

**AGENDA**  
**THE HAMILTON COUNTY RURAL ZONING COMMISSION**  
**REGULAR MEETING**

**Room 805-B, Administration Building**

**FEBRUARY 19, 2015**  
**1:00 P.M.**

**Joel Cornelius, Chairman/Presiding Officer**

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- 1. MEETING CALLED TO ORDER**
- 2. ROLL CALL OF COMMISSIONERS**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF MINUTES OF REGULAR MEETING**
- 5. PUBLIC HEARINGS**

**MAJOR ADJUSTMENTS**

- A. CASE: Green 2010-02; Blue Sky & Harrison (continued from January 15, 2015)  
REQUEST: Major Adjustment to an existing "EE" Planned Retail District  
PURPOSE: To reduce the building size and number of parking spaces, relocate the curb cut from Bluesky Drive to Northcrest Lane and maintain Northcrest Lane in its existing location  
APPLICANT: Michael E. Doty, Brandicorp, LLC (applicant), Bluesky Shoppes, LLC (owner)  
LOCATION: On the northeast corner of the Harrison Avenue & Blue Sky Drive intersection, south of Northcrest Lane (Book 550, Page 220, Parcel 1169)
- B. CASE: Green 2003-03; Anverski PUD Signage  
REQUEST: Major Adjustment to an existing "O PUD" Office District  
PURPOSE: To allow a larger monument style freestanding sign and to allow building signage on two facades of the building  
APPLICANT: John Anevski (applicant), Jets Properties, LLC. (owner)  
LOCATION: 6355 Harrison Avenue, on the southwest side of Harrison Avenue, south of Eaglesnest Drive and north of Belclare Road (book 550, Page 221, Parcel 101)

**COUNTY ZONING MAP AMENDMENT**

- A. CASE: Harrison 2015-01; Harrison Avenue Car Lot Expansion  
REQUEST: From: "A SPI-SC" Residence  
To: "EE SPI-SC" Planned Retail  
PURPOSE: To demolish a residence and expand an adjacent auto sales display area  
APPLICANT: James Ritter, Professional Design Associates (applicant); Marilyn Bourquein (owner)  
LOCATION: Harrison Township: 9902 Harrison Avenue, north of the intersection of Old Harrison Avenue and Harrison Avenue (Book 560, Page 50, Parcels 42 & 128)

- 6. OLD BUSINESS**
- 7. NEW BUSINESS**
- 8. SCHEDULED PUBLIC HEARINGS**

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

- 9. DATE OF NEXT MEETING** March 19, 2015
  - 10. ADJOURNMENT**
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NOTE: Individuals requiring special accommodations to participate in or attend any meeting or hearings should call the Planning and Zoning Office at 946-4550 seven days prior to the meeting







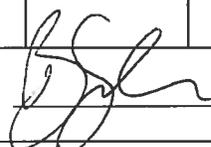
**HAMILTON COUNTY  
RURAL ZONING COMMISSION**

**RECORD OF PROCEEDINGS – JANUARY 15, 2015 REGULAR MEETING**

**PAGE 1**

**SUMMARY OF ACTIONS**

**PRESIDING OFFICER:** Cornelius  
**MEMBERS PRESENT:** Luken, Steinriede, Polewski, James, Cornelius  
**ABSENT:**  
**STAFF PRESENT:** Snyder, Fazzini, Hawk, Huth, Ambrosius  
**LOCATION:** Room 805, County Administrative Bldg.  
**TIME:** 1:00 PM – 3:05 PM

	<b>AGENDA ITEM</b>	<b>REQUEST</b>	<b>RZC Action</b>	<b>Vote</b>	<b>Conditions &amp; Codes</b>
<b>MAJOR ADJUSTMENTS:</b>	Green 2-78; Delco Development Corp. – Gabriel Brothers Sign	Major Adjustment to an existing "EE" Planned Retail District	Approval	5-0-0	1, 2, 5
	Green 2010-02; Blue Sky & Harrison	Major Adjustment to an existing "EE" Planned Retail District	Continued	5-0-0	
<b>COUNTY ZONING MAP AMENDMENT:</b>	Green 2015-01; Artis Senior Living	From: "C" Single-Family To: "OO" Planned Office	Approval	5-0-0	1, 2, 3, 5
<b>DISPOSITION OF MINUTES:</b>	Disposition of the minutes of the December 18, 2014 Rural Zoning Commission meeting		Approval	4-0-1	
<b>ATTEST:</b>	Chairman: _____ Secretary: 				
<b>CONDITIONS AND CODES:</b>	<ol style="list-style-type: none"> <li>1. Approval subject to standard covenants.</li> <li>2. Approval subject to conditions recommended in the staff report.</li> <li>3. Approval subject to conditions recommended by the RPC.</li> <li>4. Approval pending receipt of favorable reports or required revisions.</li> <li>5. Approval subject to conditions recommended by RZC.</li> </ol>				
<b>ABBREVIATIONS IN MINUTES:</b>	MSD - Metropolitan Sewer District ODOT - Ohio Department of Transportation SCS - U.S. Soil Conservation Service, Hamilton County Soil and Water Conservation District DPW - Hamilton County Department of Public Works ENG - Hamilton County Engineer ZNG - Hamilton County Zoning Administrator FPO - Township Fire Prevention Officer TPZ - Township Planning/Zoning Committee TT - Township Trustees				

HAMILTON COUNTY  
RURAL ZONING COMMISSION

RECORD OF PROCEEDINGS – JANUARY 15, 2015

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ADMINISTRATIVE ITEMS

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DISPOSITION OF MINUTES

**MOTION:** To approve the minutes of the Regular Meeting of the Rural Zoning Commission,  
December 18, 2014

Moved: James Second: Polewski

**VOTE:** AYE: 4 Luken, James, Polewski, Steinriede  
NAY: 0  
ABSTAIN: 1 Cornelius

**ACTION:**

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**ADJOURNMENT:** Meeting was adjourned at 3:05 PM

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**ATTEST:**

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

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



HAMILTON COUNTY  
RURAL ZONING COMMISSION

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MAJOR ADJUSTMENT: GREEN 2-78 – GABRIEL BROTHERS SIGN

**REQUEST:** Approval of a Major Adjustment to an existing “EE” Planned Retail District  
**PURPOSE:** To permit a second freestanding sign for an existing shopping center  
**APPLICANT:** Richard A. Paolo (applicant), Daniel G. Kamin Cincinnati LLC (owner)  
**LOCATION:** 5750 Harrison Avenue (Manchester Plaza Shopping Center); on the northeast corner of the Harrison Avenue and Filview Circle Intersection (Book 550, Page 180, Parcel 125)

**REPORTS:** RECEIVED:  
PENDING: TT

**SPEAKERS:** T. Hawk, B. Snyder, A. Goetzman, R. Paolo, R. Lang, K. Gibron

**DISCUSSION:** (Summary of Topics)

Staff Comments:

1. **T. Hawk** – Review of Staff Report.
2. **B. Snyder** – Currently you are allowed to put the sign at the ROW line. Typical ROW vacation would give the excess ROW to the adjacent property owner. The area in front of the Pizza Hut would more than likely go to the property owner of the center. The most likely locations for the sign would either be in the small strip adjacent to the Pizza Hut property on the south side of the driveway, or anywhere on the north side of the driveway, and those are the areas that staff supports. Placing the sign in the middle of the frontage or not adjacent to the entrance would not be in line with what staff has recommended.
3. Despite the fact that this is now owned separately, it was developed as one Planned Unit Development and is not considered two shopping centers. The two purchasers of the individual properties knew that when they were purchased. Additionally, with the limitations on signage, if this were a new shopping center being developed by itself, the likelihood of a 28 ft. tall, 150 sq. ft. pylon sign being approved, even if it were a brand new development, would be very slim given the Township’s recommendations and plans for development along Harrison Avenue. So, to be treated like a separate, new shopping center would not necessarily mean that you would get a 28 ft. tall pole sign. That is not what the Township has recommended, you can see that in Lowe’s, you can see that with the approval of the development on Westwood Northern Boulevard and with the Harrison Greene Development. Smaller signs are recommended in all of the Township’s plans. That’s the reason we made this recommendation, 12 ft. high, 50 sq. ft. is the recommendation of the plan.
4. That plan includes a recommendation that the signs be 12 ft. from the centerline of Harrison Avenue. So, if your road frontage falls off, you would get a taller sign. Staff has a hard time enforcing that for two reasons, 1) the road can move, and the sign would no longer be in compliance, and 2) our Zoning Inspectors aren’t equipped to measure signs from the middle of the road accurately. We prefer to try and figure out where the sign will go and what the elevation is, and then we could support a taller than a 12 ft. high sign as we did at the Harrison and Westwood Northern Blvd. development of Fran Niehaus, where we allowed the sign to be 16 ft. because the road drops 4 ft. from the ROW. In this development it appears that an 18 ft. tall sign would be potentially supportable by staff.

Applicant Comments:

1. **R. Paolo** – We take issue with only one of the findings in the staff report and that is the recommendation of the sign being limited to 12 ft. in height and a monument sign. A higher sign is needed due to the topography of the site. The building sits back from the road and is significantly off grade. The existing sign is at a lighted intersection and people are going to be speeding up past the light.

2. This site is two separate parcels, the main shopping center and the K-Mart (Gabriel Brothers) site. The shopping center owner was contacted as to whether he would permit signage for Gabriel and a possible additional tenant and he refused that.
3. There are cross-access easements and easements for parking, but no easement for signage.
4. Even though the original approval has a location for only one sign, since this is a separate parcel with separate ownership, without the availability of signage that it is now effectively a separate site as a separate business. We are requesting to be on equal basis with the existing tenant and allowed to have a separate pylon sign at the location generally somewhere within the second access to the site. We don't feel that this falls into the category of a secondary sign location.
5. We are requesting a 28 ft. high sign with a maximum square footage of 80 square feet, 40 square feet for each tenant.
6. We will request ROW vacation from the county engineer.
7. We haven't seen the Township's conditions, but they sound fairly typical. As far as the sign style itself and landscaping and making it look nice, that's certainly more than appropriate. We take issue with only one condition and that is the height of the sign.
8. **R. Lang** – The property sits back from the road and there is a very large parking lot between the building sign and it sits down quite a bit, too. The only thing that makes sense is to have something relatively close to the road for it to be visible at all. We don't think that a 12 ft. monument sign will be adequate for several safety reasons: 1) there is a traffic signal at the main entrance to the property, the next signal is a good deal to the west, which means that cars are going to be speeding up and a 12 ft. ground level sign is not going to be visible; a lot of cars are going to be slamming on their brakes making quick turns because they won't see that sign until it is too late because it will be partially obscured by cars ahead of them, 2) a monument sign is opaque and it will be close to the driveway on the very far left and cars pulling out of the driveway onto the road will have their point of view partially obscured by the sign.
9. Retail tenants expect a pylon sign, it is a necessary element. It has been that way for quite some time. Our competition is Western Commons and they have some very large signage at their intersection. If we are going to have any type of opportunity to attract large or national tenant to the space we will need a pylon sign.
10. **K. Gibron** – There would never be a site that we would approve without a pylon sign. The reason is that we've trained the consumer to view for an elevated pylon sign. The only cases where we look at monument signage typically would be at a secondary entrance. This store is up for lease renewal in 2016 and I can tell you that I would not advocate renewing that lease without an elevated pylon sign. Without that we would leave the space and re-locate to another municipality to open a new store. It was in our lease agreement, and we are adamant that we have this sign.
11. I am also concerned about the marketability for a co-tenant without an elevated pylon sign.

Public Official Comments:

1. **A. Goetzman** – The Township has focused on signage on Harrison Avenue. We have been before you a number of times with regard to new signage with our Local Alternative Sign Regulations. There have been variances granted to the 12 ft. height, obviously we concede to the fact that there is a measuring component. I think if you go back and look at the signage that has been approved and endorsed by the Township it has always been more than a lollipop pylon sign and I think that our notion of signage would be one that we would want something more substantial. I'm not here to argue the point of the safety – it's outside the ROW and there is a designated sight triangle. From our perspective, we are interested in seeing this site expand; there is re-development opportunity on this property. I would love to see upgrades of signage all through the corridor. What has been proposed by the Trustees is a monument style sign.
2. We would like to see landscaping and the applicant hasn't objected. When the ROW issue is cleared up that would afford the opportunity for additional landscaping.



