

COLERAIN TOWNSHIP ZONING COMMISSION

Regular Meeting

Tuesday, December 15, 2015 - 7:00 p.m.

Colerain Township Government Complex
4200 Springdale Road - Cincinnati, OH 45251

1. Meeting called to order.
Pledge of Allegiance.
Roll Call.
2. Approval of Minutes: November 17, 2015.
3. Public Address: None.
4. Final Development Plan:
A. ZA2014-01 – Country Woods Village - Minor Amendment to FDP for a maintenance building.
5. Public Hearings:
A. ZA2015-05 – 7600 Colerain Ave. – request zone change from R-7/B-2 to B-3
B. ZA2015-04 – Text Amendment to add language for Alternative Financial Services Providers.
(Continued from August 18, 2014 Zoning Commission Meeting)
6. Informal Concept Review:
A. Proposed Discount Tire – 9343 Colerain Ave.
7. Old Business: None.
8. New Business:
A. Initiation of Text Amendments – Waste Receptacles
9. Administration:
A. David J Allor Planning & Zoning Workshop
10. Announcements:
A. Senior Planner will start on January 4, 2016.
11. Next Meeting: January 19, 2016.
12. Adjournment.

The Colerain Township Zoning Commission will hold a public hearing on Tues., Dec. 15, 2015 at 7:00 p.m. at the Colerain Township Government Complex, 4200 Springdale Rd., Cincinnati, OH. Case No. ZA2015-05 – 7600 Colerain Ave. Location: 7600 Colerain Ave. Cincinnati, OH. Applicant: Abercrombie & Associates, Inc. Owner: FKS Realty, LLC. Request: Zone Map Amendment from R-7/B-2 to B-3. The application may be examined at the Colerain Township Planning & Zoning office located at 4200 Springdale Rd., Cincinnati, OH, Monday-Friday between 8 a.m. and 4:30 p.m. After conclusion of this hearing, a recommendation will be made to the Colerain Township Board of Trustees.

APPLICATION FOR MINOR AMENDMENT TO
FINAL DEVELOPMENT PLAN
COLERAIN TOWNSHIP ZONING COMMISSION
4200 SPRINGDALE ROAD
CINCINNATI, OH 45251
(513) 385-7505

Case No.: ZA 2014-01 (08-96) Date Filed: October 27, 2015

Location of property in accordance with County Auditor's Records:

Township: Colerain Book: 510 Page: 0440 Parcels: 0387

Name of Owner: Wesselpark Corp II, Inc.

Address: 3864 Race Road

City: Cincinnati State: Ohio Zip: 45211

Name of Project Site: Country Woods Village

Brief description of change: <u>Owner would like to add a one story, 2,800 s.f.</u>
<u>Maintenance Building to the site.</u>

Name of Applicant: Wesselpark Corp II, Inc.-Craig Hilsinger

Telephone No.: 513-598-1990 Email Address: craigh@fuse.net

Address: 3864 Race Road City: Cincinnati State: Ohio Zip: 45211

Signature:

 Date: 10-26-15

Please check one: ☐ Owner ☒ Agent ☐ Lessee

Filing fee shall accompany the application. Make check payable to: **Colerain Township Board of Trustees**. THERE SHALL BE NO REFUND OR PART THEREOF ONCE PUBLIC NOTICE HAS BEEN GIVEN.

