Balance Sheet
2014**

Fund: 998 - Non Entity

Subfund: 010 - Regional Planning Gen. Oper.

2014 January Unencumbered Fund Balance	212,603.51
2014 Revenue	78,701.46
2014 Expense	20,466.45
2014 Unencumbered Fund Balance	270,838.52
Year End Encumbrances	17,191.75
2014 December Fund Balance	253,646.77

Hamilton County Regional Planning Commission
CHAIRPERSON ROTATION

	CHAIR	VICE-CHAIR
2007	Larry Sprague	Donald Misrach
2008	Donald Misrach	John Linnenberg
2009	John Linnenberg	David Okum
2010	David Okum	Hal Franke
2011	Hal Franke	Larry Sprague
2012	Larry Sprague	John Linnenberg
2013	John Linnenberg	Cecil Thomas
2014	Merrie Stillpass	Jim Obert
2015	Jim Obert	David Okum
2016	David Okum	Hal Franke
2017	Hal Franke	Larry Sprague
2018	Larry Sprague	John Linnenberg
2019	John Linnenberg	Yvette Simpson
2020	Yvette Simpson	Merrie Stillpass
2021	Merrie Stillpass	Jim Obert

Chair Rotation Policies:

1. Officers are subject to election at the first Regular Meeting of the calendar year.
2. New members are placed at the end of the rotation, even if filling an unexpired term.
3. Chair or Vice-chair responsibilities can be voluntarily waived in which case the member will be moved to the bottom of the rotation.

OKI REPRESENTATIVE ROTATION

	REPRESENTATIVE	ALTERNATE
2003	Mel Martin	Jim Tarbell
2004	Mel Martin	Ron Miller
2005	Mel Martin	Ron Miller
2006	Mel Martin	Ron Miller
2007	Mel Martin	Ron Miller
2008	Roxanne Qualls	Mel Martin
2009	David Okum	Mel Martin
2010	David Okum	Todd Kinskey
2011	David Okum	Todd Kinskey
2012	David Okum	Merrie Stillpass
2013	David Okum	Merrie Stillpass
2014	David Okum	Merrie Stillpass
2015	David Okum	Merrie Stillpass

Revised 11/25/2014



HAMILTON COUNTY

Regional Planning Commission

REGULATORY COMPLIANCE REPORT

FOR CONSIDERATION BY THE REGIONAL PLANNING COMMISSION ON JANUARY 8, 2015

**SUBDIVISION
PRELIMINARY
PLAN:**

COLERAIN 15-01

ZILLIG COMMERCIAL

OWNER:

Edward C Zillig

DEVELOPER:

Ed Zillig, Zillig Excavation & Paving

**APPLICANT/
ENGINEER:**

Robert G Rothert, Abercrombie & Associates, Inc.

LOCATION:

Colerain Township: 5560 Blue Rock Road on the southeastern corner of Blue Rock Road and Springdale Blue Rock Connector (Book 510, Page 230, Parcels 74 - 77 and Page 201, Parcel 43)

Tract Size:	19.0 acres	Proposed Lots:	7
Topography:	A combination of flat areas and steep slopes		
Existing Use:	Commercial business, a pond, vacant and woods		

**PROPOSED
IMPROVEMENTS:**

ROW:	60 ft.	Pavement Width:	37 ft.
Water District:	GCWW	Sanitary:	MSD

ZONING:

Jurisdiction:	Colerain Township	Minimum Lot Size:	
District:	“B-2” General Business District and “R-4” Suburban – Medium Residential District	“B-2”:	1 acre
		“R-4”:	14,000 sq. ft.

Proposed min. lot	1.37 acres	Proposed Max. Lot:	6.92 acres
-------------------	------------	--------------------	------------

HISTORY: There is no known history on the site.

DESCRIPTION: The applicant is proposing to develop a 7-lot commercial subdivision. Access to the site is proposed via a new public street designed to meet the Industrial Subdivision street design standards of the County Engineer with a proposed 60 foot right-of-way and pavement width of 37 feet. This new street would align with the Springdale Blue Rock Connector Road at the Blue Rock Road intersection. The existing pond on the site is being filled-in for the proposed road construction. The "R-4" Suburban – Medium Residential District portion of the site would remain as undeveloped portions of lots #4 and #5. A proposed detention pond is indicated in the northern portion of the subdivision within lot #5. The rear of Lots #2, #3 and #4 would contain frontage along Old Blue Rock Road but no connection is proposed or required in the Hamilton County Subdivision Regulations or by the Hamilton County Engineer. Currently a business exists on the site which gains access from Old Blue Rock Road. It is not clear if this current business will remain and if it will continue to utilize Old Blue Rock Road as it's access point or if it will be accessed via the new proposed road.

FINDINGS:

- Staff finds that the Preliminary Subdivision Plan conforms to applicable laws and rules as determined by concept review and reports requested prior to the original subdivision submittal from the offices and agencies having jurisdiction
- The subdivision would be served by one public street (37' pavement with a 60' right-of-way).
- Staff finds that the Preliminary Subdivision Plan conforms to the Hamilton County Thoroughfare Plan as the applicant has shown the proposed new right-of-way at 40 feet from the centerline of Old Blue Rock Road. Blue Rock Road is indicated as a major arterial and the existing right-of-way exceeds the required 60 feet from the centerline.
- Sidewalks are not being proposed along the proposed street. Section 12.2.13 states that sidewalks may be required along both sides of all streets including commercial subdivisions. Staff finds that sidewalks should be provided along both sides of the new proposed street.

RECOMMENDATION: APPROVAL

STANDARD MOTION: 1st Motion:
I move to consider approval of the Preliminary Plan for the Zillig Commercial Subdivision based on the findings in the staff report.
(add any authorized modifications or variations being considered and cite the applicable section number and findings)
(add any conditions required to achieve regulatory compliance and cite the applicable section number and findings)

2nd motion: (if approved):

I move to consider approval of all Final Record Plats for the Zillig Commercial Subdivision subject to certification by the Subdivision Administrator that the Final Plan is in conformance with the Preliminary Plan approved by the Planning Commission and the Improvement Plan as approved by the Subdivision Administrator.

2nd motion (if disapproved):

I move that the refusal to approve the Preliminary Plan for the Zillig Commercial Subdivision be immediately endorsed on the Preliminary Subdivision Plan and a copy of the endorsed plan, and that the following reasons for disapproval, be made a part of the record of the Planning Commission:

**AGENCY
REPORTS:**

Dept. Storm Water & Infrac. (SWI):	Approved
Zoning:	Approved
Hamilton County Engineer (ENG):	Conditionally Approved (see below)
Metro. Sewer District (MSD):	Conditionally Approved
Soil Conservation Service (SCS):	Approved
H. C. Soil & Water (HCSW):	Approved
Cincinnati Water Works (GCWW):	Approved

Note: Recommendations and findings in this staff report reflect the opinions of the staff of the Hamilton County Planning Department, but may not necessarily reflect the recommendation of the Regional Planning Commission. This staff report is primarily a technical report on the level of compliance with the Rules and Regulations for Plats and Subdivisions as adopted by the Hamilton County Regional Planning Commission and the Board of County Commissioners. Additional information may be presented at public hearings that may result in findings and conclusions that differ from the staff report.