**Attachment A**

The Rural Zoning Commission approves Case Green 2-78; Gabriel Brothers Sign, a request for a Major Adjustment to an approved Planned Unit Development in an existing "EE" Planned Retail District with the standard covenants and the following conditions:

**Conditions:**

1. That all conditions of BCC Resolution #567 shall remain in effect for the site.
2. That one additional freestanding ground monument sign shall be permitted for the site at the northwest entrance drive with a maximum sign face area of ~~50~~ 80 sq. ft. and a maximum height of 12 feet MEASURING FROM THE CENTERLINE OF HARRISON AVENUE.
3. That no freestanding sign shall be permitted within the right-of-way.
4. THAT EXISTING LANDSCAPE BEDS LOCATED IN THE 5750 HARRISON AVENUE PARKING LTO SHALL BE PLANTED IN ACCORDANCE WITH THE FINAL DEVELOPMENT PLAN APPROVED WITH BCC RESOLUTION #567.
5. THAT A STREETSCAPE BUFFER THAT MEETS REQUIREMENTS OF THE ZONING RESOLUTION BE INSTALLED ACROSS THE FRONTAGE OF 5750 HARRISON AVENUE.

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Note: Revisions of the Staff recommendations as approved by the Rural Zoning Commission are crossed out if deleted (i.e. ~~deleted by RZC~~) and capitalized and underlined if added (i.e. ADDED BY RZC).

HAMILTON COUNTY  
RURAL ZONING COMMISSION

RECORD OF PROCEEDINGS – JANUARY 15, 2015

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MAJOR ADJUSTMENT: GREEN 2010-02; BLUE SKY & HARRISON

**REQUEST:** Approval of a Major Adjustment to an existing "EE" Planned Retail District  
**PURPOSE:** To reduce the building size and number of parking spaces, relocate the curb cut from Bluesky Drive to Northcrest Lane and maintain Northcrest Lane in its existing location  
**APPLICANT:** Michael E. Doty, Brandicorp, LLC (applicant), Bluesky Shoppes, LLC (owner)  
**LOCATION:** On the northwest corner of the Harrison Avenue and Bluesky Drive intersection, south of Northcrest Lane (Book 550, Page 220, Parcel 1169)

**REPORTS:** RECEIVED: MSD  
PENDING: DPW, FPO, SCS, HCSW, HCE, TT

**SPEAKERS:** J. Huth, B. Snyder, M. Schmidt, L. Williams, S. Huber, A. Goetzman, J. Arnzen, L. Hoog  
**DISCUSSION:** (Summary of Topics)

Staff Comments:

1. **J. Huth** – Review of Staff Report.
2. **B. Snyder** – The Commission has the opportunity to continue the case and allow the developers to address concerns before the hearing is closed. You also can take a final action and approve with conditions, however the property owner runs the risk of trying to meet those conditions and eventually having to come back for another Major Adjustment.

Applicant Comments:

1. **M. Schmidt** – We are aware of parking issues, but we did not realized that it was under-parked to the extent presented today.
2. The plans presented today were changed from the original for business reasons.
3. **L. Williams** – From a density standpoint, traffic flow, and Starbucks request for a drive-through it made practical sense to reduce the size of the building. We feel that this has much less impact on the surrounding neighbors.
4. We are requesting the Starbucks drive-through to be open at 6:00 AM. We feel that the 150 ft. buffer and the low-key of Starbucks that it would be acceptable. The peak hours for each business will not conflict with the other.
5. **S. Huber** – Could we add a condition that says we conform to the zoning code parking regulations and that we are not going to ask for a variance? Some of the things we need to keep in mind is that we don't actually have a tenant plan specifically. We have work orders from tenants but we don't have the exact plan for the interiors of those buildings, or the net square footage, or how big the fenced area for the outdoor seating will be.
6. If we can get an agreement with the adjoining property owner for shared parking that may make a difference in complying with the Zoning Resolution.

Public Official Comments:

1. **A. Goetzman** - The Township endorses the modification. Because of the nature of Starbucks the Trustees endorsed the earlier start time.
2. The township is aware of the concerns of the neighbors, but feels that the development of this site with a smaller footprint was worthy of pursuing.

Public Comments:

1. **J. Arnzen** – We had some concerns and issues but they have been resolved.
2. **L. Hoog** – I am not necessarily for or against this modification, but have concerns about signage, outdoor music and traffic.

**Commissioner Comments:**

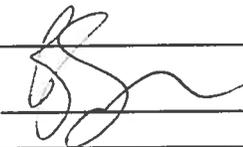
1. **Commissioner Steinriede** - While you have addressed concerns from the earlier project, but what looms as a big cloud is the whole concept of the new information that just came to light relative to the total amount of parking and the consideration of the outdoor seating as well. In view of that I'm wondering if we are premature in trying to resolve this today.

**MOTION:** To continue case Green 2010-02; Bluesky & Harrison until the February 19, 2015 meeting.

**VOTE:** Moved: Polewski Second: Luken  
AYE: 5 Cornelius, James, Luken, Polewski, Steinriede  
NAY: 0  
ABSTAIN: 0

**RZC ACTION:** CONTINUED until February 19, 2015

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

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

HAMILTON COUNTY  
RURAL ZONING COMMISSION

RECORD OF PROCEEDINGS – JANUARY 15, 2015

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**ZONE AMENDMENT:** GREEN 2015-01; ARTIS SENIOR LIVING

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

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

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

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

**TRACT SIZE:** 7.55 gross acres; 7.13 net acres

**REPORTS:** RECEIVED: DPW, MSD  
PENDING: FPO, CWW, HCSE, ODOT, TT

**SPEAKERS:** E. Fazzini, B. Snyder, A. Goetzman, T. Jones

**DISCUSSION:** (Summary of Topics)

Staff Comments:

1. **E. Fazzini** – Review of staff report.
2. **B. Snyder** – An emergency access drive off of Lakewood to the church would likely be part of a larger project that we would review at the appropriate time.

Applicant Comments:

1. **T. Jones** – We feel that our facility will enhance and improve this portion of the corridor. We have a facility in Mason on Snider Road opening soon.
2. We are a private firm headquartered in McLean, VA.
3. We will have a privacy fence to be used both as a buffer for adjacent properties as well as security for our residents.
4. We are proposing the preservation of the woodland area to make the development more appealing to the neighbors.

Public Official Comments:

1. **A. Goetzman** – The Township is in favor of this zone change.
2. We would like to reserve the right for our fire department to add a secondary access in the future, if it is necessary. Do not envision need but do not want to be prohibitive.

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

Moved: Cornelius

Second: James

**VOTE:** AYE: 5 Cornelius, James, Luken, Polewski, Steinriede  
NAY: 0  
ABSTAIN: 0

**RZC RECOMMENDATION:** (To the Hamilton County Commissioners)  
APPROVAL with Conditions

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**ATTEST:**

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

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



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

## Attachment A

The Rural Zoning Commission recommends approval of case Green 2015-01; Artis Senior Living, a request for a zone amendment from C Residence to OO Planned Office, subject to the standard covenants for planned districts and the following conditions:

### Conditions:

1. That a landscape plan in compliance with the requirements of Sections 12-6, 14-7, and 14-8 of the Zoning Resolution and Conditions #2 and #3 below shall be submitted as part of the Zoning Compliance Plan.
2. That the 1.94 acre proposed woodland preservation area in the rear of the site shall remain undisturbed as indicated on the landscape plan.
3. That four additional evergreen trees shall be planted within the boundary buffer on the western property line adjacent to the proposed privacy fence.
4. That a lighting plan in compliance with the requirements of the Zoning Resolution shall be submitted as part of the Zoning Compliance Plan.
5. That all mechanical equipment shall be screened in compliance with the requirements of the Zoning Resolution and details shall be submitted as part of the Zoning Compliance Plan.
6. That the site shall be permitted a maximum of one freestanding monument sign along Bridgetown Road at a maximum of 12 ft. in height and 50 sq. ft. in area.
7. That the use and development of the residential lot fronting Lakewood Drive be restricted to the current proposal and that no access drives, structures, or buildings be permitted on the lot other than necessary utility improvements connecting to Lakewood Drive.
8. ~~That a 30-foot access easement for future vehicular use shall be identified to the western property line to permit the adjacent property to connect through the subject site to Bridgetown Road to be effective if/when this adjacent property is developed as an office use with access to Lakewood Drive, and that this easement shall allow for connection to the adjacent office development.~~  
THAT 30-FOOT ACCESS EASEMENTS FOR FUTURE VEHICULAR USE SHALL BE IDENTIFIED TO THE WESTERN AND EASTERN PROPERTY LINES TO PERMIT THE ADJACENT PROPERTY TO CONNECT THROUGH THE SUBJECT SITE TO BRIDGETOWN ROAD TO BE EFFECTIVE IF/WHEN ADJACENT PROPERTY TO THE WEST IS DEVELOPED WITH A COMPATIBLE OFFICE USE WITH ACCESS TO LAKEWOOD DRIVE, AND THE PROPERTY TO THE EAST IS REDEVELOPED, AND THAT THESE EASEMENTS SHALL ALLOW FOR A CONNECTION TO THE ADJACENT DEVELOPMENTS.
9. That a paved access drive be constructed within the 30-foot access easement from the end of the parking lot to the western property line at such time the adjacent development is constructed.

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









# STAFF REPORT

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

**MAJOR  
ADJUSTMENT  
CASE:**

**GREEN 2010-02**

## **BLUESKY & HARRISON**

**REQUEST:** Approval of a Major Adjustment to an existing ‘EE’ Planned Retail District

**PURPOSE:** To reduce the building size and number of parking spaces, relocate the curb cut from Bluesky Drive to Northcrest Lane and maintain Northcrest Lane in its existing location

**APPLICANT:** Michael E. Doty, Brandicorp, LLC (applicant), Bluesky Shoppes, LLC (owner)

**LOCATION:** Green Township: On the northwest corner of the Harrison Avenue & Bluesky Drive intersection, south of Northcrest Lane (Book 550, Page 220, Parcel 1169)

**SITE DESCRIPTION:**

Tract Size:	1.82 gross acres, 1.48 net acres
Frontage:	247 feet on Harrison Avenue, 304 feet on Bluesky Drive (private) and 293 feet on Northcrest Lane (private)
Topography:	Slopes up from Harrison Avenue
Existing Dvlpmt:	Vacant

**SURROUNDING CONDITIONS:**

	<u>ZONE</u>	<u>LAND USE</u>
North:	“E” Retail	Professional and medical office buildings
South:	“A” Residence & “DD” Planned Multi-Family	Condominiums driveways and church property
East:	“DD” Planned Multi-Family	Apartments and condo buildings
West:	“DD” Planned Multi-Family and “EE” Planned Retail	Condominiums and commercial buildings

**ZONING JURISDICTION:** Hamilton County Commissioners

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

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**APPROVED USE:**

The Board of County Commissioners approved cases Green 4-80 and 4-88 which included two multi-family developments. One hundred and sixty-four units were approved in case Green 4-80 (Skyridge Condos) and have been completely built out. The other 198 unit complex in case Green 4-88 (Northcrest Apartments) currently has 116 units completed. These cases included a green space at the corner of Bluesky Drive and Harrison Avenue. This remaining parcel of land would contain the proposed commercial building.

On August 25, 2010, the Hamilton County Board of County Commissioners approved a revision to cases Green 4-80 and Green 4-88 and a zone amendment from “DD” Planned Multi-Family and “E” Retail to “EE” Planned Retail. The zone change request took into consideration three separate parcels of land with two different zoning classifications. The largest tract of land, approximately 1.6 acres was zoned “DD” Planned Multiple Residence. A triangular parcel on the northern portion of the site, approximately 0.16 acres, was zoned “E” Retail. Both of these areas, totaling 1.8 acres, were changed to the “EE” Planned Retail to permit a 2-story bank building with three drive-thru lanes. Further to the north was a separate parcel of land totaling 0.2 acres and was zoned “DD” Planned Multi-Family. This parcel, although not part of this major adjustment request was changed to “E” Retail to expand an existing parking lot for the adjacent Huff Realtor building. With this approval, the Board of County Commissioners placed eleven conditions on the site.

On April 21, 2011, the Rural Zoning Commission approved a major adjustment to Case Green 2010-02; Bluesky & Harrison to permit the construction of a 7,345 square-foot tire sales and auto maintenance building (Tire Discounters) with five double-loaded auto bays. However, conditions were placed on the site and the building was required to be turned so that the auto bays were not permitted to face east towards the existing apartment buildings. Further, a condition was placed on the site that required the building to meet the minimum setbacks on all sides as required in the Zoning Resolution. The plan identified the relocation of Northcrest Lane approximately 90 feet east on the southern edge where it intersects with Bluesky Drive. Further, Bluesky Drive was proposed to be widened to include a left turn lane and right turn lane out onto Harrison Avenue. Two curb-cuts were proposed off of Bluesky Drive within 80 feet of each other. Retaining walls were proposed on the site with one at ten feet high at its highest point. A sidewalk was proposed along Harrison Avenue. The proposed ISR for the site was 53.9%. Tire Discounters chose to locate elsewhere on Harrison Avenue.