Wesselpark II, LLC

3864 Race Road
Cincinnati, Ohio 45211

**Request for Minor Amendment
Country Woods Village Phase 2**

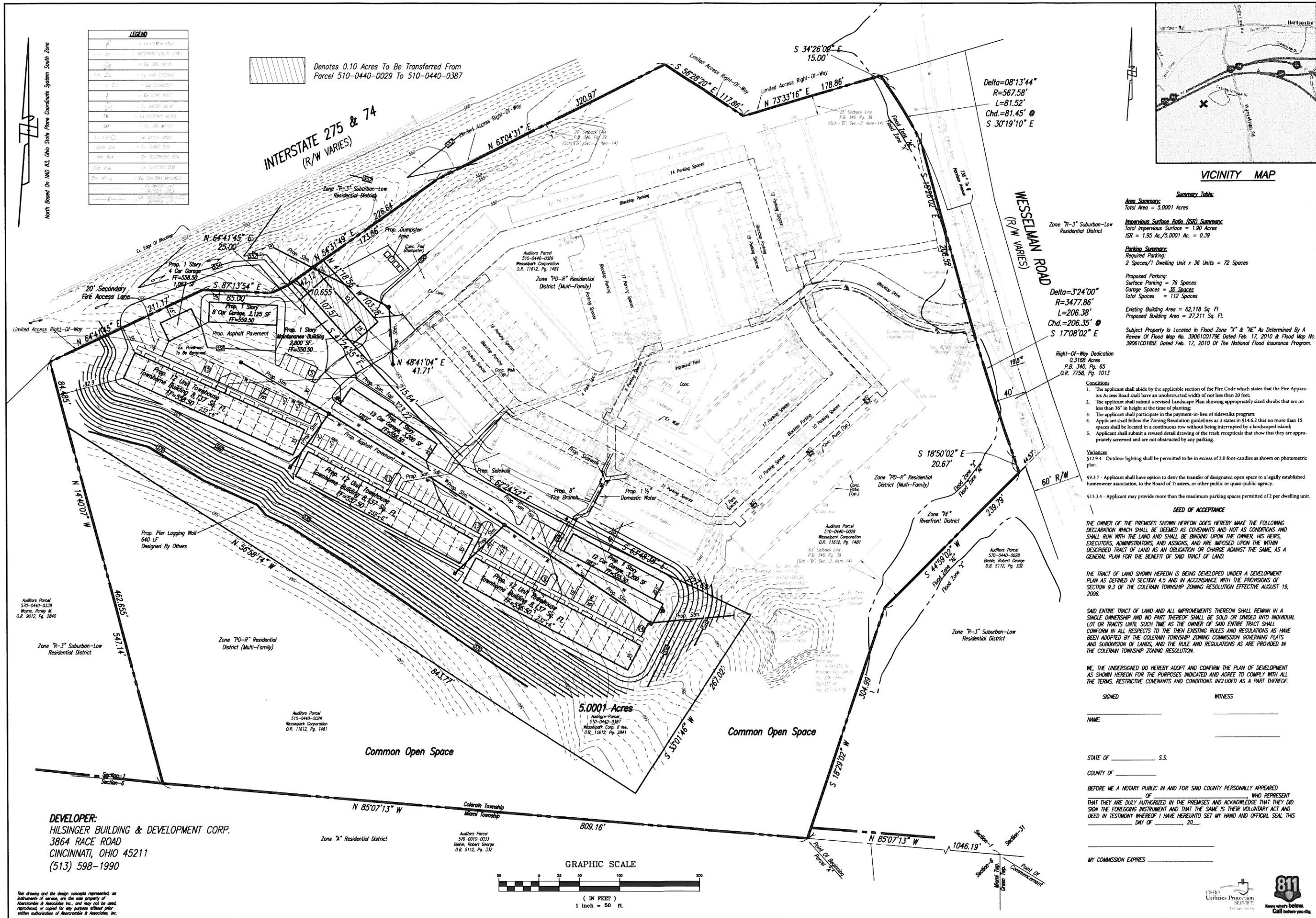
The garbage dumpster design and location as shown on the original site plan as submitted was cause for visual and safety concerns and we wish to submit a design change. The original plan required that the dumpster truck had to back into the drive leading to the new units with limited view of oncoming traffic. There was also an issue with screening the dumpster location. Our new plan as submitted will solve both of those problems and also allow for some much needed utility storage space for the entire development.

Our new plan moves the dumpster location between the back of an existing 13 car garage and an earthen mound that runs along I-74/275. In addition, we are requesting approval for a 40' x 70' garage to be built adjacent to the turn around area for the dumpster pad. The dumpsters will be totally out of sight of the existing dwellings at Country Woods Village, they will not be able to be seen from I-74/275 because of the earthen mound and the new garage will screen them from the new townhomes currently under construction. This reconfiguration will allow not only the garbage trucks but also the residents to pull into the drop off area and pull out onto the access drive.

The new garage building will be built of the same materials and design used for the new townhomes, will have a residential appearance and allow for the maintenance equipment and supplies for the property to be kept inside.

When completed this new arrangement will allow for four eight cubic yard dumpsters to be in place for use by the residents and should be enough capacity for the high volume trash periods.

