

AGENDA

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

DECEMBER 1, 2016

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

David Okum, Chairperson/Presiding Officer

1. ADMINISTRATIVE SESSION
SESSION CALLED TO ORDER

ROLL CALL OF COMMISSIONERS

ADMINISTRATIVE ACTIONS:

- A. ADM 33: RPC Financial Report – November
- B. ADM 34: Disposition of Minutes, November 3, 2016 Regular Meeting
- C. ADM 35: Election of Officers (Discussion, recommendation, appointment January, 2017)
- D. ADM 36 Election of 2017 OKI Representative
- E. ADM 37: Set Public Hearing for Consideration of Adoption of Hamilton County Thoroughfare Plan Text

PROGRAM REPORTS:

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

2. DEVELOPMENT REVIEW SESSION:
SESSION CALLED TO ORDER

PRELIMINARY SUBDIVISION PLANS:

- A. NAME: Anderson 16-05; Woods at Forest Hills Revision
- REQUEST: To revise the boundary of the approved Woods at Forest Hills subdivision
- PURPOSE: To construct a 48-lot single family residential subdivision
- APPLICANT: Joseph Farruggia, Coldstream Area Development, LLC
- OWNER: Forestville Reality General Partnership and Coldstream Area Development, LLC
- LOCATION: Anderson Township: On the south side of Hopper Road (opposite Innisfree Lane), approximately 1,250 feet west of the Hopper Road and Eight Mile Road intersection (Book 500, Page 113, Parcels 17 & 32-35)

- B. NAME: Anderson 16-06; Parke Place at Coldstream Revision
REQUEST: To revise the boundary of the approved Parke Place at Coldstream subdivision
PURPOSE: To construct a 32-lot single family residential subdivision
APPLICANT: Joseph Farruggia, Coldstream Area Development, LLC
OWNER: Forestville Realty General Partnership
LOCATION: Anderson Township: On the north side of Ayers Road, approximately 1,500 feet east of the Ayers Road and Asbury Road intersection (Book 500, Page 181, Parcels 4 & 5 AND Page 182, Parcels 1 & 13 AND Page 184, Parcel 49 AND Parcel 42 & 44)

COUNTY ZONING MAP AMENDMENT:

- A. CASE: Harrison 2016-01; Unilock Industrial
REQUEST: From: "F PUD SPI-SC" Planned Light Industrial, "F SPI-SC" Light Industrial, and "A SPI-SC" Single-Family Residence
To: "GG SPI-SC" Planned Heavy Industrial
PURPOSE: To construct a concrete paver and retaining wall manufacturing facility including two manufacturing plant buildings, two accessory buildings, outdoor storage areas and access drives from Southwest Parkway and Dry Fork Road
APPLICANT: Glenn Wiley, General Manager, Unilock Ohio Inc. (applicant); Dry Fork Farms LLC and Candlelight Park Ltd (owners)
LOCATION: Harrison Township: southeast of the end of Southwest Parkway extending east to Dry Fork Road (Book 560, Page 50, Parcel 203 AND Page 60, Parcels 19 and 51)

TOWNSHIP ZONING MAP AMENDMENT:

- A. CASE: Colerain ZA2016-08; 9869 Colerain Avenue – Raising Cane's
REQUEST: Substantial Modification of an existing "PD-B" Planned Development Business District
PURPOSE: To demolish the existing fast food restaurant building and redevelop the property for a new restaurant use
APPLICANT: Drew Gatliff, MA Architects (applicant), Colerain Land Company LLC (owner)
LOCATION: Colerain Township: 9869 Colerain Avenue; on the northwest corner of the Haverkos Court and Colerain Avenue intersection (Book 510, Page 111, Parcel 25)

3. ADJOURNMENT

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

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

**HAMILTON COUNTY
REGIONAL PLANNING COMMISSION**

RECORD OF PROCEEDINGS NOVEMBER 3, 2016

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SUMMARY OF ACTIONS

PRESIDING OFFICER: Okum
MEMBERS PRESENT: Franke, Linnenberg, Obert, Simpson (arrived at 12:45pm, left at 2:15pm), Stillpass, Sprague
MEMBERS ABSENT: Obert
STAFF PRESENT: Kinskey, Huth, Fazzini, Kranbuhl, Johns, Stratton
LOCATION: Room 805, Administration Building
TIME: 12:30 PM – 3:15 PM

	AGENDA ITEM		RPC ACTION	VOTE	
ADMINISTRATIVE ITEMS:	ADM26: RPC Financial Report – October ADM27: Disposition of Minutes, October 4, 2016 ADM28: Approve 2017 RPC Fees ADM29: Approve 2017 RPC Price List ADM30: Approve 2017 RPC Budget ADM31: Approve 2017 Planning & Zoning Contracts ADM32: Subdivision Fee Proposal		Approval Approval Approval Approval Approval Approval Approval	5-0-0 4-0-1 5-0-0 5-0-0 6-0-0 6-0-0 6-0-0	
	AGENDA ITEM	AMENDMENT REQUEST	RPC ACTION	VOTE	CONDITIONS & CODES
PRELIMINARY SUBDIVISION PLANS:	Sycamore 16-01; Concord Hills North	Preliminary subdivision plan approval and variance	Approval	6-0-0	
TOWNSHIP ZONING MAP AMENDMENT:	Anderson 2016-03; Forest Hills Care Center	From: Major Revision to an existing "DD" Planned Multiple Residence District AND From: "EE" Planned Retail & "DD" Planned Multiple Residence To: "DD" Planned Multiple Residence	Approval	6-0-0	1, 2
	Colerain ZA1999-03; Crossings of Colerain	From: "B-2" General Business District To: PD-B" Planned Development Business & Major Adjustment	Approval	6-0-0	1, 2
	Deli ZC2016-01; Delhi Pike Business Corridor District		Approval	5-0-0	1, 2
	Sycamore 2016-11Z; 8248-8306 Kenwood Road	From: "B" Residential To: "OO" Planned Office	Denial	2-2-1	

ATTEST:

Chairman:

Secretary:

ADMINISTRATIVE ITEMS

ADM26: RPC FINANCIAL REPORT

MOTION: To approve the RPC Financial Report for October 2016 as presented.

Moved: Linnenberg Second: Stillpass

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

ACTION: APPROVAL

ADM27: DISPOSITION OF MINUTES

MOTION: To approve the minutes of the Regular Meeting of the Regional Planning Commission, October 4, 2016.

Moved: Franke Second: Sprague

VOTE:
AYE: 4 Franke, Linnenberg, Okum, Sprague
NAY: 0
ABSTAIN: 1 Stillpass

ACTION: APPROVAL

ADM28: APPROVAL OF THE 2017 RPC FEES

MOTION: To approve the 2017 Regional Planning Commission fees as amended.

Moved: Linnenberg Second: Stillpass

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

ACTION: APPROVAL

ADM29: APPROVAL OF THE 2017 RPC PRICE LIST

MOTION: To approve the 2017 Regional Planning Commission price list.

Moved: Franke Second: Linnenberg

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

ACTION: APPROVAL

ADM30: APPROVAL OF THE 2017 RPC BUDGET

MOTION: To approve the 2017 Regional Planning Commission budget.

Moved: Franke Second: Linnenberg

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

ACTION: APPROVAL

ADM31: APPROVAL OF THE 2017 PLANNING & ZONING CONTRACTS

MOTION: To approve the 2017 Planning & Zoning contracts.

Moved: Linnenberg Second: Simpson

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

ACTION: APPROVAL

ADM32: SUBDIVISION FEE PROPOSAL

MOTION: To recommend to the Hamilton County Board of County Commissioners the incorporation of a 5% technology fee for all subdivision Applications per Attachment C.

Moved: Linnenberg Second: Stillpass

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

ACTION: APPROVAL

ADJOURNMENT: The meeting was adjourned at 3:15 PM

ATTEST: Chairman: _____ Secretary: 

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

HAMILTON COUNTY
REGIONAL PLANNING COMMISSION

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PRELIMINARY
SUBDIVISION:

SYCAMORE 16-01; CONCORD HILLS NORTH

NAME: Sycamore 16-01; Concord Hills North
APPLICANT: McGill Smith Punshon, Inc.
LOCATION: Sycamore Township: 8527 Owlwoods Lane - at the terminus of Owlwoods Lane (Book 600, Page 60, Parcel 335)
TRACT SIZE: 3.12 acres
TOTAL LOTS: 2

REPORTS: RECEIVED: SWI, ZONING, ENG, MSD

PENDING: GCWW (Pending)

SPEAKERS: J. Huth, H. Holbert, R. Arnold

DISCUSSION: (Summary of Topics)

Staff Comments:

1. **J. Huth** - Review of staff report.

Public Official Comments:

1. **H. Holbert** – Planning & Zoning Administrator. Thank you to staff for the wonderful job of analyzing the site.
2. Township's first concern is making the street public. In addition to that, we wanted to follow the Hamilton County Engineer guidelines. Obviously without the curb and gutter it will not follow that but since the rest of the subdivision does not have curb and gutter we will support the recommendations of the Engineer.

Applicant Comments:

1. **R. Arnold** – McGill Smith Punshon. When we first started looking at this and discussing it with Mr. Holbert, the Township's primary concern was to make sure a fire truck could traverse around the cul-de-sac.
2. The cul-de-sac will be wider than the Hamilton County standards by 2-feet.
3. Across that area at the end of the cul-de-sac, the existing ground falls about 10-feet. So if you were to try and apply the County's cul-de-sac specifications, you would not be able to physically construct it on there. You would have to place fill on the adjacent property. The short of it is that this is an in-fill project.
4. This is a benefit to the Township that they will now have a turn-around on this street.
5. We would appreciate the Commission's consideration of the lot split.
6. We would not have a catch basin at the end of the cul-de-sac. Sheet flow is to the northeast and there is a water course. We are not talking about a significant amount of run-off there.
7. The cul-de-sac is sufficient enough for a firetruck to turn around.

Commissioner Comments:

1. **Commissioner Okum** – Will you have a catch basin in the cul-de-sac because of the lower grade?
2. Find it very positive that if the police officers need to drive it, it would be better to see when they do their patrol work.
3. **Commissioner Simpson** – Want to confirm that the turnaround is significant enough to have a Township fire truck turn around?

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ZONE AMENDMENT: **ANDERSON 2016-03; FOREST HILLS CARE CENTER**

REQUEST: MAJOR REVISION to an existing “DD” Planned Multiple Residence District AND
From: “EE” Planned Retail & “DD” Planned Multiple Residence
To: “DD” Planned Multiple Residence

PURPOSE: To construct a new 37,000 sq. ft. building connected to the existing Forest Hills Care Center that will allow for an additional 31 skilled nursing beds and 24 assisted living beds

APPLICANT: Leesman Engineering & Associates (applicant); JZB Realty Holdings Co. LLC (owner)

LOCATION: Anderson Township: 8700 Moran Road; on the northwest corner of the Moran Road and Mt. Carmel Road intersection (Book 500, Page 74, Parcel 76)

TRACT SIZE: 9.59 acres (gross)

REPORTS: RECEIVED: N/A

 PENDING: N/A

SPEAKERS: P. Kranbuhl, P. Drury, T. Dwyer, G. Morgan

DISCUSSION: (Summary of Topics)

Staff Comments:

1. **P. Kranbuhl** – Review of staff report.

Public Officials Comments:

1. **P. Drury** – Director of Planning & Zoning. Thank you for the thorough review of the application. The Township is in support of the project.
2. Originally this portion of the site was zoned “EE” Planned Retail with multiple retail uses. The site characteristics have changed since 1999. The State Route 32 improvements have shifted to a retail market further east. The Beechwood and Mt. Carmel Road intersection at State Route 32 has been realigned to accommodate the new retail use at the intersection. We think it is a great use for this site. Forest Hill Care Center has done very well and they would now like to expand the facility and think it’s a great use of the site versus retail that was originally proposed fifteen plus years ago.
3. Agree with staff’s findings in the staff report. The items that are pointed out that are not consistent with the Zoning Resolution we feel we can bring them into compliance before final development.

Applicant Comments:

1. **T. Dwyer** – Leesman Engineering. The applicant does accept the conditions in the staff report.
2. Do feel that all of the conditions can be met on the existing site.
3. We did have a community meeting on October 13th. A few of the neighbors that showed up, voiced their concerns about noise, mainly the generator. Unfortunately the generator is required to be run at least once a month in the event of a power outage. We did discuss this with the Township and came up with a solution to erect a fence around the generator to shield it as well as help with the noise. Another possible solution was to install a new muffler system for the new and existing generator. We are looking to help with a solution to this issue.
4. There will be a second generator. We haven’t looked at the location yet, but believe it will be located in the back parking lot further away from the residences.
5. Due to the topography, the driveway to the Care Center has to be off of Mt. Carmel Road. We did not design the original site. We have been hired to do the expansion.

The basement level is what you see when entering from the Mt. Carmel side. The driveway along the back allows for a slow grade change.

6. There will be additional traffic. Before we started this project we went through and made sure all of the existing landscaping was installed as part of the original plan. It was installed per the plan, however a couple of trees have since died and it is our intention to replace those trees. We are also willing to work with the Township and the residents to provide additional landscaping to help screen the vehicular traffic. Unfortunately due to the constraints of the site, it will not allow for any mounding next to Mr. Morgan's property.
7. The main purpose for the lower lot will be for our therapy patients. The majority of the cars that go down to that section will be used daily between 8:00am – 5:00pm. It will empty out before evening and headlights should not be an issue.

Public Comments:

1. **G. Morgan** – Neighbor to the Forest Hills Care Center. I had issues from the onset of this development. I have concerns with noise, traffic, and the generator. I had brought up concerns years ago when this was first being built about the noise from the generator. They have a generator for auxiliary power supply, that is outside and runs once a month. I understand that they have to have it, but it's annoying. They also have tractor trailers with the refrigerator units on their trucks idling all the time.
2. When they built the Care Center back in 2008, they had a compactor that shook my house so bad, I believe did damage to my foundation. I really can't see it, but it's possible because the rear of my house is sloping down. My wife had to go over and ask them to stop running the compactor.
3. Believe the value of my property will go down. I have a junk house on one side of me and a nursing home on the other with only a 30-foot buffer.
4. I'm against this project and I don't know how else to say this.
5. The driveway to this development will be set beside my house and I would like to see it moved. I tried to get this done the first time and nobody would listen. I asked for earth and mound when the original project came through.
6. The cycling of the generator happens around 9:30am-10:00am. It's irritating no matter what time they do it.

Commissioner Comments:

1. **Commissioner Simpson** – Does the applicant feel that all of the conditions made in the staff report can exist on the site? It looks like you are tight on space.
2. Was there a reason that the driveway was put on the Mt. Carmel side instead of the Moran Road side? And will there be additional traffic?
3. **Commissioner Okum** – Understand the need for the testing of the generator but I think more than a fence will be needed to help with the noise. Curious to know what time the cycling of the generator takes place? And certain it can be adjusted to accommodate the neighborhood.
4. Based on the size of the new building, will there be an additional generator for the new building and where will it be located?
5. **Commissioner Stillpass** – It looks like the two parking lots will not connect. I think this may help with the through traffic from one parking lot to the other.

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.

Moved: Linnenberg Seconded: Stillpass

VOTE:

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

Attachment A

The Regional Planning Commission recommends approval of case Anderson 2016-03; Forest Hills Care Center, a request for a Major Revision to an existing "DD" Planned Multiple Residence AND a Zone Amendment from "EE" Planned Business to "DD" Planned Multiple Residence District, subject to standard covenants for planned districts, with the following conditions:

Conditions:

1. That all signage shall comply with Section 5.5 of the Anderson Township Zoning Resolution.
2. That sidewalks shall be installed along the frontage of Moran Road in accordance with Section 5.3 of the Anderson Township Zoning Resolution.
3. That a landscaping plan that meets the minimum standards of the Zoning Resolution shall be submitted as part of the Final Development Plan.
4. That a parking plan that meets the minimum standards of the Zoning Resolution, including the required size of parking spaces shall be submitted as part of the Final Development Plan.

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ZONE AMENDMENT: COLERAIN ZA1999-03; CROSSINGS OF COLERAIN

REQUEST: Substantial Modification of an existing "PD-B" Planned Development Business District AND
From: "B-2" General Business District
To: "PD-B" Planned Development Business & Major Adjustment

PURPOSE: To redevelop an existing former Bigg's big-box store to a multi-tenant building and to add a 9,000 sq. ft. restaurant/retail building and a 10,000 sq. ft. medical office building within the existing parking area

APPLICANT: Bob Rotherth, Abercrombie & Associates, Inc. (applicant); Crossing of Colerain LLC (owner)

LOCATION: Colerain Township: 8386 Colerain Avenue; on the east side of Colerain Avenue, south of Ronald Regan Cross County Highway (Book 510, Page 60, Parcels 1, 7, 8, 239 and 249)

TRACT SIZE: 8.44 acres (gross); 7.93 acres (net)

REPORTS: RECEIVED: N/A

PENDING: N/A

SPEAKERS: E. Fazzini, J. LeCount, J. Trauth, B. Rotherth

DISCUSSION: (Summary of Topics)

Staff Comments:

1. **E. Fazzini** – Review of staff report.
2. There will be a drive-through as part of the plan. It will wrap around from the north side to the west side of the site.