Prepared By:



John Huth

Senior Planner

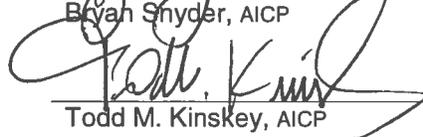
Reviewed By:



Bryan Snyder, AICP

Development Services Administrator

Approved By:



Todd M. Kinskey, AICP

Planning & Development Director

SITE PHOTOS



View of the site looking southeast from Blue Rock Road and Springdale Blue Rock Connector

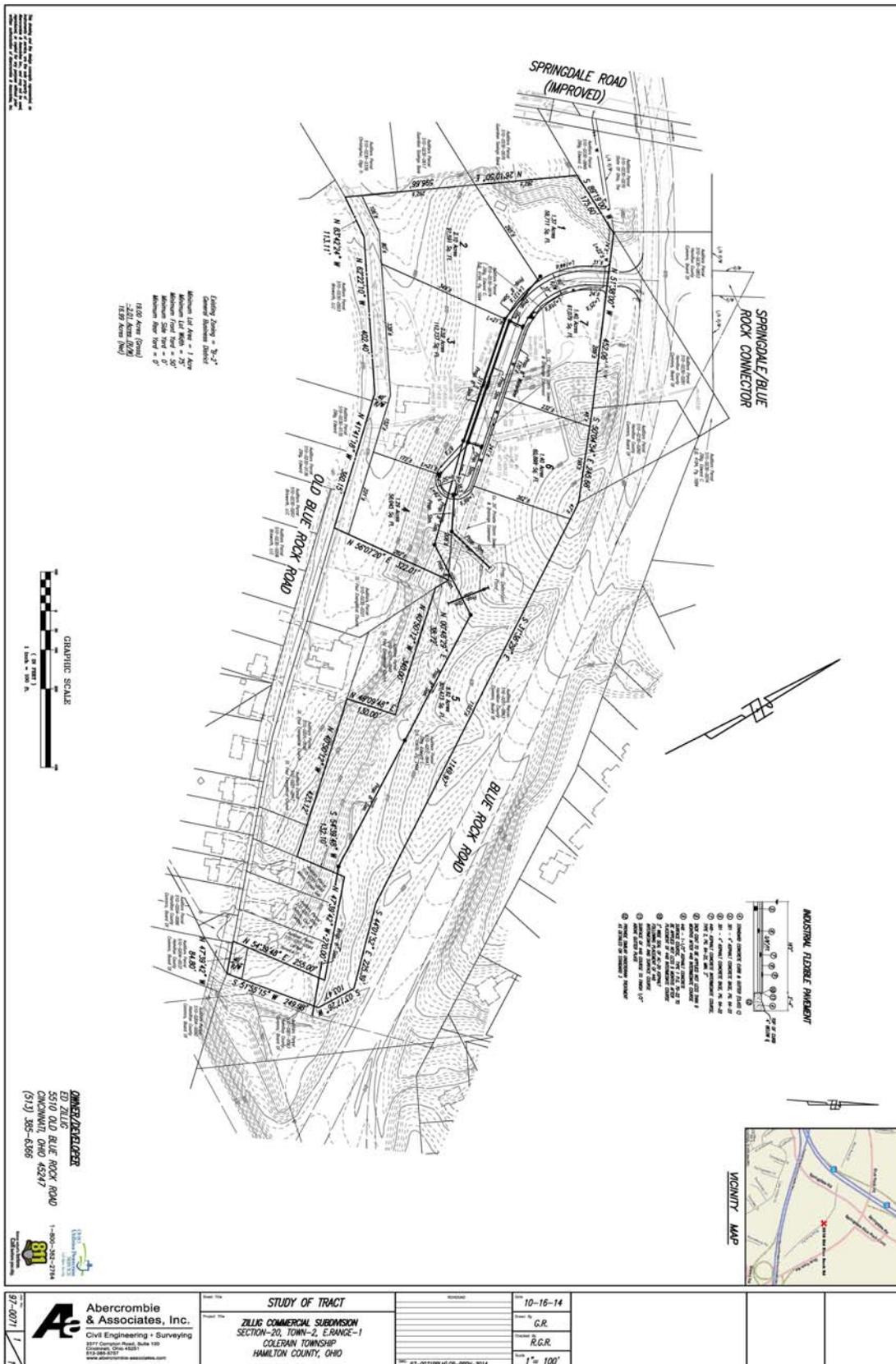


View of site looking northeast from Old Blue Rock Road



View of site looking northwest from Old Blue Rock Road

ATTACHMENT A – PRELIMINARY PLAT



Huth, John

Subject: FW: Zillig

From: "Beck, Eric" <Eric.Beck@hamilton-co.org>

Date: December 31, 2014 at 9:59:12 AM EST

To: "Kinskey, Todd" <Todd.Kinskey@hamilton-co.org>

Cc: "Calhoun, Debi" <Debi.Calhoun@hamilton-co.org>, "Newby, Jeff" <Jeff.Newby@hamilton-co.org>, "Hubbard, Ted" <Ted.Hubbard@Hamilton-co.org>

Subject: Zillig

Todd,

This office offers the following comments on the proposed development:

1. The developer must make improvements to Blue Rock Road consistent with an updated traffic impact study in compliance with the Hamilton County Access Management Regulations. This shall include the installation of a dedicated left turn lane into the proposed site. Additionally, modification to the existing signal shall be the responsibility of the developer.
2. The right of way along Blue Rock Road is Limited Access therefore the developer is responsible for completing the process required to change to opening in the limited access right of way. This includes in part approval by the Board of County Commissioners.
3. All grading within the right of way must meet Hamilton County Standards.
4. No trees, landscaping or other permanent structures shall be located within the public right of way.
5. A Hamilton County Engineer right of way use permit will be required prior to any work beginning.

Any questions regarding this matter may be addressed to the undersigned. A hard copy letter will follow next week.

Eric J. Beck, P.E.

Deputy Engineer for Field Services
Hamilton County Engineer's Office
223 W. Galbraith Road
Cincinnati, OH 45215
513-946-8432



STAFF REPORT

FOR CONSIDERATION BY THE REGIONAL PLANNING COMMISSION ON JANUARY 8, 2015
FOR CONSIDERATION BY THE RURAL ZONING COMMISSION ON JANUARY 15, 2015

**ZONE
AMENDMENT
CASE:**

GREEN 2015-01

ARTIS SENIOR LIVING

REQUEST: FROM: "C" Single-Family Residence
TO: "OO" Planned Office

PURPOSE: To construct a 72-unit assisted living facility for seniors with memory disorders, including a 36-space parking lot and one driveway onto Bridgetown Road

APPLICANT: Thomas Jones, Artis Senior Living (applicant); Jenny E. Dawson Tr., Simon & Edna Generoso Tr. (owners)

LOCATION: Green Township: on the south side of Bridgetown Road, approximately 240 feet east of Lakewood Drive (Book 550, Page 170, Parcels 136 & 137 AND Book 550, Page 173, Parcels 150 & 228)

SITE DESCRIPTION: Tract Size: 7.55 acres (gross); 7.13 acres (net)
Frontage: 347 feet on Bridgetown Road; 50 feet on Lakewood Drive
Topography: Slopes down gradually from the northeast to southwest
Existing Dvlpmt: Vacant nonconforming commercial building and two single-family residences

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	"C" Residence	Nonconforming Restaurant and Single-family homes
South:	"C" Residence	Single-family homes
East:	"C" Residence	Bridgetown Baptist Church
West:	"OO" Planned Office and "C" Residence	Single-family homes

ZONING JURISDICTION: Hamilton County Commissioners

SUMMARY OF RECOMMENDATIONS: **APPROVAL with Conditions**

PROPOSED USE: The applicant is proposing to demolish a vacant nonconforming commercial building and two single-family residential buildings along Bridgetown Road in order to construct a 64 to 72-unit assisted living facility for seniors with Alzheimer’s disease and other memory disorders. The building would be approximately 34,000 sq. ft. and one-story in height and would be surrounded by an 8-foot privacy fence in the side and rear yards. In the front of the building along Bridgetown Road would be a 36-space parking lot, walkways connecting to the existing sidewalk on Bridgetown Road, dumpster, and retaining wall along the eastern property line adjacent to a loading area. Driveways for the existing uses would be closed and a new commercial driveway installed in the middle of the site to align with Biehl Avenue across Bridgetown Road to the north. One freestanding sign has been proposed east of the new driveway. Future cross-access has also been proposed to both properties to the west and east of the development. The applicant has proposed that the majority of the large wooded area in the rear of the site would be preserved with the exception of a stormwater detention area. The development would include one residential lot onto Lakewood Drive but no buildings or other development has been proposed on this lot other than sanitary sewer access. The impervious surface ratio (ISR) for the development would be 21.5%.