Respectfully Submitted
Wesselpark II, LLC



Summary Table:

Area Summary:
Total Area = 5.0001 Acres

Impervious Surface Ratio (ISR) Summary:
Total Impervious Surface = 1.90 Acres
ISR = 1.95 Ac./5.0001 Ac. = 0.39

Parking Summary:
Required Parking:
2 Spaces/1 Dwelling Unit x 36 Units = 72 Spaces

Proposed Parking:
Surface Parking = 76 Spaces
Garage Spaces = 36 Spaces
Total Spaces = 112 Spaces

Existing Building Area = 62,118 Sq. Ft.
Proposed Building Area = 27,211 Sq. Ft.

Subject Property is Located In Flood Zone "X" & "AE" As Determined By A Review Of Flood Map No. 39061C0179E Dated Feb. 17, 2010 & Flood Map No. 39061C0185E Dated Feb. 17, 2010 Of The National Flood Insurance Program.

Right-Of-Way Dedication:
0.3188 Acres
P.B. 340, Pg. 65
O.R. 1758, Pg. 1013

Conditions:

- The applicant shall abide by the applicable section of the Fire Code which states that the Fire Apparatus Access Road shall have an unobstructed width of not less than 20 feet.
- The applicant shall submit a revised Landscape Plan showing appropriately sized shrubs that are no less than 36" in height at the time of planting.
- The applicant shall participate in the payment-in-lieu-of-sidewalks program.
- Applicant shall follow the Zoning Resolution guidelines as it states in §14.6.2 that no more than 15 spaces shall be located in a continuous row without being interrupted by a landscaped island.
- Applicant shall submit a revised detail drawing of the trash receptacles that show that they are appropriately screened and are not obstructed by any parking.

Variances:

§12.9.4 - Outdoor lighting shall be permitted to be in excess of 2.0 foot-candles as shown on photometric plan.

§9.3.7 - Applicant shall have option to deny the transfer of designated open space to a legally established homeowner association, to the Board of Trustees, or other public or quasi-public agency.

§13.3.4 - Applicant may provide more than the maximum parking spaces permitted of 2 per dwelling unit.

DEED OF ACCEPTANCE

THE OWNER OF THE PREMISES SHOWN HEREON DOES HEREBY MAKE THE FOLLOWING DECLARATION WHICH SHALL BE DEEMED AS COVENANTS AND NOT AS CONDITIONS AND SHALL RUN WITH THE LAND AND SHALL BE BOUND UPON THE OWNER, HIS HEIRS, EXECUTORS, ADMINISTRATORS, AND ASSIGNS, AND ARE IMPOSED UPON THE WITHIN DESCRIBED TRACT OF LAND AS AN OBLIGATION OR CHARGE AGAINST THE SAME, AS A GENERAL PLAN FOR THE BENEFIT OF SAID TRACT OF LAND.

THE TRACT OF LAND SHOWN HEREON IS BEING DEVELOPED UNDER A DEVELOPMENT PLAN AS DEFINED IN SECTION 4.5 AND IN ACCORDANCE WITH THE PROVISIONS OF SECTION 9.3 OF THE COLERAIN TOWNSHIP ZONING RESOLUTION EFFECTIVE AUGUST 19, 2008.

SAID ENTIRE TRACT OF LAND AND ALL IMPROVEMENTS THEREON SHALL REMAIN IN A SINGLE OWNERSHIP AND NO PART THEREOF SHALL BE SOLD OR DIVIDED INTO INDIVIDUAL LOT OR TRACTS UNTIL SUCH TIME AS THE OWNER OF SAID ENTIRE TRACT SHALL CONFORM IN ALL RESPECTS TO THE THEN EXISTING RULES AND REGULATIONS AS HAVE BEEN ADOPTED BY THE COLERAIN TOWNSHIP ZONING COMMISSION GOVERNING PLATS AND SUBDIVISION OF LANDS, AND THE RULE AND REGULATIONS AS ARE PROVIDED IN THE COLERAIN TOWNSHIP ZONING RESOLUTION.

WE, THE UNDERSIGNED DO HEREBY ADOPT AND CONFIRM THE PLAN OF DEVELOPMENT AS SHOWN HEREON FOR THE PURPOSES INDICATED AND AGREE TO COMPLY WITH ALL THE TERMS, RESTRICTIVE COVENANTS AND CONDITIONS INCLUDED AS A PART THEREOF.

