

## AGENDA

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

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**MARCH 5, 2015**

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**Administrative Session – 12:30 PM**  
**Public Hearing – 1:00 PM**  
**Development Review Session – immediately following Public Hearing**

James Obert, Chairperson/Presiding Officer

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### 1. ADMINISTRATIVE SESSION

SESSION CALLED TO ORDER  
ROLL CALL OF COMMISSIONERS

#### ADMINISTRATIVE ACTIONS:

- A. ADM07: Disposition of Minutes, February 5, 2015 Regular Meeting
- B. ADM08: RPC Financial Report
- C. ADM09: Frank Ferris II Planning Award

#### PRESENTATION BY STAFF:

Thoroughfare Plan Update – Steve Johns

#### PROGRAM REPORTS:

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

### 2. DEVELOPMENT REVIEW SESSION (1:00 PM)

SESSION CALLED TO ORDER

#### COUNTY ZONING MAP AMENDMENT:

- A. NAME: Green 2015-02; North Bend UDF
- REQUEST: From: "C" Residence and "E" Retail  
To: "EE" Planned Retail
- PURPOSE: To demolish several commercial buildings and residences to construct a United Dairy Farmers and associated fuel pumps
- APPLICANT: Robert G. Rothert, Abercrombie & Associates, Inc. (applicant); William R & Lois T Nicholson; Jeanette Mazzaro, William & Wanda Cochran; Irwin J & Lois J Hauck; Brenda C Smith, J Bruce & Pamela Jayne Greely Suits; and James K Reynolds (owners)
- LOCATION: Green Township: 4108 North Bend Road, at the southeastern intersection of North Bend Road and Westwood Northern Boulevard (Book 550, Page 61, Parcels 158-172, 185-192, 232, 254 and 263)

#### TOWNSHIP ZONING MAP AMENDMENT:

- A. NAME: Sycamore 2015-08Z; Sycamore Plaza
- REQUEST: From: "E" Retail  
To: "EE" Planned Retail
- PURPOSE: To bring the existing Sycamore Plaza shopping center under a uniform set of planned development regulations and to construct a two-story Dick's Sporting Goods, additional retail space, and a roundabout with other traffic improvements on the north end of the existing main building
- APPLICANT: Richard B. Tranter, Dinsmore & Shohl LLP (applicant); BRE DDR Crocodile Sycamore Plaza LLC (owner)
- LOCATION: Sycamore Township: on the southeast corner of the intersection of Kenwood Road and Montgomery Road (Book 600, Page 80, Parcels 74, 75, 178, 496, 750, 756, 758)

TOWNSHIP ZONING TEXT AMENDMENT:

- A. NAME: Anderson 2015-01; Text Amendments  
REQUEST: To reformat the entire Anderson Township Zoning Resolution and including miscellaneous text amendments.  
PURPOSE: To reformat the entire Anderson Township Zoning Resolution to consolidated and renumber sections, improve the flow from beginning to end, make regulation locations more intuitive, include new diagrams and coloring to improve the appearance and usability of the document, and to make several minor text amendments.  
INITIATED BY: Anderson Township Board of Trustees

**3. ADJOURNMENT**

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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 FEBRUARY 5, 2015**

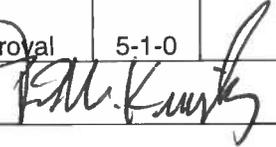
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**SUMMARY OF ACTIONS**

**PRESIDING OFFICER:** Okum  
**MEMBERS PRESENT:** Franke (arrived 12:39), Linnenberg, Okum, Simpson (arrived 12:47), Sprague, Stillpass  
**MEMBERS ABSENT:** Obert  
**STAFF PRESENT:** Kinskey, Fazzini, Snyder, Ambrosius, Stratton, Hawk  
**LOCATION:** Room 805, Administration Building  
**TIME:** 12:30 PM – 2:35 PM

	<b>AGENDA ITEM</b>		<b>RPC ACTION</b>	<b>VOTE</b>	
<b>ADMINISTRATIVE ITEMS:</b>	ADM05: Disposition of Minutes, January 8, 2015 ADM06: RPC Financial Report		Approval Approval	4-0-0 5-0-0	
	<b>AGENDA ITEM</b>		<b>RPC ACTION</b>	<b>VOTE</b>	
<b>LAND USE PLAN UPDATE:</b>	LUP Miami 2015-01; Land Use Plan Update		Approval	6-0-0	
	<b>AGENDA ITEM</b>	<b>AMENDMENT REQUEST</b>	<b>RPC ACTION</b>	<b>VOTE</b>	<b>CONDITIONS &amp; CODES</b>
<b>COUNTY ZONING MAP AMENDMENT:</b>	Harrison 2015-01; Harrison Avenue Car Lot Expansion	From: "A SPI-SC" Residence To: "EE SPI-SC" Planned Retail	Approval	6-0-0	1, 2, 3
	<b>AGENDA ITEM</b>		<b>RPC ACTION</b>	<b>VOTE</b>	
<b>TOWNSHIP TEXT AMENDMENTS:</b>	Delhi ZC2015-02; Text Amendments		Approval	6-0-0	
	Symmes 2015-01; Text Amendments		Approval	5-1-0	
	Symmes 2015-02; Text Amendments		Approval	5-1-0	

**ATTEST:** Chairman:

Secretary: 

**CONDITIONS AND CODES**

**ABBREVIATIONS IN MINUTES**

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.

- 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**

**ADM05: DISPOSITION OF MINUTES**

**MOTION:** To approve the minutes of the Regular Meeting of the Regional Planning Commission, January 8, 2015.

Moved: Linnenberg Second: Stillpass

**VOTE:** AYE: 4 Linnenberg, Okum, Sprague, Stillpass

NAY: 0

ABSTAIN: 0

**ACTION: APPROVAL**

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**ADM06: RPC FINANCIAL REPORT**

**MOTION:** To approve the RPC Financial Report for January 2015 as presented.

Moved: Linnenberg Second: Stillpass

**VOTE:** AYE: 5 Linnenberg, Okum, Sprague, Stillpass, Franke

NAY: 0

ABSTAIN: 0

**ACTION: APPROVAL**

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**ADJOURNMENT:** The meeting was adjourned at 2:35 PM

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**ATTEST:** Chairman: \_\_\_\_\_

Secretary: 

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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 – FEBRUARY 5, 2015

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**LAND USE PLAN  
AMENDMENT CASE:** LUP MIAMI 2015-01; LAND USE PLAN UPDATE

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**REQUEST:** To consider adoption of the 2014 Miami Township Land Use Plan Update  
**INITIATED BY:** Miami Township Board of Trustees  
**LOCATION:** Miami Township, Hamilton County  
**ACTION REQUESTED:** Adoption

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**SPEAKERS:** T. Hawk

**DISCUSSION:** (Summary of Topics)

Staff Comments:

1. **T. Hawk** - Review of Staff Report

Public Official Comments:

1. **P. Beck** – the Township supports the Land Use Plan recommendations 100% and thanks the staff for all of their hard work with this plan.

**MOTION:** To consider adoption of case LUP Miami 2015-01; Miami Township Land Use Plan Update as adopted by the Miami Township Trustees.

**VOTE:** Moved: Linnenberg Second: Sprague

AYE: 6 Franke, Linnenberg, Okum, Simpson, Sprague, Stillpass

NAY: 0

ABSTAIN: 0

**RPC ACTION:** ADOPTION

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**ATTEST:** Chairman: \_\_\_\_\_ Secretary: 

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HAMILTON COUNTY  
REGIONAL PLANNING COMMISSION

RECORD OF PROCEEDINGS – FEBRUARY 5, 2015

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**ZONE AMENDMENT:** HARRISON 2015-01; HARRISON AVENUE CAR LOT EXPANSION

**REQUEST:** FROM: "A SPI-SC" Residence  
TO: "EE SPI-SC" Planned Retail

**PURPOSE:** To demolish a residence and expand an adjacent auto sales display area

**APPLICANT:** James Ritter, Professional Design Associates (applicant); TT Projects LLC/Marilyn Bourquein (owner)

**LOCATION:** 9902 Harrison Avenue, north of the intersection of Old Harrison Avenue and Harrison Avenue (Book 560, Page 50, Parcels 42 & 128)

**TRACT SIZE:** 0.53 acres (net)

**REPORTS:** RECEIVED: DPW, HCSW, HCE  
PENDING: City of Harrison Sanitary Sewer, CWW, TT, FPO

**SPEAKERS:** E. Fazzini, B. Noes

**DISCUSSION:** (Summary of Topics)

Staff Comments:

1. **E. Fazzini** – Review of staff report
2. **T. Kinsky** – Interior landscaping does not have to be placed next to the dry well. It can be anywhere within the parking area.
3. Landscaping along the street doesn't mean that the trees have to evenly spaced; they can be clustered in one area.
4. There is an electrical contractor on a site to the east.

Public Official Comments:

1. **B. Noes** – The three Township Trustees are all in favor of this project. We are trying to create a business area and this project will be a great addition and asset to the site.
2. We would like for the board to consider cedar trees to help buffer the adjacent residence. The larger required trees are not appropriate for this site.
3. We have spoken to the adjacent neighbors and they are not opposed to the expansion. There are three residences to the east.
4. No issues with lighting believe next door neighbor wants to sell eventually.

Applicant Comments:

1. **J. Ritter** – Hard to identify difference between 0.5 and 1.5 foot candles.
2. Applicant will build a 6-foot fence and landscaping to buffer the adjacent residential property to give the adjacent property owner the image of a larger lot.
3. The applicant will also be using LED lighting for this project and they are far superior to a standard fixture.
4. We would like to leave the dry well where it is and not build a landscape island. It will damage the dry well and will just add to the maintenance.
5. We would prefer evergreen trees rather than deciduous trees so that the leaves (of say an Oak tree) will not lie on the cars when they fall.
6. If the board could work with us on the lighting, landscaping and the island, it would be helpful.
7. **M. Bourquein** – Developing site for Hirlinger. Noted the company's respectable reputation in the community. Her concerns are about protecting the house next door by adding a privacy fence on that side with evergreen trees to protect the view. Asked if the applicant can use shorter shrubs and evergreens so that there are not so many leaves covering the cars and large trees to block the view of the cars in the lot.

8. **S. Hirlinger** – We have been at this location for over 25 years and are very community-oriented. We are gaining some parking spaces but losing some as well. Concerns of putting a landscape island will take up even more space on such a small lot.

Commissioner Comments:

1. **Commissioner Stillpass** – Having family in the car business, I can relate to issues and considerations such as tree leaves falling on the cars, bird droppings and theft and I appreciate the concerns the applicant brings to the table.
2. **Commissioner Okum** – Concerned about undue glare on adjacent residences. The practicality of an island sticking out into the parking area is also a concern.
3. **Commissioner Simpson** – Concerned about the adjacent lot and the lighting issues. This isn't a parking lot, it is a display area and I don't feel that a landscape island is necessary and that evergreen trees could be more appropriate. The small parcel size warrants an alternate approach.
4. **Commissioner Franke** – If we leave condition 2 as is and require a landscape island they will lose at least one parking space.

**MOTION:**  
**(re: consistency)**

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.

Moved: Sprague

Second: Linnenberg

**VOTE:**

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

**MOTION:**

To consider approval of case Harrison 2015-01; Harrison Avenue Car Lot Expansion, a request for a Zone Amendment from A SPI-SC Residence to EE SPI-SC Planned Retail with conditions per Attachment A.

Moved: Simpson

Second: Stillpass

**VOTE:**

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

**RPC**

**RECOMMENDATION:**

(To the Hamilton County Rural Zoning Commission)  
**APPROVAL** with conditions and variance

**ATTEST:**

Chairman: \_\_\_\_\_

Secretary: \_\_\_\_\_



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**Attachment A**

The Regional Planning Commission finds consistency with the adopted land use plan and recommends approval of case Harrison 2015-01; Harrison Avenue Car Lot Expansion, a request for a Zone Amendment from "A SPI-SC" to "EE SPI-SC" Planned Retail, with the following conditions, ~~and variance,~~ AND MODIFICATION:

**Conditions:**

1. That a 30-foot access easement for future vehicular use shall be identified to the eastern property line to permit the adjacent property to connect through the subject site to Old Harrison Avenue to be effective if/when this adjacent property is developed as commercial.
2. That a landscaping plan in compliance with Sections 12-6, 14-7, and 14-8 of the Zoning Resolution, EXCEPT AS NOTED IN MODIFICATION NO. 1 shall be submitted as part of the Zoning Compliance Plan.
3. That a lighting plan in compliance with Section 12-7 of the Zoning Resolution and Variance #1 shall be submitted as part of the Zoning Compliance Plan.

**Variance:**

1. Section 12-7.2 – That there be no maximum illumination level along the western internal property line where a maximum illumination level of 0.5 footcandles is required.

**MODIFICATION:**

1. SECTIONS 12-6, 14-7 & 14-8 – THAT EVERGREEN TREES MAY BE SUBSTITUTED FOR ALL REQUIRED CANOPY TREES.

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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 – FEBRUARY 5, 2015

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CASE: DELHI ZC2015-02; TEXT AMENDMENTS

REQUEST: To amend the Delhi Township Zoning Resolution to replace Article 14 – Parking and Loading Regulations and Article 31 – Sign with new versions of each article and to include other minor amendments to other sections of the Resolution

PURPOSE: To replace existing parking and signage chapters with new parking and signage chapters, including new regulations and graphics, and to include other minor changes to definitions and references.

INITIATED BY: Delhi Township Zoning Commission

SPEAKERS: B. Snyder; T. Stalhaber

DISCUSSION: (Summary of Topics)  
Staff Comments:  
1. **B. Snyder** – Review of staff report.

Public Official Comments:

1. **T. Stahlheber** – Staff’s comments have been reviewed and they will be taken to the Zoning Commission and discussed. We are in the process of making adjustments based on the RPC staff’s recommendations.
2. There has been extensive work done on these amendments over the past few years.
3. We do not have a specific requirement for the size of wall signs to encourage businesses to use their buildings as signs in lieu of monument and/or pole signs.
4. We have many areas in our business districts where there is no separation between the parking lot and street. We are happy with a five foot strip of grass.
5. We like to have the discretion to work with developers on a case by case basis.
6. We work carefully with every developer that comes to Delhi to get the best result.