ZONING PETITION HISTORY: There is no zoning case history on the site. However, the westernmost commercial building built in 1927 was certified as a nonconforming retail use in 1953 and again in 1976 as a nonconforming professional office as the use was operating within a residence district. The use was allowed to expand through Board of Zoning Appeals approvals in 1979, 1980 and 1986. Use of the site for commercial purposes was discontinued in 2003.

STAFF REVIEW CONFERENCE: A Public/Staff Review Conference was held at 6:00 pm on November 5, 2014, at the Green Township Administration building. The meeting was attended by Green Township Development Director Adam Goetzman, Thomas Jones representing the applicant, and nine citizens. Topics of discussion included the nature and intensity of the use, property values, parking, traffic, loading, lighting, and stormwater.

ANALYSIS: **Land Use Plan Consistency**

Applicable Policies and Recommendations: The Regional Planning Commission has an adopted land use plan for this area of Green Township. The adoption and review history of the Bridgetown Road Corridor Land Use Plan is as follows:

- RPC Initial Adoption: January 1991
- Last Land Use Plan Update Approved: June 2010

Findings:

- *The Green Township Land Use Plan Map designates the front (north) half of the site near Bridgetown as “General Office”, which is defined as office uses and related compatible uses at intensities consistent with surrounding development. Typically one, two and three story structures with a scale, massing, intensity, layout and specifications compatible with site constraints.*

- *The proposed senior living facility is consistent with the office designation for the site. The site immediately to the west was recently rezoned to “OO” Planned Office to permit an office yet to be constructed, and there is a Kemba Credit Union branch immediately across Bridgetown to the northwest of the site. The proposed senior living facility would be considered a low intensity use similar to a bank or office as there would be a relatively low amount of development of the site needed and resulting activity based on the nature of the use.*
- *Furthermore, Nursing Homes are a permitted use in the “O” Office district.*
- *The Land Use Plan Map designates the rear half of the site as “Transitional Mixed Use”, which is defined as detached or attached housing, low intensity office and related compatible uses that provide a transition between residential uses and other types of development.*
- *This designation for the rear portion of the site was made in anticipation of a more intense office development occurring on the front northern half of the site and the desire for a transition between the office and surrounding single-family residences to the rear.*
- *The applicant is proposing to leave the rear half of the site as undeveloped woodlands which will provide ample screening between the senior living facility and surrounding residents.*
- *The Lane Use Plan Map designates the residential lot on Lakewood Drive that is within the zone change area as “Single Family”.*
- *Despite the applicant proposing this residential lot to be zoned “OO” Planned Office, no above-ground improvements have been proposed for the lot other than landscaping.*
- *Staff recommends that the use and development of the lot be restricted to just the current proposal and that no access drives, structures, or buildings be permitted on the lot other than necessary utility improvements associated with Lakewood Drive.*
- *Therefore, staff finds that the proposal would be consistent with the Green Township Land Use Plan Map.*
- *In addition, staff has reviewed the proposed development for consistency with the adopted Bridgetown Road Corridor Strategies and offers the following findings.*
- *Strategies 1 and 2 encourage meeting or exceeding the Zoning Resolution streetscape and boundary buffer requirements to provide a transition and additional buffering between Bridgetown Road and single-family homes behind development parcels fronting Bridgetown.*
- *Along Bridgetown, the applicant has proposed to preserve an existing mature tree within the streetscape buffer and to install three understory trees beyond the minimum streetscape tree planting requirement. The applicant has also proposed 28 shrubs along the front row of parking facing Bridgetown which would not otherwise be required.*
- *Additional buffering would also be provided for the adjacent single-family homes to the west and south of the site. Additional bufferyard width has been proposed along the western property line, the majority of the existing rear woodlands would be preserved, and an 8-foot privacy fence would surround the sides and rear of the building.*

- *Despite meeting the minimum 25-foot boundary buffer requirement, staff recommends additional landscaping be installed, or relocated from elsewhere on the site, along the western property line adjacent to the four residences north of the panhandle lot and immediately west of the building. Along this portion of the property line the applicant has proposed three spruce trees and one oak tree. Staff feels that an additional four evergreen trees should be required to provide better screening of the privacy fence and building in this location.*
- *Strategy 5 encourages access between compatible developments along the corridor to enable connection of parking areas and to limit curb cuts.*
- *The applicant has proposed cross-access easements extending from both the west and east ends of the front parking lot drive aisle to the property line to serve a “possible future drive connection”. However, the proposed 24-foot cross-access easement proposed along the western property line would not align with approved improvements on the adjacent site to the west. This site at the corner of Bridgetown and Lakewood has been approved for an office development with cross-access through the Artis site (case 2011-02) required as a condition of approval. The proposed cross-access from the Artis site currently aligns with the rear of the future office building on that site as indicated on the attached exhibit for that site (see page 15). Staff recommends that the applicant’s proposed cross-access be shifted or angled to align with the rear parking lot on the adjacent office site to the west. Staff also recommends that the easement be widened to 30 feet to match the easement width on the adjacent site.*
- *Strategy 8 encourages freestanding signage limited to one ground-mounted sign with a maximum area of 50 sq. ft. and 12 feet in height.*
- *The applicant has indicated a sign along Bridgetown to the east of the driveway with a plan note indicating compliance with this Strategy. Staff recommends that the sign be limited to 50 sq. ft. in area and 12 feet in height as a condition of approval.*
- *Strategy 11 strongly discourages parking lots that include more parking spaces than the minimum number required by the Zoning Resolution.*
- *The applicant has proposed seven spaces beyond the minimum required number of 29 spaces for residents and employees of nursing homes. Staff does not support the elimination of these seven spaces as the parking lot is relatively small, removing seven spaces would not significantly alter the appearance of the front parking area, and doing so would not appear to serve any other purpose.*
- *With the above recommended changes, staff finds that the proposed development would be consistent with the adopted Land Use Plan.*

**RECOMMENDED
MOTION:**

To accept staff findings that consistency with the adopted land use plan is required and that the zone amendment can achieve consistency with the adopted land use plan.

ANALYSIS:**Thoroughfare Plan Consistency**

Applicable Policies and Recommendations: The Thoroughfare Plan classifies Bridgetown Road as a Minor Arterial requiring 100 feet of right-of-way (50 feet from centerline).

Findings: The applicant has indicated a 50-foot right-of-way from the centerline of Bridgetown Road in compliance with the Thoroughfare Plan. Bridgetown Road is under the jurisdiction of the Ohio Department of Transportation.

Zoning Compliance

The site plan meets the minimum standards of the Hamilton County Zoning Resolution and the “OO” Planned Office district, with the following exceptions.

Section 5-1.2 – Mechanical Equipment Screening

This section states that all ground level mechanical equipment visible from the street and residential districts or uses be screened.

Findings: The applicant has proposed a ground level transformer and generator off the southeast corner of the front parking area. It would appear that the equipment would be screened by a +/- 7-foot inward-facing retaining wall along the eastern property line, and screened to the south and east by the privacy fence and building. However, the equipment may be visible from Bridgetown Road. Staff finds that the mechanical equipment should comply with this section, specifically that screening from Bridgetown Road be added.

Section 12-7 – Outdoor Lighting

This section states that the height of cutoff lights shall be 32 feet with a maximum illumination of 0.5 footcandles at the property line and shielded so that adjacent lots located in residential districts are not directly illuminated.

Findings: The site substantially complies with the 0.5 footcandle requirement, with the exception of a 0.8 footcandle reading at the terminus of the eastern drive aisle along the eastern property line. The applicant has stated that this requirement will be met with revised plans and staff recommends this be required.

Section 14-7 – Boundary Buffer

This section states that a Boundary Buffer A is required along the entire western, southern and eastern property lines where the site abuts residential uses.

Findings: The applicant has proposed that the rear 308 feet along the western property line, the 351 feet along the southern property line, and the rear 273 feet along the eastern property line not be required to meet the boundary buffer A requirement for new plantings as this is the area surrounding the existing woodlands in the rear of the site to be preserved. Zoning Resolution landscape requirements may be reduced or eliminated by staff subject to the preservation area fully compensating for the landscape requirement and with submission of a landscape plan sealed by a landscape architect. Staff feels that the rear woodlands adequately compensate for the boundary buffer A planting requirements and that preserving the rear woodlands is preferable to installing new plantings. As the rear woodlands area is being counted towards the boundary buffer requirement, staff recommends the woodland area be preserved as a condition of approval.

