

October 5, 2012

To: Board of Trustees
cc: James Rowan
From: Frank Birkenhauer
Re: Case ZA2012-04
2997 W. Galbraith Rd.

The public hearing for this case is scheduled for Tues., Oct. 9, 2012 at 8 PM.

On August 22, 2012, the Zoning Commission voted to recommend approval of the request and amended the conditions and variances suggested by staff as follows:

Conditions:

1. Buffers to the south and east shall be maximized to the furthest extent possible;
2. Landscaping in front of the building shall be maintained as shown;
3. Landscaping, with adjustments recommended by the Landscape Advisory Board, shall be installed and approved prior to occupancy of the site;
4. Existing tree in the center of the back yard buffer shall be maintained;
5. Construction signage and temporary fencing shall be installed around the existing tree to remain in the rear yard during site construction;
6. Sign shall be installed as shown, with address corrected;
7. The Final Development Plan shall comply in all other respects with the Colerain Township Zoning Resolution.

Variances:

1. Section 8.3.1. Site Development Standards. Table 8-2—The minimum permitted lot size shall be 0.31 acres where 20,000 square feet (0.46 acres) is required; and that the front yard shall be 12 ft., side yard 14.77 ft., and rear yard 30 ft., where a 30 ft. front yard, 25 ft. side yard, and 35 ft. rear yard are required.
2. Table 9-2—No common open space be required where a 15% common open space is required for planned developments.
3. Table 14-1—That the minimum required side buffer yard width shall be 15 ft. where 40 ft. is required and that the minimum required rear buffer yard width shall be 9 ft. where 30 ft. is required.
4. Section 14.5.2(C) (4) Buffer Design Standards and Section 8.3.5 Site Development Standards. To allow accessory building 17 ft. from the east property line and parking within 9 ft. of the south property line.

The motion was made by Mr. Taylor and 2nd by Mr. Westfall, and the vote was as follows: Mrs. Smith – aye, Mr. Taylor – aye, Mr. Temming – abstained, Mr. Trajkovski – aye, Mr. Westfall – aye.

The applicant is acceptable to all of the conditions. Enclosed is the staff report prepared for the Zoning Commission by the previous zoning administrator and documents submitted with the application.

If you have any questions, please don't hesitate to contact me.

Enclosures

**Colerain Township
Zoning Commission
August 21, 2012
7:00 p.m.**



Planning & Zoning Department

Project: Preliminary Development Plan
Case No.: ZA2012-04 2997 West Galbraith Road
Prepared By: Susan H. Roschke
Action Requested: Zone Amendment from R-7, Multi-Family Residential District, to PD-B, Planned Development to allow for a renovation as a professional office.
Applicant: Van Zandt Freehold Company, Ltd.
Owners: Van Zandt Freehold Company, Ltd.

SITE DESCRIPTION:

Parcel No.: 0510-0071-0086
Parcel Size: 0.34 acres gross rezoned area; 0.31 net acres of project area
Location: The south side of West Galbraith Road opposite Saint Ann Church of Groesbeck and beginning approximately 700 feet east of Colerain Avenue
Topography: The land gains approximately 15 feet in elevation from the southwest to the northeast corners. Parking area sits below street grade.

CASE HISTORY:

August 1, 2012

Hamilton County RPC

Recommended Approval 7-0 (see suggested conditions below)

AGENCY REVIEW:

Landscape Advisory Board: The LAB reviewed plan at their July 18, 2012 meeting. They advised: Consider using green giant arbor vitae instead of the white pines, and/or add more diversity along the east property line.

Hamilton County Regional Planning Staff: Recommended approval with conditions. Site complies with the Colerain Township Land Use Map, Comprehensive Plan, and the Hamilton County Thoroughfare Plan.

Hamilton County Soil & Water Conversation District: Has no comments. The described scope of work is exempt from the Hamilton County Earthwork Regulations.

Metropolitan Sewer District of Greater Cincinnati: The request is conditionally approved with final approval being granted through the Hamilton County building permit process.

Colerain Township Fire: *Comments not yet received.*

Storm Water and Infrastructure: Provided standard comments directing applicant to most recent code requirements.

Hamilton County Earthworks: *not yet received.*

Colerain Township Public Works: *not yet received*

Hamilton County Engineer: No landscaping, screening or obstructions shall be permitted in the public right-of-way.