In April of 2013, the Rural Zoning Commission approved a major adjustment to this same case to allow the construction an 8,500 square foot commercial building with an associated 80-space parking lot. Within the proposed building, two restaurants were proposed at 3,500 square feet and 2,500 square feet along with two additional commercial uses at 1,250 square feet each. Each restaurant was proposed to have an additional 700 square feet of outdoor seating.

In September of 2013, the Rural Zoning Commission approved an additional major adjustment to allow a drive-thru lane for the western-most proposed restaurant. The parking in the northwest corner of the site was redesigned to accommodate the proposed drive-thru and the dumpster was relocated to the south. The parking was reduced to 71 spaces. However, no construction has taken place on the site and it remains vacant.

**PROPOSED USE:**

The applicant is now proposing to reduce the number of proposed tenants from four tenants to three and to reduce the size of the proposed building from 8,500 square feet to 5,228 square feet. The building would contain two restaurant uses with outdoor seating for each and one retail use located between the proposed restaurants. The restaurant use on the northwestern side of the building would contain a drive-thru which would wrap around the back of the building (northeastern side). The applicant is no longer proposing to relocate Northcrest Drive, a private street, which would have moved the new alignment to within 40 - 50 feet of the nearest apartment building. Northcrest Lane would now remain in its current location and would contain a new curb cut to access the site. The previously approved curb cut onto Bluesky Drive would be removed. Bluesky Drive is still proposed to be widened to include a left turn lane and right turn lane out onto Harrison Avenue. Forty parking spaces are proposed where 40 parking spaces are required. The number of proposed retaining walls and the length of these walls would be reduced eliminating the previously proposed retaining walls along the eastern portion (rear of the building). The proposed enclosed dumpster would be moved to the southwest corner of the site. The proposed ISR would decrease to 40.5%.

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**AUTHORITY AND  
CRITERIA:**

**Authority to Make Adjustments to PUD Plans**

Section 18-9 authorizes the Rural Zoning Commission to consider adjustments to approved PUD plans provided there is no modification of recorded easements or of written conditions of approval contained in a Board of County Commissioners Resolution. Any modifications must be in substantial conformity with the intent of the PUD approval.

**Compliance with Section 18-9.1**

Minor alterations shall be limited to altering the location of structures, circulation elements, open space or grading where such alterations will comply with the intent of all perimeter setbacks and buffer yards that are required by any regulation or by the approved PUD plan. Because the request indicates a different building size, parking reconfiguration and new access plan, it must be considered a Major Adjustment that must be reviewed by the RZC during a public hearing.

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**ANALYSIS:**

Staff has reviewed the requested Major Adjustment and has the following findings:

**Findings for Compliance with the BCC Resolution Green 2010-02:**

- Staff finds that the proposed development would meet all of the conditions with the following exceptions.
- Condition #3 requires a streetscape buffer along Harrison Avenue, Bluesky Drive, and along both sides of relocated Northcrest Lane where the zone amendment area abuts these streets. The most recent submitted landscape plan indicates boundary buffers, not streetscape buffers, along Bluesky Drive and Northcrest Lane. The applicant must submit plans that indicate compliance with this condition indicating the required streetscape buffers. Since Northcrest Lane is not being relocated a streetscape buffer is only required on the south side of the street.
- Condition #4 requires that the site shall provide additional landscaping throughout the interior of the parking lot and in the area to the north of the parking lot that meets the numerical landscaping requirements of Section 12-6.4(b). Staff finds that no interior parking lot landscaping has been indicated on the landscaping plan. Staff finds that this condition must be met.
- Condition #6 addresses freestanding signage. The site is restricted to one freestanding sign at 95 square feet and 12 feet high. Previous submittals have indicated compliance with this condition. The most recent submittal does not list the size or height of the proposed sign. Therefore, the applicant must submit plans that indicate compliance with this condition.
- Neither staff nor the RZC has the authority to change or modify these conditions.

**Additional Findings:**

- Conditions #2 and #3 of the September 19, 2013 Major Adjustment limit the hours of operation for the outdoor seating portion of the restaurant and the drive-thru and limit outdoor music or loudspeaker use. There is no indication on the submitted plans or application that this condition would be met. Staff is still concerned with the close proximity of the multi-family residential units in the area and the effect of loud speakers, music and drive-thru lanes and finds that this condition should be included in the requested adjustment.
- The elimination of the curb cut onto Bluesky Drive which was previously indicated as 120 feet from Harrison Avenue lessens staff's previous concern with potential traffic back-ups while customers attempt to turn left into the site while vehicles are waiting to exit Bluesky Drive onto Harrison Avenue. However, staff still has the same concern that Northcrest Drive, which will now be utilized to access the site, is located approximately 160 feet from Harrison Avenue. As stated previously, upon recommendations made by the County Engineer, appropriate directional signage may be needed to direct traffic on Bluesky Drive to not block traffic trying to enter the site from Harrison Avenue.
- The submitted elevations, which have been revised since the previous request to reflect the smaller building proposal, do not indicate any ground level or roof top mechanical equipment. Therefore, staff cannot

*determine if the requirement for all ground and rooftop mechanical equipment to be screened has been met and finds that this condition from the previous approval should be included.*

- *The applicant has proposed to relocate the dumpster further south from the original location. Although the dumpster appears to be enclosed, it would now be more visible than the previous location. Therefore, staff finds the condition requiring dumpsters to be screened should be included.*
- *The applicant is seeking a variance in an approximate 90 foot wide area where a proposed retaining wall and a portion of the parking lot are located within the boundary buffer. Due to the size of the parcel to the north, staff finds that this boundary buffer encroachment will not negatively affect the property as this parcel is unlikely to be developed other than an expansion of the existing Huff building or parking lot. However, there appears to be 7 feet between the parking lot and the property line which could contain the required plantings in this area. Staff supports a boundary buffer width modification in this area; however, staff finds that the required amount of plantings in this area should be required.*
- *Elevations have been submitted that identify building mounted signage on three facades of the building (see building elevations). Since the proposed project is on a corner lot, building mounted signage is permitted along the Harrison Avenue and Bluesky Drive frontage. However, building mounted signage is not permitted along the northwestern property line. Staff finds that the northwestern façade would have limited visibility from Harrison Avenue and zero visibility from Bluesky Drive. Staff finds that this sign is excessive and it does not enhance the visibility of the development since building signs on the southwestern side of the building and the freestanding monument sign along Harrison would be seen at the same time as any sign on the northwestern façade of the building. Therefore, staff does not support a variance to allow an additional building mounted sign on the northwestern façade of the building.*
- *Section 10-9.3 of the Zoning Resolution requires at least five vehicular stacking spaces calculated from the first customer contact point. The applicant has not submitted details to ensure that this requirement can be met. Staff finds that there is room to move the menu order board further west to create additional stacking space if needed.*
- *The site has an extensive history of requests that include a bank use with three drive-thru lanes, a tire discounters store with five double-loaded auto bays and a larger retail building with a drive thru lane. Staff finds that the current proposal of one drive-thru lane without relocating Northcrest Lane and thus, shifting the proposed development further south away from the existing apartment complex, would be a far less intense use than previously approved requests with less noise and visual impact.*

---

**CONCLUSION:**

Based on the above findings, there is sufficient reason for staff to support the requested Major Adjustment. Staff finds that the scaled down commercial building including not relocating Northcrest Lane, would be less intense than the

previously approved use which included a larger building and a curb cut onto Bluesky Drive. Conditions limiting the hours of operation for the outdoor seating area and drive-thru lane and the screening of ground and rooftop mechanical equipment will allow for a quieter use during the evening hours thereby protecting the nearby residences. Directional signage which may be required by the Hamilton County Engineer will allow safe turning movements and ensure that the future intersection will not be blocked. Therefore, staff finds that the proposed use would be appropriate for the site.

---

**RECOMMENDED  
MOTION:**

To consider approval of case Green 2010-02; Blue Sky and Harrison, a request for a Major Adjustment to an existing "EE" Planned Retail district, with the standard covenants and the following conditions.

Conditions:

1. That all conditions and requirements of BCC Resolution for case Green 2010-02 shall remain in effect for the subject site.
2. That the hours of operation for the outdoor seating portion of all restaurant uses shall be limited to 7:00 a.m. to 10:00 p.m. and that no outdoor music or loudspeakers shall be permitted during this time.
3. That the hours of operation for the drive-thru lane shall be limited to 7:00 a.m. to 10:00 p.m.
4. If required by the Hamilton County Engineer, appropriate signage shall be placed on Bluesky Drive to ensure that the new curb cut onto Bluesky Drive will not be blocked by traffic.
5. That all ground and rooftop mechanical equipment shall be screened per Section 5-1.2 a. of the Zoning Resolution.
6. That the proposed dumpster shall be screened per Section 10-5 of the Zoning Resolution.
7. That a signage plan that meets the requirements of the Zoning Resolution and the BCC Resolution of Approval shall be submitted with the required Zoning Compliance Plan.
8. That a landscaping plan that meets the requirements of the Zoning Resolution and the BCC Resolution of Approval, and with Modification #1 listed below, shall be submitted with the required Zoning Compliance Plan.
9. That there shall be no signage permitted on the northwestern or northeastern facades of the building.
10. That sufficient stacking space for drive-thru vehicles shall be provided pursuant to Section 10-9.3 of the Zoning Resolution.

Modification:

1. Section 14-5 – That the vehicular use area along the northern property line be permitted to encroach into the required boundary buffer where such encroachment is not permitted.

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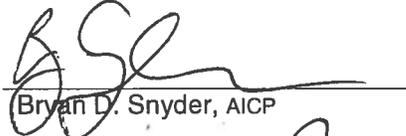
<b>AGENCY REPORTS:</b>	Dept. Public Works (DPW):	Report not yet received
	Fire Prevention Off. (FPO):	Report not yet received
	Soil Conservation Services (SCS):	Report not yet received
	H. C. Soil & Water (HCSW):	Report not yet received
	Hamilton County Engineer (HCE):	Report not yet received
	Twp. Trustees (TT):	Report not yet received
	Metro Sewer Dist. (MSD):	Conditionally approved

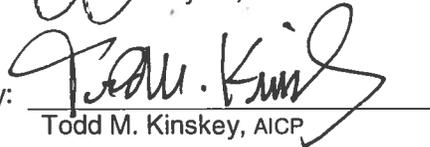
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NOTE: Recommendations and findings in this staff report reflect the opinions of the staff of the Hamilton County Planning and Zoning Department, but may not necessarily reflect the recommendation of any Commission. This staff report is primarily a 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  
John S. Huth

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

Approved by:  Planning and Development Director  
Todd M. Kinskey, AICP

## **SITE PHOTOS**



View of site looking northwest from the intersection of Bluesky Drive and Northcrest Lane