CONCLUSION: Based on the above findings, there is sufficient reason for staff to support the requested zone amendment. Specifically, the proposed development could be made consistent with the Land Use Plan subject to additional evergreen plantings along the western property line, cross-access to the west aligned with the adjacent proposed parking lot, and limited freestanding signage. The development would comply with the Zoning Resolution subject to the mechanical equipment screening and outdoor lighting requirements being met. With the woodland preservation area in the rear of the site, the plan would not likely have a negative impact on the area. Therefore, staff finds that the proposed development would be appropriate for the site.

RECOMMENDED MOTION: To consider approval of case Green 2015-01; Artis Senior Living, a request for a Zone Amendment from “C” Residence to “OO” Planned Office, subject to the standard covenants for planned districts and the following conditions.

Conditions:

1. That a landscape plan in compliance with the requirements of Sections 12-6, 14-7, and 14-8 of the Zoning Resolution and Conditions #2 and #3 below shall be submitted as part of the Zoning Compliance Plan.
 2. That the 1.94 acre proposed woodland preservation area in the rear of the site shall remain undisturbed as indicated on the landscape plan.
 3. That four additional evergreen trees shall be planted within the boundary buffer on the western property line adjacent to the proposed privacy fence.
 4. That a lighting plan in compliance with the requirements of the Zoning Resolution shall be submitted as part of the Zoning Compliance Plan.
 5. That all mechanical equipment shall be screened in compliance with the requirements of the Zoning Resolution and details shall be submitted as part of the Zoning Compliance Plan.
 6. That the site shall be permitted a maximum of one freestanding monument sign along Bridgetown Road at a maximum of 12 in height and 50 sq. ft. in area.
 7. That the use and development of the residential lot fronting Lakewood Drive be restricted to the current proposal and that no access drives, structures, or buildings be permitted on the lot other than necessary utility improvements connecting to Lakewood Drive.
 8. That a 30-foot access easement for future vehicular use shall be identified to the western property line to permit the adjacent property to connect through the subject site to Bridgetown Road to be effective if/when this adjacent property is developed as an office use with access to Lakewood Drive, and that this easement shall align with the rear parking area approved for the adjacent office development.
 9. That a paved access drive be constructed within the 30-foot access easement from the end of the parking lot to the western property line at such time the adjacent development is constructed.
-

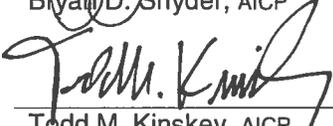
**AGENCY
REPORTS:**

Dept. Public Works (DPW):	Approval
Metro. Sewer District (MSD):	Conditional Approval
Fire Prevention Off. (FPO):	Report not yet received
Cincinnati Water Works (CWW):	Report not yet received
H. C. Soil & Water (HCSW):	Report not yet received
Ohio Dept. of Transpo. (ODOT):	Report not yet received
Twp. Trustees (TT):	Report not yet received

NOTE: Recommendations and findings in this staff report reflect the opinions of the staff of the Hamilton County Planning and Zoning Department, but may not necessarily reflect the recommendation of any Commission. This staff report is primarily a technical report on the level of compliance with adopted land use regulations and plans. The report is prepared in advance of public hearings and often in advance of other agency reviews. Additional information from other agency reviews and public review is considered by appointed commissions and elected boards. Therefore, the advisory and final decisions of such commissions and boards may result in findings and conclusions that differ from the staff report.

Prepared By:  Senior Planner
Eric Fazzini, LCU-A

Reviewed By:  Development Services Administrator
Bryan D. Snyder, AICP

Approved By:  Executive Director
Todd M. Kinskey, AICP

SITE PHOTOS



Looking northeast down Lakewood Dr from lot within zone change area



Looking east at cross-access area from Lakewood Dr



Looking south at development frontage from Biehl Ave.



Looking south at woodland area from adjacent church parking lot



Looking northeast at the southern end of the development area from the adjacent church parking lot



Looking west at front portion of development site from adjacent church



Look west down Bridgetown from adjacent church



Land Use Plan Legend:

- | | |
|--|--|
|  Rural Residence |  Retail - Neighborhood |
|  Single Family Residence |  Retail - General |
|  Transitional Residence |  Planned Mixed Use Employment |
|  Single Family Cluster |  Industry - Light |
|  Attached Single Family |  Industry - Heavy |
|  Multi-Family Residence |  Public, Semi-Public, Institutional |
|  Special Purpose Residence |  Green Space & Agriculture |
|  Transitional Mixed Use |  Utility |
|  General Office | |

Green Township Land Use Plan Map

ZONE CASE: Green 2015-01



THE HAMILTON COUNTY

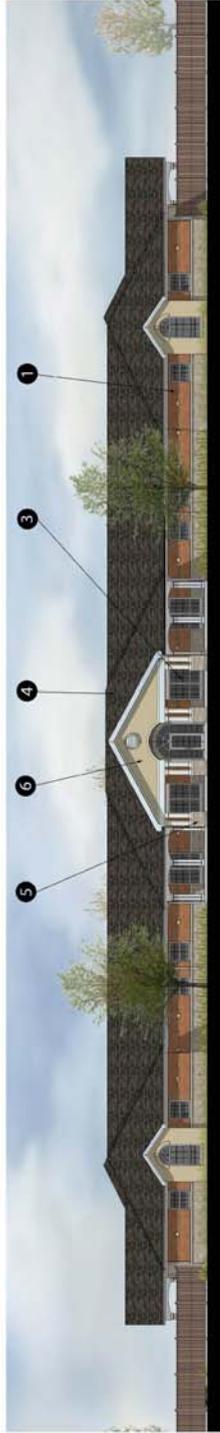


Regional Planning
Commission

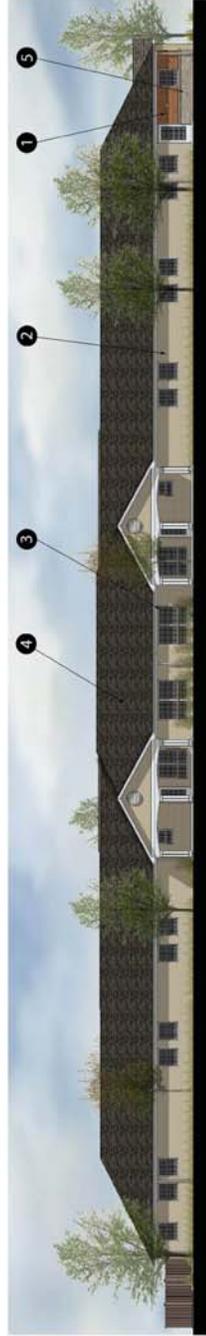
12/30/2014

D 50-41161: Neither the provider nor any of the parties of the Cincinnati area geographic information system (CAGIS) make any warranty or representation, either expressed or implied, with respect to this information's quality, performance, accuracy, reliability, or fitness for a particular purpose. As a result, this information is provided "as is," and you, the recipient, are assuming the entire risk as to its quality and performance. In no event, will the provider or any party of CAGIS be liable for any direct, indirect, incidental, or consequential damages resulting from any defect in the information, or any other part of the map, product, or event, advised of the possibility of such damages. In particular, neither the provider nor any party of CAGIS shall have any liability for any of the information, or any other data used with the information, even when provided in the form of a computer program or data. Any codes and field name information provided on this map is for conceptual planning purposes only. For a final determination of limits recipient must refer to the 1982 FEMA codes and trigger maps. Large differences can exist between actual flood-prone areas and official FEMA flood-prone areas.