Commissioner Comments:

1. **Commissioner Franke** – Expressed concern about staff’s assessment of Section 143-6 (B) and specifically the sentence – “This gives the Zoning Inspector the ability to essentially grant a parking variance depending on subjective compliance with non-specific goals.” He was concerned about how this direction might impact the Township if there is a dispute.
2. **Commissioner Okum** – Made references to digital signs and their lighting. He indicated that such signs will be more prominent in the future and suggested that regulations may be necessary.
3. Expressed concern with sign height. He feels it be based on adjacent property right-of-way not grade.

MOTION: To recommend approval of case Delhi ZC2015-02; Text Amendments, a request for approval of zoning text amendments to the Delhi Township Zoning Resolution as initiated by the Delhi Township Zoning Commission.

Moved: Linnenberg

Second: Simpson

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

RPC  
RECOMMENDATION: (To the Delhi Township Zoning Commission)  
**APPROVAL**

ATTEST:

Chairman: \_\_\_\_\_

Secretary: \_\_\_\_\_



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HAMILTON COUNTY  
REGIONAL PLANNING COMMISSION

RECORD OF PROCEEDINGS – FEBRUARY 5, 2015

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**CASE:** SYMMES 2015-01; TEXT AMENDMENTS

**REQUEST:** To amend the Symmes Township Zoning Resolution to revise Article 3 – Definitions, Article 5 – General Provisions, Article 14 – Parking and Loading Regulations, and Article 35 Conditional Uses.

**PURPOSE:** To revise the language and regulation of residential facilities within Symmes Township to be consistent with the language of the Ohio Revised code including definitions permitted locations, and dispersion of such facilities.

**INITIATED BY:** Symmes Township Board of Trustees

**SPEAKERS:** B. Snyder

**DISCUSSION:** (Summary of Topics)

Staff Comments:

1. **B. Snyder** – Review of staff report.

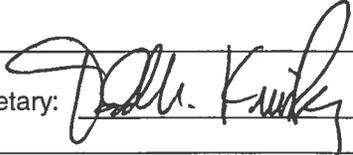
**MOTION:** To recommend approval of case Symmes 2015-01; Text Amendments, a request for approval of zoning text amendments to the Symmes Township Zoning Resolution as initiated by the Symmes Township Board of Trustees.

Moved: Stillpass

Second: Franke

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

**RPC RECOMMENDATION:** (To the Symmes Township Zoning Commission)  
**APPROVAL**

**ATTEST:** Chairman: \_\_\_\_\_ Secretary: 

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HAMILTON COUNTY  
REGIONAL PLANNING COMMISSION

RECORD OF PROCEEDINGS – FEBRUARY 5, 2015

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**CASE:** SYMMES 2015-02; TEXT AMENDMENTS

**REQUEST:** To amend the Symmes Township Zoning Resolution to revise Article 25 – Enforcement and Article 28 – Violations and Penalties

**PURPOSE:** To revise the language of the enforcement and zoning violation penalties sections to be consistent with the enforcement rules and procedures of the Hamilton County Municipal Court for administration of zoning citations in Symmes Township.

**INITIATED BY:** Symmes Township Board of Trustees

**SPEAKERS:** B. Snyder

**DISCUSSION:** (Summary of Topics)

Staff Comments:

1. **B. Snyder** – Review of staff report.

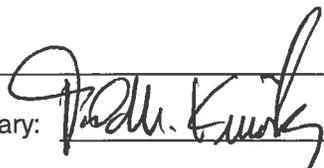
**MOTION:** To recommend approval of case Symmes 2015-02; Text Amendments, a request for approval of zoning text amendments to the Symmes Township Zoning Resolution as initiated by the Symmes Township Board of Trustees.

Moved: Franke

Second: Linnenberg

**VOTE:**  
AYE: 5 Sprague, Linnenburg, Stillpass, Franke  
NAY: 1 Simpson  
ABSTAIN: 0

**RPC RECOMMENDATION:** (To the Symmes Township Zoning Commission)  
**APPROVAL**

**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.

# Thoroughfare Plan Update Draft Scope

February 25, 2015

“Well thought-out transportation and infrastructure investment decisions create dynamic cities and neighborhoods that are a catalyst for regional success. Energy conservation, mixed uses, higher densities, walkable communities, and reducing the impact of transportation on climate change create livable environments that attract residents of all ages while promoting economic growth and the creation of good jobs for the citizens of Hamilton County.” (Transportation Policy Plan 2010)

The Hamilton County Board of County Commissioners approved the Hamilton County Transportation Policy Plan on March 3, 2010. One strategy of this plan was to develop a coordinated countywide multi-modal Strategic Transportation Plan. The Hamilton County Regional Planning Commission is designated by the Ohio Revised Code (Section 711.10) to adopt a plan for major streets or highways of the county (a thoroughfare plan) to regulate the subdivision of lands within the unincorporated portions of the county. Below is an outline of a thoroughfare plan that meets the charge of the County Commissioners and the Ohio Revised Code.

## Purpose Statement

The purpose of this Thoroughfare Plan Update is to update the roadway functional classification system, review existing classifications of roadways, and create provisions for flexibility within the right-of-way (ROW) dedication process. This Update will also be used to clarify the process for amending and updating the plan.

## Scope of Work

- I. Functional classification – important because it determines ROW dedication and cross section
  - a. Urban, Suburban, and Rural sections
  - b. Variances or consideration for topography, etc.
  - c. Based on projections (how far out?) or current traffic (open issue)
  - d. Examples for reclassification
    - i. Beechmont Avenue west of Five Mile
    - ii. Rybolt Road
    - iii. Clough Pike
    - iv. Bridgetown Road
  - e. Challenge of retrofitting a cross section like Colerain versus establishing a greenfield cross section.
- II. Right of Way Dedication – investigate flexibility including an optional “Payment in Lieu” system. Steer clear of an impact fee system. Apply new system to county and state roads.
  - a. Examples of success – Columbia Township on US 50, Fields Ertel/Mason-Montgomery
  - b. Complexity
    - i. dedication of private land for a road that will use federal money to construct will require assessment and compensation to land owner

- ii. sometimes only acquire easements because of the complications of setbacks, etc.
    - c. Flexibility inside the right of way (ROW). For signage, landscaping and other uses.
      - i. Anderson as an example
      - ii. Winton Road – decorative sidewalks
      - iii. Cognizant of ORC requirements of ROW
        - 1. Minimum 60 foot right of way
        - 2. Free of nuisances (trees?)
        - 3. Utilities have a right to use ROW
        - 4. A set aside only for landscaping is illegal
          - a. Anderson has revocable easements as a workaround
          - b. Westwood Northern in Green Township another example
    - d. Alternate dedication ideas
      - i. Using an overlay district to trump thoroughfare plan
      - ii. Using traffic study to implement payment in lieu
- III. Process
  - a. Amending the Map – clarify process for adding roads to thoroughfare plan map
  - b. Updating the plan – like land use plans – every five years
- IV. Finding funding to implement
  - a. OKI's Intermodal Coordinating Committee (ICC)
  - b. TID – Transportation Improvement District (particularly helpful with multijurisdictional projects – i.e. arterials near interchanges)
  - c. Prioritization?
- V. Appendix of Best Management Practices and Success Stories
  - i. Anderson Walgreen's
  - ii. Anderson's construction of sidewalk rather than donation of land

What this plan is not

- Not a new Brent Spence Bridge, Eastern Corridor, or Western Hamilton County Bridge Study
- Not an off road bike path study (but understanding how thoroughfares can tie into an off road network should be considered)
- Not a transit plan – although making accommodations for buses (pull-offs, bus stops, etc.) and preserving right of way for designated grade separated transit corridors should be incorporated
- Not a rehash of the Hamilton County Caucus

# Thoroughfare Plan Committee

(2/25/15 Draft)

## Transportation

Ted Hubbard, County Engineer

Stefan Spinosa, ODOT

Bob Koehler, OKI

Jim Coppock, City of Cincinnati

Summer Jones, OKI

## Government

Steve Sievers, Anderson Township

Geoff Milz, Colerain Township

Michael Lemon, Columbia Township

Catherine Feerick, Delhi Township

Adam Goetzman, Green Township

Greg Bickford, Sycamore Township

Brian Eliff, Symmes Township

Stiney Vonderhaar, Municipal League

Martha Kelly, City of Cincinnati

TBD, RPC Rep

## Development

Craig or Tom Abercrombie?, Western Economic Council

Dan Dressman/Steve Feldman?, Ohio Valley Development Council

James Neyer, NAIOP Public Affairs (Ann McBride or Jon Woche?)









# STAFF REPORT

FOR CONSIDERATION BY THE REGIONAL PLANNING COMMISSION ON MARCH 5, 2015  
FOR CONSIDERATION BY THE RURAL ZONING COMMISSION ON MARCH 19, 2015

**ZONE  
AMENDMENT  
CASE:**

**GREEN 2015-02**

# NORTH BEND UDF

**REQUEST:** FROM: C” Residence and “E” Retail  
TO: “EE” Planned Retail

**PURPOSE:** To demolish several commercial buildings and residences and adjacent unused portions of the Westwood Northern Boulevard right-of-way to construct a United Dairy Farmers and associated fuel pumps

**APPLICANT:** Robert G. Rothert, Abercrombie & Associates, Inc. (applicant); William R & Lois T Nicholson; Jeanette Mazzaro, William & Wanda Cochran; Irwin J & Lois J Hauck; Brenda C Smith, J Bruce & Pamela Jayne Greely Suits; and James K Reynolds (owners)

**LOCATION:** Green Township: 4108 North Bend Road, at the southeastern intersection of North Bend Road and Westwood Northern Boulevard (Book 550, Page 61, Parcels 158-172, 185-192, 232, 254 and 263)

**SITE DESCRIPTION:** Tract Size: 3.55 acres (gross); 2.21 acres (net)  
Frontage: 375 feet on North Bend Road, 660 feet on Westwood Northern Boulevard, and 275 feet on Alpine Place  
Topography: Flat along North Bend Road with areas of steep slopes on the eastern portion of the site  
Existing Dvlpmt: Three commercial buildings and four single-family residences

<b>SURROUNDING CONDITIONS:</b>	<u>ZONE</u>	<u>LAND USE</u>
North:	“C” Residence and “O” Office	Westwood Northern Boulevard and vacant land
South:	“C” Residence and “E” Retail	Single-family homes, multi-family buildings and one commercial business
East:	“C” Residence	Vacant and single-family homes
West:	City of Cheviot	UDF and other commercial uses

**ZONING JURISDICTION:** Hamilton County Commissioners

**SUMMARY OF RECOMMENDATIONS:** **APPROVAL with Conditions**

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**PROPOSED USE:**

The applicant is proposing to demolish three commercial buildings and a single-family home on North Bend Road along with three single-family residential buildings on Alpine Place in order to construct a United Dairy Farmers with 14 gas pumps. The building would be approximately 5,500 square feet in size and one-story in height with a pitched roof. A 28-space parking lot would be located in the front, along North Bend Road, and on both sides of the building. It does not appear that sidewalks are being proposed on any of the street frontages. A total of three curb-cuts are being proposed. One curb cut would be located on Westwood Northern Boulevard opposite the Dickinson Road Connector. A second curb cut would be located on North Bend Road and a third is being proposed on Alpine Place. The applicant has submitted plans for a monument style sign at eleven feet and three inches tall and 72 square feet in size. The applicant has proposed a 20-foot wide proposed tree save area along the southern property line where it abuts the residential properties along Alpine Place. It appears that grading would take place along the property line of the first house (3340 Alpine Place) that is proposed to remain. An underground storm water detention area is proposed on the eastern portion of the site near the Westwood Northern Boulevard and Dickinson Road Connector. The impervious surface ratio (ISR) for the development would be 55.9%.

**ZONING PETITION HISTORY:**

There is no zoning case history on the site.

**STAFF REVIEW CONFERENCE:**

A Public/Staff Review Conference was held at 7:00 pm on January 20, 2015, at the Green Township Administration building. The meeting was attended by Green Township Development Director Adam Goetzman and the Township Administrator, Kevin T. Celarek, John Johnston and Tim Kling representing the applicant, and several citizens including nearby business owners. Topics of discussion included the property values, traffic, curb cut locations, lighting, buffering, dumpster location and storm water.

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**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 (west) half of the site along North Bend Road as “General Retail”, which is defined as community and regional oriented business uses that tend to locate along highways with relatively high traffic volumes.*
- *A large portion of the proposed UDF building, the majority of the proposed parking spaces and all of the proposed fuel pumps including the entire fueling*

*area would be located within this designation and these uses are consistent with the general retail designation for the site. The proposed site improvements would replace several existing commercial buildings and uses that are fully contained within the General Retail designation.*

- *The Land Use Plan Map designates the rear (east) half of the site as “Multi-Family”, which is defined as detached or attached housing (apartments or condominiums) and related compatible uses.*
- *This designation for the rear portion of the site was likely made in anticipation of a commercial use occurring on the front western half of the site that would be smaller in scale than what is proposed. However, staff finds that the North Bend Road and Westwood Northern Boulevard intersection can support a commercial use of this size including fuel pumps and there is a need for the development to encroach upon the area designated for multi-family.*
- *The applicant is proposing to leave the rear (eastern) half of the site as undeveloped woodlands with the exception of the grading needed to fit the UDF building behind the fuel pumps and the curb cut along Westwood Northern Boulevard to alleviate traffic on North Bend Road and at the intersection of North Bend Road and Westwood Northern Boulevard.*
- *The multi-family designation for the eastern portion of the site was likely identified to serve as a transition between the existing commercial uses to the west and the existing single uses to the east. However, with screening in the form of preserving as many existing mature trees as possible, a combination of walls and or fencing and additional evergreens located in this area would be critical for buffering the existing homes that are proposed to remain along Alpine Place.*
- *Green Township officials have also expressed interest in revisiting the land use designation for this area with their upcoming Comprehensive Plan Update scheduled for June 2015.*
- *With the recommendations made above, 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 North Bend/Cheviot Road Corridor Strategies and offers the following findings.*
- *Strategy #1 encourages streetscape buffers, boundary buffers and interior parking lot landscaping that meets, as a minimum, the requirements of the Zoning Resolution. Staff finds that the submitted plan does indicate the required streetscape and boundary buffers where required. However, a landscaping plan has not been submitted. Further, staff finds that the most effective method of screening the homes along Alpine Place would be to preserve as much of the existing vegetation on the property as possible especially where it abuts residential property and infill the empty areas with new evergreens. The applicant has identified a proposed tree save area. However, grading is proposed up to the property line of the first residential property (3340 Alpine Place) that is to remain. To protect and buffer this property, staff finds a six foot high privacy fence or wall should be required along the eastern property line with twice the amount of shrubs and trees planted than required in a boundary buffer and that these plantings be located east of required fence or wall between the fence or wall and the property line.*

- *Strategy #2 encourages access easements, where feasible, between compatible developments to enable the connection of parking areas and to reduce the overall number of curb cuts. Staff has reviewed the project for potential access easements and does not find any nearby compatible uses that would benefit from any future connections. To encourage necessary traffic improvements including the consolidation of curb cuts, staff finds that by eliminating several curb cuts on North Bend Road as proposed, which are currently undefined areas where parking and gravel abut North Bend Road with no clear access points, and by replacing these area with consolidated and defined curb cuts, that the access into this area would be improved. Further, by creating a new curb cut onto Westwood Northern Boulevard that appears to be at an adequate distance from the intersection of North Bend Road and Westwood Northern Boulevard, which should encourage traffic to not have to enter or exit onto North Bend Road, this entire intersection could be improved. However, staff has not yet heard from the County Engineer regarding approval of all these curb-cut locations. Staff feels that a total of three access points into the site is excessive and it appears there should be consideration for aligning, if approved, the proposed curb cut onto North Bend Road with Puhlman Avenue which is located west of the site.*
- *Strategy #3 encourages the consolidation of signage and the reduction of the total amount of signs. The applicant has submitted a freestanding monument style sign at less than 12 feet high and 72 square feet in size to be located near the intersection of Westwood Northern Boulevard and North Bend Road. Staff finds that this sign is one half of the size permitted in the Zoning Resolution and that the proposed height and size of the sign is of appropriate scale for the area.*
- *With the above recommended changes, staff finds that the proposed development would be consistent with the adopted Land Use Plan.*

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**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.