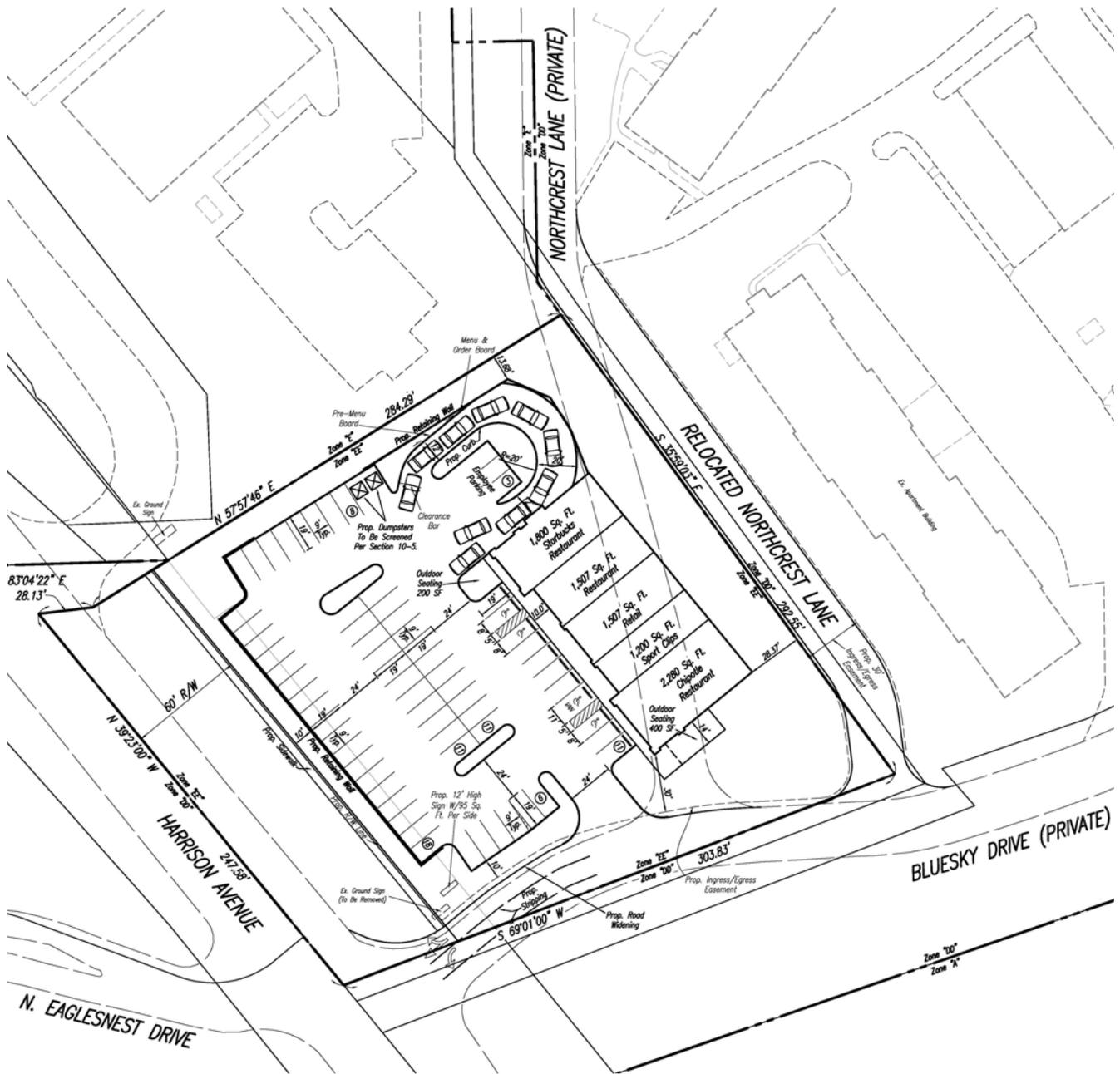
View of site looking west from Northcrest Lane towards Harrison Avenue



View of Northcrest Lane and residences looking east towards Bluesky Drive

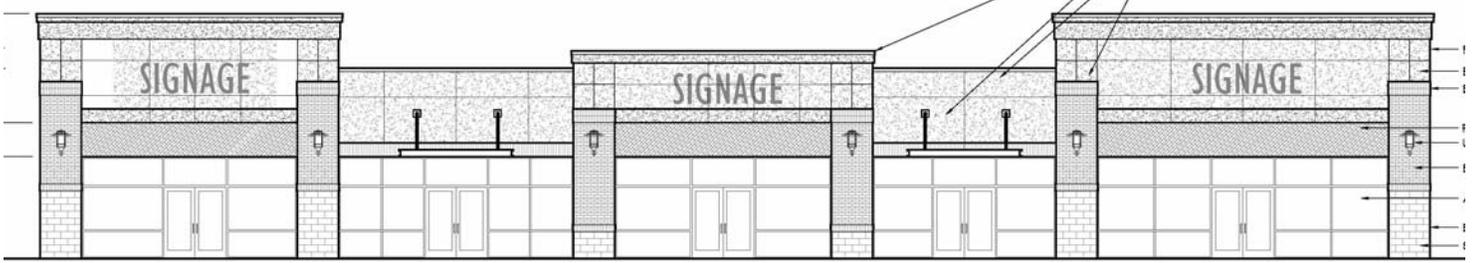


### MOST RECENT APPROVED PLAN – SEPTEMBER 2013

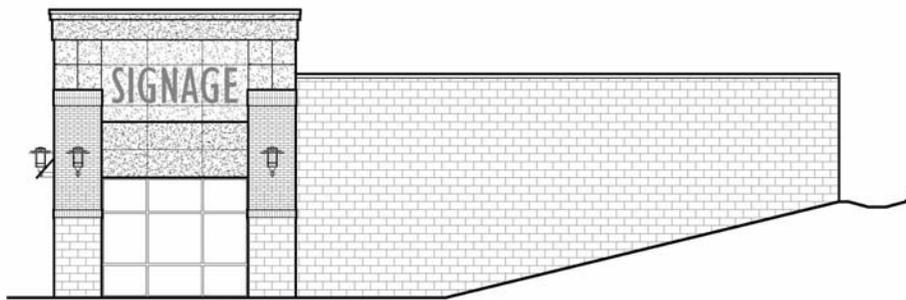




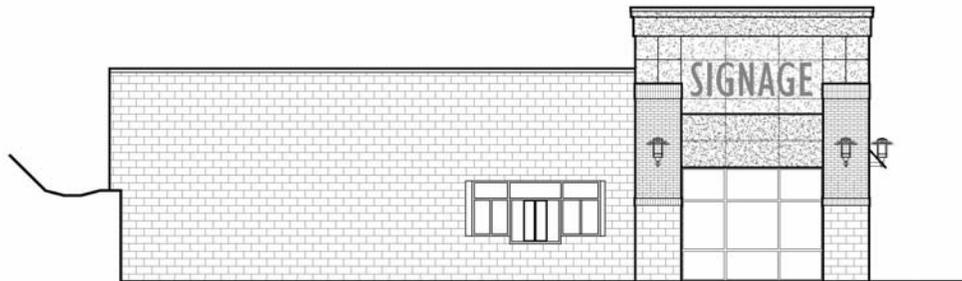
## ELEVATIONS



Elevation facing Harrison Avenue (southwestern elevation)



Elevation facing Bluesky Drive (southeastern elevation)



Northwestern elevation (Note: Staff does not support a variance to permit this building mounted sign)



## APPLICANT'S LETTER



December 8, 2014

Hamilton County Planning & Development  
County Administration Building  
138 E. Court Street, Room 801  
Cincinnati, Ohio 45202

Attn: Bryan Snyder

**Re: Bluesky Drive & Harrison Avenue – Restaurant & Retail Development  
Case No. Green 2012-02**

Dear Mr. Snyder:

Please find attached herewith modified development plans for the above referenced retail development located at the intersection of Bluesky Drive and Harrison Avenue. The purpose of the major adjustment is to develop the site in a smaller scale than previously planned. This creates less disruption and impact to the existing surrounding properties and infrastructure. The major adjustments include the following:

- 1) The net area of the development is 1.48 acres.
- 2) The proposed use of the development is restaurant and retail.
- 3) The character of the development will be complimentary to the surrounding properties through the use of similar construction materials that provide an aesthetically appealing appearance suited for the property.
- 4) The site abuts an existing retail center to the north and a condominium complex to the east.
- 5) The development modifications include maintaining the location of the existing private drive and associated utilities at/on Northcrest Lane. As a result of maintaining the current layout of Northcrest Lane, the overall building size has been reduced from a five (5) tenant 8,294 SF building to a three (3) tenant 5,280 SF building, likewise the parking quantity has been reduced from sixty-eight (68) to forty (40) spaces. The property access/curb cut has been relocated from Bluesky Drive to Northcrest Lane.

The information above and the attached development plans are being submitted for your review and approval at the January 15, 2015 public hearing.

Thank you in advance for all your help regarding this matter. Should you need additional information or have questions related to this submittal, please feel free to contact me at 859-292-8040 (office) or 513-675-9569 (cellular telephone).