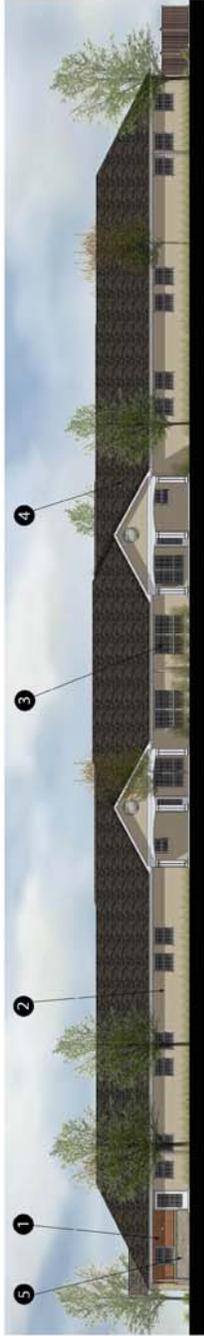
ELEVATIONS



FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION



BACK ELEVATION

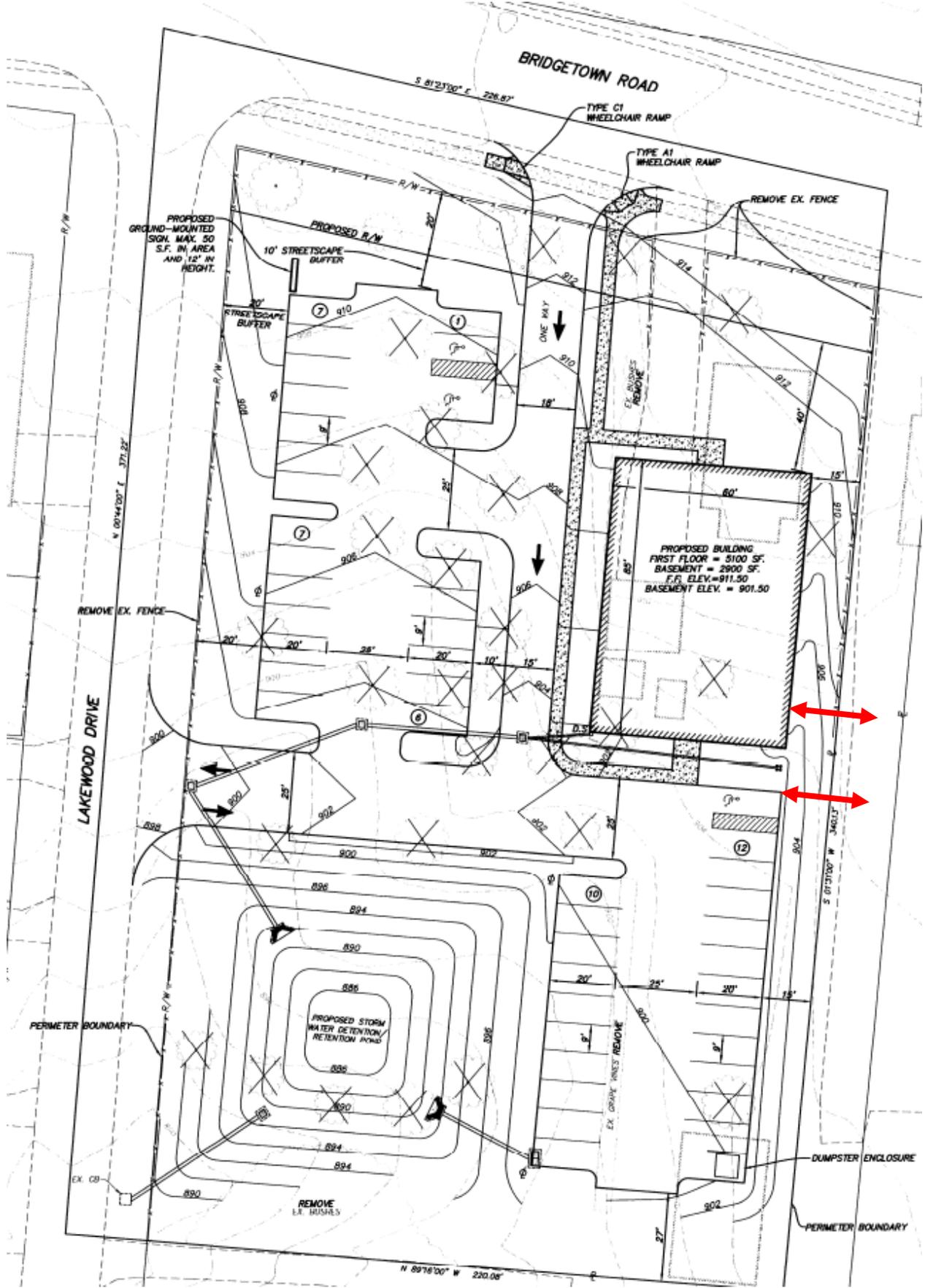
- 1 Brick
- 2 Vinyl Siding
- 3 Vinyl Windows
- 4 Composite Shingle
- 5 Burnished Concrete Block
- 6 Stucco



LK Architecture

Artis Senior Living
Cincinnati, OH

APPROXIMATE CROSS-ACCESS ALIGNMENT AND ADJACENT OFFICE DEV.



ADJACENT OWNER LETTER OF SUPPORT

Fazzini, Eric

From: George Triantafilou <gthomes1@gmail.com>
Sent: Thursday, November 20, 2014 3:48 PM
To: Fazzini, Eric
Subject: Zone Change for 8789,5809,5815 Bridgetown rd.

I'm sorry I was unable to attend your hearing on Nov 5. However, I wanted to let you know I am in SUPPORT of this change. I was notified about this hearing because my company GEAK Properties LLC owns the home adjacent to the rear of these properties. My home is located at 3698 Edgebrook Dr.

The only concern I have is surface water runoff issues which I have confidence will be handled properly by others. I realize this is not handled by your dept for this change so please express my concerns to Public Works.

Thanks!
George Triantafilou
President

George Thomas Homes Inc.
3561 Country Walk Dr.
Cincinnati, Ohio 45248

513-574-7228 Office
513-574-1246 Fax

www.georgethomashomes.com
gthomes1@gmail.com

APPLICANT LETTER



November 20, 2014

Mr. Eric Fazzini
Senior Planner
Hamilton County
Planning & Development Services
County Administration Building
138 East Court Street, Room 801
Cincinnati, OH 45202

Dear Mr. Fazzini:

On behalf of Artis Senior Living, I am requesting that 5789, 5809, and 5815 Bridgetown Road be zoned to permit the construction of a 72-unit assisted living facility. There's a strong and growing demand for quality, private-pay memory care assisted living in Green Township and the surrounding area. This assisted living facility will allow seniors afflicted with Alzheimer's disease and other memory disorders to remain in Green Township and will provide an opportunity for care-giving children to move a parent or a loved one with memory disorders close to their homes.

Size: The facility is a single-story building which contains 72-units and is approximately 34,000 square feet in size. The total acreage of the site is 7.552 acres.

Internal Layout: The central community core contains the main entrance, management office, marketing area, central kitchen, beauty salon, community room, arts & crafts room, and the central exterior patio area.

The rest of the facility is divided into four "neighborhoods" surrounding the central community core. Each neighborhood has a distinctive name, front porch, entry way to aid in identification, family room, dining room, and pantry. While meals are prepared by a chef in the central kitchen, residents are served restaurant style in their neighborhood's dining room. All of the dining rooms open onto an exterior covered porch.

Façade and Exterior: The front façade consists of brick and stone with Dryvit accents. The side and rear elevations consist of lap siding. The roof consists of composition shingles.

The side and rear yards are screened with a seven foot board-on-board fence topped with one foot of lattice.

Lighting: Lighting is almost entirely limited to the front of the residence and parking area. Lighting in the rear of the residence is limited to low level exit and patio lighting, which is screened from adjacent properties by the presence of the fence. Downward directional lighting is used to limit the visibility of lighting from nearby properties and most areas along the rear and side property lines have less than 0.1 foot candles of light.

Hours of Operation: The facility is open 24 hours a day, 7 days a week, 365 days a year. The maximum number of employees in the facility at any one time is 17. The three shifts are 6:00 a.m. to 2:00 p.m., 2:00 p.m. to 10:00 p.m., and 10:00 p.m. to 6:00 a.m.