SIGNED _____ WITNESS _____

NAME: _____

STATE OF _____, S.S. _____

COUNTY OF _____

BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY PERSONALLY APPEARED _____ OF _____ WHO REPRESENTS THAT THEY ARE DULY AUTHORIZED IN THE PREMISES AND ACKNOWLEDGE THAT THEY DO SIGN THE FOREGOING INSTRUMENT AND THAT THE SAME IS THEIR VOLUNTARY ACT AND DEED IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 20____.

MY COMMISSION EXPIRES _____

10-25-15

J.C.

SPH

1" = 50'

FINAL DEVELOPMENT PLAN

COUNTRY WOODS VILLAGE

SECTION-1, TOWN-1, RANGE-1

COLERAIN TOWNSHIP

HAMILTON COUNTY, OHIO

Abercrombie & Associates, Inc.

Civil Engineering + Surveying

3377 Compton Road, Suite 120

Cincinnati, Ohio 45251

www.aberacrombie-associates.com

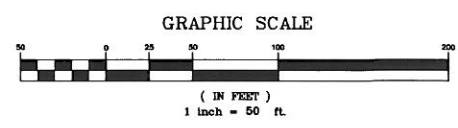
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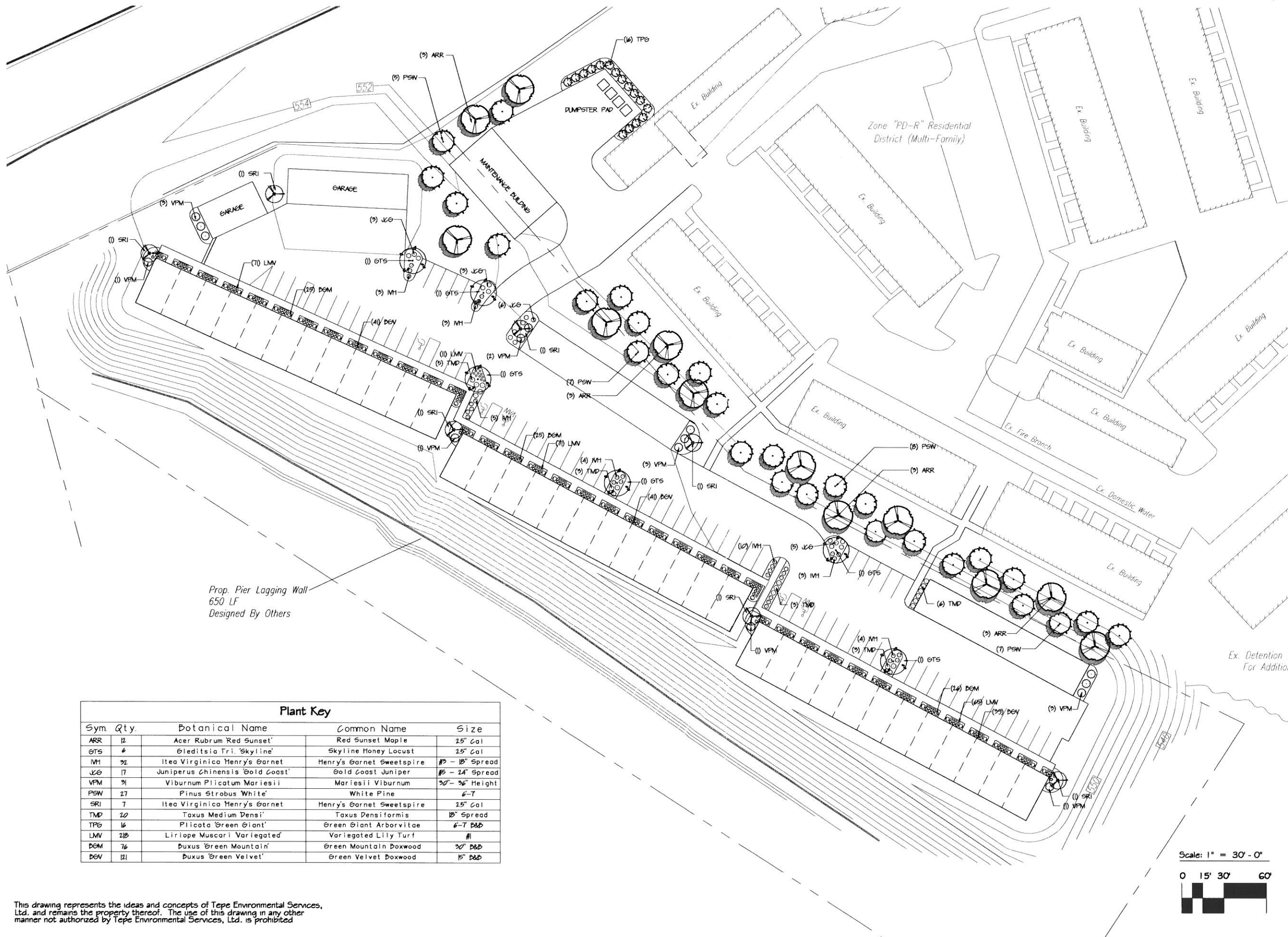
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DEVELOPER:
HILSINGER BUILDING & DEVELOPMENT CORP.
3864 RACE ROAD
CINCINNATI, OHIO 45211
(513) 598-1990