Public Officials Comments:

1. **J. LeCount** – Township Zoning Administrator. Thank you for the review of this parcel. It was not an easy one to review even from our end having a bit more documentation. The northwestern parcel is still zoned B2. I have found no documentation that suggests otherwise. What we do have though is a Final Development Plan that includes this portion of the site but that the rezone never happened as far as the Township could tell. There used to be a structure on that property that was torn down and then when this was included in this development it was used as a parking lot.
2. When this FDP came thru in 1999 it was approved by the Zoning Commission with a number of conditions, one of them being an actual cap on the amount of retail square footage allowed on the site, which wouldn't concern me as much had it not gone into referendum. This was placed on the ballot with a very specific square footage approved on it back in 2000. It has been quite some time. That said, with the applicant proposing to exceed that designated square footage, the Township doesn't have a major issue with that for two reasons. The first is that it is in our CRA area and we want to see more development in this area and are very excited to see that these are filling spaces that have been vacant for quite some time. Seeing that the space is being divided and actually utilized is very exciting for the Township particularly in our Groesbeck area. Secondly, that designated square footage, was, I believe 86,535 square feet max per the FDP condition. The proposed structure is 86,004 square feet, so it is below the 86,535 square footage and they only plan to add 10,000 additional square feet of medical office within the original boundary. They are also proposing development on the northwest parcel, which was not part of the

original boundary. So we are adding more to a larger boundary if the board approves this and now only adding 9,000 square feet of space in addition to that.

3. The Township is in support of this project. The 15% open space is something that the Zoning Commission tends to move away from particularly in redevelopment scenarios. It's more for residential developments and not as much for commercial.
4. The photometrics have been submitted to my office. I have not yet had a chance to review it but have been working with the applicant to make sure they are as close to compliance as possible. I do know that our Zoning Commission will do a thorough job with this as well.
5. A lot of times our Zoning Commission recommends that the applicant apply to the Board of Trustees for a sidewalk waiver. This is if the applicant agrees to pay a fee. I don't see that happening in this case since we have existing sidewalks. Staff and the Zoning Commission will insist that the sidewalks are completed.
6. This case came in front of the Zoning Commission as a minor modification earlier this year for signage modifications. It was not for all of the signage shown. This will be something in this part of the process that will likely be conditioned that they meet the requirements and will not be issuing specific variances in respect to signage especially given that we do not have the specifics on the signage. We will address this separately from a minor modification as necessary.
7. The structure on Clara is actually part of our ballpark. The foot-candles will be brought into compliance that adjoins that parcel.
8. Think the developer should make the drive-through feasible. They are also meeting the 15-foot streetscape in that area.

Applicant Comments:

1. **J. Trauth** – Believe the referendum was brought about because Biggs was not part of a union. That was the past and now we are trying to repurpose the site and I believe that my client has a very good proposal.
2. Agree with staff report and are working with the Township on various conditions that were mentioned.
3. Even though the park area is zoned as a public service use we are surrounded by all commercial use. The addition of the medical office building will be a good addition to repurposing the Biggs building.
4. Currently there are 47 foot light poles and I think the requirement of the Township is 25-feet. We are going to try and work through that with shielding and screening. We will also work through the 15% open space.
5. **B. Rothert** – Abercrombie & Associates. We are actually reducing the ISR on the site with the new proposal. We are taking out a lot of the pavement near Colerain Avenue.

Commissioner Comments:

1. **Commissioner Okum** – There appears to be a home on Clara. I was wondering how the lights on the back of the building will impact the residence.
2. **Commissioner Linnenberg** – Who initiated the referendum?
3. **Commissioner Simpson** – Was wondering on the B2 portion that will be rezoned, if there will be a drive through going in for the Tim Hortons store and will it be feasible?

MOTION:

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

Moved: Simpson Seconded: Linnenberg

VOTE:

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

MOTION:

To recommend approval of case Colerain ZA1999-03; Crossings of Colerain, a request for a Substantial Modification of an existing "PD-B" Planned Development Business

District AND Zone Amendment from "B-2" General Business District to "PD-B" Planned Development Business, subject to the standard covenants for planned districts and the following conditions and variances:

Moved: Simpson Seconded: Linnenberg

VOTE:

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

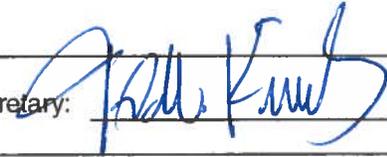
**RPC
RECOMMENDATION:**

(To the Colerain Township Board of Trustees)
APPROVAL with Conditions

ATTEST:

Chairman: _____

Secretary: _____



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

Attachment A

The Regional Planning Commission recommends approval of case Colerain ZA1999-03; Crossings of Colerain, a request for a Substantial Modification of an existing "PD-B" Planned Development Business District AND Zone Amendment from "B-2" General Business District to "PD-B" Planned Development Business, with the following conditions:

Conditions:

1. That 15% of the total lot area shall be dedicated common open space in accordance with Table 9-2 of the Zoning Resolution.
2. That a photometric plan in compliance with Section 12.9.4 of the Colerain Township Zoning Resolution shall be submitted as part of the Final Development Plan.
3. That sidewalks shall be constructed in accordance with Ohio Department of Transportation standards along Colerain Avenue for the length of the site frontage.
4. That a wall sign plan in compliance with Section 15.8.3 of the Colerain Township Zoning Resolution shall be submitted for all three buildings as part of the Final Development Plan.

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ZONE AMENDMENT: DELHI ZC2016-01; DELHI PIKE BUSINESS CORRIDOR DISTRICT

REQUEST:

1. To amend the text of the Delhi Township Zoning Resolution to replace Article XXXII Delhi Pike Corridor Overlay District standards with Delhi Pike Business Corridor District standards, to add a supplemental definitions list, to modify existing parking regulations, and to make a statement of intent and findings related to sexually oriented businesses and adult entertainment
2. To amend the Official Zoning Map of the Township to replace the existing Delhi Pike Corridor Overlay District with the Delhi Pike Business

PURPOSE: To codify the strategies and recommendations of the recently adopted Plan the Pike Strategic Redevelopment Plan through replacement of the current Delhi Pike overlay district standards and boundary area, and to amend supplemental definitions and parking regulations related to Delhi

INITIATED BY: Delhi Township Zoning Commission

REPORTS: RECEIVED: N/A

PENDING: N/A

SPEAKERS: E. Fazzini, T. Kinskey, T. Stahlheber, G. Delong

DISCUSSION: (Summary of Topics)

Staff Comments:

1. **E. Fazzini** – Review of staff report.
2. I apologize that the board does not have the complete text submitted by Delhi Township. It was a very large document and I didn't include it as an attachment in the packet.
3. **T. Kinskey** – While the decision or aesthetics is not spelled out in the ORC on whether you can or cannot require building materials, it tends to be linked to the judicial system. There was one decision at one point that said you could, but then another decision a year later that said you couldn't. It is a bit of a moving target, but I feel it is a perfect thing you can have in your land use plan as a recommendation and can utilize as strategies.
4. Historically speaking, we have rarely sent an entire document out for review. Staff tries to provide a synopsis for the board through the staff report. We were not trying to keep you from reading it, but rather to save paper. We can certainly look into using a shared folder in the future. I apologize to the board and it was not intentional.
5. Assuming the Township has already put their public hearing notice out, they will need a decision so we have an obligation to act. The clock is ticking and I believe that since you did not have the exhibits in front of you it will not be an issue. That to me is a decision you will have to make individually. Clearly the documentation that they were required to submit to us was submitted. The failure from staff to get it to you is the issue and not an issue with the Township.

Public Officials Comments:

1. **T. Stahlheber** – Director of Development Services. Until recently I have been the Director of Development Services. I retired a couple of months ago and the Township did hire me back as the Zoning Coordinator. At the same time they restructured the department and renamed it, which did include hiring a new department head, Mr. G. Delong.
2. **G. Delong** – Community Development Director. I know this was a pretty tedious review to go through. This really derived from the Plan the Pike, in which the Township received an award for. This is Phase I of our long term plans. We are just hitting the commercial area at this time on Delhi Pike, primarily between Anderson

Ferry and just a little past Greenwell. Phase II will be kicked off within the next month or so and will be the residential area from Greenwell down to the city corporation limits.

3. I will admit as a planner that not including Kroger in the overall plan is not the best practice. The discussion with the Zoning Commission was that this is a very viable, commercial area with a lot of recent investment and they did not want to put it in with the new regulations. They wanted to target the new regulations primarily on the vacancies along Delhi Pike, such as Central Hardware and the Remke property on the south side. Those were two of the catalyst sites that we have high vacancies in. The plan was really to try and get these properties in place. Plus with the new regulations, applying them onto the Kroger plaza which is all under one ownership, we would have had so many non-conformities. So the thought was to leave them alone for the time being, not to say that we will not add them later, but right now that was the decision of the Zoning Commission.
4. Do not disagree with what Mr. Linnenberg is saying about Kroger being a good neighbor, but after lengthy discussions, this is the direction that the Zoning Commission wanted to go.
5. We understand the building material issue with the Ohio Revised code that we cannot limit that, but we are having conversations with our law director. If you look in the zoning code, there is a section that gives options on what developers can do. We will be looking at moving that stuff to this area. It may not be a requirement, it will be an option.
6. We don't want to lose the aesthetics piece in the code but rather a summary somewhere in the code that we can fall back on.
7. We had a lengthy conversation on the parking regulations with our consultant, McBride Dale Clarion with the re-writing of the code and have talked about dropping the parking requirements altogether and let it be determined by the developers. Partly because we are trying to establish a walkable area. In the code, we wrote it to say that there could be substantial requests to drop the required parking amount and that could be done administratively. If you drive down Delhi Pike, there is a massive sea of parking out there. This is a way to have our vision with the plan be met. To have it be more developer driven on what they feel their needs are for parking to make their developments successful and we will work with them accordingly as it moves forward. I don't think there is a perfect solution for parking and in my career of 15 years it seems you either have too much or not enough. Developers know their clients and know what their clients need, so the thought is to let it fall back on them a little bit. So in this regard, we have left the door open a little bit to let them work with the Township.
8. One of the key things with this re-write of this district is to increase the buffer that will be occurring between a commercial and residential district.
9. Our current code only lists uses that are not permitted instead of having a permitted use table. With this re-write we are doing a 180, so we will now have a permitted use table. Since the door is currently wide open, we felt we needed to get some regulations into our code that addresses those uses so we can keep them from being in this district on Delhi Pike but not restricting them from being in the Township. These SOB regulations will be implemented into our zoning resolution as part of our code. Right now our code is a little antiquated and pretty much on what can go where.
10. We do have a public hearing about this scheduled with our Zoning Commission on November 10th.

Commissioner Comments:

1. **Commissioner Linnenberg** – Wants to know if Kroger would be grandfathered. Kroger tends to be a good neighbor and it would seem to me that they would be helpful in getting some of the other properties on board.
2. **Commissioner Okum** – The problem that I am having is that when you place a comprehensive plan on an area and you isolate an obvious part or key element of that area, it gives the other properties, as they redevelop an anchor or leverage against the Township to impose considerations when the other parcel is not.
3. Wants to make sure that the Township understands the staff's position on parking.
4. I agree that parking is very difficult and there are situations where parking requirements can deal with places of functions such as Assemblies of Worship in a residential district that protect the neighbors, so there are some pluses to having some regulations.
5. Would have been willing to vote in favor of the request, but with that one Kroger parcel not being a part of it, I would probably not support it. I think we need to have some discussion about this because I think this is a big part of the character of the Comprehensive Plan and the corridor district that is there. I think it will create a quandary for leverage with other developments. This puts zoning planners in a very difficult position. Unless we have some type of modified motion we will be faced with making a decision based upon staff's recommendations.
6. Think that Mr. Sprague has a valid point and I have concerns as well. I think the Township really needs to think this out a little bit more on the "what-ifs" and how people can use leaving the Kroger property out, as leverage. It's a big issue for small communities. Will I vote against it based upon what Mr. Linnenberg said, probably no. But I will support it for the benefit of getting it to the public hearing. I am hopeful that your planners will look at this and iron out these issues before the public hearing.
7. **Commissioner Sprague** – A little concerned because we do not have any of the exhibits look at (A through E). We have a copy of a motion that refers to all of these exhibits along with the staff's recommendation that talks about each exhibit, but no exhibits. We are here to make statutory recommendations on an application but do not have the exhibits. So how can we sit here and say "okay we reviewed this and we recommend approval" when we have not seen them. We do not have any of the text, nothing.
8. Even if any of us sat down and read it or not, is it relevant to say that it came before us? We reviewed it and we recommend it. The staff's recommendation goes exhibit by exhibit and without that exhibit in front of me, I don't know what we are talking about.
9. Willing to support the request based upon the staff's analysis but they need to respect that we need to look at the data so we can draw our own conclusions.
10. I am willing to support this based on the staff's analysis. I know they do a great job analyzing these and I respect them for it but they also need to respect that we should be able to look at the data to be able to draw our own conclusions which may agree or may differ.
11. **Commissioner Stillpass** – Maybe in the future we could use something like "Dropbox" or a shared folder if there are large documents to send out.
12. **Commissioner Linnenberg** – I remember we have been sent links in the past to review documents that are large.
13. Believes the motion should be modified to address the concerns identified by staff. We have made the Township well aware of our attitude towards excluding the Kroger parcel. If we make a recommendation at this point, Delhi Township is going to do what they need to do.
14. Agree with Mr. Sprague. Who knows if you will have time to look at something that is that thick to read, but that is our call.
15. **Commissioner Franke** – The parcel with Kroger will not likely have any change on it for quite some time. That Kroger is not going anywhere off of Delhi Pike. It may move somewhere else along the Pike, but it will stay. It has to be one of their top stores. I shop there and I know its busy 24/7. If I were in the back room thinking about this, I don't want to offend one of the primary users of the property in this area, so it doesn't bother me that this parcel will not be subject to the same standards as

the others. Kroger needs to be a player on the pike and the last thing we need to do is offend them so they move out.

16. Biggest concern is also to get some activity into the central area near the Remke parcel. We are not getting any cooperation down around the Walgreens area. The focus should be eastward and down towards the city. Leaving the Kroger parcel out, to me really is not a concern or a target area and can be addressed should it come up.
17. Is it a legal impediment that we cannot entertain a motion without the exhibits? Or are we entertaining a motion with less information that we would normally have? Obviously if it is a legal impediment, then the situation is such that we need to do some type of continuance.
18. I expect with all of the recommendations from the staff they are going to move forward with their public hearing and then make adjustments based on the recommendations. I am fairly confident with McBride Dale Clarion involved; this stuff will get put into better shape than what we are seeing here. I really do not have problem acting on this as presented but then again, I have the privilege of having more background then everyone else because I have more experience working with this for the last year and a half.

MOTION:

To consider approval of case Delhi ZC2016-01; Text and Map Amendments, a request for approval of zoning text and map amendments to the Delhi Township Zoning Resolution and official zoning map as initiated by the Delhi Township Zoning Commission and modified to address the concerns identified by staff.

Moved: Linnenberg Seconded: Stillpass

VOTE:

AYE: 5 Franke, Linnenberg, Okum, Sprague, Stillpass
NAY: 0
ABSTAIN: 0

**RPC
RECOMMENDATION:**

(To the Delhi Township Zoning Commission)
APPROVAL with Conditions

ATTEST:

Chairman: _____

Secretary: _____



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

HAMILTON COUNTY
REGIONAL PLANNING COMMISSION

RECORD OF PROCEEDINGS – NOVEMBER 1, 2016

PAGE 7

ZONE AMENDMENT: SYCAMORE 2016-11Z; 8248-8306 KENWOOD ROAD

REQUEST: From: "B" Residential
To: "OO" Planned Office

PURPOSE: To raze a single-family home to develop two single-story office buildings totaling approximately 32,350 square feet with associated retaining walls, a 137-space parking lot where 59 spaces would be located in a parking garage, and with one curb-cut onto Kenwood Road

APPLICANT: Andrew C. Vecellio, Guttman Properties LLC, (applicant); Hills Land & Development Company and Alam Shah Farooq and Ruksana Alam (owners)

LOCATION: Sycamore Township: 8248, 8270, 8284 and 8306 Kenwood Road on the east side of Kenwood Road, north of E Galbraith Road, south of Marieview Court (Book 600, Page 94, Parcels 14-21)

TRACT SIZE: 2.75 acres (gross); 2.53 acres (net)

REPORTS: RECEIVED:

PENDING: DPW, MSD, FPO, CWW, HCSW, HCE, TT

SPEAKERS: J. Huth, T. Kinsley, H. Holbert, H. Wordeman, A. Vecellio

DISCUSSION: (Summary of Topics)

Due to a conflict of interest, Ms. Stillpass recused herself and left the meeting room for the entirety of the case.

Staff Comments:

1. **J. Huth** – Review of staff report.
2. The consent decree was between the Sycamore Township Trustees and Hills Development.
3. We did receive revised plans from the applicant late last night. I included them in the back of this power-point presentation but we really have not had a chance to look at them in the office. There appears to be some tweaks to the retaining wall.
4. Our staff report says that the applicant does not comply with the text of the Land Use Plan. As far as zoning compliance goes, the landscaping meets the requirements for the office district.
5. **T. Kinsley** – The consent decree, as you know, is a result of the negotiation process. The Trustees have the right to do something different through a legislative act. It is not as if they cannot make the request. What we are doing is analyzing all of the relevant documents that pertain to this property. In this case, the land use plan, the zoning resolution and the consent decree. It would be inappropriate for us to ignore it.
6. This is an area where Sycamore Township has changed a lot, between the Kenwood Towne Center and the hospital. The applicant has proceeded down this path knowing that it is going to require new legislative action to make the consent decree regulations null and void. So should the conditions that were negotiated be what we are following or is this board more comfortable following what the zoning resolution says in Sycamore?