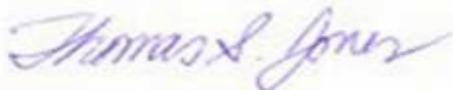
Parking and Traffic: The traffic impact of the facility is minimal as residents do not drive and staffing hours do not coincide with typical commuting patterns. A total of thirty parking spaces is the optimal number (regular and handicap combined). The submitted site plan provides 36 parking spaces.

Deliveries: A trash truck services the facility one to two times per week at non-rush hour times. Food delivery occurs approximately two times per week via a small box truck, much like a UPS truck. Deliveries are made on the front side of the facility and away from the neighboring properties. UPS and Fed Ex deliveries typically occur between the hours of 10:00 a.m. and 3:00 p.m.

The property to the west of the site along Bridgetown Road of the site is zoned Office OO. The properties to the east of the site along Bridgetown Road are zoned residential. One of which is occupied by a single-family dwelling and the other is a church. Off of Bridgetown Road to the south and west, the site is bordered by single-family dwellings zoned residential. The Artis facility is directly compatible with the Green Township land use plan and the Bridgetown Corridor plan.

The Artis Senior Living web site at www.artissl.com provides a background on both the company and its management team. Additionally, Artis Senior Living is scheduled to open a new facility in January of 2015 at 6200 Snider Road in Mason, Ohio.

Sincerely,

A handwritten signature in blue ink that reads "Thomas S. Jones". The signature is written in a cursive style.

Thomas Scott Jones



STAFF REPORT

FOR CONSIDERATION BY HAMILTON COUNTY REGIONAL PLANNING COMM ON JANUARY 8, 2015
FOR CONSIDERATION BY THE COLERAIN TOWNSHIP ZONING COMMISSION ON JANUARY 20, 2015

**ZONE
AMENDMENT
CASE:**

COLERAIN ZA2014-09

CHICK-FIL-A

REQUEST: Major Modification to an approved Final Development Plan in an existing ‘PD-B’ Planned Development Business District

PURPOSE: To modify the approved development plan to remove a portion of an existing shopping center parking lot to allow for a Chick-Fil-A Restaurant with a drive-thru and associated parking lot

**APPLICANT/
OWNER:** Chick-fil-A, Inc. (applicant); Hauck Holdings Colerain LLC (owner)

LOCATION: Colerain Township: On the southeastern corner of the Colerain Avenue and Mall Road intersection (Book 510, Page 102, Parcel 303 AND Page 103, Parcel 303)

**SITE
DESCRIPTION:** Tract Size: 0.71 Acres
Frontage: Approximately 190 feet on Colerain Avenue
Topography: Flat
Existing Dvlpmt: Paved parking lot

**SURROUNDING
CONDITIONS:**

	<u>ZONE</u>	<u>LAND USE</u>
North:	“PD-B” Planned Business	Restaurant
South:	“PD-B” Planned Business	Parking lot and restaurant
East:	“PD-B” Planned Business	Parking lot and shopping center
West:	“PD-B” Planned Business	Parking lot and Northgate Mall

**ZONING
JURISDICTION:** Colerain Township Board of Trustees

**SUMMARY OF
RECOMMENDATION:** APPROVAL with Conditions

PROPOSED USE:

The applicant is proposing to redevelop a portion of an existing shopping center paved parking lot to construct a Chick-fil-A Restaurant. The restaurant would be approximately 4,592 square feet and would contain a drive-thru facility with two lanes tapering down to one. The site is currently accessed via curb cuts off of Mall Drive located to the north, Commons Circle located to the south and a right-turn in only located off of Colerain Avenue. No additional curb cuts are being proposed. Approximately 60 parking spaces would be removed for the development. Outdoor seating is proposed in front of the building (west) facing Colerain Avenue. The applicant is proposing 35 parking spaces on the site with 34 shared parking spaces within the existing shopping center parking lot. The applicant is proposing an approximate 3,050 square foot landscaped area which is approximately 10% of the site. The trash handling area is proposed in the southeastern corner of the site and would be enclosed. The proposed plan shows an impervious surface ratio (ISR) of 90%.

ZONING PETITION HISTORY:

The Colerain Township Zoning Resolution, revised in 2006, requires Major Modifications to approved Final Development Plans to follow the same review procedure established for Planned Developments. This procedure requires a zone amendment process including Regional Planning Commission, Township Zoning Commission, and Township Trustee review. Major Modifications include development plans that increase the intensity or density of the site. Because this involves an increase in intensity, Colerain Township officials have determined that the proposed change is a Major Modification that must go through the Zone Amendment process according to Section 4.5.7 - Modifications to Approved Preliminary or Final Development Plans – of the Colerain Township Zoning Resolution.

ANALYSIS:

Land Use Plan Consistency

Applicable Policies and Recommendations: The Regional Planning Commission has an adopted Land Use Plan for this site. The adoption and review history of the Colerain Township South East Sector Land Use Plan is as follows:

- Adopted by RPC March 1989
- Last 5 Year Update adopted by RPC December 2001

Findings:

- *The Land Use Plan is not considered current as defined in the RPC Bylaws as it has not been reviewed and updated by the RPC within the last 5 years.*
- *However, the Colerain Township Trustees have adopted a Land Use Map for the entire Township dated September 2011.*
- *The Colerain Township Land Use Map designates the site as “General Retail” and the proposed development and existing development are retail. Therefore, the proposed commercial development would be consistent.*
- *Staff has also reviewed the site for consistency with the Colerain Township Comprehensive Plan and finds that the site is located in the Colerain Avenue Character Avenue.*
- *The Vision of the plan is to reinvestment and redevelopment along the*

commercial corridor. Staff finds that the redevelopment of an underutilized parking lot with a new restaurant meets this vision.

- Staff reviewed the Development Policies and Land Use Guidelines of the character area and found that the proposed development is generally consistent with these guidelines and policies.
- However, consistency with the adopted Land Use Plan and Comprehensive Plan is not required in accordance with RPC Consistency By-laws because the Land Use Plan is not current.

RECOMMENDED MOTION:

To accept staff findings that consistency with the adopted land use is not required.

ANALYSIS:

Thoroughfare Plan Consistency

Applicable Policies and Recommendations: The proposed development has frontage on Colerain Avenue. The Hamilton County Thoroughfare Plan designates Colerain Avenue as a Major Arterial road with a required right-of-way of 120 feet (60 feet from the centerline).

Findings: The applicant appears to have identified the required right-of-way along Colerain Avenue in compliance with the Thoroughfare Plan.

Zoning Compliance

The site plan meets the minimum standards of the Colerain Township Zoning Resolution and the “PD-B” Planned Development Business District, with the following exceptions:

Table 9-2 – Common Open Space Requirements

This section requires 15% common open space for sites zoned “PD-B”.

Findings: The submitted plan indicates 10% dedicated open space in a landscaped strip located between the existing shopping center parking lot and the proposed restaurant drive-thru lane. Staff finds that a landscaping plan has not been submitted and that if approved, the open space should be added to meet the required 15% common open space.

Section 12.9.4 – Lighting Standards

This section establishes a maximum illumination at property lines of 0.5 foot candles for cut off lighting in the “PD-B” district.

Findings: A lighting plan has not been submitted and staff cannot determine if the proposal meets the permitted illumination levels at property lines. If approved, staff recommends the submission of a photometric plan that shows compliance with Section 12.9.4 of the Colerain Township Zoning Resolution.

Section 13.3 - Required Parking Spaces

This article discusses off street parking and loading including establishment of number of required parking spaces, location of parking areas within site, dimension of stalls, and continuous curbs and wheel stops.

Findings: The applicant is required to have a total of 69 parking spaces for the proposed restaurant. The applicant has provided 35 of those spaces on the subject

parcel but has listed the other required 34 parking spaces as shared parking spaces with the existing shopping center. Staff is concerned that the total amount of spaces that are provided for the shopping center will adequately serve all the business in the center. Staff finds that detailed parking analysis should be provided for the entire shopping center including all out lots to ensure that the total number of parking spaces provided meets the Zoning Resolution.

Section 14.5.1 – Streetscape buffer

This section requires a minimum of a 15-foot streetscape buffer yard at the right-of-way line on any street, with one canopy tree for every 35 feet of frontage, and a 10 square foot landscape area for every 100 square feet of a streetscape buffer.