Sincerely,  
Brandicorp, LLC



Michael E. Doty  
Director of Construction

CC: Record File

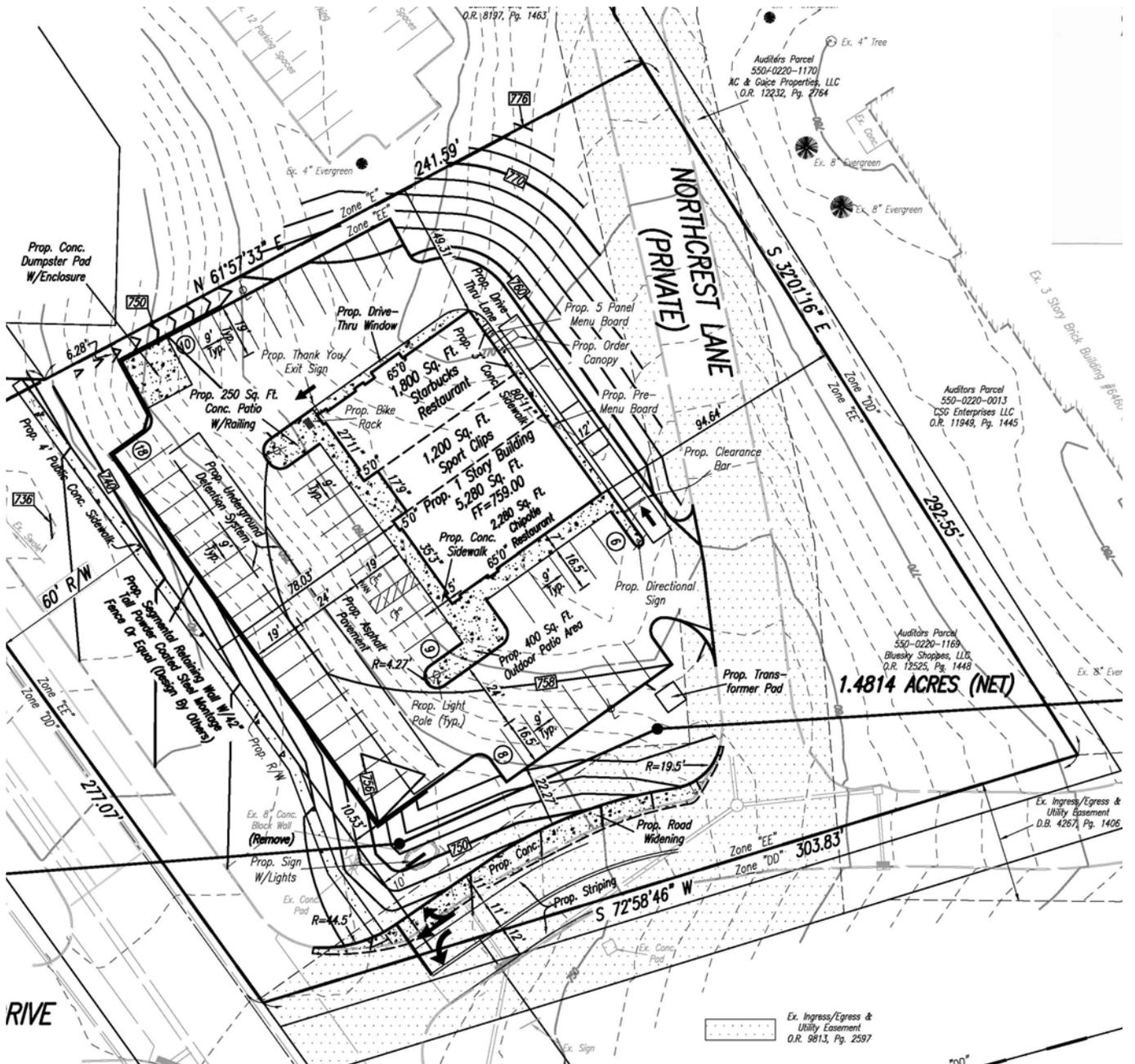
MED/dh

**RECEIVED**

DEC 08 2014

HAMILTON COUNTY  
**PLANNING & DEVELOPMENT**

# REVISED/FEBRUARY SITE PLAN

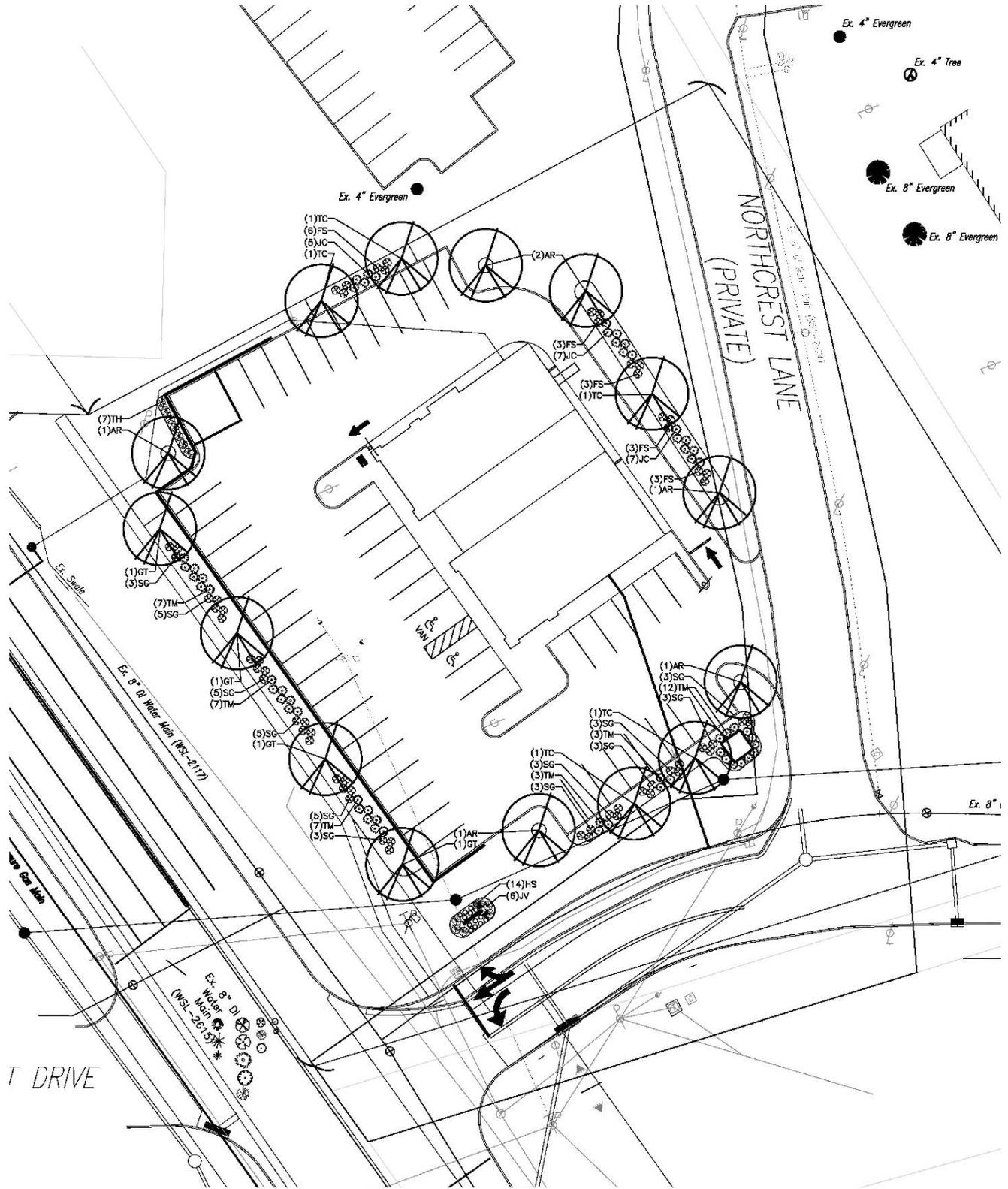


**1.4814 ACRES (NET)**

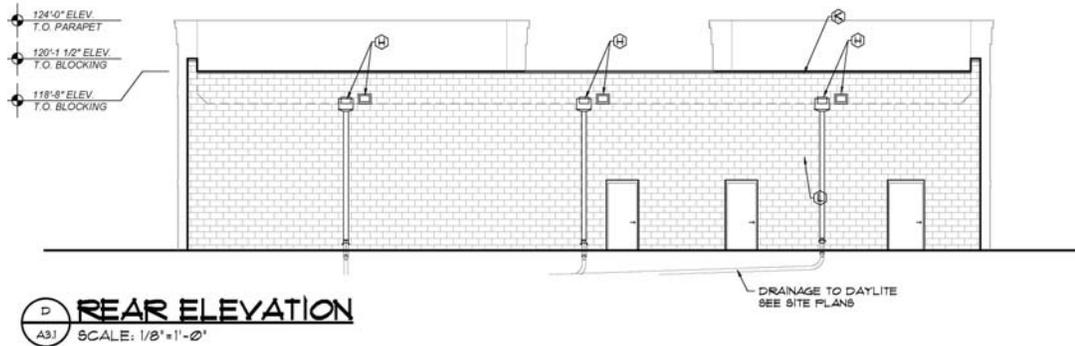
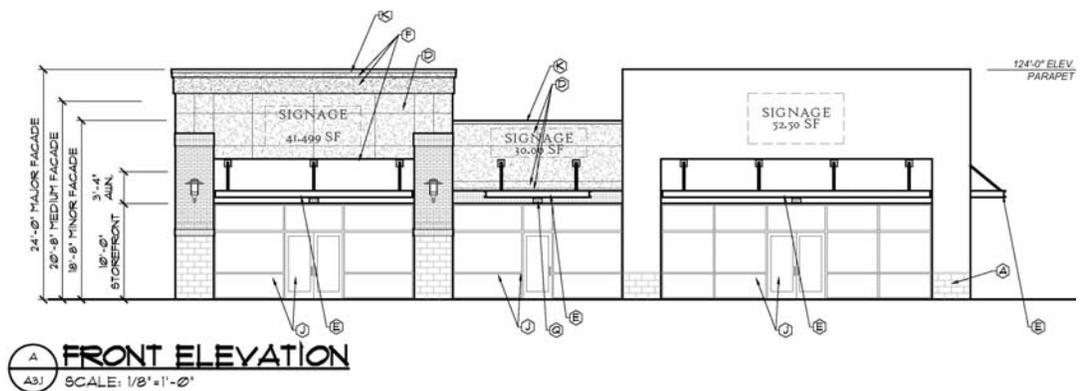
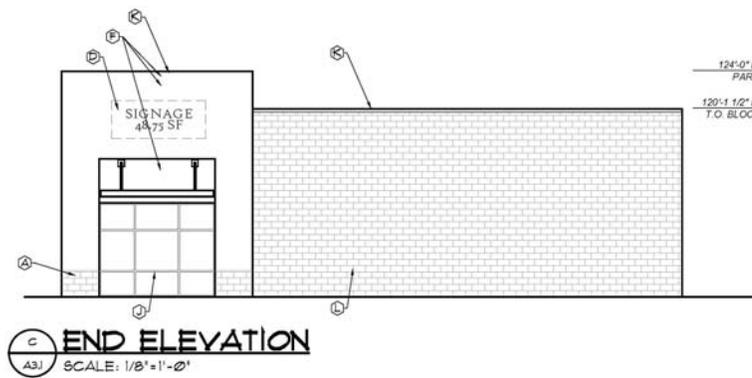
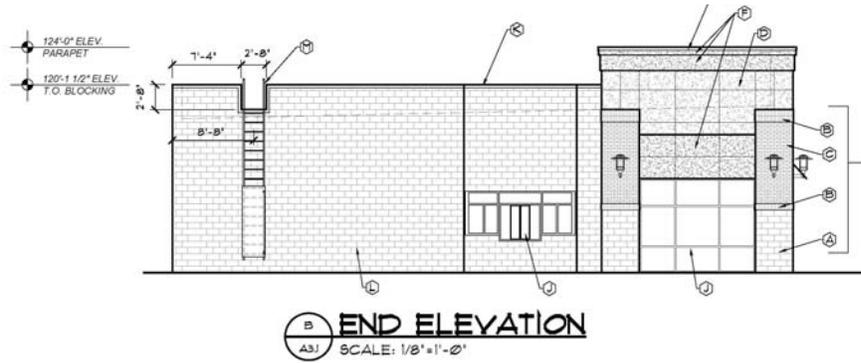
Ex. Ingress/Egress & Utility Easement  
 O.R. 9813, Pg. 2597

RIVE

### REVISED/FEBRUARY LANDSCAPING



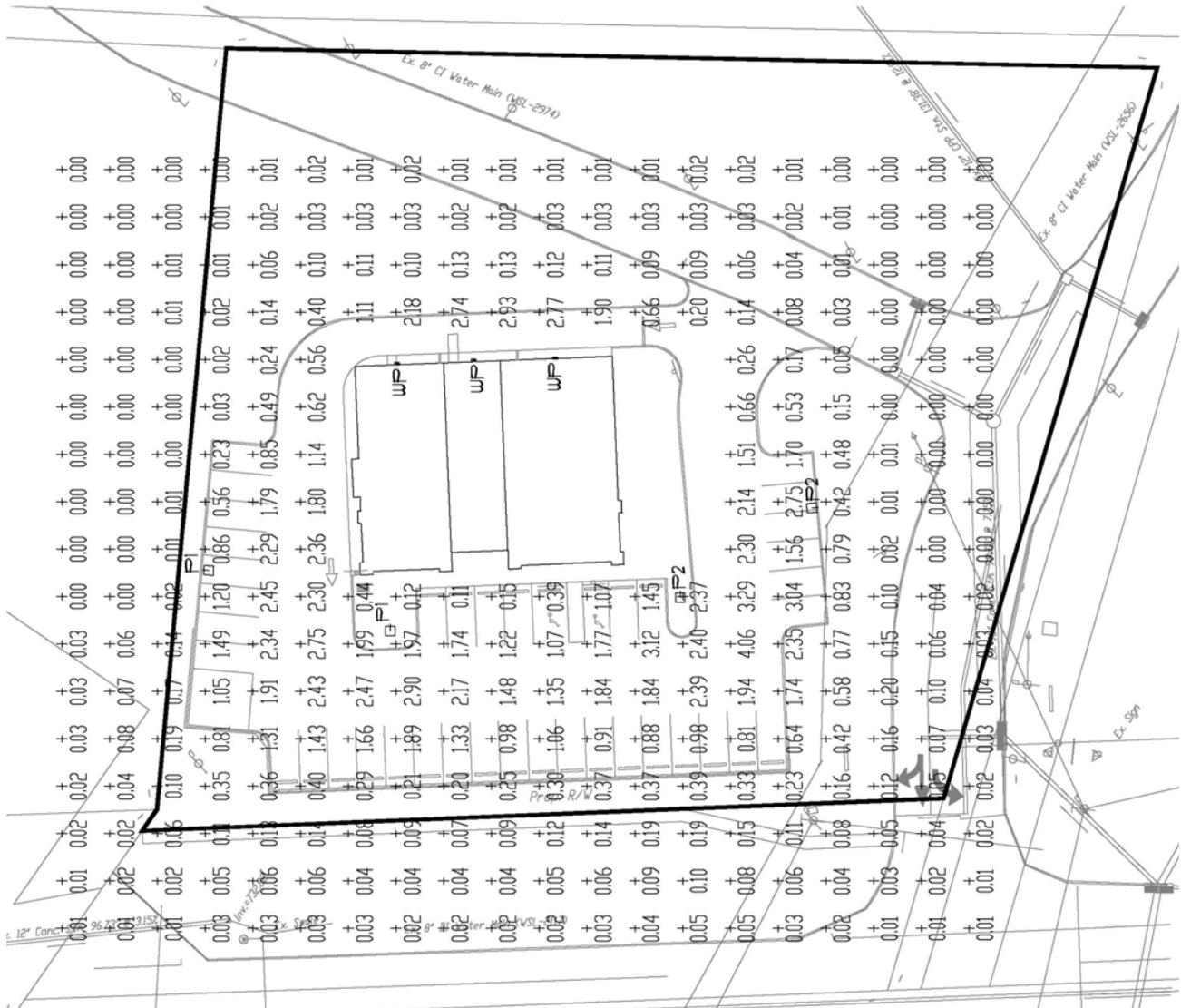
## REVISED/FEBRUARY ELEVATIONS



### REVISED/FEBRUARY SIGNAGE



## REVISED/FEBRUARY LIGHTING PLAN







HAMILTON COUNTY

Regional Planning Commission

## STAFF REPORT

FOR CONSIDERATION BY THE RURAL ZONING COMMISSION ON FEB. 19, 2015

**MAJOR ADJUSTMENT  
CASE:**

**GREEN 2003-03**

# J. ANEVSKI PUD SIGNAGE

**REQUEST:**

Major Adjustment to an existing “O PUD” Office Planned Unit Development district

**PURPOSE:**

To allow a larger monument-style freestanding sign and to allow building signage on two facades of the building

**APPLICANT:**

John Anevski (applicant), Jets Properties LLC (owner)

**LOCATION:**

Green Township: 6355 Harrison Avenue, south of Eaglesnest Drive and north of Belclare Road (Book 550, Page 221, Parcel 101)

**SITE DESCRIPTION:**

Tract Size:	2.762 acres (gross)
Frontage:	282.69 feet along Harrison Avenue
Topography:	Gentle slope northwest toward detention basin
Existing Dev:	Office and Retail Building (under construction)

**SURROUNDING  
CONDITIONS:**

	<u>ZONE</u>	<u>LAND USE</u>
North:	“A” Residence	Church & Single Family
South:	“A” Residence	Vocational School
East:	“E” Retail	Automotive Sales/Repairs
West:	“A” Residence	Vocational School

**SUMMARY OF**

**RECOMMENDATIONS: DENIAL**

**APPROVED USE:** On March 20, 2003, the Hamilton County Rural Zoning Commission approved, with conditions, a Planned Unit Development proposal to construct an office and retail building in an office zoning district where a vacant State Farm Insurance office was located. A zone change was not necessary because the zoning resolution allows retail development in office zones provided that the PUD has less than a 60% impervious surface ratio. The updated development plan designates 22,540 square feet of building space for a mix of retail and office tenants with 96 parking spaces. An existing retaining wall runs through the southern portion of the parcel, giving way to a steep elevation drop and thick wooded area. In the original approval process, the applicant was granted a zoning variance for a freestanding sign next to the access drive with a maximum height of 12 feet and surface area of 50 square feet. A variance was required at the time because developments in office zones were only permitted to have a multi-tenant freestanding sign if they were office parks containing two or more buildings.