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**ANALYSIS:**

**Thoroughfare Plan Consistency**

Applicable Policies and Recommendations: The Thoroughfare Plan classifies North Bend Road and Westwood Northern Boulevard as Minor Arterials 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 both North Bend Road and Westwood Northern Boulevard with the Thoroughfare Plan.

**Zoning Compliance**

The site plan meets the minimum standards of the Hamilton County Zoning Resolution and the “EE” Planned Retail 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:** *It appears that mechanical equipment is proposed north and adjacent to the proposed building. Staff finds that this is an appropriate location and finds that this mechanical equipment should be properly screened.*

### **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:** *Staff finds that a lighting plan has not been submitted. Staff recommends that a lighting plan that meets the Zoning Resolution should be required as part of the Zoning Compliance Plan review.*

### **Other Issues**

#### **Sidewalks**

*The submitted plan does not appear to contain any sidewalks. With sidewalks located along North Bend Road and Alpine Place, staff finds that the pedestrian access in the area could be improved.*

#### **Dumpster Location**

*Staff finds that current dumpster location would be within 130 feet of the nearest residence on Alpine Place and that it may likely have a detrimental effect in terms of noise and odor. Staff finds that the dumpster should be relocated to the northern portion of the site.*

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### **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 the access management recommendations of the County Engineer, the preservation of the proposed tree save area, proper buffering of the existing homes along Alpine Place, the relocation of the proposed dumpster to the northwestern portion of the site and the addition of sidewalks along North Bend Road and Alpine Place. The development would comply with the Zoning Resolution subject to the mechanical equipment screening, outdoor lighting requirements and landscaping requirements being met. With the recommended changes to proposed plan, the development 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 2015-02; North Bend UDF, a request for a Zone Amendment from C” Residence and “E” Retail to “EE” Planned Retail, subject to the standard covenants for planned districts and the following conditions.

#### Conditions:

1. That a landscaping plan that meets the minimum number of plantings of Sections

- 12-6, 14-7 and 14-8 of the Zoning Resolution and conditions 3 and 4 below shall be submitted as part of the Zoning Compliance Plan.
2. That a lighting plan in compliance with the requirements of the Zoning Resolution shall be submitted as part of the Zoning Compliance Plan.
  3. That the area identified as “Proposed Tree Save Area” on the submitted plan shall remain undisturbed and the existing vegetation in this area shall not be removed and in addition, a minimum of 8 evergreen trees shall be planted adjacent to or within the “Proposed Tree Save Area” along the southern property line.
  4. That a six foot high privacy fence or wall shall be constructed ten feet from the eastern property line adjacent to 3340 Alpine Place and that a boundary buffer shall be planted with twice the number of required plantings east of the fence or wall.
  5. That the proposed dumpster shall be relocated to the northern portion of the site and shall be screened in accordance with the dumpster screening requirements of the Zoning Resolution.
  6. That access into the site, including the number and location of the proposed curb cuts shall be approved by the County Engineer.
  7. That sidewalks shall be installed along North Bend Road and Alpine Place.
  8. 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.
  9. That the site shall be permitted a maximum of one freestanding monument sign located near the North Bend Road and Westwood Northern Boulevard intersection at a maximum of 12 feet in height and 75 square feet in area per side.

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**AGENCY  
REPORTS:**

Dept. Public Works (DPW):	Report not yet received
Metro. Sewer District (MSD):	Report not yet received
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

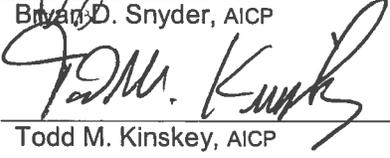
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---

Prepared By:  Senior Planner  
John S. Huth

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

Approved By:  Executive Director  
Todd M. Kinskey, AICP

## SITE PHOTOS



Looking northeast from North Bend Road



Looking east from the Puhlman Avenue/North Bend Road intersection



Looking south from the Westwood Northern/North Bend Road intersection



Looking north from Alpine Place (last house to remain 3340 Alpine Place on right of photo)

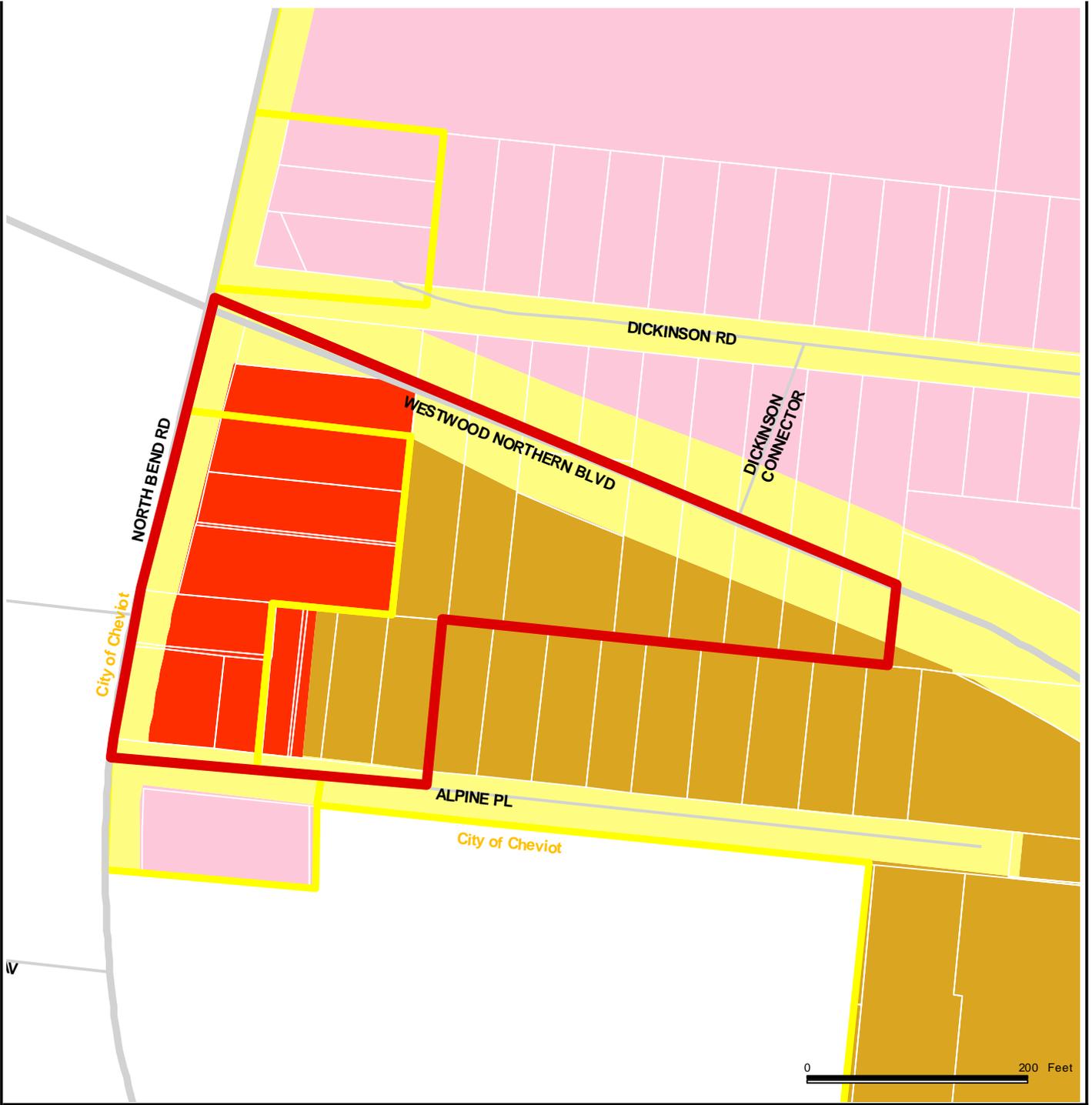


Looking south at the Westwood Northern Blvd. and Dickinson Road Connector



Looking west from Westwood Northern Blvd.





**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

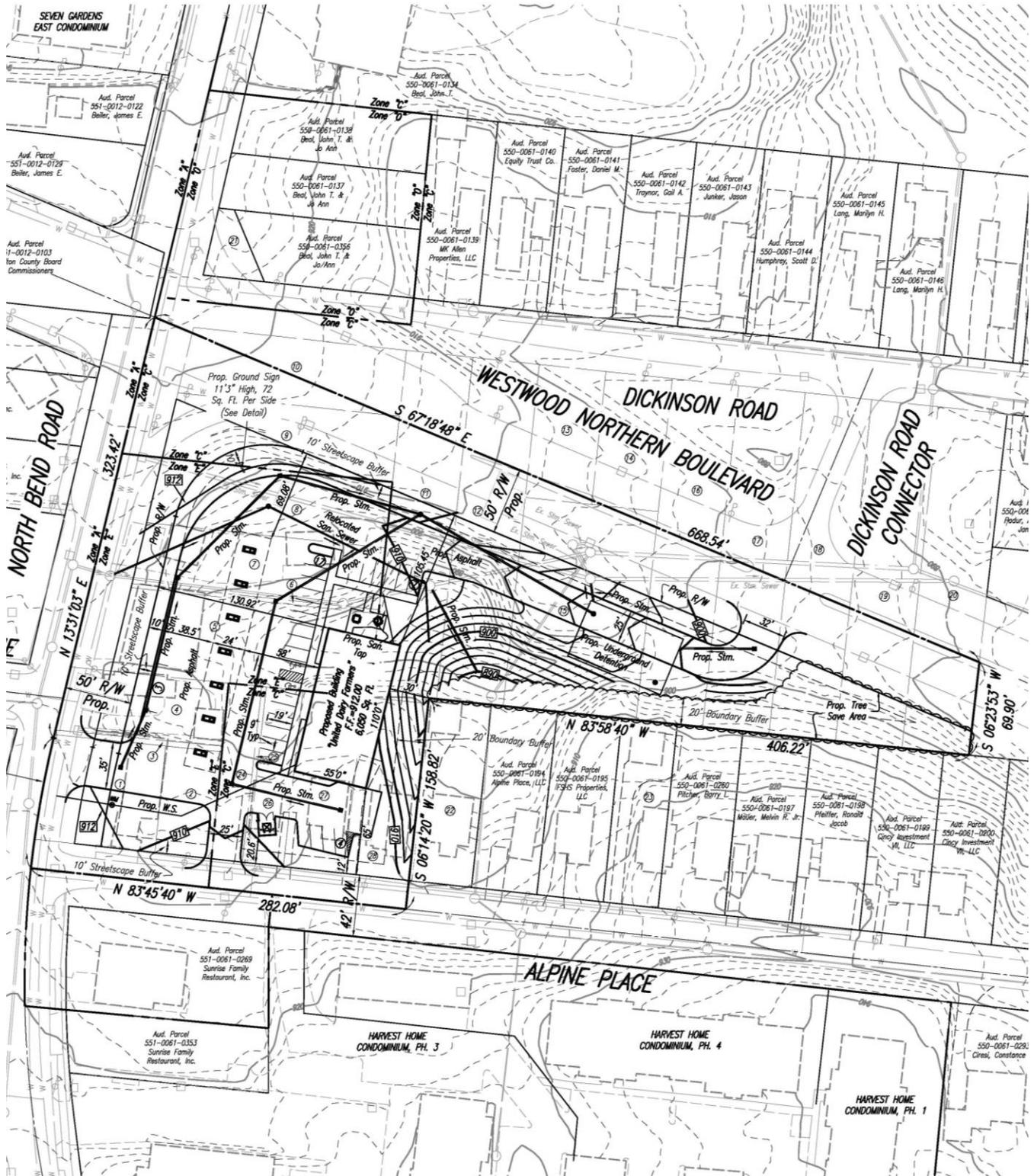
**ZONE CASE: GREEN 2015-02**



THE HAMILTON COUNTY  
**rpc** Regional Planning  
Commission 2/19/2015

DISCLAIMER: The City of Cheviot and the Township of Green are not responsible for any errors or omissions in this map. The map is provided for informational purposes only. The City of Cheviot and the Township of Green are not liable for any damages or losses resulting from the use of this map. The map is provided for informational purposes only. The City of Cheviot and the Township of Green are not liable for any damages or losses resulting from the use of this map. The map is provided for informational purposes only. The City of Cheviot and the Township of Green are not liable for any damages or losses resulting from the use of this map.