Public Officials Comments:

1. **H. Holbert** – Planning & Zoning Administrator. Staff did a great job and dove into this and pointed out a lot of the concerns we had initially with a 19,000 square foot building.
2. To answer Mr. Linnenberg's question, the consent decree was between the Hills Land & Development (plaintiff) versus The Sycamore Township Trustees (defendant).
3. The initial lot size was approximately 99,000 square feet and the proposal was for a 19,000 square foot building, which was denied by Sycamore Township. Went to litigation and there was a settlement agreement as a result. The proposal was for about a 118,000 square foot lot joined with a 32,350 square foot building. If I use the same ratios on what was settled, it went from 19,000 to about 22,600 square feet of building at the same ratios.
4. The Township does have some concerns with the buffering and also lighting. As staff has pointed out, grade observation with the drawings that were provided appears to truly affect the residents negatively. There are many options and creative ways the applicant can work with lighting today to meet the requirements of zero foot candles.
5. There are several homes on Marieview. The topography slopes downward and it will be very important to create some sort of mounding that creates an elevation because these trees are not going to be creating the 100% buffer that was required with the previous settlement. Mounding I think would help, also some sort of dense type pine tree, and we can work through all of that with the applicant to protect the residents as much as possible and remain hopeful that the growth potential will fulfill the requirements within the next 3 years.
6. We could go with a tree that is a bit taller when first planted, instead of our standard code plantings that we have done in many other cases. Taller trees and taller mounding may help due to the topography. Every little bit I think would help.
7. As far as why there are so many violations of the consent decree, I believe this will be something you will have to ask the applicant. We did have our open house and the neighbors voiced their concerns. We facilitated the open house. We sent out all of the notices, we had staff at the open house to answer any questions, and then it's basically the applicant's dog and pony show. The applicant comes in, they bring in their presentation boards, residents are invited, they show up, which they did. They voiced their concerns and we take those concerns into consideration. We look at those objectively and then we give the applicant recommendations. As you know they are just recommendations at this point. If they choose to address those then great, now we can minimize the amount of objections before we get to this point and/or the next step, which is the Zoning Commission. If they don't choose to apply the recommendations, then they take a chance with an irate group of people showing up at the Trustees hearing.

Public Comments:

1. **H. Wordeman** – We have gone through one meeting after another about this property and finally in April of 2009 the Trustees did take a vote and rejected the plan. As a result of that Mr. Guttman stood up, pointed at the neighbors and said "you're all wrong and I'm going to sue all of you." It drug on and finally Mr. Cliff Bishop who was the Township trustee of Sycamore Township said let's get all of the neighbors and representatives of Mr. Guttman in here and work with something we could all live with. That happened in May of 2010. Then in July 2011, the residents, the Trustees and Mr. Guttman all agreed to a plan of 19,000 square feet. We weren't too happy about it, but thought this was the best we could do. We will take it and live with it. Boy was I ever wrong. The plan that they have here now is almost a duplication of the same plan. Instead of 19,000 square feet they want 32,000 square feet. I do recognize that they brought in another piece of property within the last year but other than that there is no change.
2. I'm not opposed to development when I agree to it. I think it's very disappointing that Mr. Guttman decided he wasn't going to stick to his own word.
3. The way they have the property planned, cars will be coming out of the garage and cars will be within 3 feet of my kitchen door.

4. Also the sun comes up behind my house and travels around the shopping center and back around by Galbraith Road. The way these buildings are laid out, I don't think I will ever see sun in my kitchen window again.
5. I can only see one good thing about this project and that is if Mr. Guttman cuts down all the trees, I won't have to rake the leaves that blow into my yard.

Applicant Comments:

1. **A. Vecellio** – Guttman Properties LLC. To clarify the consent decree, we added the southernmost parcel to the others. It was not subject to the consent decree so in combining all of the parcels we are asking for a comprehensive rezoning of the entire site.
2. In doing so we are now eliminating three curb cuts along Kenwood Road and reducing it to a single curb cut for the project.
3. We have proposed onsite storm water detention in the northwest corner of the property to alleviate water.
4. We did have an open house in Sycamore Township and heard comments from the residents. We have addressed some of those comments in a revised plan that we sent over to Bryan Snyder. We have moved the retaining wall that was 6 feet off of the property line back to 15 feet. So now we have essentially 21 feet between us and Mr. Wordeman's property. Our building setback on the north property line is now 51 feet from the property line. Now since we have pulled the wall farther to the south, it actually reduces the height of the wall from 9 feet down to 6-7 feet. There will be about 21-feet between the wall and Mr. Wordeman's property that will be ample space for a landscape buffer.
5. As far as the photometric study which I understand is a hot button here, with bringing the wall back, the photometric plan would actually change because the post light that was located off of the northwest corner of the north building was the one that was throwing off the photometrics. So those would either be removed or replaced with some sort of lower fixture.
6. As far as the photometrics across the back of the building, as long as there is a tenant mix in these buildings there may or may not be a need for rear egress, which is the reason the wall lights are shown to illuminate the stairwells. This can easily be adjusted.
7. We have every intention of complying with not only the landscape requirements of Sycamore Township but the lighting as well.
8. I am always optimistic. Our hope is that we rezone the entire property and then the consent decree goes away. Then we will be zoned office and be in line with the 2008 Land Use Plan and will serve as a nice transition into the single-family area north and east of the property.
9. My understanding is that the 35-foot setback is a building setback and not an improvement setback.
10. The reason we want to rezone all of the parcels to "OO" is that in incorporating that southern parcel, if we were to go ahead and develop part of the consent decree to develop 19,000 square feet, given the 14 conditions on the property that would leave that southern parcel landlocked.

Commissioner Comments:

1. **Commissioner Okum** – Methods of limiting lighting on the back of building. I know it is has not been submitted. Not only is it the light at zero foot candles, it is also the glare from the lights. This building is higher in elevation and so the residents will look at lights. I reference the new golf complex that was just built in West Chester. There are massive lights and it's an abusive lighting to the public, but I agree that lighting can be controlled and/or worked out.
2. I am concerned about the single family residence and the density ratio of the site.
3. Pine trees grow one inch per year and if they are planted right you can get more than that.
4. To me the consent decree had less building, less density, and protection to the surrounding properties. It's the Township's decision and they can do what they want.

5. Without the review of the updated plans, I don't feel it would be appropriate for us to make a decision.
6. The problem I have is that we have an alternate plan that the applicant has brought forward as a concept but the Township and staff have not had a chance to review it. I am sympathetic in feeling that I have to go with what I have unless I have to write 20 conditions for the property and I am not going to do that. Based upon that, I cannot support this but I would be more in favor of supporting where the applicant is going with this. The residents have to be protected including the gentleman to the north. The setbacks have to be brought back and the lighting has to be addressed.
7. **Commissioner Linnenberg** – What parties were parts of the consent decree?
8. But unless or until the applicant and the Trustees agree on something the consent decree is in effect and it exists. There is no getting around it. Most of the concern seems to deal with the original parcels. I do not know how they are going to put a 35-foot buffer in a 20-foot space to the north.
9. **Commissioner Franke** – Not having read the consent decree, are there any exceptions to the consent decree. Why are there so many violations of the decree still?
10. Agree with Mr. Kinskey that it is all required as part of the presentation but I was also wondering if I was going to hear a comment about the consent decree being enforced, but we are going to ignore it. I didn't hear that.
11. Is the applicant optimistic that the Trustees will change their position on the consent decree?
12. Another option is that we could impose our own 14 conditions on the property based on the information that was presented today. If you look at the original submission years ago it was for an application for 27,000 square feet with 52% ISR and this board approved that among other things. I think they will work it out. I'm not opposed to the project over 19,000 square feet, but I am not going to redesign these buildings. If the consensus among the board members is to approve it as submitted because it doesn't comply for all of these reasons, then let's get on with it.
13. **Commissioner Sprague** – The property owner has the right to file under ORC Section 591.12 the zoning application and if that zoning application is approved by the Trustees the consent decree it would overturn the consent decree. The consent decree would no longer be in effect. The residents then have the right to referendum also. Whether this complies with the consent decree or not, it will be the decision made by the Trustees. The Township can do what they want with it and if they change it, it will adversely impact the applicant, which will harm the applicant's rights previously agreed to under the consent decree. Then they will have to go to court and fight about it.
14. I think that the staff has pointed out that you are not in compliance with the consent decree, but is this plan in compliance with the "OO" Planned Office district?
15. They comply with the proposed zoning district but do not comply with the Land Use Plan and we said consistency is not required. So when we are talking about non-compliance with setback, landscaping, etc. we are talking about not complying with the consent decree which was a compromise made in 2011. We can turn down the application and say you have to meet the consent decree or we can approve the new application as submitted that complies with the "OO" Planned Office district. Those seem to be our choices.

MOTION:

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

Moved: Linnenberg Seconded: Franke

VOTE:

AYE: 4 Franke, Linnenberg, Sprague, Okum
NAY: 0
ABSTAIN: 1 Stillpass(due to a conflict of interest, Ms. Stillpass recused herself and left the meeting room for the entirety of the case)

MOTION:

To consider approval of case Sycamore 2016-11Z; 8248-8306 Kenwood Road, a request for a Zone Amendment from "B" Residential to "OO" Planned Office, subject to the standard covenants for planned districts and the following conditions and modification.

Moved: Sprague Seconded: Franke
AYE: 2 Sprague, Franke
NAY: 2 Linnenberg, Okum
ABSTAIN: 1 Stillpass (due to a conflict of interest, Ms. Stillpass recused herself and left the meeting room for the entirety of the case)

**RPC
RECOMMENDATION:**

(To the Sycamore Township Zoning Commission)
DENIAL

ATTEST:

Chairman: _____

Secretary: _____



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

Hamilton County Regional Planning Commission
CHAIRPERSON ROTATION

	CHAIR	VICE-CHAIR
2007	Larry Sprague	Donald Misrach
2008	Donald Misrach	John Linnenberg
2009	John Linnenberg	David Okum
2010	David Okum	Hal Franke
2011	Hal Franke	Larry Sprague
2012	Larry Sprague	John Linnenberg
2013	John Linnenberg	Cecil Thomas
2014	Merrie Stillpass	Jim Obert
2015	Jim Obert	David Okum
2016	David Okum	Hal Franke
2017	Hal Franke	Larry Sprague
2018	Larry Sprague	John Linnenberg
2019	John Linnenberg	Yvette Simpson
2020	Yvette Simpson	Merrie Stillpass
2021	Merrie Stillpass	Jim Obert
2022	Jim Obert	David Okum
2023	David Okum	Hal Franke

Chair Rotation Policies:

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

OKI REPRESENTATIVE ROTATION

	REPRESENTATIVE	ALTERNATE
2008	Roxanne Qualls	Mel Martin
2009	David Okum	Mel Martin
2010	David Okum	Todd Kinskey
2011	David Okum	Todd Kinskey
2012	David Okum	Merrie Stillpass
2013	David Okum	Merrie Stillpass
2014	David Okum	Merrie Stillpass
2015	David Okum	Merrie Stillpass
2016	David Okum	Merrie Stillpass
2017		

Revised 11/18/2016



HAMILTON COUNTY

Regional Planning Commission

Press Release

807 COUNTY ADMINISTRATION BUILDING ♦ 138 EAST COURT STREET ♦ CINCINNATI, OHIO 45202 ♦ (513) 946-4500 ♦ FAX 946-4475

FOR IMMEDIATE RELEASE

Date: 11/22/2016

NOTICE OF PUBLIC HEARING SCHEDULED BEFORE THE HAMILTON COUNTY REGIONAL PLANNING COMMISSION

Purpose: To amend the Hamilton County Thoroughfare Plan

Location: Thoroughfare Plan Amendment (TPA) 2017-01 creates text to accompany the existing map.

Scheduled By: Hamilton County Regional Planning Commission (HCRPC)

Time & Date: 1:00 pm, January 5, 2017

Place: Room 805, County Administration Building, 138 E. Court Street, Cincinnati, OH 45202

Initiated By: Hamilton County Planning + Development

Public Review: The Thoroughfare Plan Text may be reviewed during normal business hours at the office of the Hamilton County Regional Planning Commission.

Effect: Adoption of the text would define amendment procedures, the process for right-of-way dedication, and the ability of local plans to be incorporated into the Thoroughfare Plan.

For further information contact: Steve Johns, AICP
Planning Services Administrator
Hamilton County Regional Planning Commission
(513) 946-4455
Steve.johns@hamilton-co.org



HAMILTON COUNTY

Regional Planning Commission

REGULATORY COMPLIANCE REPORT

FOR CONSIDERATION BY THE REGIONAL PLANNING COMMISSION ON DECEMBER 1, 2016

**SUBDIVISION
PRELIMINARY
PLAN:**

ANDERSON 16-05

WOODS AT FOREST HILLS REVISION

OWNER:

Forestville Realty General Partnership and Coldstream Area Development, LLC

ENGINEER:

Richard Arnold, McGill Smith Punshon, Inc.

**APPLICANT/
DEVELOPER:**

Joseph Farruggia, Coldstream Area Development, LLC

LOCATION:

Anderson Township: On the south side of Hopper Road (opposite Innisfree Lane), approximately 1,250 feet west of the Hopper Road and Eight Mile Road intersection (Book 500, Page 113, Parcels 17 & 32-35)

SITE DESCRIPTION:

Tract Size:	48.7 gross acres/44.5 net acres
Proposed Lots:	48
Topography:	Ridge tops with steep slopes around the perimeter of the site
Existing Use:	Vacant

**PROPOSED
IMPROVEMENTS:**

ROW:	50 ft.	Pavement Width:	28 ft.
Water District:	GCWW	Sanitary:	MSD

ZONING:

Jurisdiction: Anderson Township	District: "A" and "A-A PUD" Residence (Planned Unit Development)
Minimum Lot Size: "A-A" - 1 acre; "A" - 20,000 sq. ft.	Permitted Density "A-A" = 1 du/acre; "A" = 2.18 du's/acre
Proposed min. lot 20,570 sq. ft.	Proposed Density: 1.00 du/acre

PROPOSAL:

The developer is proposing to revise the boundary of the approved Woods at Forest Hills subdivision to construct a 48-lot single-family subdivision off of a street network measuring 3,300 linear feet in its entirety with three cul-de-sacs. An existing home located at 8085 Hopper Road would be removed to make way for the road into the development. Detention is proposed in three areas within the subdivision boundary. Sidewalks are proposed on both sides of all new streets.

FINDINGS:

- A preliminary plan for the Woods at Forest Hills Subdivision was approved by the Regional Planning Commission on May 5, 2016. Construction drawings were submitted on October 10, 2016 and are currently being reviewed by the applicable county agencies. The applicant is now proposing to add more land to the boundary of the approved subdivision.
- The acreage within the subdivision boundary has changed from 46.2 acres to 48.7 acres.
- Two large areas of land that were originally not included in the subdivision have been added to the back portions of lots #34 and #35 and lots #10 - #12. The proposed boundary changes would push the proposed retention/detention facilities further from the proposed building pads.
- Additional land has been added to lot #48 which is the first lot on the left side of the development as you enter from Hopper Road.
- A more accurate boundary survey of the property conducted by the applicant revealed that the lots along Hopper Road that abut the property are approximately 20 feet deeper and push the new subdivision boundary further from the existing homes along Hopper Road. Furthermore, the flag shown on the approved preliminary plan in the area between lots #6 and #7 that contained frontage onto Hopper Road is county right-of-way and is no longer part of the proposed subdivision.
- Within the interior of the subdivision, the back portion of lot #2 has been added to lot #5.
- The proposed new street off of Hopper Road has been redesigned to include two medians and a slight curvature to the road.
- Staff finds that the Preliminary Subdivision Plan conforms to the applicable laws and rules as determined by concept review and reports requested from the offices and agencies having jurisdiction. All reviewing agencies have recommended approval and no major concerns have been identified. Anderson Township granted a Planned Unit Development for 23 of the 48 lots on a 21.56 acre portion of the subdivision which is identified in grey on the submitted preliminary plan to allow for lots under the required one acre minimum lot size.
- The Township continues to request that the driveway for the property located to the east of the entrance into the development come off the proposed new road instead of its current location which is directly off of Hopper Road. As stated in the previous report, staff does not believe that offsite improvements and/or conditions can be required as part of this subdivision review. However, staff recommended and the RPC conditionally approved the Woods at Forest Hills Subdivision conditioned upon a vehicular access easement be provided to the adjacent lot at 8111 Hopper Road from lot 48. This would allow the house to the east of the entry road utilize the proposed new road if desired. To date, this easement has not been identified on the preliminary plan or on the submitted construction drawings. Staff finds that this easement should be identified on the plan.
- Sidewalks are required on both sides of all streets and along county roads. The applicant is proposing sidewalks on both sides of the new street but has not indicated the required sidewalk along Hopper Road.

- Staff finds that the Preliminary Subdivision Plan conforms to the Hamilton County Thoroughfare Plan.
- The Regional Planning Commission granted a modification to Section 12.3.10 (a) Residential Streets – Cul-de-Sacs; Stubs – Cul-de-Sacs Having Single Public Access to allow for a total of 48 lots accessed off of a series of cul-de-sacs with no emergency access. The new preliminary plan request does not increase the number of lots proposed and the modification to the subdivision boundary does not alter the previous findings. Therefore, staff recommends that the modification be granted for this subdivision revision request.

RECOMMENDATION: APPROVAL

STANDARD MOTION: 1st Motion:

I move to consider approval of the Preliminary Plan for the Woods at Forest Hills Revision Subdivision based on the findings in the staff report.