Locations of driveways and movements from said locations shall be consistent with the Hamilton County Access Management Regulations.

ODOT: *not yet received*

OEPA: No issues.

GCWW: *not yet received*

ANALYSIS

LAND USE COMPLIANCE

The Colerain Township Land Use Plan classification of this property is PMUE, Planned Mixed Use Employment. The subject parcel is part of Site 247. This was updated from GR, General Retail in 2004. The proposed office is consistent with this land use classification.

COMPREHENSIVE PLAN COMPLIANCE

The subject property is located in Area 11: White Oak of the Colerain Township Comprehensive Plan. (The dividing line between Area 5 and Area 11 is Galbraith Rd.)

The vision for the White Oak character area is that it "will continue to be the location of strong and stable neighborhoods, affordable to all ranges of households. The mixture of residential housing types and small-scale commercial services should be maintained as an integral part of this community. This area will be a model for reinvestment as new businesses will find methods of adaptive reuse of older properties no longer viable for their original intended use." Light industrial and office uses are encouraged south of West Galbraith Rd. The proposed office conversion is

consistent with these guidelines.

ZONING RESOLUTION COMPLIANCE

USE:

The proposed planned development business district would be consistent with the planned mixed use employment designation.

Staff finds that the proposed conversion is consistent with the Colerain Township Land Use Map. The Colerain Township Comprehensive Plan designates the site within Character Area 11: White Oak Area.

The vision for this character area is that "it continue to be the location of strong stable, affordable neighborhoods with a mixture of residential housing types and small-scale commercial services and a model for reinvestment as new businesses will find methods of adaptive reuse of older properties no longer viable for their original intended uses.

The two residences to the west of this site in question are currently being used for small-scale commercial services (law office & insurance office) and the residence to the east of the site would be the only residence of the four immediate area with residential zoning. The proposed conversion of the residence, which was constructed in the 1930's, with no alterations to the exterior of the residence to office use, fits the definition of adaptive reuse.

SITE DEVELOPMENT STANDARDS:

Lot size—The required lot size in the B-1 District is 20,000 square feet. (0.46 acre) This existing lot is 14,941 square feet (0.34 acre). Minimum lot width in the B-1 District is 60 ft. This existing lot has 83 lineal feet of frontage along W Galbraith Rd.

Setbacks—The minimum front setback in the B-1 District is 30 feet. The front yard setback for the existing residence is 30 feet. (While this will be impacted by potential road widening under the Hamilton County Thoroughfare Plan, this is existing construction.) No side setback is required along the west property line which adjoins a PD-B. The rear and side setbacks are set by the rear setback requirements of the residential districts to the east (R-7) and south (R-6). To the south, the setback is 35 feet. The existing structure is 112 feet from the south property line, and the proposed accessory structure is 30 feet from the south property line. To the east, the required setback is 40 feet. The existing structure is 14.77 feet from the east property line and the proposed accessory structure is 17 feet from the east property line.

As the existing residence and associated yards are existing, approving a variance may be reasonable. Furthermore, as the accessory structure has been located to avoid encroaching any further into the existing side yard while preserving the large existing tree in the rear yard, this may be the only location that would permit a 600 square-foot building.

Lot Coverage. Total impervious surface coverage of the proposed project is 48%. This is below the maximum of 65% permitted in the B-1 District. The existing and proposed structures would total 1,662 square feet, representing 11% of the site, under the maximum structure coverage of 35% in the B-1 District.

PARKING:

Number of Spaces. Parking is required at a rate of 3 spaces per 1,000 square feet of floor area (Table 13-1). The area of the proposed office use 1,572 square feet, requiring 5 spaces. Seven spaces are proposed. Code allows a 10% overage as of right. Proposed parking number therefore meets standards.

Design Standards. 90 degree parking spaces shall be 9x19 feet. Proposed spaces are 18 feet in

length. A 24 foot wide drive aisle is required for 2-way traffic. A 22 foot wide aisle is proposed. Given that this is currently a shared driveway with the abutting lot, much of the aisle length will provide adequate width. Rear spaces are more likely to be used by staff as well. Ideally, there should be consistency and even coordination with the abutting parking lot. An easement regarding shared access and parking is suggested.