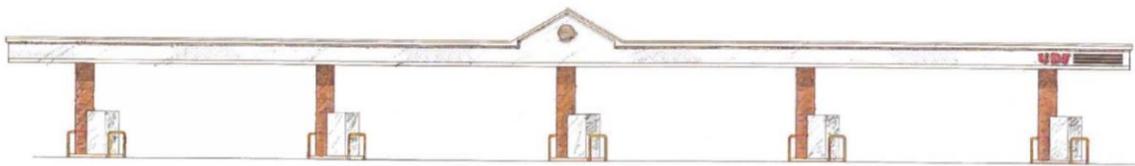
# PROPOSED SITE PLAN



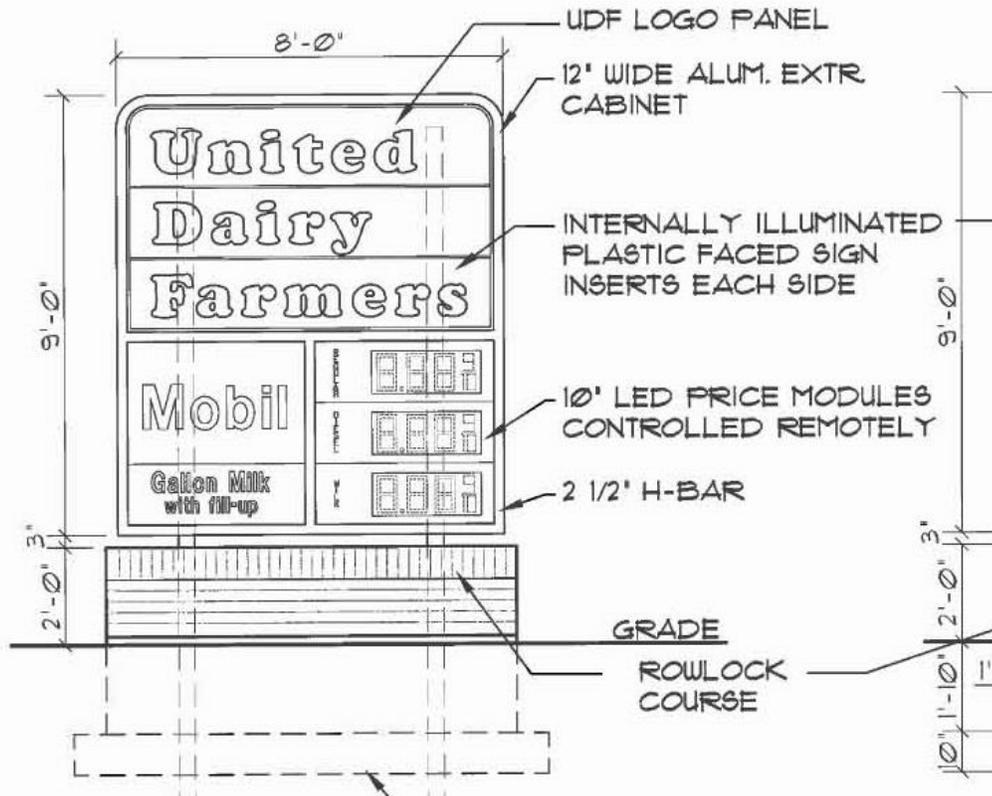
## ELEVATIONS/SIGNAGE



**ELEVATION**  
 FRONT OF STORE FACING DUBLIN ROAD (SR 161)



**ELEVATION**  
 GAS ISLAND CANOPY - FRONT/REAR



## APPLICANT LETTER



January 22, 2015

Hamilton County Planning  
Zoning & Community Development  
807 County Administration Building  
138 East Court Street  
Cincinnati, Ohio 45202

Attn: Mr. Bryan Snyder, Zoning Administrator

Re: Zone Change  
SE Corner - Westwood Northern and North Bend  
Our Job # 14-0177

Dear Mr. Snyder:

On behalf of the developer, United Dairy Farmers please find attached application materials for a zone change from "C" Residence and "E" Retail to "EE" Planned Retail. The site contains 2.21 net acres with 7 existing buildings that will be removed. The developer is proposing to construct a new 5500 s.f. United Dairy Farmers store with gas pumps and associated parking on the site. The impervious surface ratio for the development is 55.9%. The property is bounded on the north and east by Westwood Northern Boulevard, on the West by North Bend Road, and on the South by Alpine Place and residential homes that front on Alpine Place. The area behind the existing homes will be for an access drive only with no buildings proposed in this area. This access drive also will be approximately 20 feet below the elevation of the rear of the existing homes. Access to the site will be off the above mentioned drive from Westwood Northern with additional access points on North Bend Road and Alpine Place as shown.

The proposed use for this site fits with the existing retail uses along North Bend Road. The building will be oriented facing North Bend Road. The property fronting on North Bend Road is presently zoned "E" Retail which would allow for this type of use which fits with community objectives for this area and will not be a burden on public facilities and services.

Please review the attached materials and place this on the March 5th agenda of the Hamilton County Regional Planning Commission

If there are any questions or you need additional information please contact me at your convenience.

Sincerely,

ABERCROMBIE & ASSOCIATES, INC.



Robert G. Rothert, PE  
President

Attachment

Colerain Professional Center • Suite 120 • 3377 Compton Road • Cincinnati, Ohio 45251  
Phone: (513) 385-5757 • Fax: (513) 245-5161  
[www.abercrombie-associates.com](http://www.abercrombie-associates.com)







# STAFF REPORT

FOR CONSIDERATION BY THE REGIONAL PLANNING COMMISSION ON MARCH 5, 2015  
FOR CONSIDERATION BY THE SYCAMORE TWP ZONING COMMISSION IN MARCH, 2015

**ZONE  
AMENDMENT  
CASE:**

**SYCAMORE 2015-08Z**

# SYCAMORE PLAZA

**REQUEST:** FROM: "E" Retail  
TO: "EE" Planned Retail

**PURPOSE:** To bring the existing Sycamore Plaza shopping center under a uniform set of planned development regulations and to construct a two-story Dick's Sporting Goods, additional retail space, and a roundabout with other traffic improvements on the north end of the existing main building

**APPLICANT:** Richard B. Tranter, Dinsmore & Shohl LLP (applicant); BRE DDR Crocodile Sycamore Plaza LLC (owner)

**LOCATION:** Sycamore Township: on the southeast corner of the intersection of Kenwood Road and Montgomery Road (Book 600, Page 80, Parcels 74, 75, 178, 496, 750, 756, 758)

**SITE DESCRIPTION:** Tract Size: 31.67 acres  
Frontage: 720 feet on Kenwood Road, 706 feet on Montgomery Road, 2,264 feet on Interstate 71  
Topography: Slopes gradually to the southeast towards I-71  
Existing Dvlpmt: Shopping center with two access drives onto Kenwood Road, one access drive onto Montgomery Road and six commercial outbuildings

<b>SURROUNDING CONDITIONS:</b>	<u>ZONE</u>	<u>LAND USE</u>
North:	"E" Retail	Kenwood Towne Centre
South:	"E" Retail	Interstate 71
East:	"E" Retail	Interstate 71
West:	"E" Retail	Commercial

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

**SUMMARY OF RECOMMENDATIONS:** **APPROVAL with Conditions**

**PROPOSED USE:**

The applicant is proposing to bring the existing shopping center under a uniform set of development regulations through the use of the proposed double-letter planned district designation. The EE Planned Retail designation would apply to the existing main building in the middle of the site as well as six surrounding commercial outbuildings, numerous parking areas and three access drives.

As part of the zoning proposal, the applicant has proposed to construct a two-story, 80,000 square-foot Dick's Sporting Goods and an additional 10,000 square-foot retail space on the north end of the existing main building. The majority of the proposed tenant space would be within the footprint of the existing building and would extend an additional 48 feet from the current northern façade. The existing northern, eastern and internal walls would be demolished to accommodate the new two-story building. Adjacent to the building addition, a landscaped roundabout and parking lot islands have been proposed connecting to the existing access drive from Montgomery Road. A plan note indicates that inclusion of a roundabout is subject to a traffic analysis. The proposed improvements would result in an increase of pervious surface by approximately 10,015 square-feet. The applicant has also submitted supplemental regulations and a conceptual signage proposal for adoption at this time, which staff discusses further below.

**ZONING PETITION HISTORY:**

Staff found no RPC or RZC case history for the site. The area in question has been zoned E Retail since at least 1975 and Sycamore Township adopted zoning in 1998. Just prior to the Township adopting zoning, staff did find record of County Board of Zoning Appeals approvals in 1997 and 1998 for minor improvements to tenants on the site. Staff does not have record of Township zoning petition history since 1998, but the applicant letter states that this site is under a Kenwood/Montgomery Road Corridor Overlay, Localized Alternative Signage Regulation and multiple PUD II approvals.

---

**ANALYSIS:**

**Land Use Plan Consistency**

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

- Initial Adoption by RPC: August 1998
- Whole Township Update adopted by RPC: February 2003

***Land Use Plan Map Findings:***

- *The Sycamore Center Area Land Use Plan is not considered current, according to RPC Bylaws, as an update has not been approved by RPC within the last five years. The last update approved by RPC was on February 6, 2003.*
- *However, the Township has a Proposed Land Use Plan dated 2008 and finalized in 2009, which designates the site as Retail.*
- *The existing development and proposed improvements would be consistent with this designation as the site would remain a retail shopping center.*

**Land Use Plan Text Findings:**

- Staff has also reviewed the proposed zone amendment for consistency with the text of the 2002 Township Land Use Plan Update, the most recent plan adopted by RPC in 2003.
- As part of the Future Land Use section of the plan, this section envisions development and redevelopment activities within the Sycamore Center Core Area aimed at establishing a unique urban environment, with the type of development parallel with the ability to handle traffic efficiently.
- Recommendation “a” specifically addresses the Sycamore Plaza area, calling for demolition of structures along Montgomery and Kenwood roads and redevelopment that accommodates public improvements for pedestrian safety and access.
- The applicant has proposed enhancements to the existing internal walkways along both sides of the Montgomery Road access drive to take pedestrians through the proposed roundabout to the area of building improvements. However, no pedestrian improvements to improve safety and access along the frontage of the four outbuildings, two fronting the Kenwood/Montgomery intersection, and two immediately east of the Montgomery access drive have been proposed.
- Given the recent investment in traffic circulation and pedestrian improvements along Kenwood Road north of I-71, specifically improved crosswalks, sidewalks and pedestrian-scale light fixtures, staff is concerned that no improvements have been considered for the Jared jewelry store site at the corner of Kenwood and Montgomery or in front of the older Firestone tire store site to the south along Kenwood.
- If the Township still views this as a valid recommendation, staff recommends that pedestrian improvements be required through either the existing SPI District regulations for the area or through the supplemental regulations proposed by the applicant at such time that the frontage sites redevelop. Required improvements could include: building entrance-sidewalk or transit connections, street furniture, parking to the rear or sides of buildings, reduced freestanding signage, and enhanced landscaping standards.
- Based on the above findings, staff finds that the proposed zone amendment is consistent with the 2008 Proposed Land Use Plan recommendation of retail for this site. With pedestrian safety and access improvements proposed along the site’s Kenwood Road frontage, staff finds that the proposed development can be made consistent with the adopted Sycamore Township Land Use Map and Plan.
- However, as stated above, consistency with the adopted Land Use Plan is not required.

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**RECOMMENDED  
MOTION:**

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

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## ANALYSIS (CONT.):

### Thoroughfare Plan Consistency

Applicable Policies and Recommendations: The proposed zone amendment has frontage on Interstate 71, Montgomery Road and Kenwood Road. The Hamilton County Thoroughfare Plan designates Interstate 71 as a Divided Highway with a required right-of-way of 120 to 160 feet; designates Montgomery Road as a Major Arterial with a required right-of-way of 120 feet (60 feet from centerline); and designates Kenwood Road as a Major Arterial with a required right-of-way of 120 feet (60 feet from centerline).

**Findings:** *No dedication of right-of-way is required along I-71. Dedication of right-of-way along Montgomery Road is required unless waived by the Ohio Department of Transportation. For the two sites along Montgomery Road east of the access drive, Sycamore Township owns the area from the centerline of Montgomery Road to a depth of 52 feet, just beyond the sidewalk, in front of these two lots. Dedication of an additional 8 feet in order to comply with the Thoroughfare Plan may be feasible despite the buildings being located near the road. However, the township should verify with ODOT whether right-of-way dedication will be required along Montgomery Road prior to completing the zone amendment process.*

*Along Kenwood Road, current right-of-way is approximately 30 feet from the centerline of the road, appearing to exclude the far-right drive lane as well as the sidewalk. It is unclear why additional right-of-way dedication has not occurred on Kenwood despite the road improvements and staff recommends that right-of-way along Kenwood Road be dedicated in compliance with the Thoroughfare Plan as there appears to be sufficient area to do so without negatively affecting the two sites within the zone amendment area.*

### Zoning Compliance

The proposed area of improvement meets the minimum standards of the Sycamore Township Zoning Resolution and the “EE” Planned Retail district with the following exceptions.

#### **Table 12-9 – Off-street Parking Requirements**

This section states that 1 space per 222 sq. ft. of net floor area of general retail space plus additional spaces, as required herein, for associated offices, theaters, and restaurants.

**Findings:** *It appears that through the proposed supplemental regulations, the applicant is proposing a modification to the parking requirement. The applicant has proposed that parking be provided at a rate of 4 spaces for every 1000 sq. ft. of total floor area, where the Zoning Resolution requires 4.5 spaces for every 1000 sq. ft. of general retail space (222/1000), not including additional spaces required for office or restaurant tenants. The requirement does not address that the SPI district permits individual uses to reduce parking by up to 20% with shared parking and that parking requirements generally may be modified in the SPI district to provide more functional and desirable use of property, but these accommodations still may not be enough to make up for required office and restaurant parking calculated in addition*

*to the base 1 to 222 sq. ft. retail requirement. Staff is concerned that a broad parking lot summary table for the entire development has not been submitted.*

## **Other Issues**

### Kenwood/Montgomery Road Special Public Interest (SPI) District

As mentioned in Land Use Plan Consistency and the parking requirements sections above, this site is required to comply with an additional set of zoning regulations as stated in Section 8-4.3.1 of the Zoning Resolution. These additional regulations focus primarily on use regulations, but there are additional minimum lot development standards, such as building height, parking, and architectural standards staff was unable to verify compliance with due to lack of information submitted with the application. Remedy of this issue is discussed further in the zoning nonconformance section below.

### Building Signage

Based on the applicant letter, the site appears to be under a Localized Alternative Sign Regulation plan. The applicant has not provided this plan to staff but has submitted a detailed building signage study with existing signage indicated as required in the current LASR.

The north façade in the area of the proposed improvements currently has 341 feet of building frontage and 250 sq. ft. of building signage occupied by Old Navy and Staples. As part of the renovation, this façade would be reduced to 230 feet in length and the applicant has proposed to increase building signage to 398 sq. ft. The signage rendering submitted does not appear to be a scaled description of what this signage would look like. Staff is concerned that the sign area to building façade ratio would increase from the existing ratio of .73 to 1 (250/341) to 1.73/1 (398/230). This is a substantial increase in permitted signage and may set a negative precedent for building signage for other shopping centers in the area. Furthermore, the proposed addition to accommodate the Dick's Sporting Goods would allow signage on all three visible sides of the addition.