(Proposed Staff Modification to Section 12.3.10 (c) to permit 48 lots accessed off of a series of cul-de-sacs)

Proposed Staff Condition: That a vehicular access easement be provided to the adjacent lot at 8111 Hopper Road from lot 48)

2nd motion: (if approved):

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

2nd motion (if disapproved):

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

**AGENCY
REPORTS:**

Dept. Storm Water & Infrac. (SWI):	Approved
Zoning:	Approved
Hamilton County Engineer (ENG):	NA
Metro. Sewer District (MSD):	NA
H. C. Soil & Water (HCSW):	N/A
Ohio Department of Transportation:	N/A
Cincinnati Water Works (GCWW):	NA

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

Prepared By:	 John Hirth	Senior Planner
Reviewed By:	 Bryan Snyder, AICP	Development Services Administrator
Approved By:	 Todd M. Kinskey, AICP	Planning & Development Director

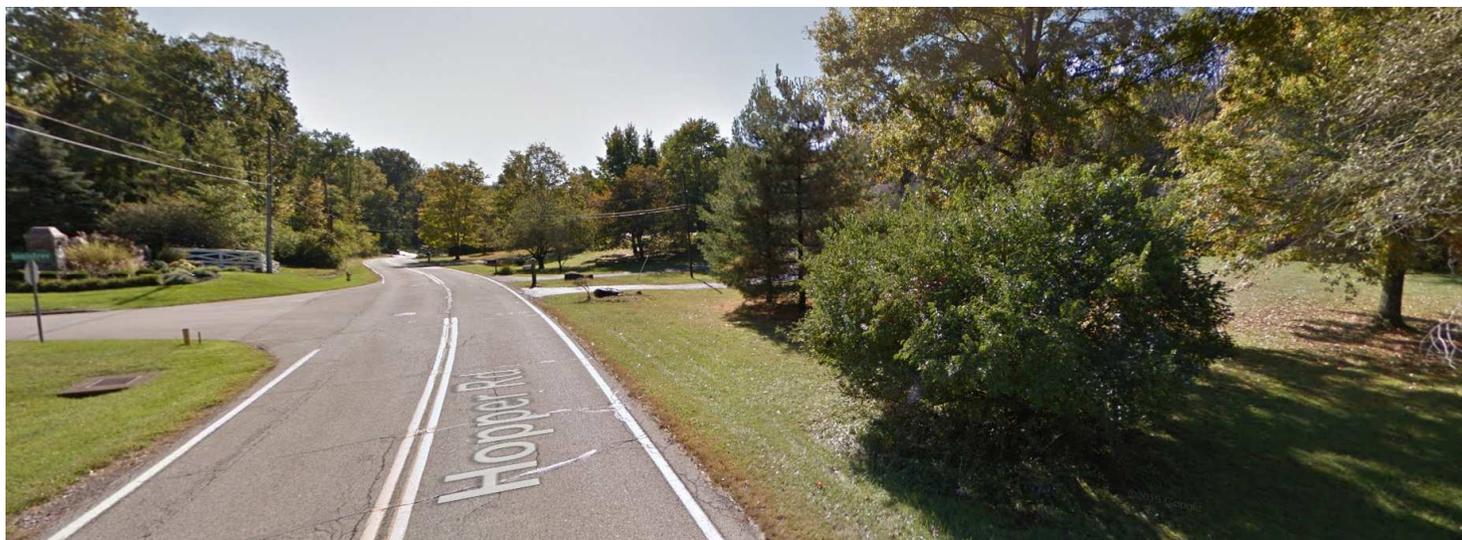
SITE PHOTOS



View of the site looking south from the Innisfree Lane and Hopper Road intersection



View of the site looking west from Hopper Road



View of the site looking east from Hopper Road

HIGHLIGHTED BOUNDARY CHANGES (in red)





HAMILTON COUNTY

Regional Planning Commission

REGULATORY COMPLIANCE REPORT

FOR CONSIDERATION BY THE REGIONAL PLANNING COMMISSION ON DECEMBER 1, 2016

**SUBDIVISION
PRELIMINARY
PLAN:**

ANDERSON 16-06

PARKE PLACE AT COLDSTREAM REVISION

OWNER: Forestville Realty General Partnership

ENGINEER: Richard Arnold, McGill Smith Punshon, Inc.

**APPLICANT/
DEVELOPER:** Joseph Farruggia, Coldstream Area Development, LLC

LOCATION: Anderson Township: On the north side of Ayers Road, approximately 1,500 feet east of the Ayers Road and Asbury Road intersection (Book 500, Page 181, Parcels 4 & 5 AND Page 182, Parcels 1 & 13 AND Page 184, Parcel 49 AND Page 190, Parcel 42 & 44)

SITE DESCRIPTION:

Tract Size:	59.3 gross acres/56.1 net acres
Proposed Lots:	32
Topography:	Ridge tops with steep slopes around the perimeter of the site
Existing Use:	Vacant

PROPOSED IMPROVEMENTS:

ROW:	50 ft.	Pavement Width:	28 ft.
Water District:	GCWW	Sanitary:	MSD

ZONING:

Jurisdiction:	Anderson Township	District:	“A-A” Residence
Minimum Lot Size:	1 acre	Permitted Density:	1 du/acre
Proposed min. lot	1.085 acres	Proposed Density:	0.57 du/acre

PROPOSAL: The developer is proposing to revise the boundary of the approved Parke Place at Coldstream subdivision to construct a 32-lot single-family subdivision off of a new dead-end public street approximately 1,650 feet long and ending in a cul-de-sac. A private access road would be located off of this new public street providing access to four lots. An existing concrete foundation would be removed in the northern portion of the site. An existing pond in the southern portion of the site would be used for retention. Two other areas have been identified for detention. Sidewalks are proposed on both sides of the street and along Ayers Road.

FINDINGS:

- A preliminary plan for the Parke Place at Coldstream Subdivision was approved by the Regional Planning Commission on April 7, 2016. Construction drawings were submitted on June 5, 2016 and are currently being reviewed by the applicable county agencies. The applicant is now proposing to add more land to the boundary of the approved subdivision.
- The acreage within the subdivision boundary has changed from 57.5 acres to 59.3 acres.
- Land that was not originally included in the subdivision has been added to the back portions of lots #16 - #21.
- Within the interior of the subdivision, the back portion of lot #3 has been added to lot #2.
- The proposed new street off of Ayers Road has been redesigned to include one median.
- Staff finds that the Preliminary Subdivision Plan conforms to the applicable laws and rules as determined by concept review and reports requested from the offices and agencies having jurisdiction. All reviewing agencies have recommended approval and no major concerns have been identified.
- Sidewalks are required on both sides of all streets and along county roads. The applicant is proposing sidewalks on both sides of the new street and along Ayers Road.
- Staff finds that the Preliminary Subdivision Plan conforms to the Hamilton County Thoroughfare Plan.
- One private access road would be utilized to access four lots and it appears the applicant has complied with the requirement that this private access road should be designed to comply with the standards of the Subdivision Rules and Regulations including recommended pavement width and lack of curbs and gutters. Staff finds that the private access road should be designed as such unless signs are installed at the entrance to such private access roads indicating that the roads are privately maintained.
- The Regional Planning Commission granted a modification to Section 12.3.10 (a) Residential Streets – Cul-de-Sacs; Stubs – Cul-de-Sacs Having Single Public Access to allow for a total of 75 lots accessed off of a series of cul-de-sacs with no emergency access. The new preliminary plan request does not increase the number of lots proposed and the modification to the subdivision boundary does not alter the previous findings. Therefore, staff recommends that the modification be granted for this subdivision revision request.

RECOMMENDATION: APPROVAL

STANDARD MOTION: 1st Motion:

I move to consider approval of the Preliminary Plan for the Parke Place at Coldstream Revision Subdivision based on the findings in the staff report.
(Proposed Staff Modification to Section 12.3.10 (c) to permit 75 lots accessed off of a series of cul-de-sacs)

(add any conditions required to achieve regulatory compliance and cite the applicable section number and findings)

2nd motion: (if approved):

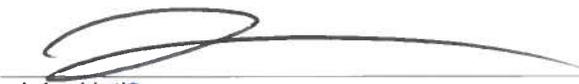
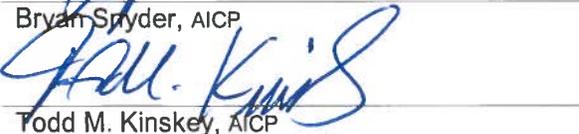
I move to consider approval of all Final Record Plats for Parke Place at Coldstream Subdivision Revision subject to certification by the Subdivision Administrator that the Final Plan is in conformance with the Preliminary Plan approved by the Planning Commission and the Improvement Plan as approved by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

2nd motion (if disapproved):

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

AGENCY REPORTS:	Dept. Storm Water & Infrac. (SWI):	Approved
	Zoning:	Approved
	Hamilton County Engineer (ENG):	N/A
	Metro. Sewer District (MSD):	N/A
	H. C. Soil & Water (HCSW):	N/A
	Ohio Department of Transportation:	N/A
	Cincinnati Water Works (GCWW):	N/A

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

Prepared By:		Senior Planner
Reviewed By:	 Bryan Snyder, AICP	Development Services Administrator
Approved By:	 Todd M. Kinskey, AICP	Planning & Development Director

SITE PHOTOS



View of the site looking northwest from Ayers Road

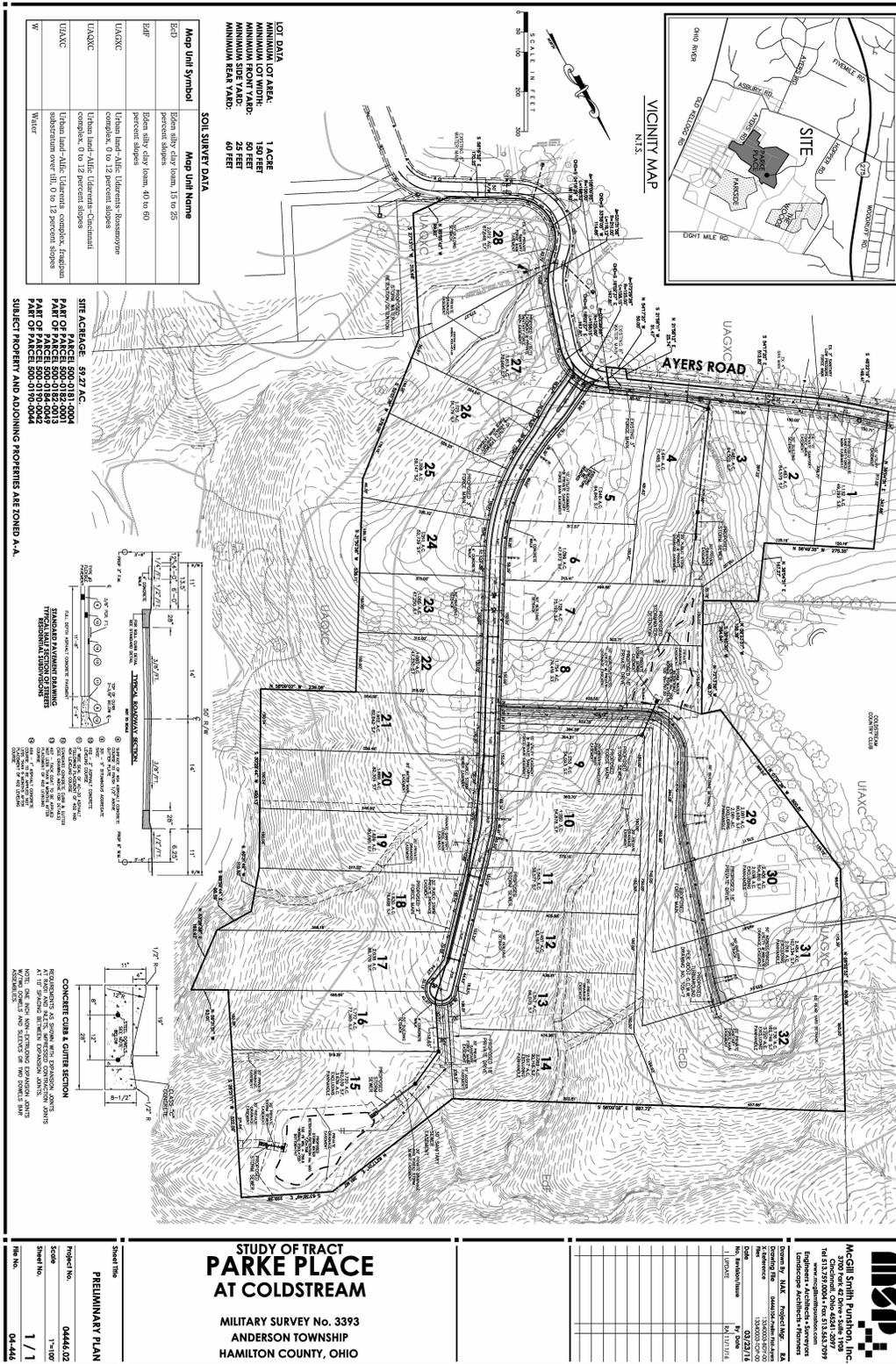


View of the site looking northwest from Ayers Road

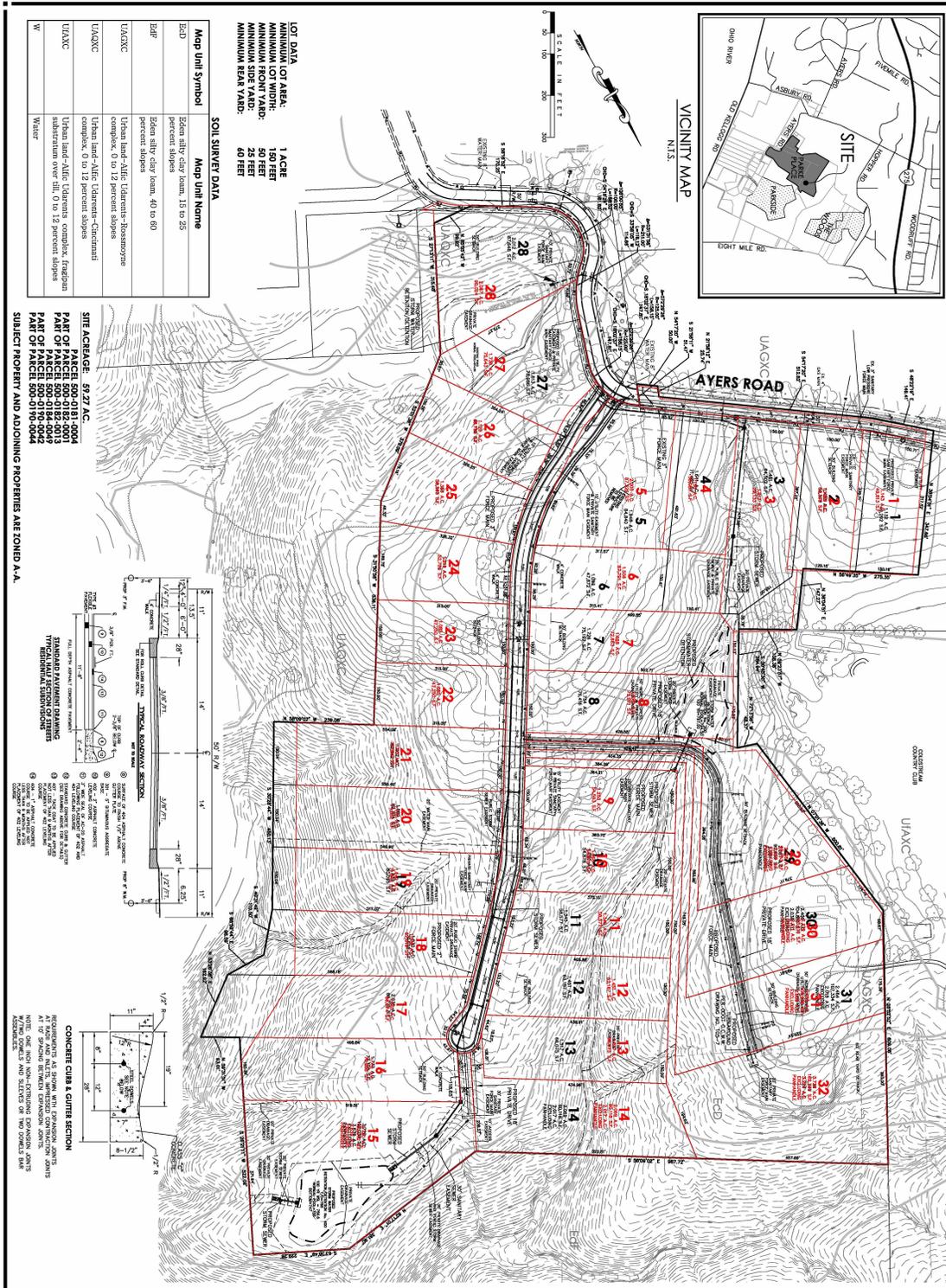


View of the site looking southeast from Ayers Road

PRELIMINARY PLAN



HIGHLIGHTED BOUNDARY CHANGES (in red)



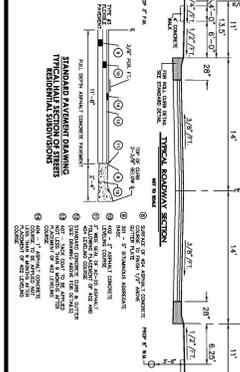
Map Unit Symbol	Map Unit Name
ESD	Esken silty clay loam, 15 to 25 percent slopes
ESF	Esken silty clay loam, 40 to 60 percent slopes
UA00C	Urban land-Allie, Ulaerents-Rossomone complex, 0 to 12 percent slopes
UA01C	Urban land-Allie, Ulaerents-Cincinnati complex, 0 to 12 percent slopes
UA02C	Urban land-Allie, Ulaerents complex, fragipan substratum over till, 0 to 12 percent slopes
W	Water

LOT DATA
 LOT AREA: 1 ACRE
 MINIMUM LOT WIDTH: 150 FEET
 MINIMUM FRONT YARD: 50 FEET
 MINIMUM SIDE YARD: 25 FEET
 MINIMUM REAR YARD: 60 FEET

SOIL SURVEY DATA

SITE ACREAGE: 87.27 AC.
 PART OF PARCEL 500-0182-0001
 PART OF PARCEL 500-0182-0013
 PART OF PARCEL 500-0170-0042
 PART OF PARCEL 500-0170-0044

SUBJECT PROPERTY AND ADJOINING PROPERTIES ARE ZONED A-A.



CONCRETE CURB & GUTTER SECTION
 RECOMMENDATIONS AS SHOWN WITH DIMENSION LINES AT 1/2" SPACING BETWEEN DIMENSION LINES.
 NOTE: ONE AND ONE-EIGHTH (1 1/8") SPACING BETWEEN DIMENSION LINES.
 DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE SPECIFIED.