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Plant Key				
Sym	Qty.	Botanical Name	Common Name	Size
ARR	12	Acer Rubrum 'Red Sunset'	Red Sunset Maple	25' Cal
GTS	6	Gleditsia Tri. 'Skyline'	Skyline Honey Locust	25' Cal
IMH	32	Itea Virginica Henry's Garnet	Henry's Garnet Sweetspire	#3 - 18" Spread
JCG	17	Juniperus Chinensis 'Gold Coast'	Gold Coast Juniper	#5 - 24" Spread
VPM	31	Viburnum Plicatum Mariesii	Mariesii Viburnum	30' - 36" Height
PSW	27	Pinus Strobus 'White'	White Pine	6-7
SRI	7	Itea Virginica Henry's Garnet	Henry's Garnet Sweetspire	25' Cal
TMD	20	Taxus Medium 'Densi'	Taxus Densiiformis	18" Spread
TPG	16	Plicata 'Green Giant'	Green Giant Arborvitae	6-7 D&D
LNW	218	Liriope Muscari 'Variegated'	Variegated Lily Turf	#1
DGM	76	Duxus 'Green Mountain'	Green Mountain Boxwood	30" D&D
DGV	121	Duxus 'Green Velvet'	Green Velvet Boxwood	15" D&D

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COUNTRY WOODS VILLAGE LANDSCAPE IMPROVEMENT PROJECT

Tepe Environmental Services, Ltd.
7021 Cleveland Warsaw Road
Cincinnati, OH 45233
(513) 941-4500 tepeservices.com

Client
Abercrombie & Assoc.
3377 Compton Rd.
Cincinnati, Ohio 45251

Issue Date
AUGUST 31, 2010

Revisions:
DECEMBER 11, 2013
DECEMBER 16, 2013
DECEMBER 20, 2013
APRIL 14, 2014
OCTOBER 20, 2014
DECEMBER 18, 2014
OCTOBER 26, 2015

Sheet Title
LANDSCAPE PLAN

Designer
DAVID KUCHENBUCH

Project Number
10328

Scale
1" = 30'-0"

Sheet
L1
#1 of 1

RECEIVED

APPLICATION FOR ZONE MAP AMENDMENT (SINGLE LETTER)
COLERAIN TOWNSHIP ZONING COMMISSION
4200 SPRINGDALE ROAD
CINCINNATI, OH 45251

OCT 20 2015

COLERAIN ZONING

Case No.: ZA 2015-05 Date Filed: 10-25-15

Date of Preliminary Hearing (if applicable): _____

Request Change from: R-7/B-2 to: B-3

Township: Colerain Book: 510 Page: 0071 Parcels: 0041, 0043, 0165, 0496, 0514

Physical location of property (address or brief description if no address assigned):
7600 Colerain Avenue

Name of Applicant: Stephen L. Cahill

Telephone No.: 513-385-5757 Email Address: scahill@abercrombie-associates.com

Address: 3377 Compton Road, Suite 120

City: Cincinnati State: Ohio Zip: 45251

*Name of Owner(s): FKS Realty, LLC/Robert J. Stenger

Telephone No.: 513-728-4040 Email Address: rjstenger@cinmine.com

Address: 2950 Jonrose Avenue

City: Cincinnati State: OH Zip: 45239

Name, address and parcel number of each property owner of record within the proposed amendment area:

1. _____

2. _____

3. _____

(attach separate sheet if necessary for additional parcels)

Signatures: _____

Applicant: [Signature] Date: 10-20-15

*Owner: [Signature] Date: 10-20-15

*Owner: _____ Date: _____

Filing fees shall accompany the application. Make check payable to: *Colerain Township Board of Trustees*.