The east façade, facing I-71, currently has 709 feet of building frontage and 550 sq. ft. of building signage occupied by Macy's, Dick's, TJ Maxx, Toys R Us, and Staples. As part of the renovation, this façade would increase to 761 feet in length and the applicant has proposed to increase building signage to 980 sq. ft. Staff is concerned that the sign area to building façade ratio for this façade would increase from the existing ratio of .78 to 1 (550/709) to 1.29 to 1 (980/761). Furthermore, the signage location would not accurately reflect tenant location as Tenant A does not appear to have any building frontage on I-71 and it is unclear where TJ-Maxx is actually located within the building.

Staff is concerned with the negative precedent that would be created by approving such a substantial increase in signage ratio on the northern and eastern facades and the fact that the new main tenant, Dick's, would be permitted signage on three building facades. Despite a building renovation being proposed, the footprint and façade lengths of the main building are not substantially changing or increasing.

Furthermore, the applicant has not indicated how the proposed building renovation negatively affects existing signage to the extent that it needs to be substantially expanded. Therefore, staff does not find that the extent of the building improvements warrant a substantial increase in permitted building signage and recommends signage be permitted in compliance with the area requirements of the current LASR plan.

Zoning Nonconformance

Staff was unable to verify compliance with the Township Zoning Resolution for the entire Sycamore Plaza development as detailed site plan, landscape plan, lighting plan, and freestanding signage plans were not submitted. It appears that some effort has been made to bring some areas of the site that have developed individually through the PUD II process into compliance with the Zoning Resolution. However, there are large areas such as the rear parking area and Kenwood Road streetscape that are clearly missing required landscaping. It is also unclear what amount of freestanding signage the development currently has. Given this lack of information and the multiple references to the nonconforming status of the development within the supplemental regulations, staff is concerned that this zone amendment process would be viewed as waiving the entire plaza from ever conforming to current Zoning Resolutions standards as it redevelops in the future. Therefore, staff recommends that as portions of the site redevelop over time, to any degree, that the associated area of improvements be required to obtain approval of the Township Zoning Commission as part of a public hearing.

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**CONCLUSION:**

Based on the above findings, there is sufficient reason for staff to support the requested zone amendment. The proposed use of the site is appropriate for the area and with pedestrian safety and access improvement proposed along the site's Kenwood Road frontage, staff finds that the proposed development can be made consistent with the adopted Sycamore Township Land Use Map and Plan. With a broad parking lot summary table submitted for the entire development, building signage limited to the area requirements of the current LASR plan, and strict zoning compliance required for future redevelopment of the site, staff finds that the proposed development would be appropriate in this location.

---

**RECOMMENDED MOTION:**

To recommend approval of case Sycamore 2015-08Z; Sycamore Plaza, a request for a Zone Amendment from "E" Retail to "EE" Planned Retail subject to standard covenants for planned districts and the following conditions.

Conditions:

1. That onsite pedestrian safety and access improvements along Kenwood Road shall be coordinated and required by the Township.
2. That right-of-way along Montgomery and Kenwood Roads shall be dedicated in compliance with the Hamilton County Thoroughfare Plan.
3. That right-of-way dedication for the proposed access way connecting Kenwood Road and Montgomery Road parallel to I-71 indicated on the Sycamore Center Recommended Land Use Map should be considered by the Township.

4. That a comprehensive parking lot summary table shall be submitted indicating compliance with the Zoning Resolution parking requirements and permitted adjustments.
5. That building signage shall be permitted in accordance with the existing LASR plan.
6. That as portions of the site are reconstructed or redeveloped over time, to any degree, that conformance with all provisions of the Zoning Resolution shall be considered for the associated area of improvements by the Township Zoning Commission as part of a public hearing.

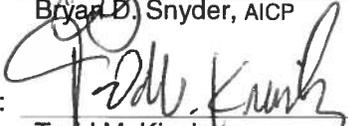
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Prepared By:  Senior Planner  
Eric Fazzini, CNU-A

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

Approved By:  Planning & Development Director  
Todd M. Kinskey, AICP

## SITE PHOTOS



Area of renovation to north façade looking SW from parking lot



Area of proposed roundabout looking NW towards Montgomery Road



Front of main building facing the intersection of Kenwood and Montgomery



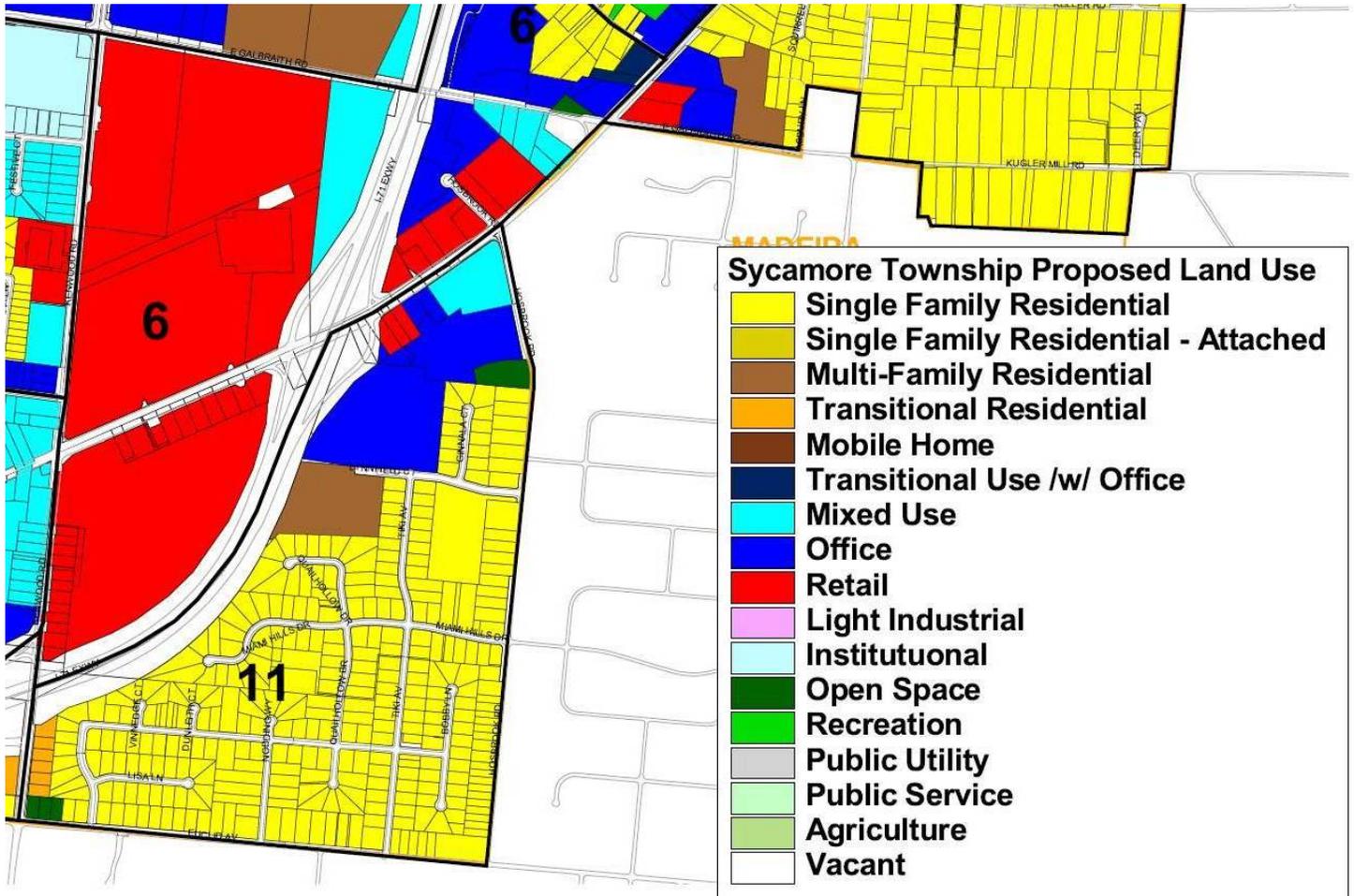
Rear of main building facing I-71



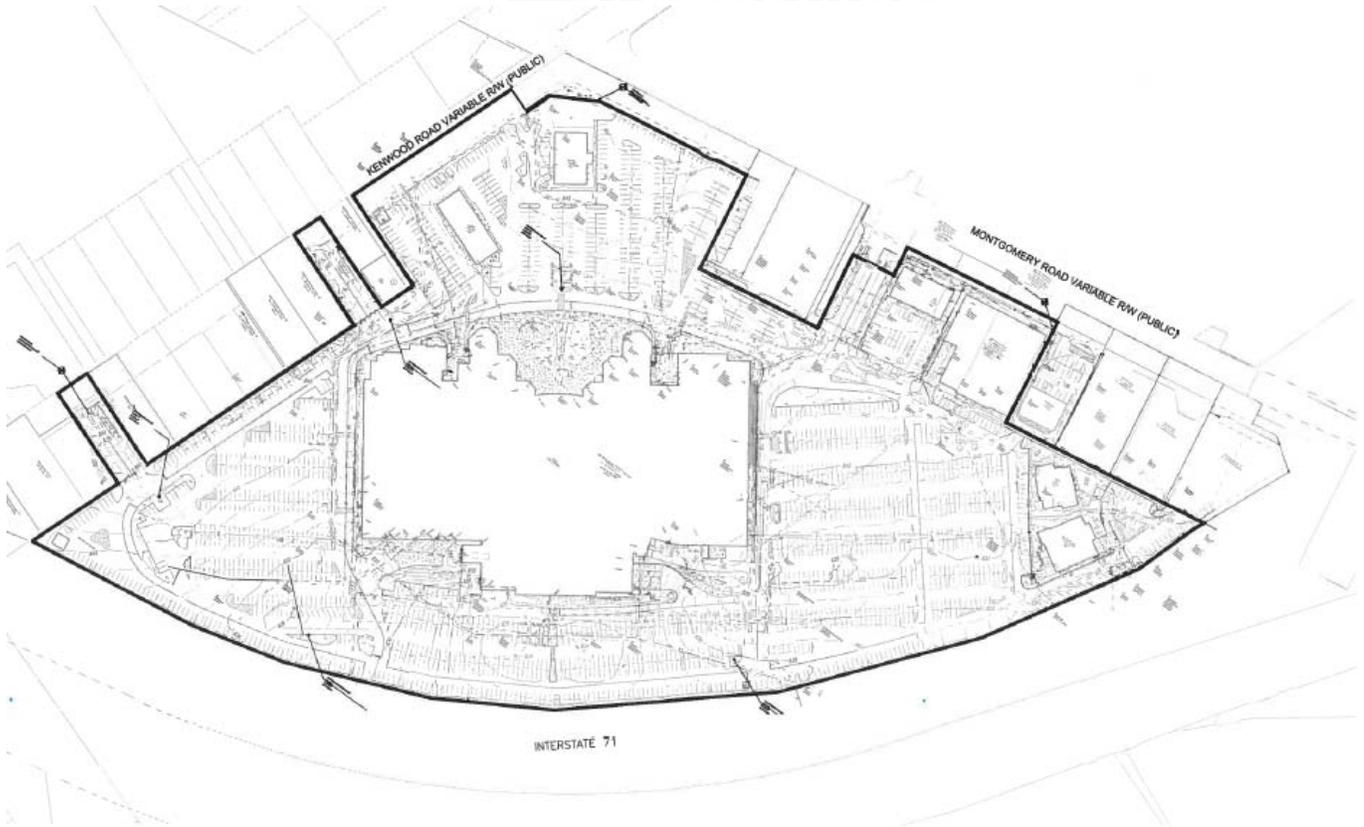
Looking east across Kenwood Rd at southern Kenwood Rd access drive and recent road improvements