Screening. §13.4.1(E) requires that parking lots for five or more vehicles adjacent to residential districts be screened on facing and adjoining sides with solid wall or fence or tight screen of hardy evergreen shrubbery of 4-6 feet in height. No fence is proposed.

Sidewalks. Section 13.4.2(B) states that sidewalk is required along the public street. Existing sidewalk is shown on the site plan.

BUFFERS AND LANDSCAPING:

Buffer Yard. The required buffer is the same as the required setbacks for the rear and east, no buffer is required to the west since that site is in a PD-B. (See Table 14-1.)

§14.5.2(C)(4) notes that no construction is permitted within the buffer except for buffering elements or a driveway in the front. The proposed buffer is 17 feet on the east and 30 feet to the south, except where the parking extends to 9 feet from the south property line. The proposed accessory structure and two of the proposed parking spaces are shown in the buffer area. §14.5.2(C)(8) allows for some flexibility in the application of the buffer standard for areas of existing development. In such areas, buffer should be provided to the maximum extent possible. Since there are two more parking spaces than required by code, one space could be eliminated at the south buffer.

Staff supports some variances as the owner could more closely meet these standards only with the removal of the very large, mature tree in the rear yard.

Furthermore, given that the large, mature tree in the rear yard is to remain, fencing and signage should be installed around it during construction to prevent damage and ensure preservation.

See the report of the Landscape Advisory Board for more information.

PLANNED DISTRICT:

A 15% open space is required in a Planned District-Business zone. This lot includes 51% pervious surface area including landscaping and grassy areas. Given the small lot size and the fact that the lot does not meet the minimum required lot size of 20,000 square feet, that fact that there are sidewalks existing within the right-of-way, and the fact that no detention basins have been proposed, approving a variance to waive the open space requirement may be reasonable.

GENERAL DEVELOPMENT STANDARDS:

Lighting. No specific lighting requirements apply to this site, and no new lighting is proposed.

Architectural Design. Section 12.11 requires offsets and a customer entrance with architectural detailing on the front façade. This is accomplished with the existing structure.

SIGNAGE:

Wall signage. No wall signage is proposed.

Ground signage. According to Section 15.8.2(C), one ground-mounted sign is permitted per lot for an office use in a PD-B. The maximum height is 6'. The sign area is permitted at a rate of 1/2 square foot per lineal foot of street frontage, with a maximum of 70 square feet. Sign must be 10 feet from the right-of-way. The proposal includes relocating the existing sign from 3025 W. Galbraith. Sign is proposed 10 feet from r-o-w. Breakaway installation is proposed to account for potential widening of the road according to the Hamilton County Thoroughfare Plan.

CONCLUSION:

This Zone Amendment is generally in accordance with the Colerain Township Zoning Resolution, Comprehensive Plan, and Land Use Plan.

The following conditions and variances are provided for the consideration of the Zoning Commission:

CONDITIONS:

1. Buffers to the south and east shall be maximized to the furthest extent possible, including the reduction of the southernmost parking space;
2. Landscaping in front of the building shall be maintained as shown;
3. Landscaping, with adjustments recommended by the LAB, shall be installed and approved prior to occupancy of the site;
4. Existing tree in the center of the back yard buffer shall be maintained;
5. Construction signage and temporary fencing shall be installed around the existing tree to remain in the rear yard during site construction;
6. Sign shall be installed as shown, with address corrected;
7. The Final Development Plan shall comply in all other respects with the Colerain Township Zoning Resolution.

VARIANCES:

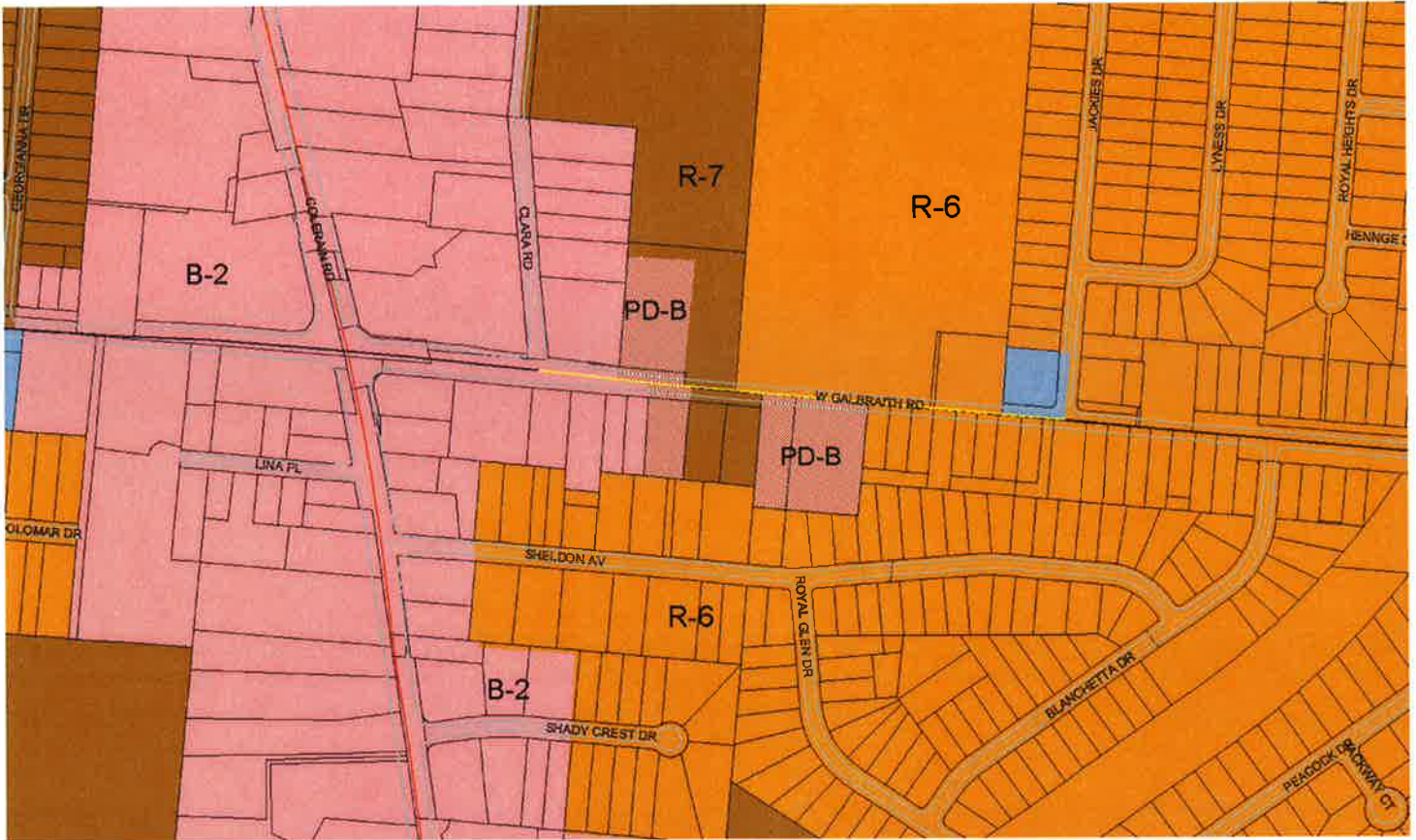
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2. Table 9-2—No common open space be required where a 15% common open space is required for planned developments.
3. Table 14-1—That the minimum required side buffer yard width shall be 15 feet where 40 feet is required and that the minimum required rear buffer yard width shall be 18 feet where 30 feet is required.
4. §14.5.2(C)(4) Buffer Design Standards and §8.3.5 Site Development Standards. To allow accessory building 17' from the east property line parking within 9' of the south property line.

Submitted for the Commission's consideration,



Susan H. Roschke, Ph.D.
Planning & Zoning Administrator

2997 W Galbraith Rd and Vicinity Zoning



- B-1 Neighborhood Business
- B-2 General Business
- B-3 Commerce
- I-1 Light Industrial
- O-1 Office
- PD-B Planned Business
- PD-I Planned Industrial
- PD-R Planned Residential
- PD-R* Planned Residential*
- R-2 Estate Residential
- R-3 Suburban-Low Resid.
- R-4 Suburban-Med Resid.
- R-5 Suburban-High Resid.
- R-6 Urban Residential
- R-7 Multi-Family
- RF Riverfront
- SWD Solid Waste