Filing fee: \$2,730.00 Legal notices: _____ Cert. Mail: _____ TOTAL: _____

THERE SHALL BE NO REFUND OR PART THEREOF ONCE PUBLIC NOTICE HAS BEEN GIVEN.

*Although the Applicant need not be the same as the Owner(s), the Owner(s) shall co-sign for an amendment.



October 20, 2015

Colerain Township
Department of Building, Planning & Zoning
4200 Springdale Road
Cincinnati, Ohio 45251

Attn: Jenna LeCount

Ref: Proposed Zone Change-FKS Realty, LLC
7600 Colerain Avenue, Colerain Township, Hamilton County, Ohio
Our Job No.: 77-0287A

Dear Ms. LeCount:

Please see attached application form, application fee, legal description of property, adjacent ownership list and existing conditions plan for the above referenced project. The property that our company recently purchased, formerly known as "Builders First Source" and prior to that "Western Home Center" contains three zoning designations - B-2 (General Business District), B-3 (Commerce District) & R-7 (Multi-Family Residential District) and we are asking for a zone change amendment to change the portions of this property from B-2 & R-7 to B-3. We feel that this zoning conformity will more logically address the existing improvements and development of the site and at the same time make the property more desirable for future occupation and possible development.

This proposed zone change will help make the property more desirable for business in Colerain Township while also taking into careful consideration the existing adjoining land uses that abut our property. Would you please place this project on the December 3, 2015 Zoning Commission Agenda and contact me with any questions as you review this submittal.


Sincerely,

FKS REALTY, LLC.



Robert Stenger
Authorized Member

Attachment

[illegible]VICINITY MAP

DENOTES AREA TO BE RE-ZONED TO
B-3 COMMERCE DISTRICT
9.5358 ACRES

GRAPHIC SCALE

(IN FEET)
1 inch = 50 ft.

OHIO
Utilities Protection
SERVICE
Call Now: 1-800-362-2711

811

Know what's below.
Call before you dig.

SECTION-1, TOWN-2, ENTIRE RANGE-1
MIAMI PURCHASE, COLERAIN TOWNSHIP
HAMILTON COUNTY, OHIO

As Abercrombie & Associates, Inc.
Civil Engineering + Surveying
3377 Compton Road, Suite 120
Cincinnati, Ohio 45251
513-286-5767
<http://www.aber-associates.com>

Job No.	1
77-0287A	



STAFF REPORT: Map Amendment
Case #ZA2015-05
7600 Colerain Avenue
December 15, 2015

PREPARED BY: Jenna M. LeCount, AICP
Director of Planning & Zoning

Request:

FROM: B-2 General Business and R-7 Multi Family Residential
TO: B-3 Commerce

Purpose:

The applicant proposes to rezone the property to bring the entire site under one zoning classification and therefore, make the site more desirable for future occupation and possible development.

Applicant: Stephen L. Cahill, Abercrombie & Associates Inc.

Owner: FKS Realty LLC

Location: 7600 Colerain Avenue

Site Description:

Tract Size: 12.72 acres (gross area); 9.54 acres (area of rezoning)
Frontage: 360 feet on Colerain Avenue and 110 feet on Jonrose Avenue
Topography: Gentle slope downward to the eastern property line
Existing Development: Former Builders First Source industrial facility