**PROPOSED USE:** The zoning resolution was changed in 2008 to permit freestanding signs with a maximum height of 12 feet and surface area of 50 square feet in office zones, making the variance granted for the site in 2003 no longer a variance. However, the applicant is now requesting a new variance in order to be allowed a larger freestanding multi-tenant sign. The proposed sign would be double-sided, monument-style, with a height of 17 feet 5 inches and surface area of 120 square feet. The design also shows eight internally illuminated cabinets with a brick base and aluminum frame. The location would still be next to the access drive off of Harrison Avenue. The applicant is also requesting to be allowed building signage on the northern facade of the building. Building signage is already permitted for each tenant on the walls facing into the development, but the applicant states that the unique angle of the building in relation to Harrison Avenue merits the need for increased visibility from the road. The building sign design was not submitted with dimensions.

---

**AUTHORITY AND  
CRITERIA:**

**Authority to Make Adjustments to PUD Plans**

Section 18-9 authorizes the Rural Zoning Commission to consider adjustments to approved PUD plans provided there is no modification of recorded easements or BCC conditions. Any modifications must be in substantial conformity with the intent of the PUD approval.

**Compliance with Section 18-9.1**

Minor alterations shall be limited to altering the location of structures, circulation elements, open space or grading where such alterations will comply with the intent of all perimeter setbacks and buffer yards that are required by any regulation or by the approved PUD plan. Because the request is for new signage in excess of the Zoning Resolution, the request is considered a Major Adjustment that must be reviewed by the RZC during a public hearing.

---

**ANALYSIS:** Staff has reviewed the requested Major Adjustment and has the following findings:

***Freestanding Sign Findings:***

- *The proposed sign design indicates that one office and two retail outlets are already planning to occupy parts of the building. Despite there being a mix of retail and office tenants within the building, the parcel still falls under the regulations pertaining to an office development because it is located in an office zoning district.*
- *Office districts are permitted to have one freestanding sign not exceeding 12 feet in height or 50 square feet in surface area.*
- *The proposed sign would be 17 feet 5 inches in height and 120 square feet in surface area, which is significantly larger than the permitted height and surface area.*
- *Adjacent to the site on the other side of Harrison Avenue, there is an "A" low intensity Single Family Residence district with multiple single family homes. Staff finds that a larger sign would be incompatible with these nearby land uses.*
- *There are a number of larger freestanding signs in the Harrison Avenue corridor, but that is because many developments along Harrison Avenue are either located within an "E" Retail district, with no specific plan approval and a permitted sign size of 28 feet in height and 150 square feet in area, or within "EE" Planned Retail zoning districts on larger sites located closer to the interstate or to high density commercial areas.*
- *Planned districts or specific plan approvals for properties in the vicinity have typically been restricted to much smaller signs.*
- *Nearby developments have not typically been allowed freestanding signs larger than 12 feet in height and 50 square feet in surface area.*
- *The Metro Car Wash ("O PUD" for Valvoline), Glenway Auto Center ("E PUD"), First Baptist Church (Conditional Use), and recently approved Bluesky Drive retail center ("EE" Planned Retail) were all approved for freestanding signs with 50 square feet or less of surface area and 12 feet or less of height. While a taller 18-foot sign was permitted for the adjacent Diamond Oaks school as part of a Conditional Use approval in 2011, the approved surface area is still less than 50 square feet.*
- *In addition, efforts are being made by the Township to reduce the impact of signage on the streetscape of Harrison Avenue.*
- *The Harrison Avenue Corridor Design Plan, created by the Township in 2004, says that freestanding signs should be restricted to the dimensions permitted as of right in the zoning resolution and that said signs should not exceed 12 feet in height above the grade of Harrison Avenue.*
- *Staff is concerned about setting a precedent for future development in the area that would encourage other commercial and office developments to ask for larger freestanding signs along Harrison Avenue.*

**Building Sign Findings:**

- *Office districts are allowed to have building signage on the facade that fronts the principal dedicated street or the facade that contains the main entrance to the building. Building signage is not permitted on both facades as of right.*
- *Staff does not typically support building signs on multiple facades unless the site has some form of extenuating circumstance that prohibits visibility. Staff does not find that there is anything unusual about the nature of the site to warrant signage beyond what the zoning resolution permits.*
- *Staff finds that the angle of the site plan does not cause significant loss of visibility to the building complex as a whole. The setback is close enough to Harrison Avenue that the inward-facing facade of each wing can be seen from a reasonable distance away*
- *Staff finds that the already permitted freestanding sign would give sufficient warning for drivers coming from the northwest that the corner tenant, Third Federal, is approaching on the right-hand side.*
- *Staff is concerned that future tenants on the northwest wing of the building would be put at a disadvantage if the corner tenant was given additional signage while they were not.*

---

**CONCLUSION:**

Based on the above analysis, there is not sufficient reason for staff to support the request. A freestanding sign beyond the dimensional restrictions pertaining to an Office zoning district is not permissible even though there are plans for retail uses within the building. Additionally, office zones are not permitted building signage on multiple facades even if the building does not have wall frontage that is parallel to the street. The nature of this site and the context in which it is located do not warrant variance from the zoning resolution. Therefore, staff recommends denial of the requested Major Adjustment.

---

**RECOMMENDED MOTION:**

To consider case Green 2003-03; J. Anevski PUD Signage, a request for a Major Adjustment to an approved Plan Unit Development in an existing "O PUD" Office district.

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**AGENCY REPORTS:**

Township Trustees (TT):

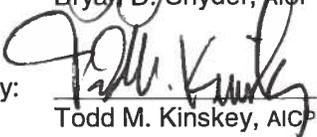
Report not yet received

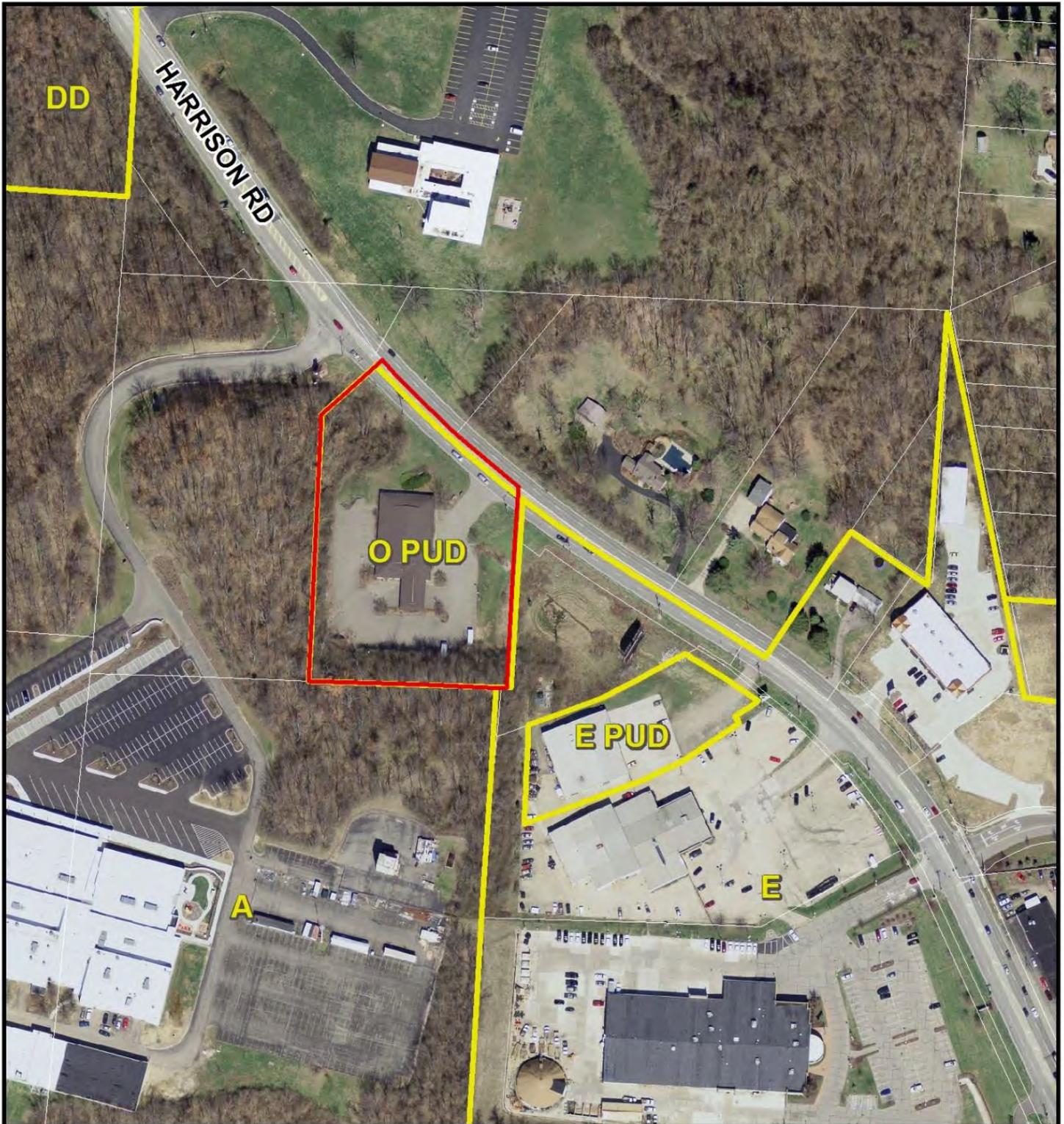
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Prepared by:  \_\_\_\_\_, Planning and Development Intern  
Timothy A. Hawk

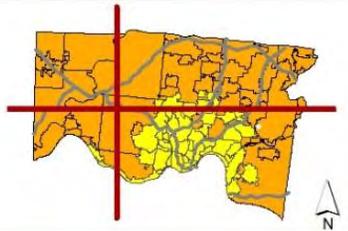
Reviewed by:  \_\_\_\_\_, Development Services Administrator  
Bryan D. Snyder, AICP

Approved by:  \_\_\_\_\_, Planning Director  
Todd M. Kinskey, AICP



# VICINITY MAP

**Case: Green 2003-03; J. Anevski PUD Signage  
Request: Major Adjustment**



Printed: Feb. 19, 2015  
Printed By: Tim Hawk

**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, its quality, performance, merchantability, 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 combined with the information received, including the cost of recovering such information, programs or data. Any floodway and flood fringe information provided on this map is for conceptual planning purposes only. For official determination of limits recipient must refer to the 1982 FEMA floodway fringe maps. Large differences can exist between actual flood prone area and official FEMA flood fringe areas.