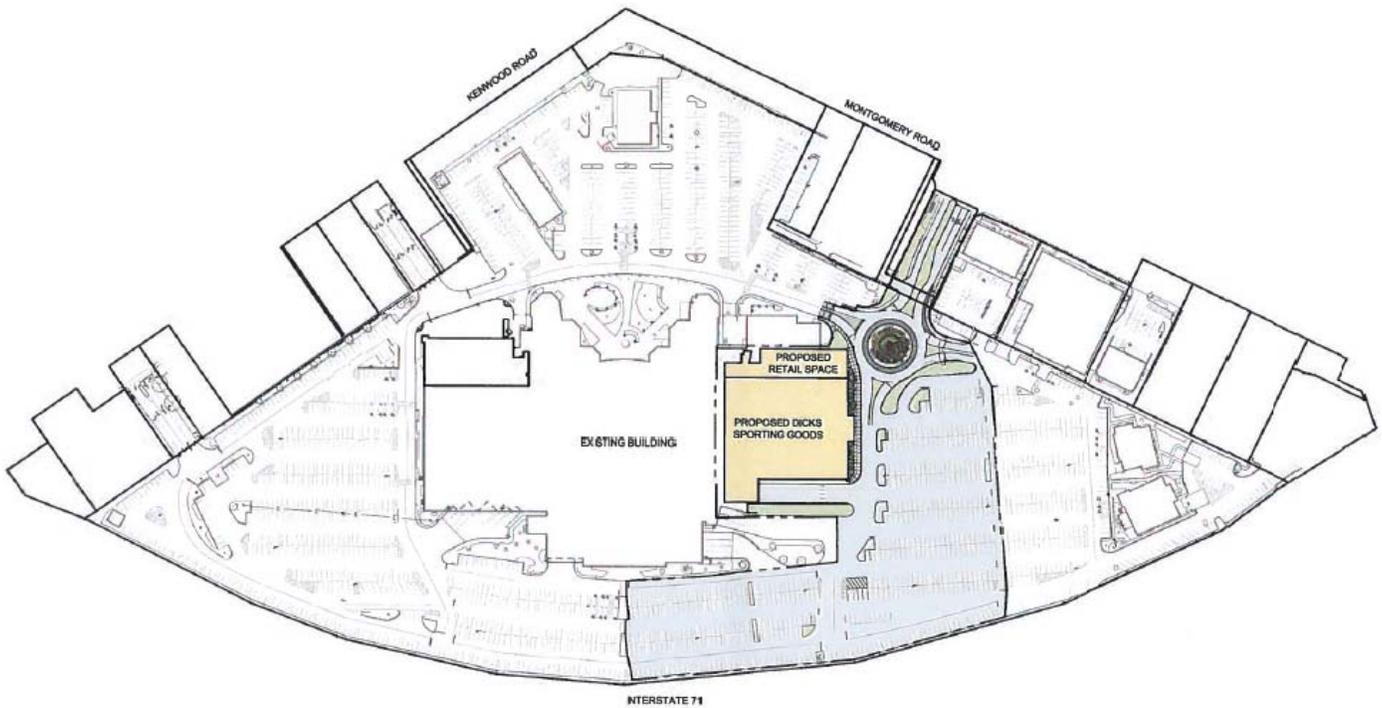
### 2008 LAND USE PLAN MAP



### EXISTING CONDITIONS



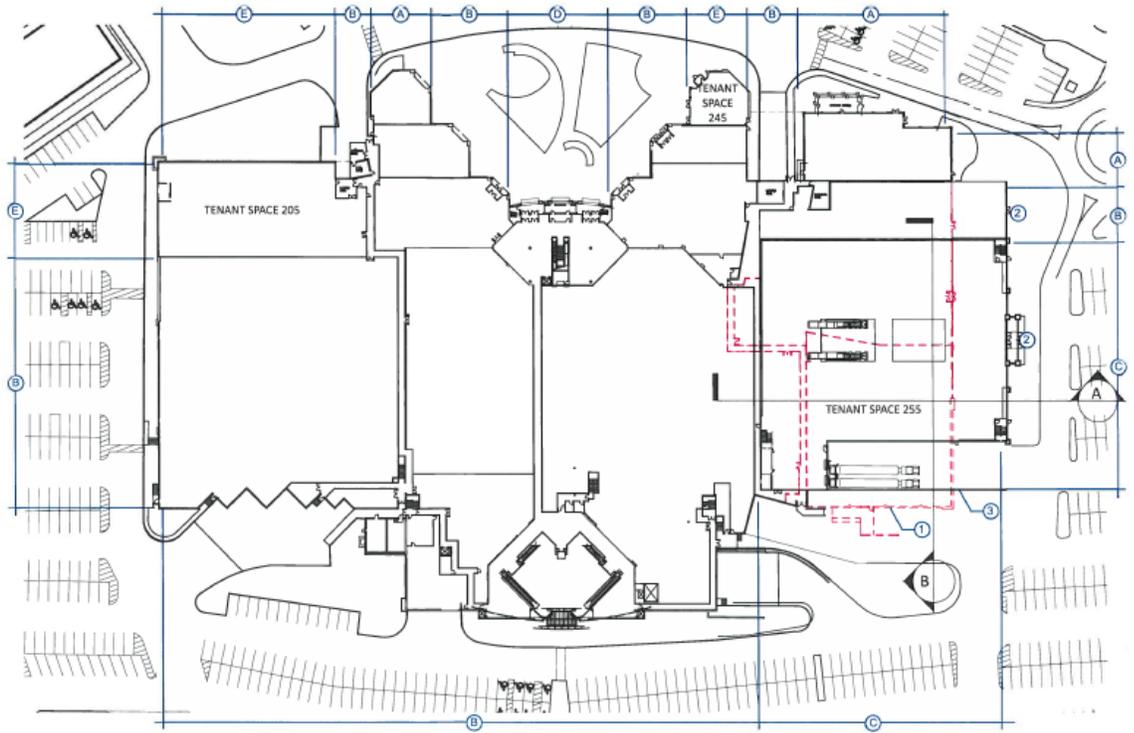
### PROPOSED IMPROVMENTS



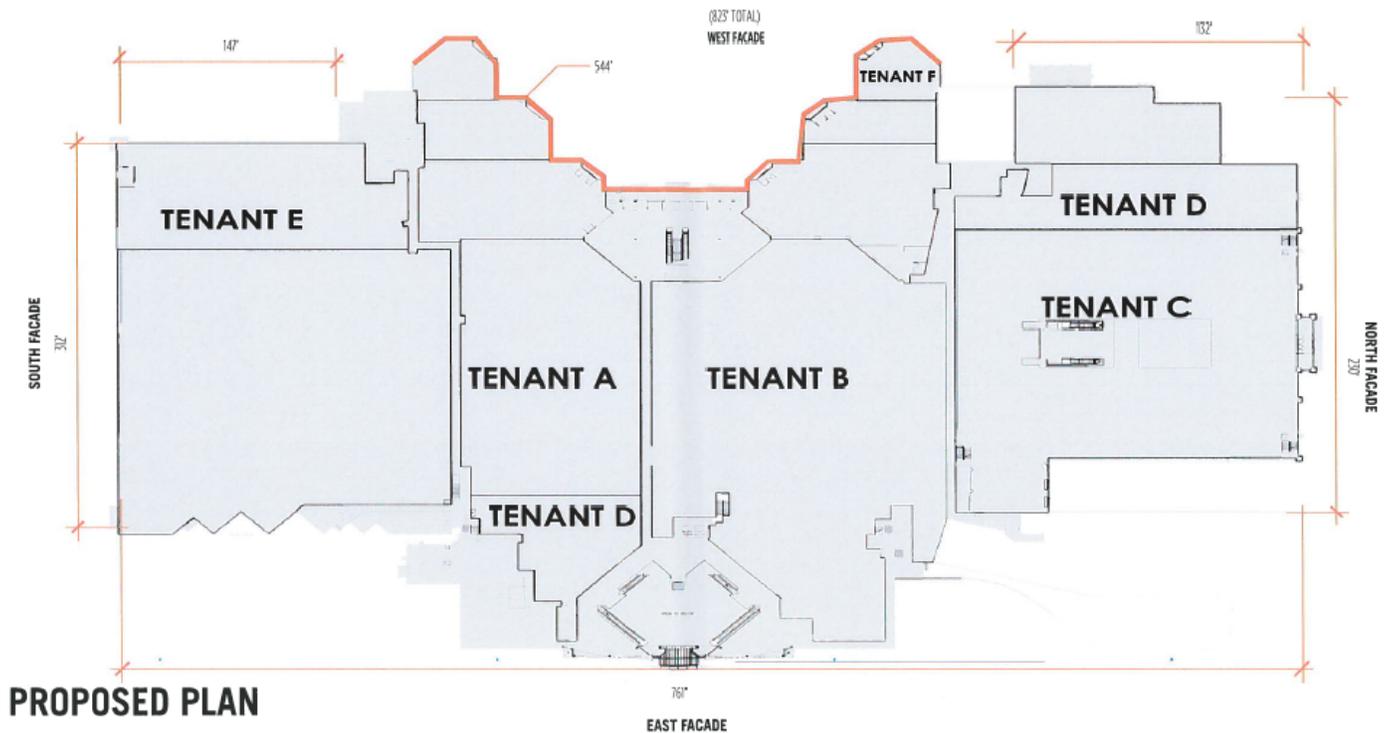
### PROPOSED BUILDING PLAN

DESCRIPTION OF PROPOSED FAÇADE MODIFICATIONS:	
(A)	EXISTING TENANT FINISHES TO REMAIN
(B)	EXISTING FAÇADE TO RECEIVE NEW PAINT
(C)	NEW 2 LEVEL RETAIL- SPACE 255
(D)	FAÇADE IMPROVEMENTS AT WEST ENTRANCE
(E)	TENANT SPACES 245 AND 205 UNDER SEPARATE REVIEW. REFERENCE APPLICATION #'S 2015-01P2 AND 2015-03P2

KEYNOTES:	
(1)	DASHED RED LINE INDICATES EXISTING BUILDING TO BE DEMOLISHED
(2)	NEW RETAIL TENANT ENTRANCE
(3)	NEW LOADING DOCK SCREEN WALL



### PROPOSED FAÇADE LENGTHS



PROPOSED PLAN

## PROPOSED OVERALL BUILDING SIGNAGE



## PROPOSED NORTH FAÇADE

### Existing Sign S.F.

Tenant	Est. Area
Staples:	100
Old Navy:	150
<b>Total:</b>	<b>approx. 250</b>
<b>Total Facade:</b>	<b>341 LF</b>



### Proposed Sign S.F.

Tenant	Est. Area
Tenant C:	
Front:	270
Side:	68
Tenant D:	60
<b>Total:</b>	<b>approx. 398</b>
<b>Total Facade:</b>	<b>230 LF</b>

All existing signage square footage listed is based on the current LASR.



## PROPOSED EAST FAÇADE SIGNAGE

### Existing Sign S.F.

Tenant	Est. Area
Macy's:	150
Dick's:	150
TJ Maxx:	150
Toys R Us:	50
Staples:	50
<b>Total:</b>	<b>approx. 500</b>
<b>Total Facade:</b>	<b>709 LF</b>



### Proposed Sign S.F.

Tenant	Est. Area
Macy's:	150
Tenant A:	150
TJ Maxx:	150
Tenant B:	150
Tenant C:	270
Tenant D:	60
Toys R Us:	50
<b>Total:</b>	<b>approx. 900</b>
<b>Total Facade:</b>	<b>761 LF</b>



All existing signage square footage listed is based on the current LASR.

## RENDERING OF DICK'S SITE FROM I-71



**APPLICANT LETTER**

*Legal Counsel.*

**Dinsmore**

DINSMORE & SHOHL LLP  
255 East Fifth Street • Suite 1900 • Cincinnati, OH 45202  
www.dinsmore.com

Richard B. Tranter  
(513) 977-8684 (direct) • (513) 977-8141 (fax)  
richard.tranter@dinsmore.com

February 17, 2015

HAND DELIVERED

Board of Township Trustees  
Sycamore Township  
Attn: Clerk of Board  
8540 Kenwood Road  
Cincinnati, OH 45236

Zoning Commission  
Sycamore Township  
Attn: Zoning Administrator  
8540 Kenwood Road  
Cincinnati, OH 45236

**RE: Application for Rezoning and Approval of Preliminary PUD Plan for  
Sycamore Plaza**

Dear Township Trustees and Members of the Sycamore Township Zoning Commission:

On behalf of BRE DDR Crocodile Sycamore Plaza LLC ("DDR"), the Owner of Sycamore Plaza, we wish to submit this Application for Rezoning and Approval of Preliminary PUD Plan for your review. This Application seeks to create a consistent and uniform zoning regime to govern future development by rezoning Sycamore Plaza as a Planned Commercial District.

**Rezoning of Sycamore Plaza**

Sycamore Plaza is located within the "E" retail zoning district. Over time, however, small scale developments, involving isolated sections of Sycamore Plaza, have resulted in the approval of numerous discreet PUDs, each with its own controlling conditions that supersede the underlying zoning framework. Notably, there are currently separate PUDs for Jared Jewelers, Sprint / Beal Bank / Federal Express, IHOP, El Rancho Grande (formerly Macaroni Grill), Ruby Tuesday, and Fresh Market. Also, it is anticipated that Staples will be governed by a separate PUD as well.

To further complicate matters, Sycamore Plaza is subject to yet another set of zoning regulations by virtue of its location within the Kenwood/Montgomery Road Corridor Overlay.

Board of Township Trustees  
Zoning Commission  
Sycamore Township  
February 17, 2015  
Page 2

Finally, signage on Sycamore Plaza is controlled by yet another set of regulations in the form of a Localized Alternative Regulation.

The evolution of this zoning patchwork created two significant consequences. First, the Township's abilities to monitor and enforce zoning regulations on Sycamore Plaza are substantially hindered. Second, the convoluted hierarchy of zoning regulations means that virtually any proposed change to Sycamore Plaza is subject to a lengthy administrative (and in many cases legislative) process, thus stymieing beneficial redevelopment.

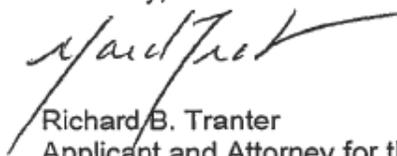
The proposal embraced in this Application is to rezone Sycamore Township as a Planned Commercial District. A Planned Business District, due to its presumed flexibility, will resolve the current zoning problems benefitting both Sycamore Township and the property owner. Once the Township approves the rezoning, future developments will be subject to a set of zoning regulations that can be consistently administered and enforced. As part of this Application, we have submitted a set of Supplemental Regulations for Sycamore Plaza.

#### **Redevelopment of Sycamore Plaza**

In addition to our request for rezoning, we request approval of our Preliminary PUD Plan. As depicted in the enclosed documents, DDR proposes to substantially redevelop Sycamore Plaza by, among other activities, significantly increasing the leasable space in the main Sycamore Plaza Building and constructing a roundabout near its Montgomery Road access point.

On behalf of DDR, we look forward to working with Sycamore Township to make Sycamore Plaza a premier shopping experience.