Project No.	04446.02
Scale	1"=100'
Sheet No.	1 / 1
File No.	04-446

STUDY OF TRACT PARKE PLACE AT COLDSTREAM
 MILITARY SURVEY No. 3393
 ANDERSON TOWNSHIP
 HAMILTON COUNTY, OHIO

Drawn by	MAK	Project No.	84
Checked by	MAK	Drawing No.	1380003-CH-02
Date	03/23/16	No. of sheets	1/6
Scale	1"=100'	Sheet No.	1/1

McGill Smith Purshon, Inc.
 3700 York of Ohio State Turnpike
 Columbus, Ohio 43260-1000
 Tel: 614.399.2000 • Fax: 614.362.7799
 www.mcgillsmithpurshon.com

Engineered by: **MAK** Project No. 84
 Drawing No. 1380003-CH-02
 Date: 03/23/16
 No. of sheets: 1/6
 Sheet No.: 1/1



STAFF REPORT

FOR CONSIDERATION BY THE REGIONAL PLANNING COMMISSION ON DECEMBER 1, 2016
FOR CONSIDERATION BY THE RURAL ZONING COMMISSION ON DECEMBER 15, 2016

**ZONE
AMENDMENT
CASE:**

HARRISON 2016-01

UNILOCK INDUSTRIAL

REQUEST: FROM: "F PUD SPI-SC" Planned Light Industrial, "F SPI-SC" Light Industrial, and "A SPI-SC" Single-Family Residence
TO: "GG SPI-SC" Planned Heavy Industrial

PURPOSE: To construct a concrete paver and retaining wall manufacturing facility including two manufacturing plant buildings, two accessory buildings, outdoor storage areas and access drives from Southwest Parkway and Dry Fork Road

APPLICANT: Glenn Wiley, General Manager, Unilock Ohio Inc. (applicant); Dry Fork Farms LLC and Candlelight Park Ltd (owners)

LOCATION: Harrison Township: southeast of the end of Southwest Parkway extending east to Dry Fork Road (Book 560, Page 50, Parcel 203 AND Page 60, Parcels 19 and 51)

SITE DESCRIPTION: Tract Size: 39.9 acres (gross)
Frontage: Southwest Parkway: 226 feet existing, 452 feet proposed
145 feet on Dry Fork Road
Topography: Flat sloping down gradually on the east end of the site
Existing Dvlpmt: Farmland, Candlelight Mobile Home Park and Single-family

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	"F PUD SPI-SC" Light Industrial	Future development site
South:	"F SPI-SC" Light Industrial	Gravel extraction use
East:	"A SPI-SC" Residence	Single-family homes
West:	"F PUD SPI-SC" Light Industrial	Future development site

ZONING JURISDICTION: Hamilton County Commissioners

SUMMARY OF RECOMMENDATIONS: APPROVAL with Conditions

PROPOSED USE:

The applicant has requested a Zone Amendment to construct a regional concrete paver and retaining wall manufacturing facility for the Unilock company. Four buildings with a total area of 286,790 sq. ft. have been proposed. The Plant 1 building would be constructed as part of phase one and would be located in the northwest corner of the site along the Southwest Parkway frontage. A 452-foot extension of the Southwest Parkway public right-of-way to the south would be included in the request. Visitor parking and an outdoor display show garden would be provided along Southwest Parkway with employee parking to the north of the building. Plant 1 would contain office/locker space, machine area, finishing/packaging area, kilns, and charging/dosing area, and would be constructed primarily with a metal façade with masonry along the lower west façade facing Southwest Parkway and containing the main entrance. The height and massing of the Plant 1 building would be stepped in four parts. The northeast corner of the building would be 60 feet tall at the roof line and would contain four silos that reach 85 feet in height. This area steps down towards Southwest Parkway to a height of 45 feet for the northwest corner of the building. The majority of the building would be 35 feet in height oriented north-south along Southwest Parkway with the main entrance area of the building being approximately 20 feet in height.

The Plant 2 building would be similar in design and use as the Plant 1 building and would be constructed as part of phase two within the area currently occupied by Candlelight Mobile Home Park. The applicant has not indicated at what point the mobile home park use would be discontinued. To the south of the Plant 1 building would be a smaller storage/check-out building and to the south of the Plant 2 building would be a smaller retail show garden building constructed as part of phase two and accessed from Dry Fork Road. Within the middle of the site would be six outdoor storage areas totaling 189,538 sq. ft. in area.

The applicant has proposed the GG Heavy Industrial district as the total amount of outdoor storage would exceed what is permitted in the existing light industrial district. The applicant has proposed Unilock paver pavement for the majority of the hard surface areas on the north and west sides of the Plant 1 building and for all surfaces in phase two, and gravel has been proposed in the middle of the site between the plant buildings, around the storage/check-out building and in the outdoor storage area extending to the west boundary of the site. The applicant has proposed to maintain the existing woodland buffer between the site and the rear of the residences along Dry Fork Road. No security or other fencing has been proposed. The impervious surface ratio for the site would be 71% at full build out.

ZONING PETITION HISTORY:

The entire site is within an SPI overlay district that was approved in 2003 (case Harrison 2003-04). The SPI district designation provides special regulations for development that occurs within its area. Compliance with these special regulations is discussed in the zoning compliance section below.

Zoning history containing the 20-acre F PUD SPI-SC site immediately southeast of the end of Southwest Parkway is as follows. In November 2000, the RZC approved a PUD for a 160 acre tract south of Simonson Road for the construction of an office/distribution facility for The Gap Inc. This approval included a phased

development consisting of two large warehouse buildings containing approximately two million square feet and a three-story office building containing 120,000 sq. ft. In addition to the proposed buildings, the site plan included 2,012 parking spaces for automobiles, 813 truck trailer spaces and 60 tractor spaces. Three large stormwater detention basins were proposed along the east (10.6 acre basin), south (29 acre basin) and west (4.8 acre basin) property lines. However, this office/distribution facility for The Gap Inc. was never developed and the PUD area has since been developed as part of five Major Adjustments. Four of these developments have been constructed and are occupied, with the fifth and most recent Major Adjustment approval being for a 120,000 sq. ft. engineering and technical office building immediately north of the site in question known as Project Silverhawk.

Candlelight Mobile Home Park currently has a nonconforming use certificate (Z080178) to operate in the existing F SPI-SC Light Industrial and A SPI-SC Residence districts where mobile home parks are only permitted within the MHP Manufactured Home Park district. Should this Zone Amendment to the GG district be approved, the mobile home park would remain a permitted nonconforming use until such time that the site is developed in accordance with an approved plan.

**STAFF REVIEW
CONFERENCE:**

A Public/Staff Review Conference was held at 6:00 pm on October 18, 2016, at the Harrison Civic Center. This meeting was attended by representatives of the Unilock company and the property owners, township officials, and eight adjacent residents along Dry Fork Road. Issues raised at the meeting included the background, phased construction and employment plans for the company, retention ponds, and truck traffic bring restricted to Southwest Parkway. The owner of Candlelight Mobile Home Park attended the staff review conference and the applicant has stated that the residents of the mobile home park have been notified of the development proposal but the applicant has not verified this with staff.

ANALYSIS:

Land Use Plan Consistency

Applicable Policies and Recommendations: The Regional Planning Commission has an adopted a Land Use Plan for Harrison Township. The adoption and review history of the Plan is as follows:

- RPC Initial Adoption: February 2001
- Last Land Use Plan Update Approved: December 2012

Findings:

- *The Harrison Township Land Use Plan Map designates all properties involved as “Planned Mixed Use Employment Area”, which is defined as developments containing some combination of office, retail, light industrial or compatible uses developed with a consistent theme and containing architectural, landscape, streetscape, and signage standards. Typically a campus-style planned development with multiple uses that are created in separate buildings or within single buildings, sharing a common image and circulation system.*
- *Staff finds that the proposal would contain a campus-style combination of office, retail and industrial uses developed with a consistent theme/image and a*

circulation system around the site.

- *Per the Zoning Resolution, the production of concrete pavers and retaining walls, along with the total area of outdoor storage (189,538 sq. ft.) exceeding 25% of the floor area of all buildings (71,698 sq. ft.), would be considered a heavy industrial use beyond the scope of light industrial use.*
- *However, staff finds that the proposed use would be a permitted compatible use that would not have an ordinarily greater than average impact on the surrounding environment as all processing of materials would be done within plant buildings and that the site would have the appearance of a light industrial use consistent with other uses already developed within the PUD, with the exception of substantial outdoor storage and display of materials.*
- *Therefore, staff finds that the proposal would be consistent with the adopted Land use Plan Map.*
- *The Land Use Plan was completed as part of the Harrison Township 2020 Comprehensive Plan, which contains specific Land Use Strategies for certain areas and sites.*
- *The proposed development is part of Site No. 31 of the Land Use Plan, which covers the JEDD PUD and surrounding area. Strategy 2 for this area states: “Concentrate planned mixed use employment development south of I-74 including the area known as the Harrison Township Commerce Center and along Dry Fork Road north of I-74”. Part of the rationale for this strategy includes increasing the tax base along with optimal utilization of land.*
- *Staff finds that the proposed use would provide for planned mixed use employment and optimal utilization of land as the proposal would provide for continued development of the Commerce Center as well as the expansion of industrial development into the nonconforming mobile home park area.*
- *Therefore, staff finds that the proposal is consistent with Land Use Plan Map and text of the Comprehensive Plan.*

**RECOMMENDED
MOTION:**

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

ANALYSIS (CONT.):

Thoroughfare Plan Consistency

Applicable Policies and Recommendations: The Hamilton County Thoroughfare Plan designates Dry Fork Road as a Collector with a required right-of-way of 80 feet (40 feet from centerline) and does not indicate or designate a required right-of-way for Southwest Parkway, which has been constructed with a 60-foot right-of-way per the Local Road width requirement.

Findings: *The applicant has indicated a proposed right-of-way of 40 feet from the centerline of Dry Fork Road for the two frontage parcels in accordance with the Thoroughfare Plan.*

Zoning Compliance

The site plan meets the minimum standards of the Hamilton County Zoning Resolution and the “GG SPI-SC” Planned Heavy Industrial Special Public Interest district, with the following exceptions.

Section 6-1.2 c. – Sensory and Nuisance Impacts

This section states that processes and equipment operations shall be limited to those that are not objectionable to the enjoyment and use of adjoining and adjacent zoning lots which are within 600 feet, because of odor, dust, smoke, gases, vapors, noise, refuse matter or water-carried waste.

***Findings:** The proposed Plant 2 building would be setback 294 feet from the closest rear lot line of the row of eight single-family homes along the west side of Dry Fork Road north of the mobile home park driveway. The applicant has not submitted elevations or a floor plan for this building but the site plan footprint appears to be identical to the Plant 1 building and also includes four silos that would be approximately 300 feet from the closest residential rear lot line to the east. With the silos being within 600 feet of the residences, staff is concerned that there may be odor, smoke, gases, vapors, or refuse matter emanating from these silos due to the lack of information submitted by the applicant. As the applicant letter states that this additional manufacturing plant will be needed in approximately seven years, staff recommends that Plant 2 be required to obtain Rural Zoning Commission approval at a public hearing in order for staff and residents to determine potential impacts and compliance with this section after Plant 1 has been operating.*

Section 6-1.2 g.4. – Outdoor Storage Screening

This section states that outdoor storage areas in the F and G districts are required to be located within the side or rear yards only and be screened by a solid wall or fence.

***Findings:** The applicant has proposed six outdoor storage areas totaling 189,538 sq. ft. in area within the rear yard of the site but has requested a variance to waive the screening requirement. Staff supports a variance to waive the screening requirement as the outdoor storage would be in the middle of the site and would be screened by the plant buildings to the north and as the site is surrounded by farmland planned for industrial use to the north and west, an extraction operation to the south at the closest point to the outdoor storage, and would be buffered by the existing woodland buffer between the site and the rear of the residences to the east.*

Section 3-5 & Table 6-5 – Maximum Building Height G District

This table indicates that a maximum principal building height of 35 feet is permitted within the G district with chimneys, cooling towers, stacks, silos and other necessary mechanical appurtenances exempt from this height limit.

***Findings:** The northeast corner of the Plant 1 building would be 60 feet tall at the roof line and would contain four silos that reach 85 feet in height. This would step down towards Southwest Parkway to a height of 45 feet for the northwest corner of the building. The majority of the building would be 35 feet in height running north-south along Southwest Parkway with the main entrance area of the building being approximately 20 feet in height. It appears that the Plant 2 building would have an identical footprint in massing, rotated 90-degrees clockwise to have the tallest portion of the building in the southeast corner of the footprint. Staff supports a*

variance to permit two plant buildings with a maximum height of 60 feet as the 35-foot height limit is restrictively low for many industrial uses and as the site is surrounded by farmland planned and approved for industrial use to the north and west, and an extraction operation to the south. Staff is not concerned with the proposed height as it relates to the row of eight single-family homes along the west side of Dry Fork Road north of the mobile home park driveway as the Plant 2 building would be setback 294 feet from the closest residential rear lot line and would be buffered by the existing woodland buffer between the site and the rear of the residences to remain as part of this proposal.

Section 8-4.6 (g) – Vehicular Connections Required

This section states that all office, retail, and industrial uses shall be permitted a maximum of one access point per public street frontage of the development site.

***Findings:** The applicant has requested a modification to allow three access points on Southwest Parkway, one access point being a boulevard in the northwest corner of the site, a second access point for visitor parking and a third access point in the southwest corner of the site. The south two access points would access a proposed 452-foot extension of Southwest Parkway. Staff recommends approval of the modification for three access points onto Southwest Parkway as the access points would be at the southern end of Southwest Parkway and the PUD area, and as the property immediately south of the site in question in an extraction operation with access onto Dry Fork Road. As a result of supporting three access points onto Southwest Parkway, staff also recommends that no semi-tractor trailer or other commercial or industrial vehicles be permitted to use the existing Dry Fork Road access drive that the applicant has stated would only be used for retail purposes.*

Section 8-4.6 (h) – Building Materials

This section states that 40% of all building facades, excluding glass areas that face a public street or access easement shall be constructed of masonry materials.

***Findings:** The applicant has proposed the required masonry materials along the lower west façade facing Southwest Parkway containing the main entrance but it is unclear what materials would be used for the facades that step up to 45 and 60 feet facing Southwest Parkway. Non-masonry materials such as tilt-up concrete panels, split-face concrete block, and metal have consistently been a permitted building material through the Major Adjustment process for the buildings in the other five phases of the PUD. Therefore, staff supports a modification to require masonry materials only on the lower west façade as proposed.*

Section 12-4.5 – Surface and Drainage

This section states that parking lots including aisles, access drives and parking spaces shall be surfaced with asphalt or concrete.

***Findings:** The applicant has proposed Unilock concrete paving stones for the majority of the hard surface areas on the north and west sides of the Plant 1 building and for all surfaces in phase two, and gravel has been proposed in the middle of the site between the plant buildings, around the storage/check-out building and around the outdoor storage area to eventually be surfaced with pavers manufactured on-site once the plant is operational. The Zoning Resolution permits pavers for parking spaces but does not permit pavers for loading areas or access drives providing access to the property or to any loading area. Given that the proposed use*

manufactures concrete pavers, staff supports a variance to this standard to allow concrete pavers instead of asphalt or cement paving of parking and access areas. However, staff is concerned with the large amount of gravel area proposed indefinitely to access the end of Southwest Parkway and therefore recommends that the first 200 feet of depth from the west property line in the area of Southwest Parkway be paved with pavers, asphalt or concrete, and that gravel only be permitted beyond this area in the middle of the site surrounding and within the outdoor storage areas. In addition, this gravel area should be required to be paved as part of phase two construction at the latest.

Section 14-7 – Boundary Buffer

This section states that a Boundary Buffer B with a minimum width of 60 feet is required along the east property lines where the site abuts single-family residential use, and that a Boundary Buffer B with a minimum width of 50 feet is required along the north property line where the site abuts a planned low-intensity office use (Project Silverhawk). No buffer is required along the south property line as this is an excavation/extraction use.

***Findings:** The applicant has proposed that the existing woodland buffer between the existing mobile home park and the row of eight single-family homes along the west side of Dry Fork Road north of the mobile home park driveway be preserved to count towards the required boundary buffer. Staff supports the existing woodland buffer to count towards the planting requirement as it is a substantial buffer and exceeds the minimum 60-foot width requirement. As there is no existing woodland buffer to the rear of the lot immediately north of the mobile home park driveway or for the three residential lots south of the driveway, staff recommends the required plantings be installed along the rear lot lines of these four lots. Also, staff recommends that the woodland buffer be preserved and protected during construction as a condition of approval.*

Along the north property line where the site abuts a planned low-intensity office use known as Project Silverhawk, staff recommends that the required 50-foot boundary buffer be reduced to the proposed 15-foot buffer subject to the required plantings as the low-intensity office use of the site will appear as an industrial use and there will be security fencing, a drainage easement, and several hundred feet separating the Unilock site from the proposed building to the north.

Other Issues

Mobile Home Park Buffer

The applicant has not indicated at what point the mobile home park use would be discontinued and the mobile home park would be permitted to remain as part of phase one of development that would occur on the large parcel to the west. Though no boundary buffer is required between phase one and the mobile home park as it is internal to the Zone Amendment area, staff is concerned that phase one could be constructed with outdoor storage abutting the property line to the east immediately adjacent to the mobile home park. Therefore, staff recommends that a Boundary Buffer B be required between phase one and any occupied unit within the mobile home park until such time that phase two is developed.

CONCLUSION:

Based on the above findings there is sufficient reason for staff to support the request. The proposal is consistent with the Harrison Township Land Use and Comprehensive Plans and the Hamilton County Thoroughfare Plan. Provided that Plant 2 is approved as part of a public hearing where applicable controls can be reviewed to ensure compatibility with surrounding uses and the gravel area is reduced, the proposed development would be an acceptable use of the property. Therefore, staff finds that the development would be appropriate in this location.