## SITE PHOTOS



Panorama View of Building from Harrison Avenue



Panorama View of Harrison Avenue Panorama from Building



Entrance/Exit Off Of Harrison Avenue

### SITE PHOTOS (CONT.)



Proposed Freestanding Sign Location



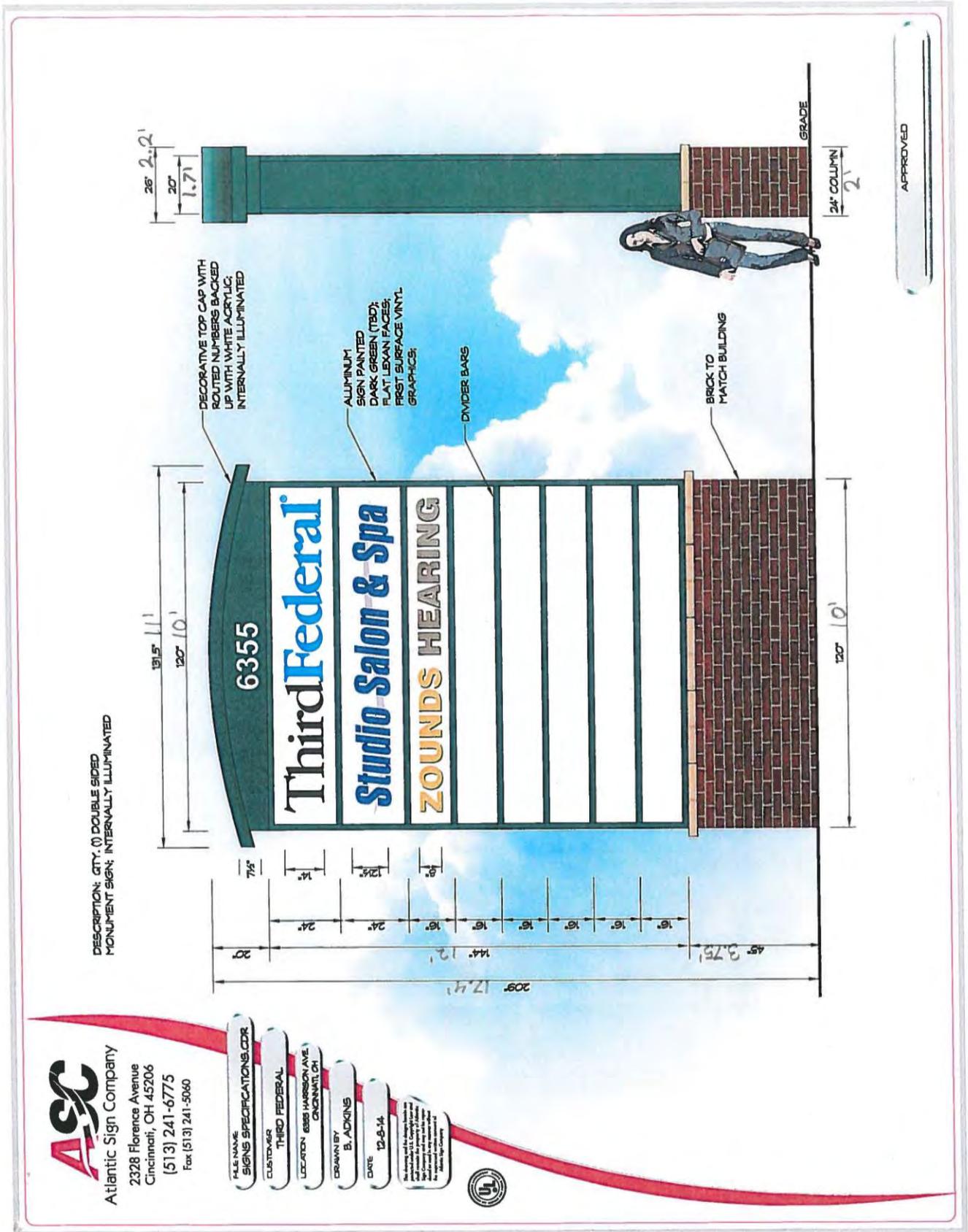
Proposed Building Sign Location



Whole Site – Including Detention Basin



**PROPOSED FREESTANDING SIGN DESIGN**



# PROPOSED BUILDING SIGN DESIGN



Atlantic Sign Company  
2328 Florence Avenue  
Cincinnati, OH 45206  
(513) 241-6775  
Fax: (513) 241-5060

FILE NAME: SIGNS.CDR  
CUSTOMER: THIRD FEDERAL  
LOCATION: 6888 HARRISON AVE. CINCINNATI, OH  
DRAWN BY: B. ADKINS  
DATE: 12-4-14

This drawing and the design herein are the property of Atlantic Sign Company. It is to be used only for the project and location specified. It is not to be reproduced or used for any other project without the written consent of Atlantic Sign Company.





PROPOSED

EXISTING



APPROVED



**APPLICANT LETTER**

John ANEVSKI  
5415 PALISADES DR.  
CINCINNATI OH. 45238

REGARDING CASE # GREEN 2003-03

- 1) John ANEVSKI hereby requesting ADDITIONAL SQ. FOOTAGE TO EXISTING FREE STANDING SIGN AT POPPYS POINT 6355 HARRISON R
- 2) DO TO THE ANGLE OF THE BUILDING IN RELATION TO THE ROAD. I AM ALSO REQUESTING ADDITIONAL WALL SIGNAGE ON THE NORTH & EAST BUILDING ELEVATIONS.

John ANEVSKI  


**RECEIVED**

JAN 06 2015

HAMILTON COUNTY  
PLANNING & DEVELOPMENT



*Francis M. Hyle Co., LPA*

*Attorney at Law*

*5767 Harrison Avenue*

*Cincinnati, OH 45248*

*(513) 481-9800*

*Fax (513) 481-9592*

*fhyle@hylelaw.com*

February 10, 2015

**Via Facsimile (513) 946-4475**

The Rural Zoning Commission

County of Hamilton

Room 807, County Administration Bldg.

138 East Court Street

Cincinnati, Ohio 45202

**Re: Green 2003-03 J. Anevski Retail**

To Whom It May Concern:

I am writing on behalf of the Board of Trustees of Green Township with respect to Case No. Green 2003-03. The matter is set before your Commission on February 19, 2015.

The Trustees attempted to consider this matter at their regularly scheduled meeting on February 9, 2015. However, the applicant failed to appear at the Trustees' meeting to address many questions that the Trustees have raised. Therefore, the Trustees are not in a position to make any recommendation on the applicant's request.

The Trustees would like the opportunity to meet with the applicant prior to any action of the Zoning Commission. Accordingly, the Trustees respectfully request that the matter be continued before the Zoning Commission for one month so that the Trustees have the opportunity to meet with the applicant and discuss the matter further.

Thank you for your consideration in this regard.

Very truly yours,

*Francis M. Hyle*

Francis M. Hyle









# STAFF REPORT

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

**ZONE  
AMENDMENT  
CASE:**

**HARRISON 2015-01**

## **HARRISON AVENUE CAR LOT EXPANSION**

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

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

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

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

**SITE DESCRIPTION:** Tract Size: 0.53 acres (net)  
Frontage: 125 feet on Old Harrison Avenue  
Topography: Flat  
Existing Dvlpmt: Single-family residence

<b>SURROUNDING CONDITIONS:</b>	<u>ZONE</u>	<u>LAND USE</u>
North:	"B-4" (City of Harrison) and "A SPI-SC" Residence	Interstate 74
South:	"A SPI-SC" Residence	Undeveloped
East:	"A SPI-SC" Residence	Single-family
West:	"E SPI-SC" Retail	Hirlinger Used Cars

**ZONING JURISDICTION:** Hamilton County Commissioners

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

**PROPOSED USE:** The applicant is proposing to use an existing single-family home site for the purpose of expanding the existing auto sales display area on the adjacent commercial site to the west (Hirlinger Used Cars- 9912 Harrison Avenue). A 45-space parking lot has been proposed with one driveway onto Old Harrison Avenue. A 30-foot cross-access easement proposed to the property to the south to provide future cross-access should the adjacent site redevelop as commercial in the future. Two 15-foot tall, double-mounted pole lights have been proposed on 3-foot concrete bases within the parking lot. A 4-foot chain link fence has been proposed behind the streetscape buffer along the front row of parking along Old Harrison to connect to the existing chain link fence on the site to the west and a 6-foot vinyl privacy fence has been proposed behind the boundary buffer along the eastern property line. No signage has been proposed and the impervious surface ratio for the site would be 71%.

**ZONING PETITION HISTORY:** The site is part of a SPI overlay district that was approved in 2003. The SPI district designation provides special regulations for development that occurs within its area.

**STAFF REVIEW CONFERENCE:** A Public/Staff Review Conference was held at 7:00 pm on November 20, 2014, at the Harrison Township Civic Center. The meeting was attended by the property owner, civil engineer, township officials, and the two adjacent residents to the south. Issues raised at the meeting included the southern boundary buffer, existing trees to be cleared, privacy fencing, right-of-way dedication, and lighting concerns.

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**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 the site 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.*
- *The proposal is an orderly expansion of an adjacent existing retail use, is not at a scale that would allow for a campus-style development and contains no buildings.*
- *Therefore, staff finds that the proposed planned retail zoning 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. 30 of the Land Use Plan, which covers several lots between I-74 to the north and Old Harrison and Harrison Avenues to the south on both sides of the Dry Fork Road interchange. The strategy for this area (Strategy 2) states: “Concentrate planned mix 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 of existing commercial uses in the area to enhance community identity, services and facilities easily accessible to the expressway.*
- *The proposed development would be an expansion of an existing used car dealership that currently has easy access to the expressway as it is on the southeast corner of the I-74/Dry Fork Road interchange. The proposal would also provide ample screening from the existing residences to the east along Harrison and would provide cross-access to this area in accordance with the SPI regulations should these sites redevelop as commercial in the future. Staff recommends this cross-access be required as condition of approval.*
- *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 Old Harrison Avenue as a Local Road with a required right-of-way of 60 feet (30 feet from centerline).

**Findings:** *The site currently has 36 feet of right-of-way from centerline. Therefore, no additional dedication is needed.*

**Zoning Compliance**

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

**Section 12-6.4 – Parking Lot Interior Landscaping**

This section states that development is required to provide 286 sq. ft. of parking lot landscape area with a minimum of 2 canopy trees and 6 shrubs.

**Findings:** *The applicant has indicated compliance with the shrub planting requirement within two peninsulas adjacent to the driveway but has requested that the two required canopy trees be waived as they would be adjacent to a drywell and would impede snow plowing in the rear of the site where a landscape island could be accommodated. Staff recommends this requirement be met as there are other*

areas of the site away from the drywell that could contain the required trees. Trees could be added in the area of the propose shrubs alongside the driveway or within peninsulas in the rear or eastern row of parking.

### **Section 12-7 – Outdoor Lighting**

This section states that a maximum illumination of 0.5 footcandles is permitted at all property lines.

**Findings:** *The applicant proposed to exceed this requirement along the Old Harrison Avenue right-of-way to the south, western property line adjacent to the existing car lot, and I-74 right-of-way to the north. Staff supports a variance to the western property line as the site in question and the adjacent site should be treated as one for the purpose of lighting as the proposed development is an expansion of the adjacent site. The applicant has stated that lot has an irregular shape and that the proposed 1.6 footcandle level adjacent to I-74 will not be distinguishable. However, staff does not support a variance to the lighting requirement along either right-of-way because the proposal is a new development and there is no reason lighting cannot be modified to meet this requirement. Staff recommends a lighting plan in compliance with the requirements of the Zoning Resolution along each right-of-way be submitted as part of the Zoning Compliance Plan.*

---

### **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, Comprehensive Plans and Thoroughfare Plan. With interior parking lot landscaping and lighting levels along each right-of-way in compliance with the Zoning Resolution, 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 2015-01; Harrison Avenue Car Lot Expansion, a request for zone amendment from “A SPI-SC” Residence to “EE SPI-SC” Planned Retail subject to the standard covenants for planned districts and the following conditions and variance:

#### Conditions:

1. That a 30-foot access easement for future vehicular use shall be identified to the eastern property line to permit the adjacent property to connect through the subject site to Old Harrison Avenue to be effective if/when this adjacent property is developed as commercial.
2. That a landscaping plan in compliance with Sections 12-6, 14-7 and 14-8 of the Zoning Resolution shall be submitted as part of the Zoning Compliance Plan.
3. That a lighting plan in compliance with Section 12-7 of the Zoning Resolution and Variance #1 shall be submitted as part of the Zoning Compliance Plan.

#### Variance:

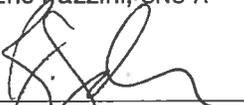
1. Section 12-7.2 – That there be no maximum illumination level on along the western internal property line where a maximum illumination level of 0.5 footcandles is required.