Sincerely,



Richard B. Tranter  
Applicant and Attorney for the Owner

Enclosures







HAMILTON COUNTY

Regional Planning Commission

## STAFF REPORT

FOR CONSIDERATION BY THE REGIONAL PLANNING COMM. ON MARCH 5, 2015  
FOR CONSIDERATION BY ANDERSON TWP. ZONING COMM. ON MARCH 23, 2015

**TEXT  
AMENDMENT  
CASE:**

**ANDERSON 2015-01**

# TEXT AMENDMENTS

**INITIATED BY:** Anderson Township Board of Trustees

**REQUEST:** To reformat the entire Anderson Township Zoning Resolution and including miscellaneous text amendments

**PURPOSE** To reformat the entire Zoning Resolution to consolidated and renumber sections, improve the flow from beginning to end, make regulation locations more intuitive, include new diagrams and coloring to improve the appearance and usability of the document, and to make several minor text amendments

**SUMMARY OF  
RECOMMENDATIONS:** **APPROVAL**

---

**PROPOSED  
AMENDMENTS:**

On February 19, 2015, the Anderson Township Board of Township Trustees initiated text amendments to reformat and make minor changes to the Anderson Township Zoning Resolution. A draft of the regulations was transmitted to the Regional Planning Commission for consideration in advance of this hearing. The Anderson Township Zoning Commission will consider these text amendments on March 23, 2015. Exhibit “B” of the Trustee Resolution (attached at the end of the report) described the limited nature of the actual text changes to the code. The main purpose of the amendment is to reformat the existing regulations. This reformatting includes revised Articles, Sections, and Subsection locations and numbering to improve the usability of the code and to group similar sections into the same articles. Also, the amendment would include a number of new diagrams, graphics, and coloring schemes to make the code easier to understand. The full text of the proposed Zoning Resolution can be found at: <http://www.hamiltoncountyohio.gov/pd/development/>

---

**ANALYSIS:**

Staff of the Regional Planning Commission has reviewed the proposed amendments to the Anderson Township Zoning Resolution and has the following findings:

***Findings:** Overall, staff finds that the reformatting of the text of the code is an improvement over the current text of the Zoning Resolution. Specifically, grouping similar sections into articles that make sense and ordering these articles so that the most used sections are located at the front of the code would result in a more user friendly Zoning Resolution.*

*Staff has reviewed the proposed text changes and new diagrams listed in Exhibit “B” attached at the end of this report and has identified the following issues (see also Proposed Zoning Resolution Excerpts attached to this report).*

- *The new Zoning Resolution would include illustrations to describe the lot area and setback requirements for each zoning district. The first illustration (3.1) correctly identifies the “minimum lot area.” However, the subsequent illustrations (3.2 through 3.7) incorrectly refer to “minimum buildable area” instead of lot area. These illustrations should be corrected to only refer to minimum lot area.*
- *Exhibit “B” refers to addition of a new Table 3.14. However, this table does not appear in the draft document sent for review.*
- *A new panhandle diagram is included in Articles 5 & 6 to illustrate existing panhandle regulations. However, the text of the code states that panhandle lots must include 200% of the required lot size and the diagram states that panhandle lots must include double the width of normal size. The diagram should be revised to comply with the existing text requirement for 200% of the required lot area.*
- *A new “Buffer Diagram” is proposed to be added under the definition of Buffer in Article 6. This diagram incorrectly shows that the side yard setback is measured from the edge of the required buffer yard rather than from the property line where setbacks are generally measured.*
- *A new “Building Height Diagram” would similarly be added under the*

*definition of Building Height in Article 6. This diagram shows that the height of a shed would be measured to the top of the peak while the height of a detached garage would be measured to the mean height level between eaves and ridge of a gable roof. The definition includes no mention of shed being calculated differently than garages and staff is unsure how you would adequately define the difference between the two structures. The diagram should be changed to reflect that the height of all accessory structures and buildings are measured the same.*

*Staff did not conduct a full review of the entire new Zoning Resolution as the township has stated that the remainder of the text of the code has not changed and has simply been moved and reformatted. Given the vast improvements in the flow and function of the proposed changes, staff finds that the reformatting resulted in a much improved Zoning Resolution.*

---

**CONCLUSION:**

Generally, staff finds that the proposed text amendments would result in an improved set of development guidelines and regulations. There are several issues with the new illustrations and diagrams that should be addressed prior to final adoption of this Text Amendment by the Township. However, these discrepancies are minor in nature and do not represent a major concern. With these issues addressed, staff finds that the proposed reformatting and minor text changes would be appropriate.

---

**RECOMMENDED MOTION:**

To consider case Anderson 2015-01; Text Amendments, a request for approval of zoning text amendments to the Anderson Township Zoning Resolution as initiated by the Anderson Township Board of Township Trustees and modified to address the concerns discussed in the staff report.

---

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 does not include detailed analysis of compliance with local zoning standards since the site is located in a township that is not a member of the Hamilton County Regional Planning Commission. The report is also prepared in advance of public hearings and often in advance of other agency reviews. Therefore, the advisory and final decisions of such commissions and boards may result in findings and conclusions that differ from the staff report.

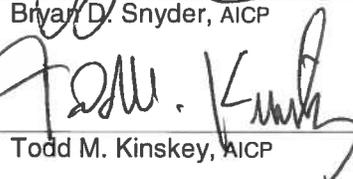
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Prepared by: \_\_\_\_\_

  
Bryan D. Snyder, AICP

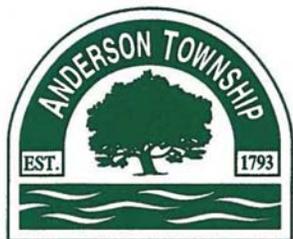
Development Services Administrator

Approved by: \_\_\_\_\_

  
Todd M. Kinskey, AICP

Planning Director

## TOWNSHIP CORRESPONDENCE



**Anderson Township**  
**Anderson Center**  
7850 Five Mile Road  
Anderson Township, Ohio 45230-2356  
Phone: 513.688.8400  
AndersonTownship.org  
AndersonCenterEvents.org

**Township Trustees**

Joshua S. Gerth  
Russell L. Jackson, Jr.  
Andrew S. Pappas

**Fiscal Officer**

Kenneth G. Dietz

**Township Administrator**

Vicky L. Earhart

**Assistant Administrator for  
Operations**

Steve E. Sievers, AICP

**Assistant Administrator  
for Human Resources**

Suzanne M. Parker

**Fire Chief**

Mark J. Ober

**Public Works Director**

Richard A. Shelley

**Planning & Zoning Director**

Paul J. Drury, Jr., AICP

**Sheriff's District 5**

Lt. Matthew Guy  
District Commander  
Phone: 513.474.5770  
Fax: 513.474.9126

**Law Director**

Margaret W. Comey  
Phone: 513.361.1208  
Fax: 513.361.1201

February 13, 2015

Mr. Bryan Snyder

Hamilton County Planning and Development

138 East Court Street, County Administration Building, Rm. 807  
Cincinnati, OH 45202

RE: Anderson Township Zoning Resolution Reformat

Dear Mr. Snyder,

Attached, please find an application for review of the Anderson Township Zoning Resolution reformat and associated miscellaneous text amendments that we are requesting to be considered at the March 5, 2015 Regional Planning Commission meeting. Included in the submittal is the draft Zoning Resolution and text changes summary. The Trustees will be considering a resolution to initiate the adoption process at their meeting on February 19, 2015. We anticipate the amendments to be heard by the Anderson Township Zoning Commission on March 23, 2015, and the Trustees potentially in April.

Please let me know if you have any questions or need additional information.

Thanks in advance for your review.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul J. Drury, Jr.", is written over the typed name.

Paul J. Drury, Jr., AICP

Planning and Zoning Director

## EXHIBIT "B"

### Exhibit B

Anderson Township

Summary of Text Changes:

Find and Replace - Throughout Document:

- Replace *County Building Inspector* with *Anderson Township Zoning Inspector*

Article 1:

- Addition of Article 1.6 - *How to use this document.*

Article 3:

- Addition of diagrammatic illustrations throughout.
- Addition of Table 3.14 (no new information)

Article 4:

- Article 4.4, J, 3 – Remove reference to *–Anderson Township Trustees- Attest Kenneth Dietz, Clerk*

Article 5:

- Addition of Panhandle Lot Diagram, Corner Lot Diagram
- Article, 5.3, D, 8,a – Modified to reflect a 6' Wheel Stop, Article 5.6. Illustration 5.6 – Modified to reflect a 6' Wheel Stop

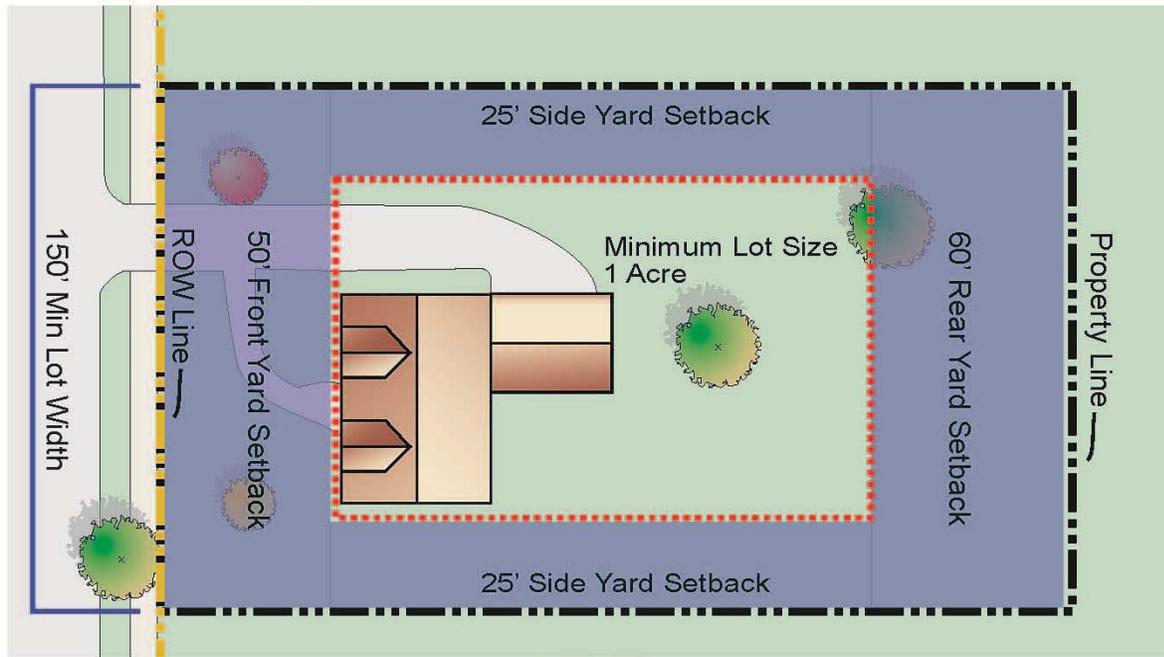
Article 6:

- Revised Illustrations

## PROPOSED ZONING RESOLUTION EXCERPTS

### 3.1 | "A-A" Residence District Regulations

Illustration 3.1: Lot Area Regulations (A-A District)



Adoption

"A-30" Residence District Regulations | 3.2



### 3.2 "A-30" Residence District Regulations

**A.** The regulations set forth in this Article, or set forth elsewhere in this resolution, when referred to in this Article, are the District Regulations in the "A-30" Residence District.

**B. Use Regulations:** A building or premises shall be used only for purposes permitted in [Article 3.1 C](#)

#### C. Lot and Yard Standards

1. Height Regulations: No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, except as hereinafter provided in [Article 5.2](#).
2. Area Regulations: (See below Illustration).
  - a. Front Yard: There shall be a front yard having a depth of not less than fifty (50) feet, provided, however, no alignment or setback or front yard depth shall be required to exceed the average of the minimum depth of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet.

i. Where lots have a double frontage, the required front yard shall be provided on both streets

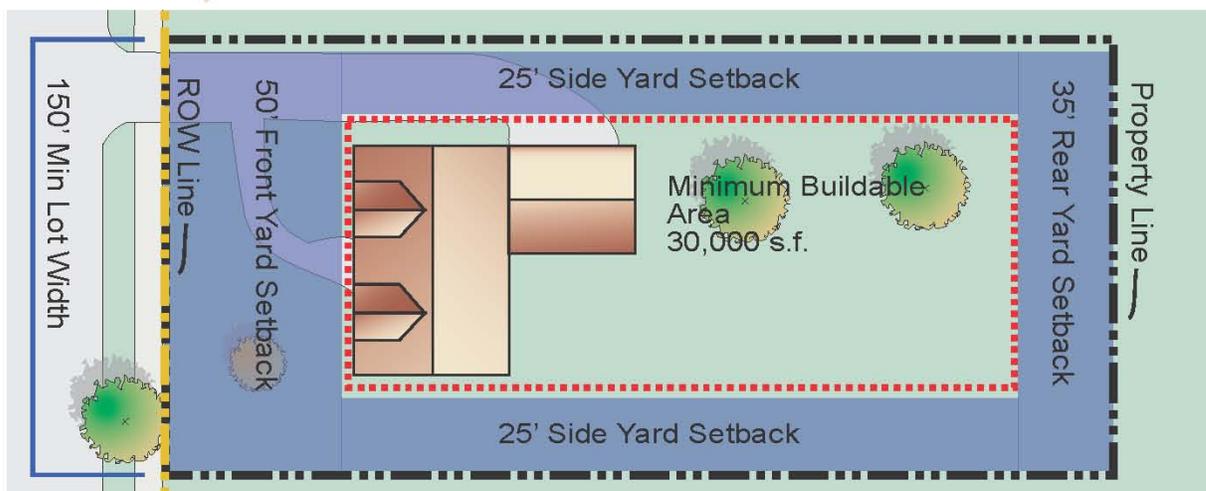
ii. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot, except that the buildable width of a lot of record shall not be reduced to less than forty (40) feet. No accessory building shall project beyond the front yard line on either street.

b. Side Yard: Except as hereinafter provided in [Article 5.2](#) there shall be a side yard on each side of a building which yard shall have a width of not less than twenty-five (25) feet.

c. Rear Yard: Except as hereinafter provided in [Article 5.2](#) there shall be a rear yard having a depth of not less than thirty-five (35) feet.

d. Intensity of Use: Except as hereinafter provided in [Article 5.2](#) every lot or tract of land shall have a minimum width of one hundred fifty (150) feet at the building line and an area of not less than thirty thousand (30,000) square feet.

Illustration 3.2: Lot Area Regulations (A-30 District)



### 3.3 "A" Residence District Regulations



#### 3.3 "A" Residence District Regulations

- A.** The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the "A" Residence District.
- B. Use Regulations:** A building or premises shall be used only for purposes permitted in **Article 3.1.C**. Conditional Uses shall match those permitted in **Article 3.1.D**.
- C. Lot and Yard Standards**
1. Height Regulations: No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, except as hereinafter provided in **Article 5.2**.
  2. Area Regulations: (See below Illustration).
    - a. Front Yard: There shall be a front yard having a depth of not less than fifty (50) feet, provided, however, no alignment or setback or front yard depth shall be required to exceed the average of the minimum depth of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet.

i. Where lots have a double frontage, the required front yard shall be provided on both streets

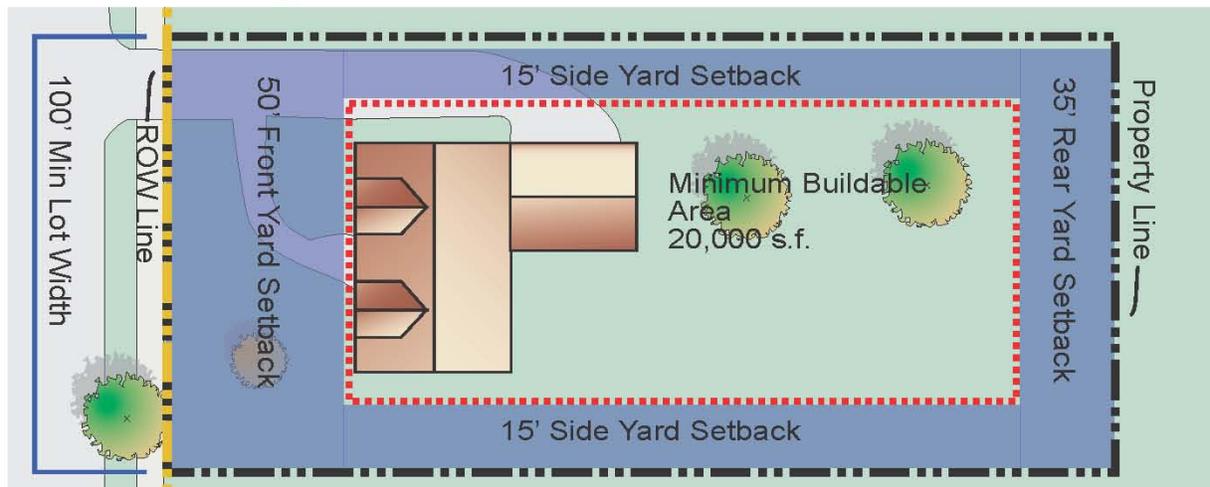
ii. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot, except that the buildable width of a lot of record shall not be reduced to less than forty (40) feet. No accessory building shall project beyond the front yard line on either street.

b. Side Yard: Except as hereinafter provided in **Article 5.2** there shall be a side yard on each side of a building which yard shall have a width of not less than fifteen (15) feet.

c. Rear Yard: Except as hereinafter provided in **Article 5.2** there shall be a rear yard having a depth of not less than thirty-five (35) feet.

d. Intensity of Use: Except as hereinafter provided in **Article 5.2** every lot or tract of land shall have a minimum width of one hundred (100) feet at the building line and an area of not less than twenty thousand (20,000) square feet.