**RECOMMENDED
MOTION:**

To find consistency with the adopted land use plan and to recommend approval of case Harrison 2016-01; Unilock Industrial, a request for a zone amendment from “F PUD SPI-SC” Planned Light Industrial, “F SPI-SC” Light Industrial, and “A SPI-SC” Single-Family Residence to “GG SPI-SC” Planned Heavy Industrial subject to the standard covenants for planned districts and the following conditions, variances and modifications:

Conditions:

1. That the Zoning Compliance Plan for Plant 2 shall be reviewed and approved by the Rural Zoning Commission for compliance with Section 6-1.2 (c) as part of a public hearing.
2. That a landscape plan that complies with Sections 12-6, 14-7, and 14-8 of the Zoning Resolution and Conditions #5 and #6, and Modification #3 below shall be submitted as part of the Zoning Compliance Plan.
3. That a lighting plan that complies with the Zoning Resolution shall be submitted as part of the Zoning Compliance Plan.
4. That a signage plan that complies with the Zoning Resolution shall be submitted as part of the Zoning Compliance Plan.
5. That the existing wooded area indicated to remain along the east property line shall remain an undisturbed boundary buffer and shall be indicated as outside of the limits of construction and protected with temporary fencing during construction.
6. That a Boundary Buffer B shall be installed between phase one and any occupied unit within the mobile home park in phase two until such time that all mobile home units are removed from the zone amendment area.
7. That no semi-tractor trailer, commercial, or industrial vehicles shall be permitted to use the Dry Ford Road access drive.
8. That no gravel parking, access, loading or storage areas shall be permitted within 200 feet of the west property line near Southwest parkway.

Variances:

1. Section 6-1.2 g.4. – That no outdoor storage screening shall be required where outdoor storage is required to be screened by a solid fence or wall.
2. Table 6-5 – That a maximum building height of 60 feet shall be permitted for the Plant 1 and Plant 2 buildings where a maximum building height of 35 feet is permitted.

3. Section 12-4.5 – That concrete pavers shall be permitted for all parking lot aisles, access drives and parking spaces, and that gravel shall be permitted within and surrounding outdoor storage areas where asphalt or cement paving is required provided that all gravel areas shall be paved as part of phase two of development at the latest.

Modifications:

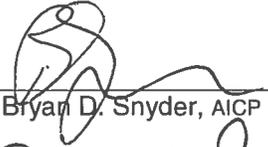
1. Section 8-4.6 g. – That the site shall be permitted three access points onto Southwest Parkway, subject to approval of the County Engineer, where one access point is permitted for each phase of the development.
2. Section 8-4.6 h. – That the entire lower west façade containing the entrance to Plant 1 shall be constructed with 100% masonry materials.
3. Section 14-7 – That a 15-foot wide Boundary Buffer B shall be permitted along the north property line where a 50-foot wide Boundary Buffer B is required provided that all required landscaping is installed and maintained within the reduced buffer area.

**AGENCY
REPORTS:**

Dept. Public Works (DPW):	Approved
City of Harrison Sanitary Sewer:	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):	Approved
Hamilton County Engineer (HCE):	Dedication of right-of-way required
Twp. Trustees (TT):	Report not yet received

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

Prepared By:  Senior Planner
Eric Fazzini, CNU-A

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

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

SITE PHOTOS



View of site looking east from the end of Southwest Parkway



Looking north down Southwest Parkway



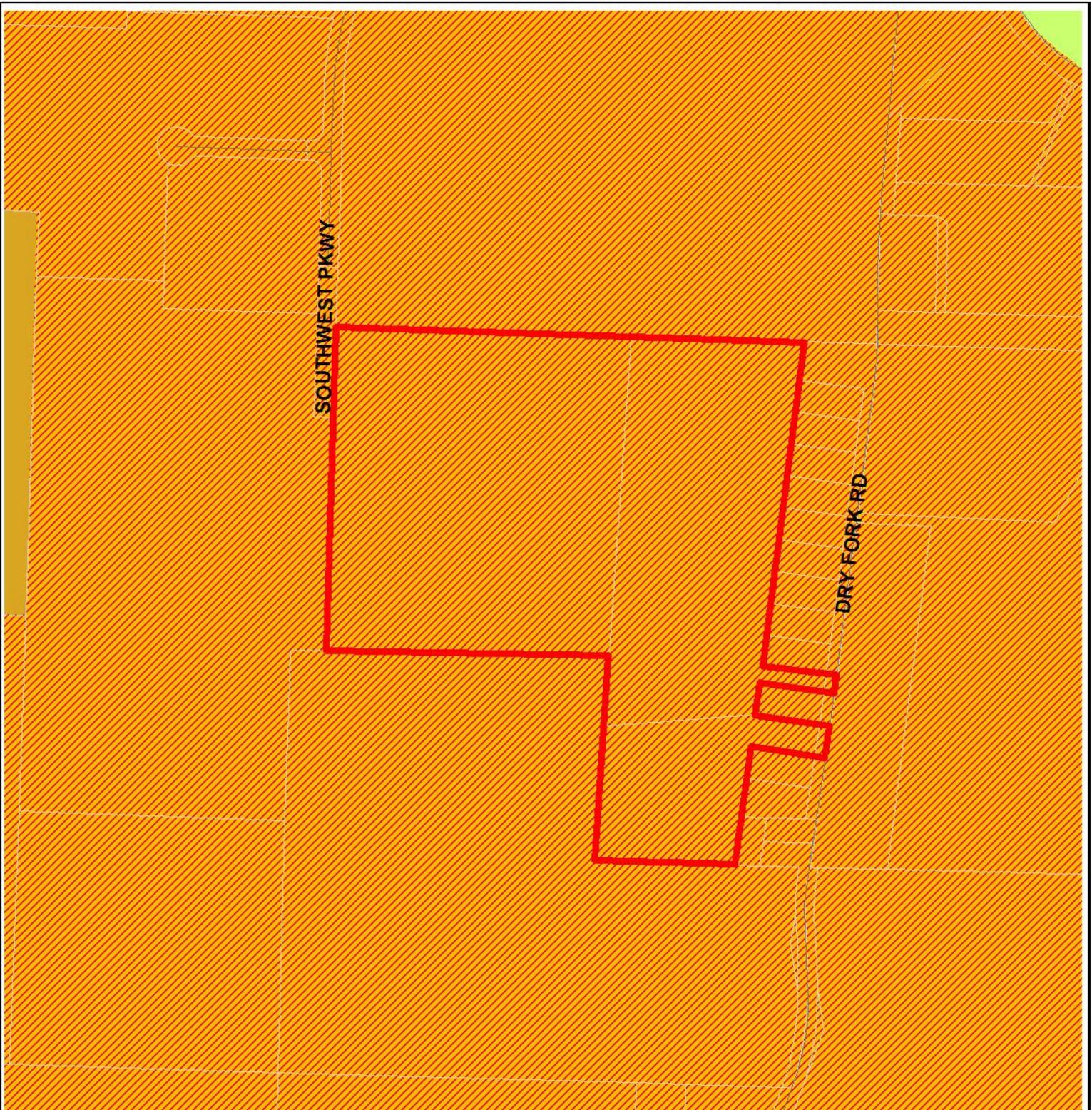
Looking northwest at the mobile home park within phase two of development



Looking southeast at mobile home park Dry Fork Road driveway to remain



Bird's eye image of existing wooded area to remain as buffer to east



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 | |

Harrison Township Land Use Plan Map

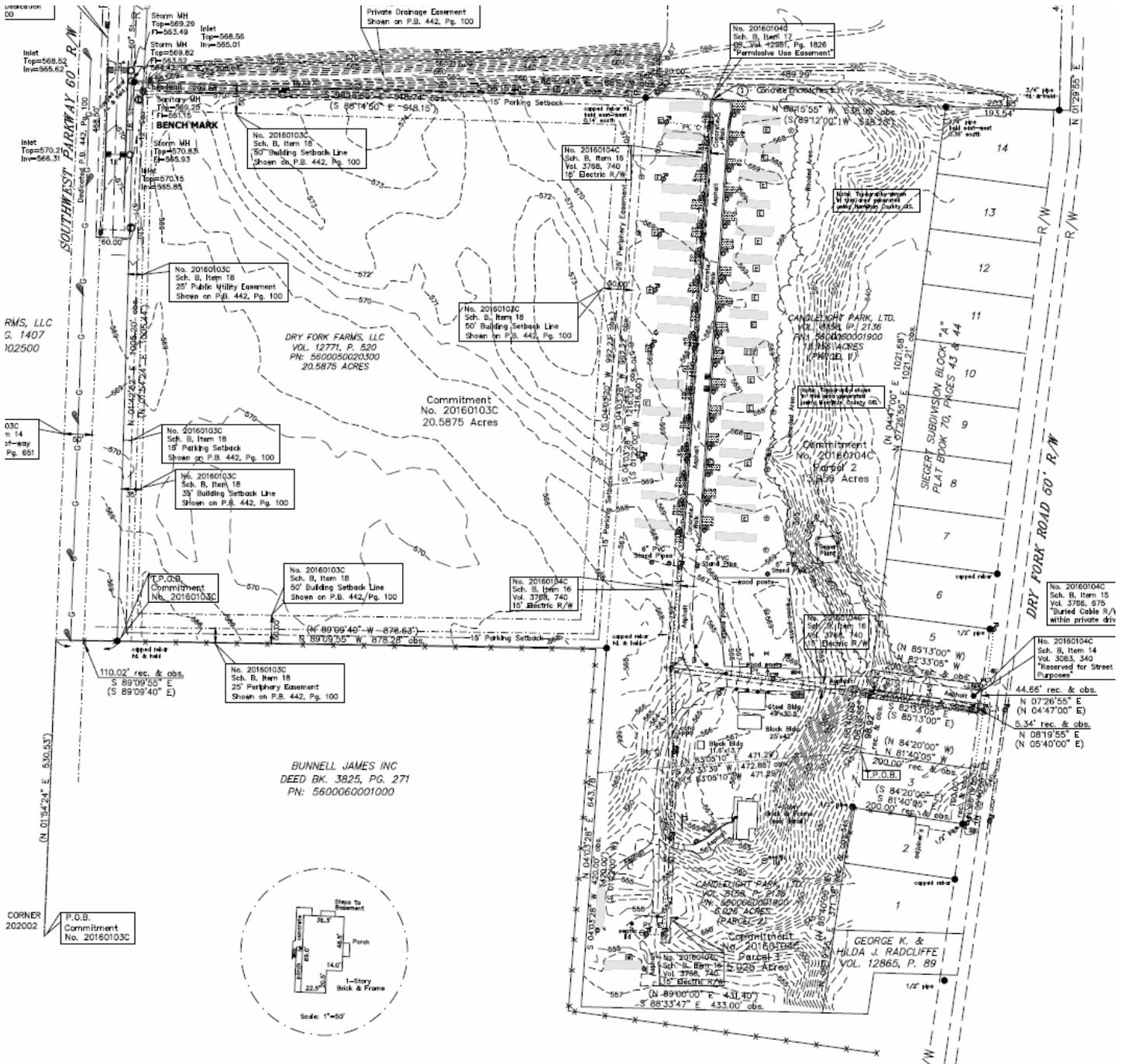
ZONE CASE: Harrison 2016-01



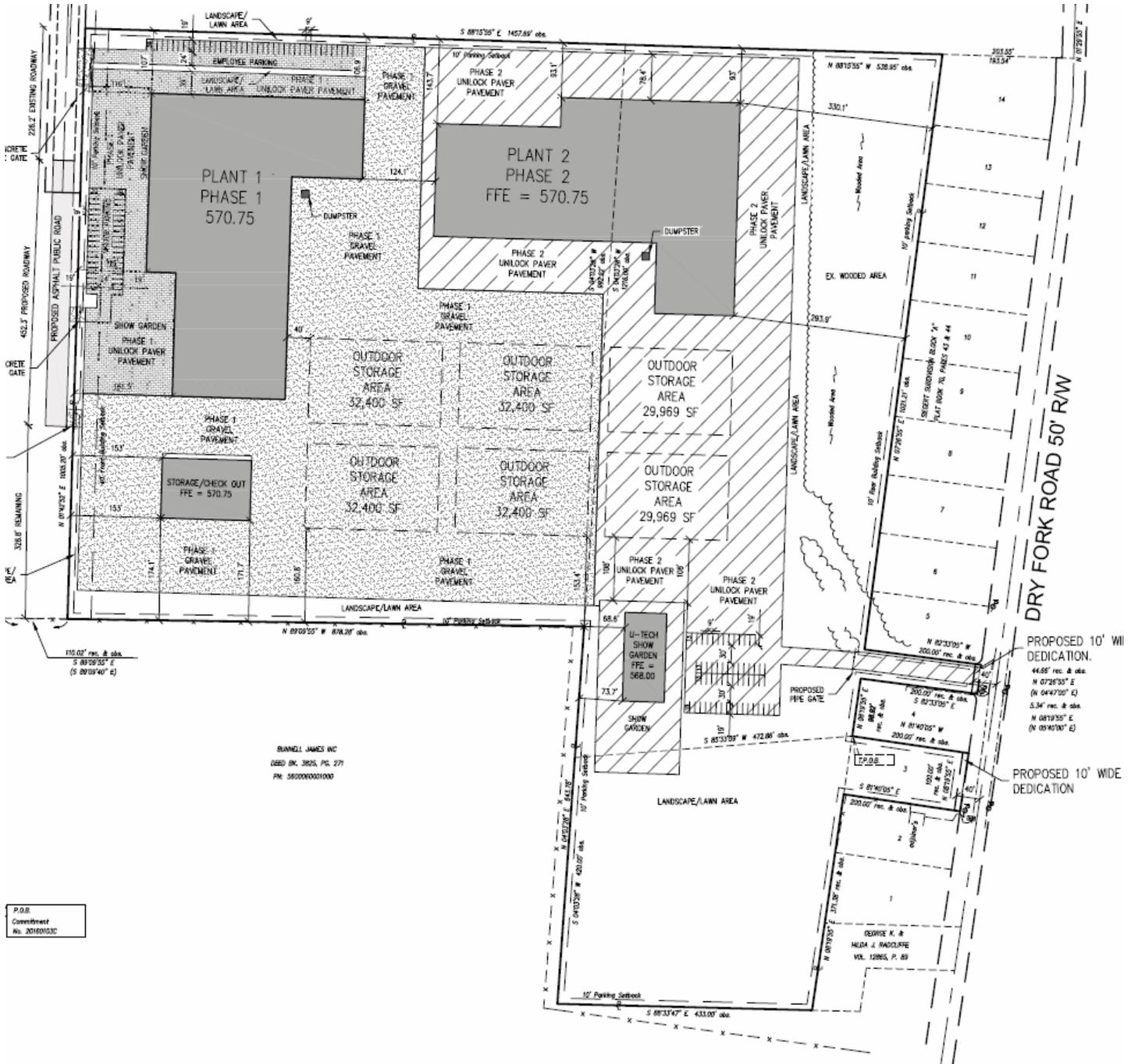
THE HAMILTON COUNTY
rpc Regional Planning
Commission 11/22/2016

DISCLAIMER: Neither the provider, nor any of the parties of the Cincinnati area geographic information system (CAGIS) make any warranty or representation, either expressed or implied, with respect to this information's quality, performance, accuracy, reliability, or fitness for a particular purpose. As a result, this information is provided "as is", and you, the recipient, are assuming the entire risk as to its quality and performance. In no event, will the provider or any party of CAGIS be liable for direct, indirect, incidental, or consequential damages resulting from any defect in the information or any other part of the map product, even if advised of the possibility of such damages. In particular, neither the provider nor any party of CAGIS shall have any liability for any other information, programs or data used with or coordinated with the information, or any use, including the use of recovering same in various programs or uses. Any roadway and flood zone information provided on this map is for consultational planning purposes only. For official determination of limits recipient must refer to the 1982 FEMA Floodway/Traverse Maps. Large differences can exist between actual flood-prone areas and official FEMA floodway areas.