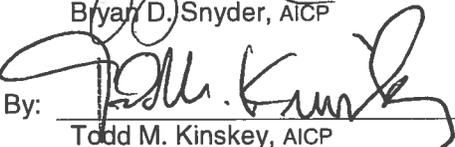
**AGENCY  
REPORTS:**

Dept. Public Works (DPW):	Conditionally 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):	Right-of-way per Collector
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 northwest down Old Harrison Ave from southern property line of site



Site in question looking north towards I-74

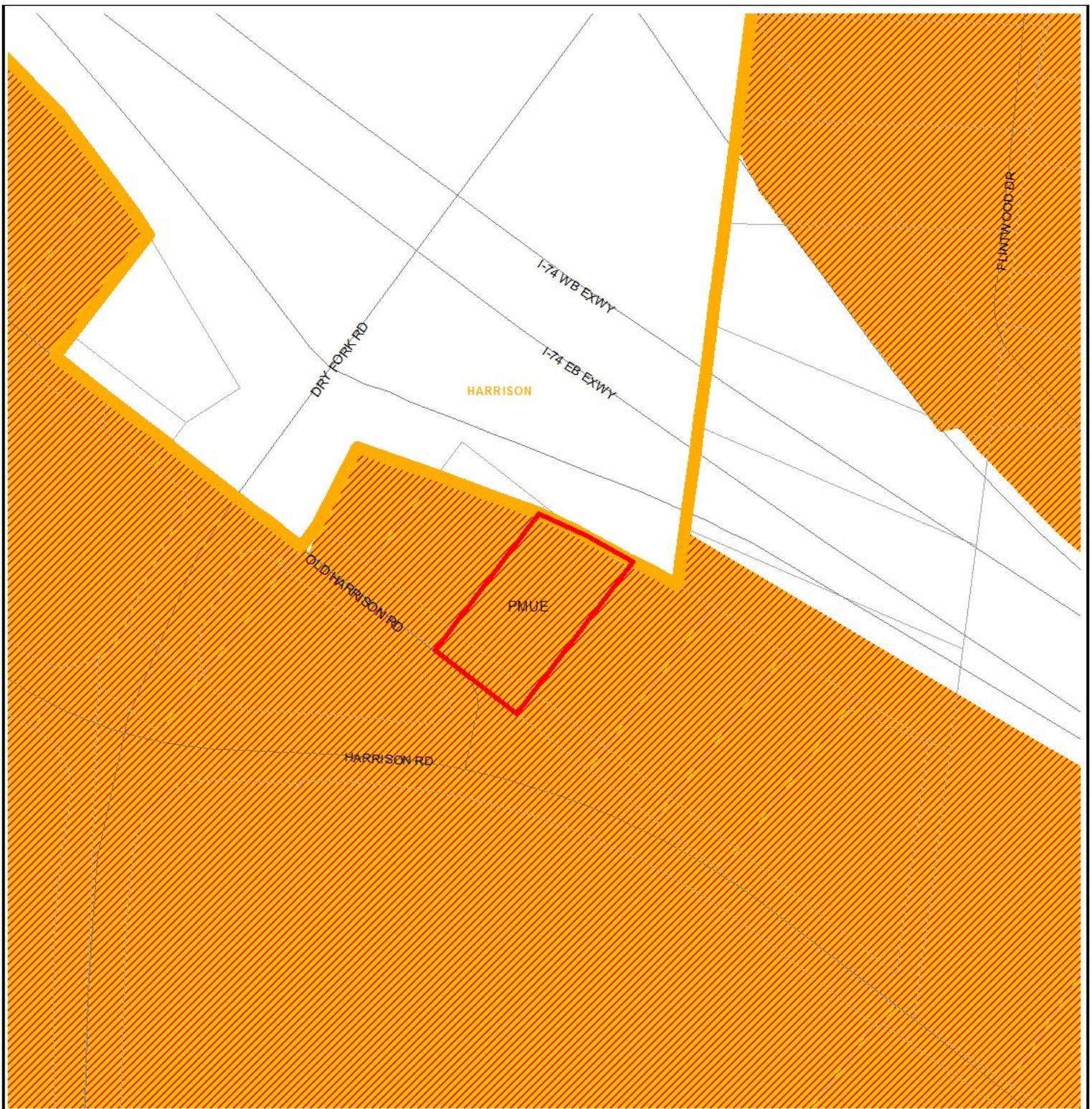


Looking southeast towards adjacent residences



Looking southwest at intersection of Old Harrison Ave and Harrison Ave





**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 2015-01**

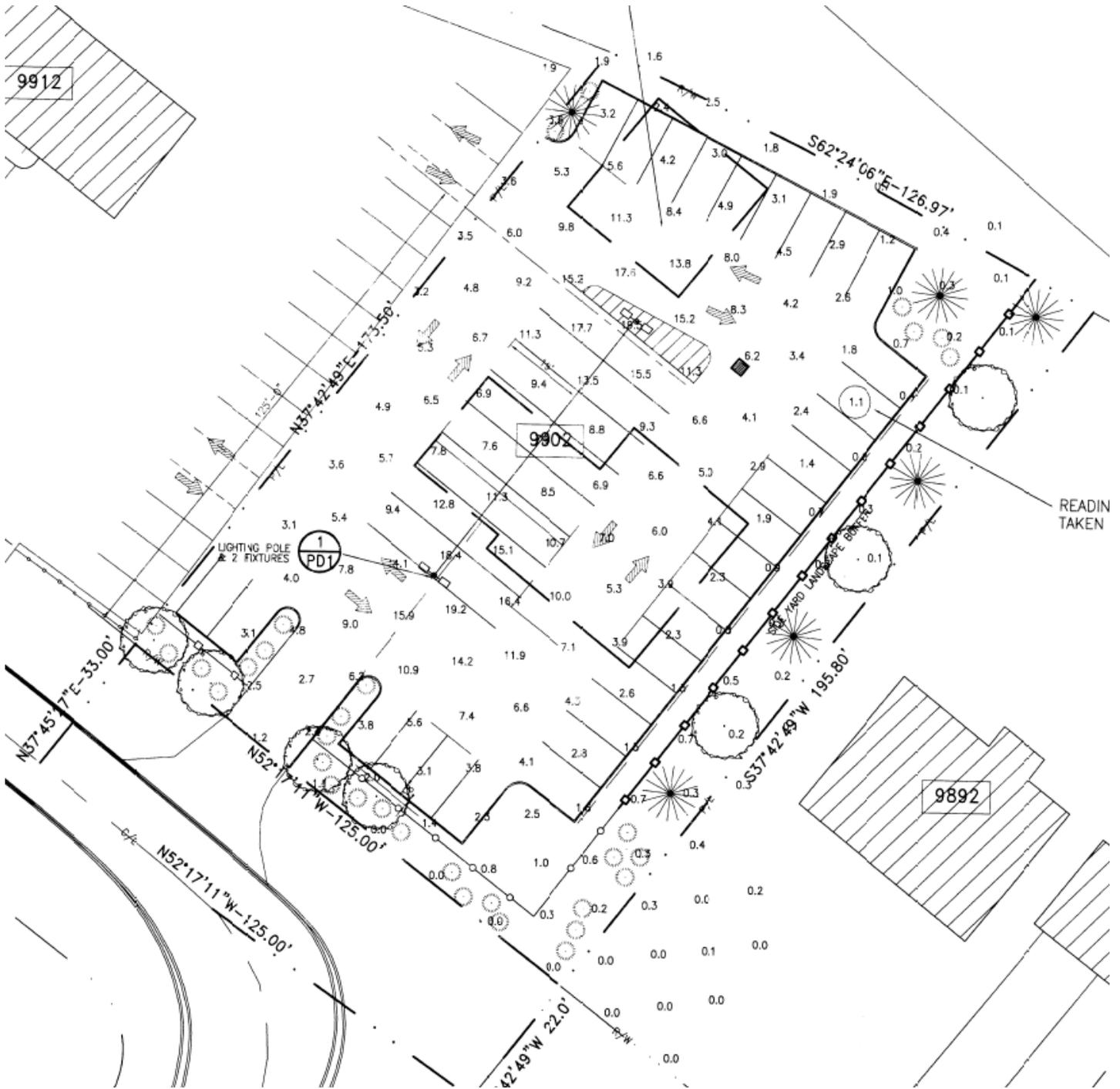


THE HAMILTON COUNTY  
**RPC** Regional Planning  
Commission 01/27/2015

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# LIGHTING PLAN



## APPLICANT LETTER



# PROFESSIONAL DESIGN ASSOCIATES INC

architects - engineers - planners

January 23, 2015

Hamilton County Planning & Development Department  
138 E Court Street, Room 801  
Cincinnati, Ohio 45202-6202

RECEIVED  
JAN 23 2015

HAMILTON COUNTY  
PLANNING & DEVELOPMENT

**RE: ZONE CHANGE AT 9902 HARRISON AVENUE  
HARRISON, OHIO 45030**

Dear Board Members:

TT Projects LLC, owned by Ms. Marilyn Bourquein is the owner of the property at 9902 Harrison Avenue. She is also the owner of the property at 9912 Harrison Avenue which is directly to the west of the parcel under consideration. The parcel directly to the west is leased to Hirlinger Chevrolet by Ms. Bourquein, and is used for the display of autos and as a sales center. Due to Hirlinger Chevrolets active business they are looking for more space to show and park automobiles.

Ms. Bourquein would like to assist Hirlinger Chevrolet's expanding business by altering the property at 9902 Harrison Avenue into an added parking and display area. In order for an expansion to take place a zone change is required, thus this application is being submitted for consideration. We are requesting a Zone change from "A-SPI-SC" to "EE-SPI-SC".

The existing property is a single family residence on a .53 acre lot. The house was built about 1949 and is in reasonable condition considering its age. The house has been vacant for approximately one year, has encountered some vandalism and was previously the house was used as a rental unit.

The Dry Fork/I-74 area has seen rapid commercial development during the last five years. Hirlinger Chevrolet has remodeled their sales building; the convenience store has been rebuilt and improved; the sandwich shop has been added onto; and commercial development is in the planning stages on multiple parcels in the area.

This parcel at 9902 Harrison Avenue and three adjacent parcels to the east have been identified in the Hamilton Land Use Plan as probable commercial uses and worthy of zone change consideration. This makes sense; as these parcels are on a spur of old Harrison Avenue that was left over as a result of the reconfiguration of Dry Fork Road, Harrison Avenue, and I-74.

14-258

3 6 2 7 w e s t f o r k r o a d - c i n c i n n a t i - o h i o 4 5 2 4 7  
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Hamilton County Planning & Development Department  
January 23, 2015  
Page 2

9902 Harrison Avenue and the three adjacent parcels abut I-74 to the north and the Harrison Avenue spur to the south. To the west is the heavily trafficked Dry Fork Road interchange, to the east is an electrical contractor's shop and offices. Thus the four residential parcels are surrounded by commercial development and a freeway.

In time the 9902 Harrison Avenue property will become commercial use and the other three houses will eventually become commercial use as this is no longer a residential neighborhood.

The proposed zone change would allow for an expanded parking area for Hirlinger Chevrolet. The construction of a new parking lot with the proper landscape buffers along the street and to the residential parcel to the east, would allow for controlled development according to the Hamilton County Zoning Codes.

It should be noted that we are requesting a waiver for the landscape island adjacent to the drywell. Over time landscape materials can clog the drywell, also the landscape island in the middle of this small parking lot hampers snow plowing. A close review of the lighting shows a number of spot lighting levels exceed 0.5 foot candles at the lot perimeter. This is a normal condition of a computer program with a predetermined light fixture on an irregular shaped lot. The human eye cannot distinguish between 0.5 foot candles & 1.6 foot candles on an exterior parking lot adjacent to a freeway; thus we are asking for consideration on this matter.

The proposed zone change will not alter the character of the neighborhood and seems to be a logical expansion of the ongoing development of the Dry Fork/I-74 interchange.

Hopefully the need for a zone change has been properly explained for your consideration. We look forward to your questions and input.

Sincerely,  
**PROFESSIONAL DESIGN ASSOCIATES, INC.**



James T. Ritter, Architect (OH #5932 exp. 12/31/15)  
President

JTR/ds

14-258



HAMILTON COUNTY  
REGIONAL PLANNING COMMISSION

RECORD OF PROCEEDINGS – FEBRUARY 5, 2015

PAGE 4

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

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

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

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

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

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

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

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

**DISCUSSION:** (Summary of Topics)

Staff Comments:

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

Public Official Comments:

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

Applicant Comments:

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

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

Commissioner Comments:

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

**MOTION:**  
(re: consistency)

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

Moved: Sprague

Second: Linnenberg

**VOTE:**

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

**MOTION:**

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

Moved: Simpson

Second: Stillpass

**VOTE:**

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

**RPC  
RECOMMENDATION:**

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

**ATTEST:**

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

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



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

**Conditions:**

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

**Variance:**

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

**MODIFICATION:**

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

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