**Illustration 3.3: Lot Area Regulations (A District)**



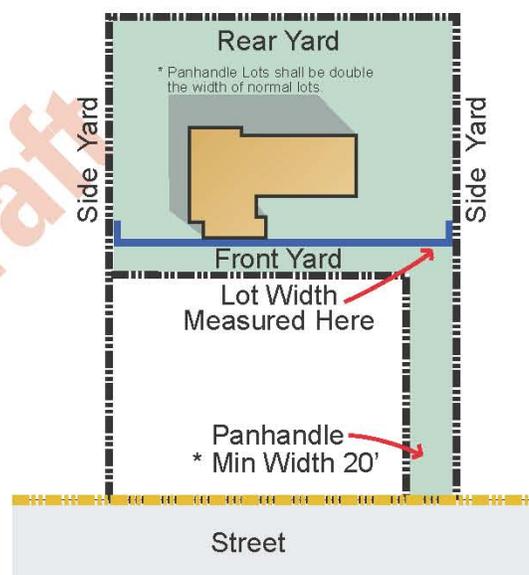
where there is a building within one hundred (100) feet of the lot on one side only, the minimum front yard shall be the same as that of such adjacent building, provided, however, that no yard shall be required to exceed seventy-five (75) feet in the "AA", "A-30", or "A" Residence Districts or to exceed fifty (50) feet in any other district requiring a front yard.

15. Where a lot is used for institutional, commercial or industrial purposes, or, where a site plan is specifically approved therefore by ATZC or multiple dwelling purposes, more than one main building may be located on the lot, but only when such buildings conform to all open space requirements around the lot for the district in which the lot is located.
16. No lot on which there is located a nonconforming use shall be reduced in area or width so as not to conform with the lot area per family and lot width requirements for the district in which such lot is located, nor shall any existing yard be reduced so as not to conform with the yard requirements thereof.

**B. Yard and Lot Standards**

1. Lot Area and Frontage Requirements: All portions of lots, including (but without implied limitation) panhandle lots, shall have a minimum of twenty (20) feet of width at every point and at the street line except as allowed otherwise by an approved Planned District or Community Unit Plan. Limited access highways shall not be considered streets to calculate street frontage. Publicly owned properties shall be exempt from lot frontage requirements. In addition, lots must meet the minimum requirements for lot width and area specified in each zoning district.

- a. Panhandle Lots. Panhandle lots shall have a minimum area that is not less than 200% of the minimum area required in the respective zoning district. The panhandle portion of the lot shall not be included in determining the required minimum area of a panhandle lot. The panhandle portion of the lot shall not be used for storage nor shall any structures be permitted in such portion of the lot.



Lot Panhandle Diagram

- b. Irregular shapes of land, panhandles, and other narrow appendages to lots with less than forty (40) feet of width at any point shall not be included in determining the required minimum lot area.
- c. The front line of a lot shall be that line which is closest to and most nearly parallel with the public street providing access to the lot, unless a different line is established by a plan submitted to and approved by the Zoning Inspector. Limited access highways shall not be considered public streets to calculate front yard areas. The approval shall be based upon a compatible alignment and spacing between the buildings.

**Agriculture:** Farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production provided, however that:

1. The operation of any such accessory uses shall be secondary to that of normal agricultural activities; and
2. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within 100 feet of any residential zoning district. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feed-yard.

**Alley:** A strip of land, dedicated to public use, primarily to provide vehicular service access to the side or rear of properties otherwise abutting on a street.

**Alter:** To change in any way, including but not limited to reconstruction, redesign, re-illumination that changes the lighting design, sign face replacement that changes the sign face design, sign face change, and painting in a different color than the existing color, excluding changes in changeable copy on signs.

**Apartment:** A room or a suite of rooms in a dwelling intended, designed or used as a residence by a single family.

**Apartment, Efficiency:** An apartment consisting of a single room for living and sleeping purposes, together with kitchen and sanitation facilities.

**Apartment House:** See Dwelling, Multiple.

**Applicant:** Unless otherwise specified, an owner or other person with a legal property interest, including, a subdivider, developer, or other agent of the landowner, who has filed an application for subdivision or development.

**Article:** A section of the Anderson Township Zoning Resolution.

## B

**Base Flood:** The flood having a one (1) percent chance of being equaled or exceeded in any given year.

**Basement:** A story having part but not more than one-half (1/2) its height below grade. A basement is counted as a story for the purpose of height regulation.

**Bed and Breakfast:** A private owner-occupied residence with one to three guest rooms contained within that structure and operated so that guests reside at the home for not longer than two continuous weeks. No kitchen facilities may be provided for use by guests.

**Berm:** In the context of landscaping, bufferyard, or screening requirements, shall mean a mound of earth typically used to shield, screen, and buffer undesirable views and to separate potentially incompatible uses.

**Board:** The Township Board of Zoning Appeals as created by this Resolution.

**Boarding House:** A building other than a hotel where, for compensation, meals, or lodging and meals, are provided for three (3) but not more than twenty (20) persons.

**Buffer:** A landscaped area adjoining or surrounding a land use and unoccupied in its entirety by any building, structure, paving or portion of such land use, for the purposes of screening and softening the effects of the land use, no part of which buffer is used for recreation or parking.



Buffer Diagram

## 6.1 | General Definitions

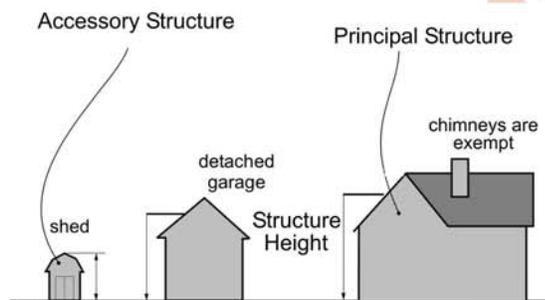
**Buildable Area** – Space remaining on a lot after the minimum zoning requirements for yards, setbacks, building width, and allowance for panhandles and other restrictions have been met.

**Building:** Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property and when separated, except by dividing walls, each portion of such building so separated shall be deemed a separate building.

**Building Frontage:** Total lineal feet of the building length of that facade which fronts the principal dedicated street, or that facade upon which the main entrance to the building is situated.

**Building Line:** The line indicating the minimum horizontal distance required between the street line and the building or any projection thereof other than a step or uncovered porch..

**Building, Height of:** The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.



Building Height Diagram

**Building, Public:** Any facility intended for use by the public and owned by or leased or rented to the Forest Hills Local School District, the Anderson Township Park District, the Hamilton County Park Board, the Board of Township Trustees or any other political subdivision.

**Business Day:** Any day other than Saturday, Sunday or a state or federally designated holiday.

**Business, New:** A business which begins commercial activity at a new location or a business which changes its name.

**Business Sign:** A permanent sign which directs attention to a business, profession or industry or to products sold, manufactured or assembled or to services or entertainment offered upon the premises where such sign is displayed.

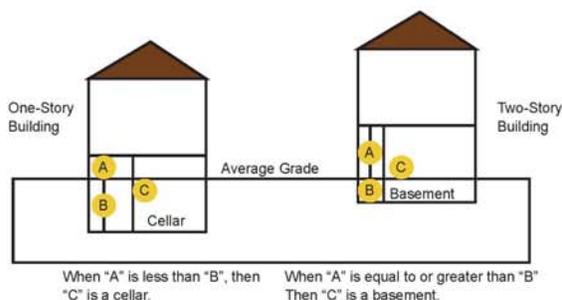
## C

**Campground:** Any land or open-air location where one or more persons erect or occupy a temporary shelter, such as a tent or recreational vehicle, providing outdoor recreational facilities, for a temporary period of time; includes camps and summer camps.

**Cellar:** A story having more than one-half (1/2) of its height below grade. A cellar is counted as a story for the purpose of height regulation only if used for purposes other than storage, utilities or the quarters of a janitor or watchman employed on the premises.

Cellar Diagram

**Cemetery:** An area of land set apart for the sole purpose of the burial of bodies of dead persons or



animals, and for the erection of customary markers, monuments, and mausoleums.

**Church / Place of Worship:** A building or site used principally for religious worship.

**Clinic:** An office or a group of offices where physicians, surgeons or dentists practice together in treating the sick or injured, but not including rooms for overnight lodging of patients.

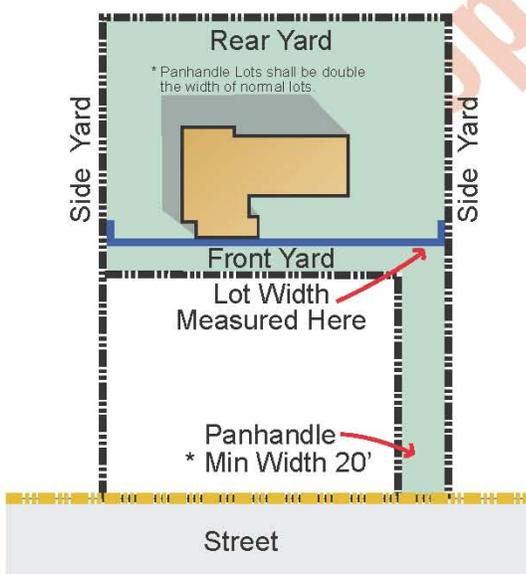
**Club:** A building or portion thereof or premises owned or operated by a corporation, association, or group of persons for a social, educational or recreational

6.1 | General Definitions

**Lot, Double Frontage:** A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot. (ss).

**Lot of Record:** A lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Hamilton County; or a parcel of land, the deed to which was of record on or prior to the effective date of this Resolution. For the purpose of these regulations, any preliminary plan of a subdivision which has been approved by official action of the Regional Planning Commission of Hamilton County or a Planning Commission of a municipality thereof, on or after January 1, 1945, shall have the same status as if the subdivision plan was officially recorded in the office of the Recorder of Hamilton County.

**Lot, Panhandle:** A lot, also known as a “rear lot” or “flag lot”, which utilizes a narrow strip of land or stem, which is not a building site, to provide access to, or legal frontage on, a public street or a private street. Panhandle lots shall include but not be limited to all lots that do not meet the minimum lot width requirement within 200% of the front yard setback of the respective zoning district.



Lot Panhandle Diagram

M

**Maintenance:** The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure, type, size, location, motion, or illumination of the sign.

**Manufactured Home:** Any nonself-propelled vehicle transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. Calculations used to determine the number of square feet in a structure are based on the structure’s exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but not to include bay windows. A manufactured home shall bear a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards.

**Massage Parlor:** A place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body which occurs as part of or in connection with specified sexual activities, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her specified anatomical areas. The definition of sexually oriented businesses shall not include the practice of massage in any licensed hospital, nor by a licensed chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program.

## TRUSTEES RESOLUTION

### BOARD OF TOWNSHIP TRUSTEES ANDERSON TOWNSHIP HAMILTON COUNTY, OHIO

The Board of Township Trustees met in regular session at 6:00 p.m. this 19th day of February, 2015, with the following members present:

Russell L. Jackson, Jr.  
Joshua S. Gerth  
Andrew S. Pappas

Mr. Gerth introduced the following resolution and **moved its passage**:

#### **RESOLUTION NO. 15-0219-03** **INITIATING REFORMATTING AND MISCELLANEOUS TEXT AMENDMENTS TO THE ANDERSON TOWNSHIP ZONING RESOLUTION**

WHEREAS, this Board of Township Trustees ("Board"), through powers granted by Chapter 519 of the Revised Code, may initiate amendments to the Anderson Township Zoning Resolution when it can be demonstrated that such is in the best interests of the community and that such changes promote the public health and safety of the community;  
and

WHEREAS, this Board has discussed certain proposed changes, finds them to be in best interests of the community, and finds that they will promote the public health and safety of the community;

NOW, THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Anderson Township, Hamilton County, Ohio ("Board"), as follows:

SECTION 1. That this Board initiates the adoption of the reformatted and associated amendments to the Anderson Township Zoning Resolution contained in Exhibit A hereto (a summary of the text changes is contained in Exhibit B), which are hereby incorporated in and made parts of this Resolution.

SECTION 2. That a certified copy of this Resolution as it may be amended shall become part of the Anderson Township Zoning Resolution upon

recommendations, review, hearings, amendments and final decision of this Board as prescribed by the Anderson Township Zoning Resolution and the Revised Code.

SECTION 3. That the preambles hereto are and shall for all purposes be construed to be integral and operative parts of this Resolution.

SECTION 4. That this Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Revised Code Section 121.22, except as otherwise permitted thereby.

Mr. Pappas seconded the motion, and the roll being called being called upon the question of passage, the vote resulted as follows:

Mr. Gerth yes Mr. Jackson yes Mr. Pappas yes

#### CERTIFICATION

The undersigned, duly elected and acting Fiscal Officer of Anderson Township, Hamilton County, Ohio, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular meeting of the Board of Township Trustees of said Township on the 19<sup>th</sup> day of February, 2015, together with a true record of the roll call vote thereon, and that said Resolution has been duly entered upon the Journal of said Township.

This 19<sup>th</sup> day of February, 2015.

  
\_\_\_\_\_  
Kenneth G. Dietz  
Fiscal Officer