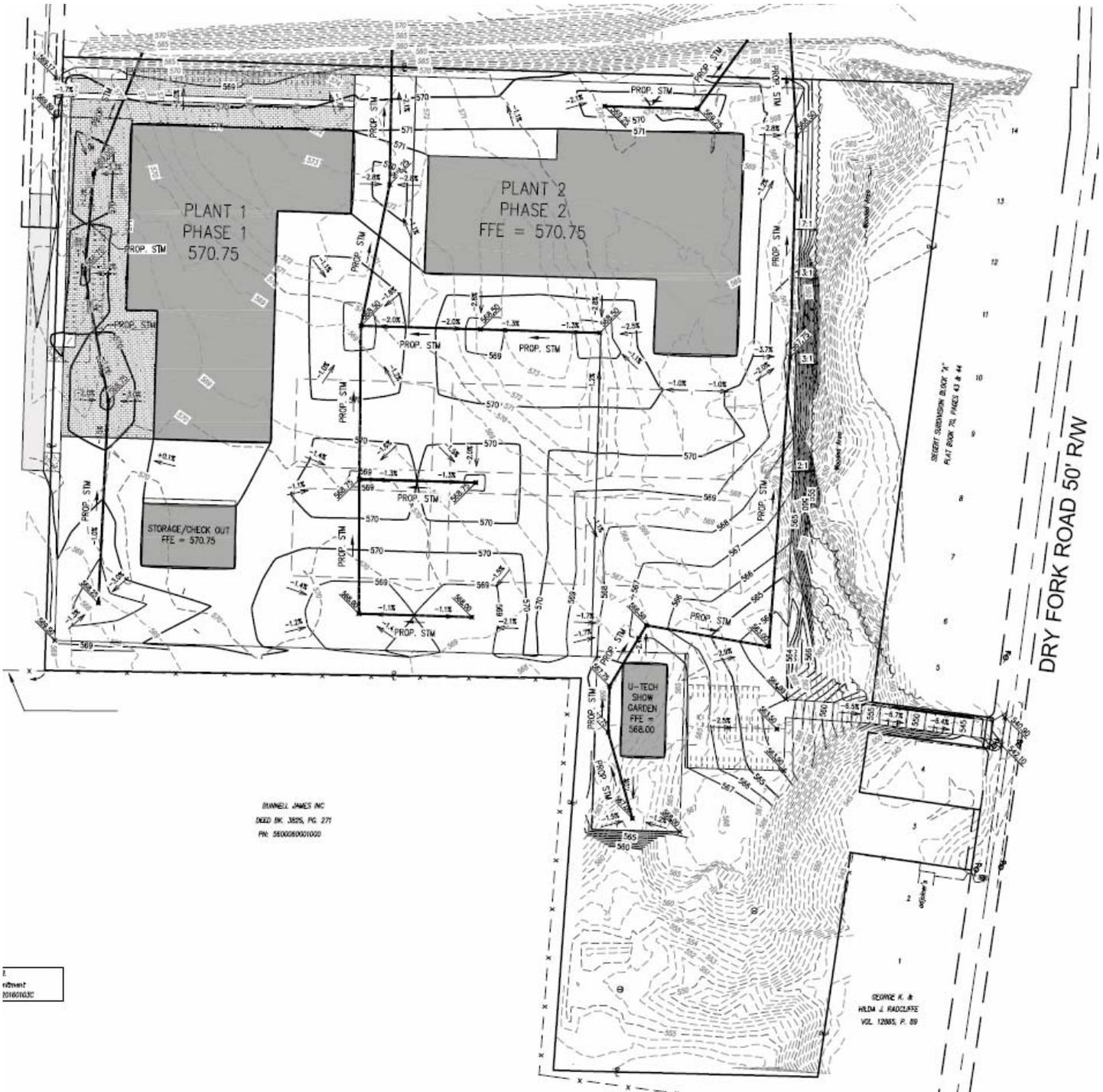
EXISTING CONDITIONS



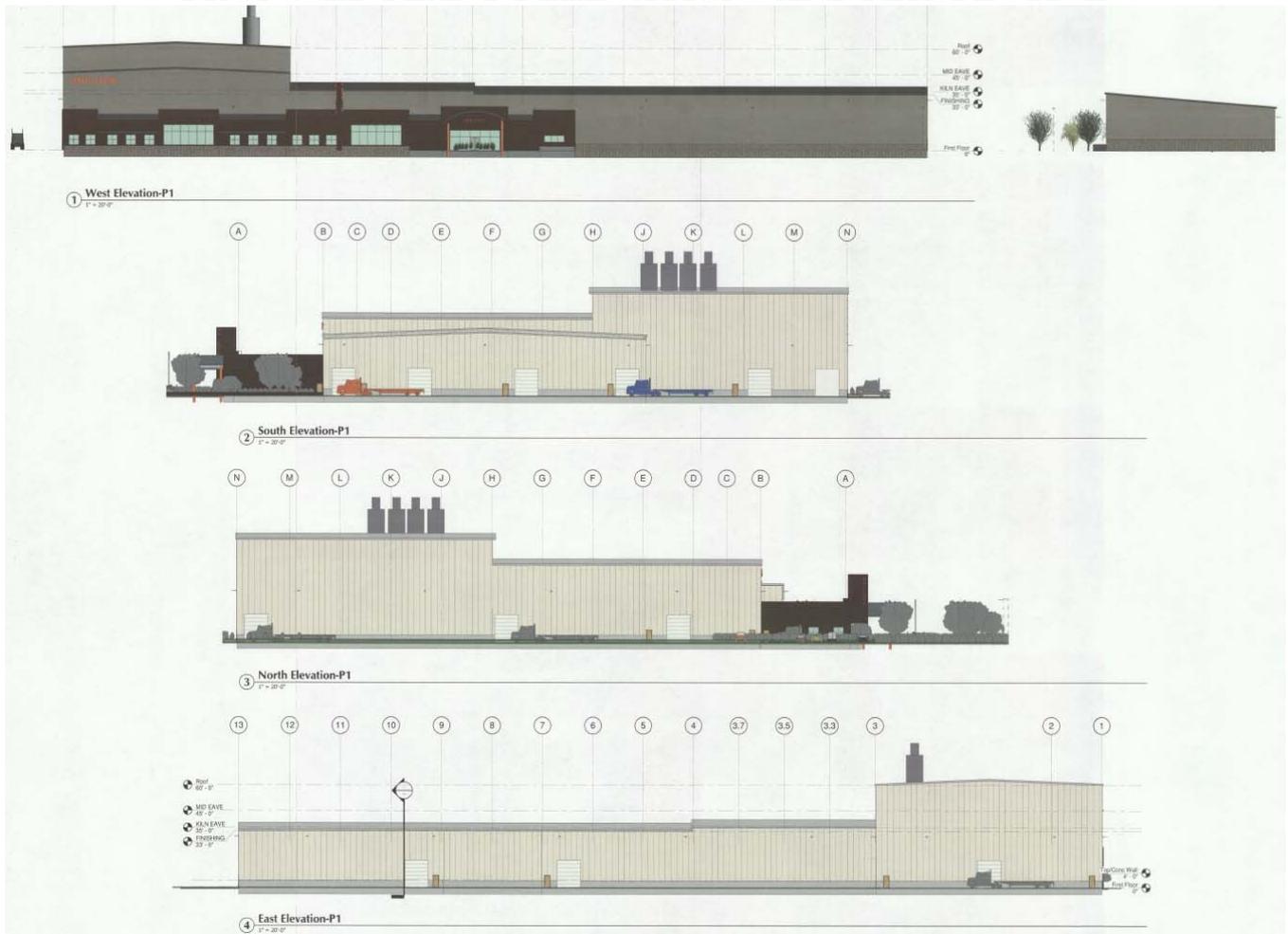
PROPOSED SITE PLAN (PHASE 2 HATCHED)



PROPOSED GRADING PLAN



PROPOSED PLANT 1 ELEVATIONS AND PERSPECTIVE



APPLICANT LETTERS



September 8, 2016

(Addendum November 21, 2016)

Bryan D. Snyder, AICP
Development Services Administrator
Hamilton County Department of Planning and Development
138 E. Court St. Suite 801
Cincinnati, OH 45202-1237

Dear: Mr. Snyder

Unilock the industry leading manufacturer of Concrete Unit Pavers and Segmental Retaining Walls is proposing to build a new manufacturing facility to provide additional capacity to support the sales and growth of their products in the State of Ohio and beyond. The proposed development and real estate would be located in the Township of Harrison, Hamilton County, Ohio known as PIDN: 560-0050-0203-00, PIDN: 560-0060-0019-00 and PIDN: 560-0060-0051-00 totaling 39.58 acres.

Unilock is seeking a zone change from "F PUD SPI-SC", "F SPI-SC" and "A SPI-SC" to "GG SPI –SC" Planned Heavy Industrial for the aforementioned properties and is also requesting a public/staff review conference for the approval.

Unilock, a family owned company, has been manufacturing pavers and walls since 1972 with roots in Toronto, Canada. Over the years Unilock has expanded to become a multinational company with locations in Ontario, Wisconsin, Illinois, Michigan, Ohio, New York and Massachusetts. Unilock has focused on developing and promoting the landscape industry for over 40 years and is committed to providing their customers industry leading product innovation, cutting edge manufacturing technologies and unrivalled customer support both in the field and the office.

Growth has always been at the forefront with Unilock. With 15 manufacturing facilities, Unilock now distributes across Canada and to 20 states within the USA. The Harrison site provides an excellent location to further expand the footprint of the Unilock brand. The site offers tremendous potential to the core market of Cincinnati and accessible shipping lanes to other major markets including Columbus, Indianapolis, Louisville and Lexington.

The Harrison site will commence construction with a brand new state of the art manufacturing facility with a capital investment of approximately \$25M. This facility is anticipated to employ approximately 26 people from final commissioning of the plant with an estimated payroll of \$1.33M. An additional manufacturing facility will be required in approximately 7 years with another \$25M-\$30M in capital expense. The full build out of the site, based on today's projections, would have approximately 92 employees with a payroll of \$5.4M.



Unilock is anxious to move forward with this exciting project and looks forward to working with the County of Hamilton to make this project a reality for both the community and Unilock.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Moser', written in a cursive style.

Robert Moser
Unilock
Director of Project Management US
301 Sullivan Road
Aurora, IL 60505

Unilock Ohio
12560 Sheets Road
Rittman, OH 44270



November 18, 2016

Eric Fazzini
Senior Planner
Hamilton County Department of Planning and Development
Planning and Zoning
138 E. Court St. Suite 801
Cincinnati, OH 45202-1237

Dear Mr. Fazzini.

This letter is in response to two of the comments from your email of Plan Comments dated November 16, 2016.

First:

- **SPI 8-4.6: Modifications will be needed to sections 8-4.6 g.3, h.1, and i.**
 - **What is the status of the extension of Southwest Parkway as this has bearing on the second proposed driveway to the south.**

Unilock has met with REDI Cincinnati as well as Harrison City and Township officials and ODOT to discuss the design, construction and funding for the required road extension to suit the requirements of the Unilock site. A preliminary quote is attached and we are working with the aforementioned governing bodies to finalize the details, of timing and funding for the road extension.

Second:

- **It is generally unclear what proposed groundcover will be for the entire site. Please clearly label desired hard surface and greenspace surfaces. Gravel is not permitted and would need approval of a variance if desired for any vehicular areas.**

At the start of Phase One of the project Unilock plans of paving all the parking area with concrete paving stones manufactured at our Rittman Ohio site. The area that delivery trucks are loaded with outgoing product will also be paved with



paving stones and aprons from the street entrances into the site/property will be poured in place concrete. Typically all aprons to man and overhead doors of the plant/office building will also have poured in place concrete used. All other areas will be gravel at the start of operations. The plan is to pave the remaining areas of the site with paving stones in phases with material manufactured on site once the plant begins production. As such we will request a variance to allow gravel ground cover in all unpaved areas until such time as the areas are paved.

Please contact me with any questions or comments.

Sincerely,

Robert Moser
Director of Project Management US
Unilock
301 East Sullivan Road
Aurora, IL 60505
bob.moser@unilock.com
630.675.5866

Unilock Ohio
12560 Sheets Road
Rittman, Ohio
330.927.4000

(Attachments: 2)



STAFF REPORT

FOR CONSIDERATION BY HAMILTON COUNTY REGIONAL PLANNING COMM. ON DEC. 1, 2016
FOR CONSIDERATION BY THE COLERAIN TOWNSHIP ZONING COMMISSION ON DEC. 20, 2016

**ZONE
AMENDMENT
CASE:**

COLERAIN ZA2016-08

9869 COLERAIN AVE – RAISING CANE’S

REQUEST: SUBSTANTIAL MODIFICATION of an existing “PD-B” Planned Development Business District

PURPOSE: To demolish the existing fast food restaurant building and redevelop the property for a new restaurant use

APPLICANT: Drew Gatliff, MA Architects (applicant), Colerain Land Company LLC (owner)

LOCATION: Colerain Township: 9869 Colerain Avenue; on the northwest corner of the Haverkos Court and Colerain Avenue intersection (Book 510, Page 111, Parcel 25)

SITE DESCRIPTION:

Tract Size:	Approximately 0.72 acres (gross)
Frontage:	Approximately 100 feet on Colerain Avenue and approximately 310 feet on Haverkos Court
Topography:	Flat
Existing Dvlpmt:	Long John Silver’s Restaurant

**SURROUNDING
CONDITIONS:**

	<u>ZONE</u>	<u>LAND USE</u>
North:	“PD-B” Planned Dev. Business District	Auto repair
South:	“PD-B” Planned Dev. Business District	Stone Creek Towne Center
East:	“B-2” General Business District	Retail
West:	“PD-B” Planned Dev. Business District	Stone Creek Towne Center

ZONING

JURISDICTION: Colerain Township Board of Trustees

**SUMMARY OF
RECOMMENDATION:** APPROVAL with Conditions

PROPOSED USE:

The applicant is proposing a Substantial Modification within the “PD-B” Planned Development Business district to raze the existing Long John Silver’s Restaurant and to construct a 3,392 square-foot Raising Cane’s Restaurant with an associated 34-space parking lot. The restaurant would contain a drive-thru lane and would be accessed via an existing shared driveway located to the north off of Colerain Avenue, which also serves the adjacent Valvoline Oil Change business, and two existing curb-cuts off of Haverkos Court. Signage is proposed on all four sides of the proposed building along with a monument sign at 10 feet high and 47.6 square feet in size constructed along Colerain Avenue to replace an existing pole sign which currently identifies the Long John Silver’s Restaurant. The proposed ISR would be 71%.

ZONING PETITION HISTORY:

In 2007, a zone change request was approved as part of Case Colerain ZA2007-03 for the site to the north and the site in question from “R-4” Residential and “B-2” General Business to “PD-B” Planned District Business. The request was for the construction of a new Valvoline Instant Oil Change business on the parcel to the north. At that time, the existing Long John Silver’s restaurant was included in the request because it was commonly owned and because a portion of the site was nonconforming. However no changes to the Long John Silver’s site were proposed at that time and no preliminary or final development plan were submitted or approved by Colerain Township.

In 2016, the township adopted Case Colerain ZA2016-06 Text Amendments which require substantial modifications to an approved plan which are not in conformance with the intent of or are in direct conflict with a specific standard or requirement of the resolution of approval adopted by the Colerain Township Trustees to be processed similar to a zone change request. This requires review and recommendation by the Hamilton County Regional Planning Commission and the Colerain Township Zoning Commission with the final approval by the Colerain Township trustees. Because this site had no specific preliminary development plan, Colerain Township staff determined that the proposal was a substantial modification subject to the process outlined above.

ANALYSIS:

Land Use Plan Consistency

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

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

Findings:

- *The Land Use Plan is not considered current as defined in the HCRPC Bylaws because it has not been reviewed and updated by the Regional Planning Commission within the last 5 years.*

- *However, the Colerain Township Trustees have adopted a Land Use Map for the entire Township dated September 2011.*
- *The Colerain Township Land Use Map designates the site as “Planned Mix Use Employment”, which is defined as community and regional oriented business uses that tend to locate along highways with relatively high traffic volumes. Typically 1 story structures with a scale, massing, intensity, layout and specifications compatible with site constraints and character of surrounding residential developments.*
- *A restaurant use would be consistent with this designation.*
- *The Colerain Township Comprehensive Plan indicates the site is within Character Area 5: Colerain Avenue, which is described as the major commercial corridor for the Township, and the Vision Map for this area, along with the Land Use Map, supports commercial use of this site as part of the Colerain Avenue commercial corridor.*
- *The vision for this character area is that “Colerain Avenue will continue to see signs of reinvestment and redevelopment and will be a quality commercial corridor for the region. Investments from the Township, such as tax-increment financing, and property owners along this corridor will, in the long-term, help stabilize and improve this important commercial center. The Township will take steps to work with property owners to help improve the curb appeal that will benefit both the value of property and the Township overall. Colerain Avenue will encompass a mixture of large scale and small-scale retail and office space with the creation of a town center that will create a positive identity for the Colerain Township.”*
- *Land use guideline #5 of the character area encourages “the development of a mixed-use development or town center along the Colerain Avenue corridor that will incorporate a pedestrian scale environment...” Staff finds that a pedestrian connection should be identified between the existing sidewalk along Colerain Avenue and the proposed building to achieve the pedestrian scale identified in this guideline.*
- *With the proposed pedestrian connection identified above, staff finds that the proposal would be consistent with both the Colerain Township Land Use Plan and Comprehensive Plan.*
- *However, consistency with the adopted Land Use Plan and Comprehensive Plan is not required in accordance with RPC Consistency By-laws because the Land Use Plan is not current.*

RECOMMENDED MOTION:

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

ANALYSIS:

Thoroughfare Plan Consistency

Applicable Policies and Recommendations: The proposed development has frontage on Colerain Avenue and Haverkos Court. The Hamilton County Thoroughfare Plan designates Colerain Avenue as a Major Arterial with a required right-of-way of 120 feet (60 feet from centerline). Haverkos Court is not classified on the Thoroughfare

Plan.

Findings: *The applicant has not indicated existing or proposed right-of-way, but it appears that the site currently has 50 feet of right-of-way from the centerline of Colerain Avenue. Staff finds that the additional 10 feet should be identified on the plan in compliance with the Thoroughfare Plan.*

Zoning Compliance

The site plan appears to meet the minimum standards of the Colerain Township Zoning Resolution and the “PD-B” Planned Development Business District with the following exceptions.

Table 9-2 – Common Open Space Requirements

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

Findings: *The submitted plans do not indicate an official dedication of common space. Staff recommends that the applicant work with the Township to achieve some compliance with Table 9-2, or provide additional open space or landscaping in some other manner.*

Section 12.9.4 – Lighting Standards

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

Findings: *The applicant has submitted lighting levels that exceed this requirement. Staff finds that the lighting plan should be revised to meet the requirements of Section 12.9.4 of the Colerain Township Zoning Resolution and should be submitted as a part of the final development plan.*

Article 12.11.1 – Architectural Standards for Customer Entrances

This article establishes that there must be at least one customer entrance for each side of a building facing a public street and that all customer entrances must comply with certain design standards.

Findings: *The submitted floor plans identify one customer entrance on the east side of the building fronting Colerain Avenue. A customer entrance is not identified along Haverkos Court. Staff supports a variance to this section to waive the customer entrance along Haverkos Court as a customer entrance on the south side of the building would encourage pedestrians to cross at the drive-thru lanes which could be hazardous. Staff finds that pedestrians could walk east along the proposed sidewalk along Haverkos Court to the existing sidewalk along Colerain Avenue to gain entrance to the building on the eastern side.*

Table 13-1 – Required Number of Parking Spaces

This table mandates 15 spaces per every 1,000 square feet or 1 space for each 4 seats, whichever is greater.