Findings: A landscaping plan has not been submitted, therefore, staff cannot determine if this requirement has been met. However, it appears that the parking lot has not been redesigned to accommodate the space needed for the required streetscape buffers along Colerain Avenue or Mall Drive. If approved, the Planning Commission would be recommending approval of a modification to allow a zero foot streetscape buffer where a 15-foot streetscape buffer is required. Staff does not support this modification as a lack of a streetscape buffer for a redevelopment area does not meet the vision to approve aesthetics along Colerain Avenue. In addition, waiving the streetscape buffer for this proposed redevelopment of an existing parking lot could set a negative precedent that could encourage similar requests for many additional redevelopment sites in the Colerain Avenue corridor.

Section 14.6.1 - Minimum Landscaping Requirement for Parking Areas

This section establishes that the percentage of landscaping in parking area shall be a minimum of 15 percent.

Findings: A landscaping plan has not been submitted, therefore, staff cannot determine if this requirement has been met. If approved, staff finds no reason why the applicant should not provide the required 15 percent landscaping within the parking lot.

Section 14.6.2 (B) – Landscape Island Locations

This section establishes that landscape islands are required for parking that exceeds 15 continuous spaces in a row and specifies planting requirements.

Findings: The plan indicates a front parking row along Colerain Avenue of 19 continuous spaces without a landscape island. Staff finds that the required landscape island would ensure the development is consistent with the desired character of the area and the purposes discussed in Article 14 and recommends compliance with the Colerain Township Zoning Resolution.

Section 15.8.2 (C) – Signs Permitted in a “PD-B” District, Ground Mounted Signs

This section regulates the height of ground mounted signs (not exceed 6 feet) and maximum sign area of freestanding signs (not to exceed 70 square feet).

Findings: The applicant has not submitted a signage plan and does not indicate a freestanding sign on the site. The site contains approximately 190 feet of road frontage along Colerain Avenue which permits a sign at the maximum size of 70 square feet. Staff finds that the proposed restaurant should not be granted a separate freestanding sign as there appears to be an empty sign cabinet on an existing

freestanding sign on the site which could be used to identify the restaurant. This freestanding sign at the corner of Mall Road and Colerain Avenue currently identifies three tenants of the larger shopping center building. This sign does not appear to meet the Zoning Resolution. There is also a smaller out lot building on the shopping center site with several tenants that do not include any advertising on any freestanding signage. Staff finds that the entire sign package for the shopping center should be redesigned to meet the Zoning Resolution and provide advertising for all of the tenants of the shopping center. Without a comprehensive signage plan, staff finds that no additional freestanding signage should be permitted for the subject site.

Section 15.8.2 (D) – Signs Permitted in a “PD-B” District, Wall Signs

This section regulates the number and the maximum sign area of a wall signs

***Findings:** The applicant has not submitted a signage plan. Therefore, staff cannot determine conformance with the sign standards. Specifically, staff cannot determine the size and height of the signs. However, the applicant has submitted building elevations which indicate wall signs on all four sides of the building. The Zoning Resolution permits buildings located on corner lots to have wall signs on each frontage provided that they meet the requirements of this section. Staff finds that the proposed restaurant should conform to this section of Colerain Township Zoning Resolution and that the wall signs on the southern and eastern facades should not be permitted.*

CONCLUSION:

Based on the above findings, there is sufficient reason for staff to recommend approval of the requested Major Modification. Although the proposed development does not comply with all of the standards of the Colerain Township Zoning Resolution, the majority of the issues can be resolved with minor changes and adjustments to the proposed site plan. With the changes recommended above and the conditions outlined below, staff finds that the development would be appropriate in this location.

RECOMMENDED MOTION:

To recommend approval of case Colerain ZA2014-09; Chick-fil-A, a request for a Major Modification to a Final Development Plan in an existing “PD-B” Planned Development Business District, subject to the standard covenants for planned districts and the following conditions:

Conditions:

1. That the development shall contain a minimum of 15% common open space in compliance with Table 9-2 of the Zoning Resolution.
2. That outdoor lighting shall meet the requirements of Article 12 of the Zoning Resolution.
3. That a detailed parking analysis shall be provided for the entire shopping center that meets Section 13.3 of the Zoning Resolution.
4. That a minimum 15-foot streetscape buffer yard shall be provided along Colerain Avenue and Mall Drive in compliance with Section 14.5.1 of the Zoning Resolution.
5. That a minimum of 15 percent landscaping shall be provided within the parking areas in compliance with 14.6.1 of the Zoning Resolution.
6. That parking area landscaping islands shall be installed in compliance with Section 14.6.2 (B) of the Zoning Resolution.

7. That all freestanding and building signage shall comply with Article 15 of the Colerain Township Zoning Resolution.

NOTE: Recommendations and findings in this staff report reflect the opinions of the staff of the Hamilton County Planning and Zoning Department, but may not necessarily reflect the recommendation of any Commission. This staff report is primarily a technical report on the level of compliance with adopted land use regulations and plans. The report is prepared in advance of public hearings and often in advance of other agency reviews. Additional information from other agency reviews and public review is considered by appointed commissions and elected boards. Therefore, the advisory and final decisions of such commissions and boards may result in findings and conclusions that differ from the staff report.

Prepared by:



John Huff

Senior Planner

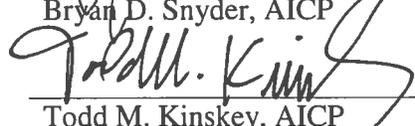
Reviewed By:



Bryan D. Snyder, AICP

Development Services Administrator

Approved By:



Todd M. Kinskey, AICP

Planning & Development Director

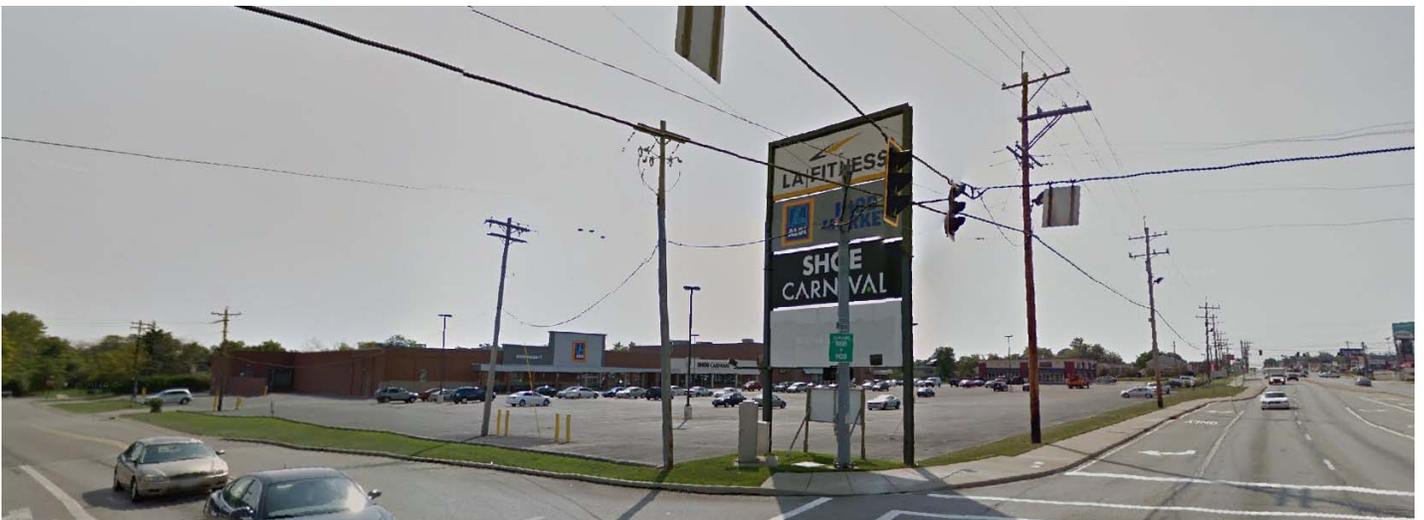
SITE PHOTOS



View of site looking northeast from Colerain Avenue

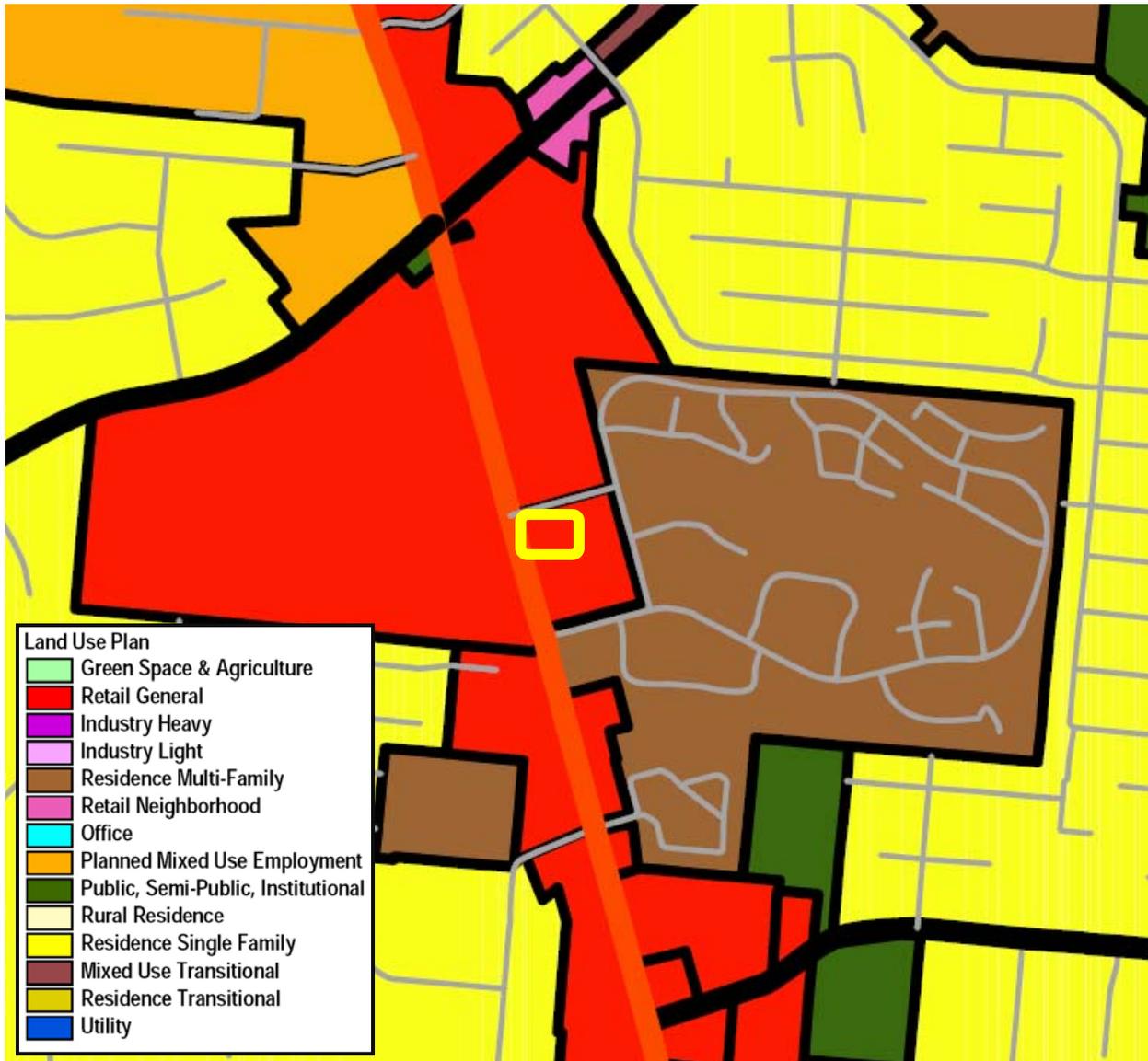


View of site looking southeast along Colerain Avenue



View of site looking south from the intersection of Mall Drive and Colerain Avenue

LAND USE MAP

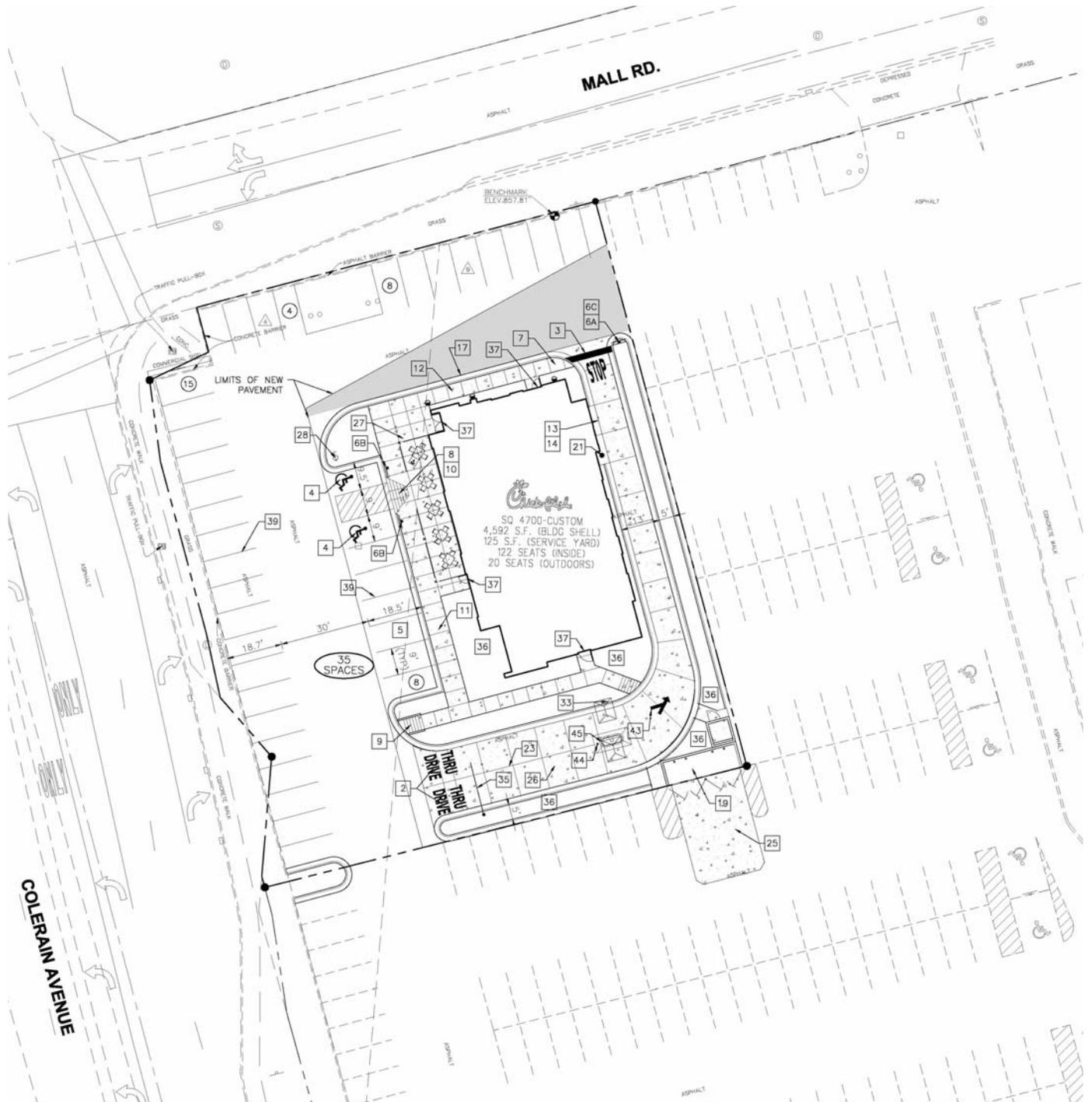


Note: Land Use Map taken from Colerain Township website, not adopted by RPC

EXISTING DEVELOPMENT PLAN



PROPOSED DEVELOPMENT PLAN



ELEVATIONS



West Elevation



North Elevation



East Elevation



South Elevation