Findings: *A minimum of 51 spaces are required for the proposed building at 3,392 square feet in size. Further, a 10% reduction is permitted as of right in the Zoning Resolution. However, the Hamilton County Zoning Resolution would require one space per 100 square feet for a restaurant and the amount of required parking would be 34 spaces which is the same number calculated by the applicant. Staff supports a variance to parking standards and finds that the Township’s requirement may be*

excessive for a fast food restaurant where many patrons utilize the drive-thru window but may be more appropriate for sit down restaurants.

Section 13.4.1 (D) and Section 14.5.1 – Parking and Streetscape Buffer

This section indicates that a streetscape buffer yard of 15 feet is required for parking lots, also requiring either one canopy tree per every 35 lineal feet of street frontage.

Findings:

Along the Colerain Avenue frontage three canopy trees have been identified meeting this requirement. Along the Haverkos Court frontage 9 canopy trees required. The applicant has only proposed 2 canopy trees along the frontage of Haverkos Court. Staff does not recommend a variance to the streetscape buffer along Haverkos Court as there is sufficient room for the plantings and it appears that this requirement has been met on the south side of Haverkos Court with the existing development to the south. Staff finds that a Landscape Plan that meets the code should be submitted as part of the Final Development Plan.

Section 13.4.2 – Sidewalk Access

This section establishes that any new use or building shall be required to provide a 4-foot wide sidewalk along all public streets for the full length of the street frontage and that a pedestrian connection be constructed from the building to the sidewalk.

Findings: *Sidewalks exist along Colerain Avenue and a sidewalk is proposed along Haverkos Court. However, no pedestrian connections are proposed that connect the proposed building to these sidewalks. Staff recommends that a sidewalk connection be constructed to the existing sidewalk along Colerain Avenue in the northeast corner of the site to avoid the drive-thru lane traffic. Staff recommends waiving the sidewalk connection to the proposed building along Haverkos Court for the reasons stated above and that appropriate cross-walk striping be identified on the plan where the pedestrian connection would pass through the parking lot and interior driveway.*

Section 15.8.3 – Wall Signs in the PD-B District

This section establishes that corner lots are permitted to have wall signs on each frontage provided that they meet the requirements of this section.

Findings: *The applicant has submitted building elevations which indicate wall signs on all four sides of the building. The Zoning Resolution permits buildings located on corner lots to have wall signs on each façade facing a street provided that they meet the requirements of this section. Staff finds that the proposed restaurant should conform to this section of Colerain Township Zoning Resolution and that the wall signs on the western and northern facades should not be permitted.*

Other Issues

Eastern Most Entrance on Haverkos Court

The applicant has proposed to utilize the two existing curb cuts onto Haverkos Court with an additional curb cut located to the north of the site providing direct access to Colerain Avenue. It appears that both curb cuts along Haverkos Court are necessary for the proposed drive-thru to function properly. However, staff finds that the eastern most curb cut should be a right-in only with no left turns permitted in or out of the site at this location. This would prevent traffic from trying to exit east bound on Haverkos Court at this location where traffic stacks at the Haverkos Court and

Colerain Avenue signalized intersection which could create traffic back-ups within the interior of the site. Staff finds that signage should be installed directing traffic to utilize the western most curb cut onto Haverkos Court as the method to get out onto Colerain Avenue. This directional signage would also discourage traffic from utilizing the existing unsignalized curb cut to the north onto Colerain Avenue for left-hand turns crossing 6 lanes of traffic.

CONCLUSION: Based on the above findings there is sufficient reason for staff to support the requested Substantial Modification as the request would be consistent with the Land Use Plan, Comprehensive Plan, and original “PD-B” plan. With the right-of-way dedication to comply with the Thoroughfare Plan and other minor site modifications, the development would be an improvement for the property. Therefore, staff finds that the development would be appropriate in this location.

RECOMMENDED MOTION: To recommend approval of case Colerain ZA2016-08; 9689 Colerain Ave – Raising Cane’s, a request for approval of a Substantial Modification to an existing “PD-B” Planned Business District, subject to the standard covenants for planned districts and the following conditions and variances:

Conditions:

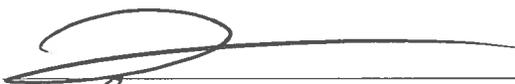
1. That right-of-way shall be dedicated along Colerain Avenue in compliance with the Hamilton County Thoroughfare Plan unless waived by the Ohio Department of Transportation.
2. That 15% of the total lot area shall be dedicated common open space in accordance with Table 9-2 of the Zoning Resolution.
3. That a lighting plan in compliance with Section 12.9.4 of the Colerain Township Zoning Resolution shall be submitted as part of the Final Development Plan.
4. That all building signage shall comply with Article 15 of the Colerain Township Zoning Resolution and that a detailed signage plan shall be submitted as part of the Final Development Plan.
5. That the site shall be limited to a maximum of one freestanding sign that complies with the Colerain Township Zoning Resolution.
6. That a landscape plan that complies with the Zoning Resolution shall be submitted as part of the Final Development Plan.
7. That the eastern most curb cut onto Haverkos Court shall be limited to a right-turn in only and that directional signage shall be installed directing traffic to utilize the western most curb cut onto Haverkos Court for access onto Colerain Avenue.
8. That a sidewalk connection shall be provided from the eastern building entrance to the existing sidewalk along Colerain Avenue.

Variances:

1. Article 12.11.1 – Architectural Standards for Customer Entrances – That the required customer entrance along Haverkos Court shall be waived and that only one entrance on the eastern façade that faces Colerain Avenue shall be required where entrances on all facades facing a street are required.
2. Table 13-1 – That the site shall be permitted to provide a minimum of 34 parking spaces where 51 parking spaces are required.

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

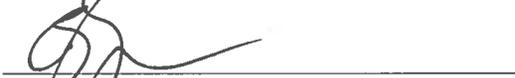
Prepared by:



John S. Huth

Senior Planner

Reviewed By:



Bryan D. Snyder, AICP

Development Services Administrator

Approved By:



Todd M. Kinskey, AICP

Planning Development Director

SITE PHOTOS



View of site looking west across Colerain Avenue

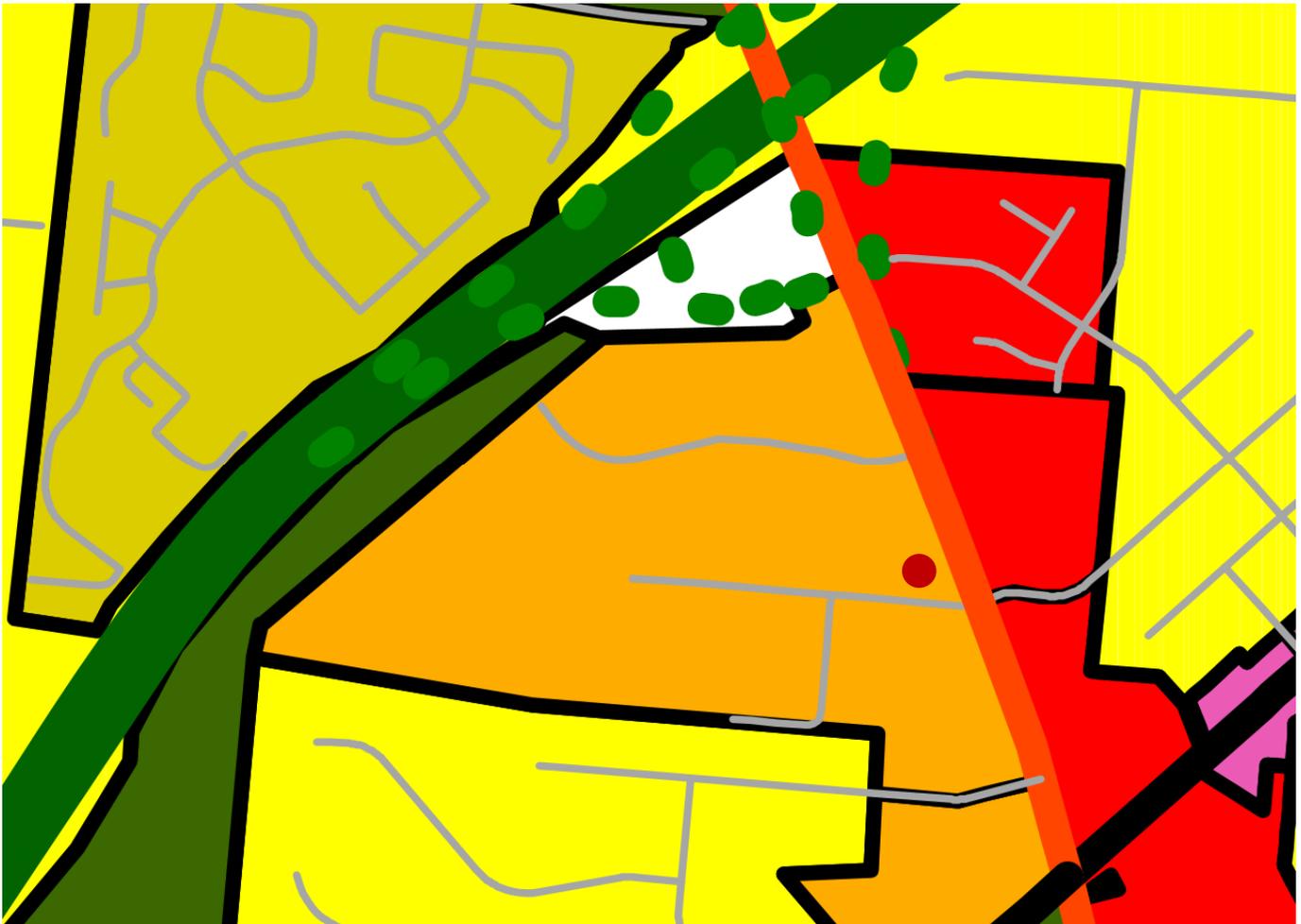


View of site looking north across Haverkos Court



View of site looking east from Haverkos Court

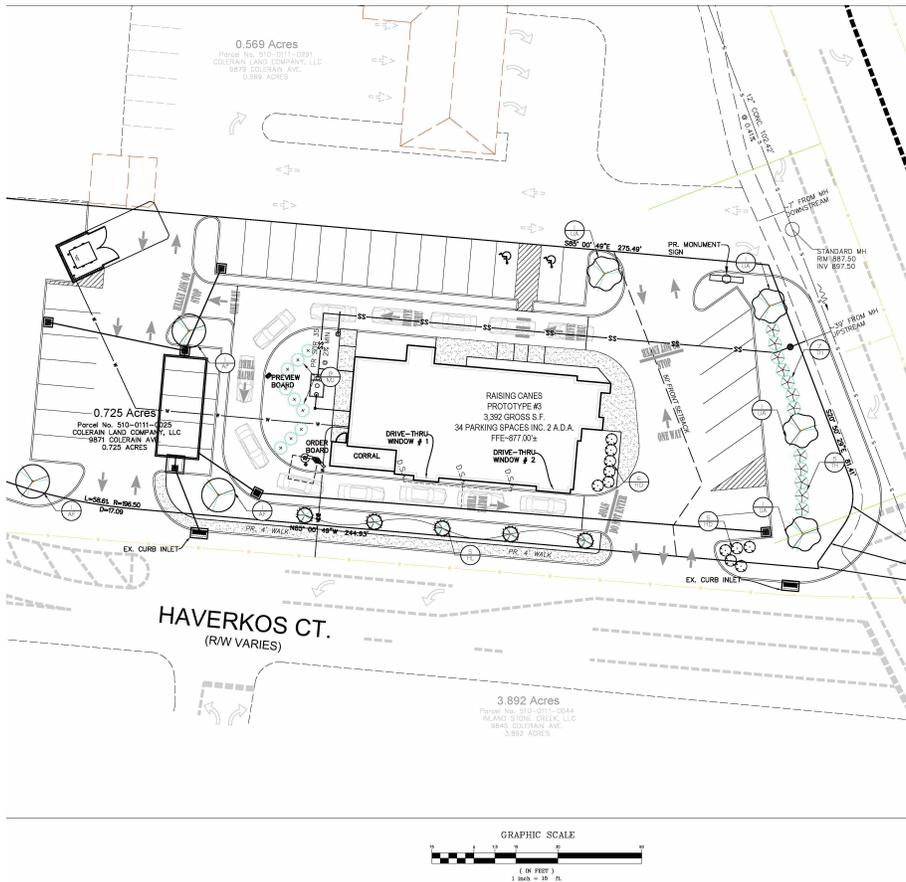
LAND USE PLAN MAP



- Land Use Plan
- Green Space & Agriculture
 - Retail General
 - Industry Heavy
 - Industry Light
 - Residence Multi-Family
 - Retail Neighborhood
 - Office
 - Planned Mixed Use Employment
 - Public, Semi-Public, Institutional
 - Rural Residence
 - Residence Single Family
 - Mixed Use Transitional
 - Residence Transitional
 - Utility

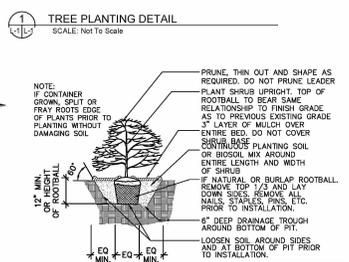
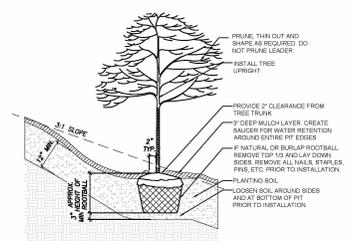
Note: Land Use Map taken from Colerain Township website, not adopted by RPC

LANDSCAPE PLAN

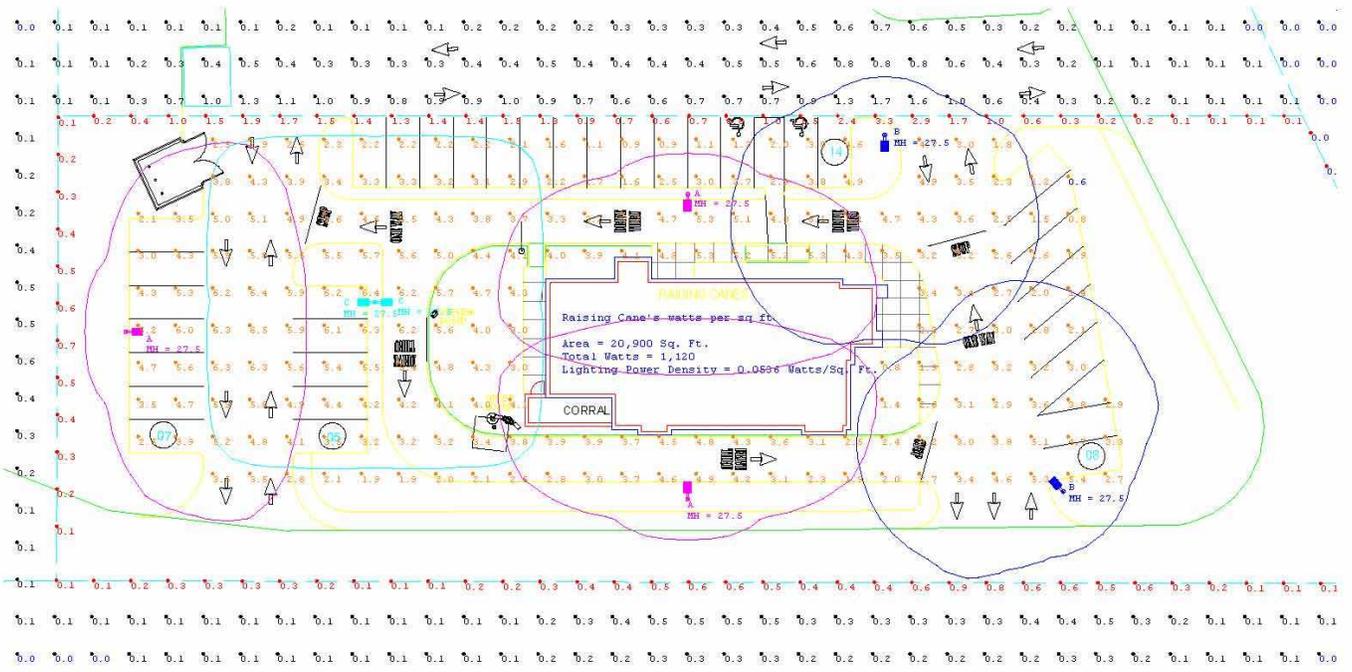


PLANT SCHEDULE

TREE	CODE	QTY	COMMON NAME	BOTANICAL NAME	CONT.	CAL. SIZE
	AF	3	Redpoint Maple	Acer rubrum 'Frax. x'	5 4 B	2'CAL
	UA	4	Alle Larchbark Elm	Ulmus parvifolia 'Mist'	5 4 B	2'CAL
	COL	QTY	COMMON NAME	BOTANICAL NAME	CONT.	
	FL	5	Standard Upright Hydrangea	Hydrangea paniculata 'Limelight' Standard	7 gal	
	MC	9	Japanese Shrub Grass	Miscanthus sinensis	2 gal	
	TH	12	Flute Yew	Taxus media 'Flute'	3-4'	
	HD	11	Happy Returns Dogwood	Hemodicks 'Happy Return'	1 gal	



LIGHTING PLAN



APPLICANT LETTER

Colerain Township Zoning Commission
4200 Springdale Road
Cincinnati, Ohio 45251

We are proposing to redevelop the property that is the current home to Long John Silvers at 9869 Colerain Avenue. We propose to raze the existing building and construct a new building with a new footprint in roughly the same place. The new building will be a Raising Cane's Chicken Fingers restaurant with a drive-thru. We will increase circulation to provide circulation around the front of the building as well as increase the amount of landscaping throughout the site.

Sincerely,

Amanda Zook