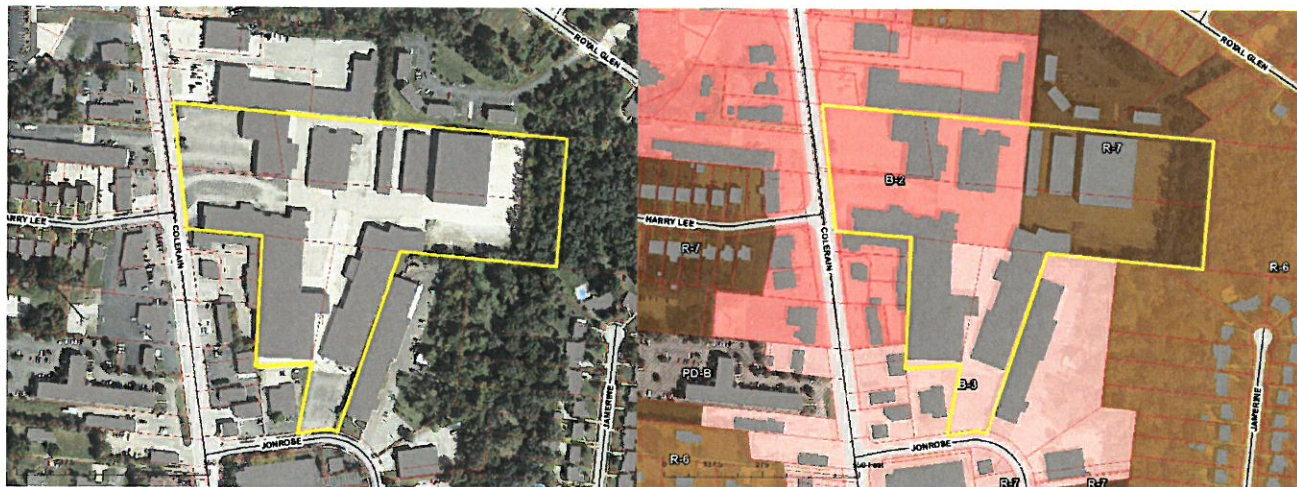
Surrounding Conditions:

<u>Zone</u>	<u>Land Use</u>
North: B-2 General Business & R-7 Multi Family Residential	Retail Strip Center & Apartments
South: B-3 Commerce	Commercial & Industrial mix
East: R-6 Urban Residential	Single Family Homes & School
West: B-2 General Business	Commercial

Maps:

Aerial Map

Zoning Map



Zoning Summary:

Single letter zone amendments do not include site plan review. Because this is not a planned district, zoning compliance does not apply. Zoning the entire site to B-3 Commerce would allow for a mix of commercial, office, and light industrial uses.

Case History:

There is no known zoning petition history for this site.

Regional Planning Commission:

On December 3, 2015, the Hamilton County Regional Planning Commission voted 3-2 to recommend denial of the map amendment. The Commission’s staff had recommended denial of the application because “The inability for staff to apply conditions to help mitigate potential nuisances related to industrial uses could leave adjacent residential uses particularly exposed. The Land Use Guidelines of the Comprehensive Plan cannot be enforced for this single-letter zone change nor can compliance with the Hamilton County Thoroughfare Plan”.

ANALYSIS:

Conformance with Comprehensive Plan:

The Comprehensive Plan does provides land use recommendations which include the site in question within the White Oak Character Area. The White Oak Character area designates the site as a Mixed Use Employment Center which is defined as a mixture of commercial, office, and industrial uses with a focus on the creation of jobs and services.

Rezoning the entire site to B-3: Commerce allows for commercial and office as well as light industrial uses, meaning the site would be consistent with the Comprehensive Plan.

Conformance with Land Use Plan:

The Land Use Map adopted by the Township in September 2011 designates the site as “Light Industrial”, which is defined in the Colerain Township Zoning Resolution as the manufacturing, processing, or assembly of products within a fully enclosed structure where noise, odor, light, and vibrations are not noticeable to adjacent properties.

Rezoning the entire site to B-3: Commerce allows for commercial and office as well as light industrial uses, meaning the site would be consistent with the Land Use Plan Map.

Additional Staff Considerations:

The proposed zone change is located within the Groesbeck Community Reinvestment Area. This area is considered to be distressed from a development standpoint. A Community Reinvestment Area is an area of land designated by the Townships where investment has been lagging. Property owners can use tax incentives for the revitalization of residential, commercial, or industrial projects. The program is intended to promote revitalization in depressed areas by offering property tax exemptions for any increased property valuation that would result from renovation of existing structures or new construction activities within the area.

Conclusion:

The applicant is attempting to prepare this site to be more marketable for sale in the near future. Applying one zoning district over a single use allows for more efficient redevelopment of the site as a new owner would not be restricted in their operations to a limited portion of the site.

Recommendation:

Staff recommends **APPROVAL** of this application.



December 15, 2015

Staff Report: Text Amendment
Case #: ZA2015-04
Alternative Financial Service Providers
Prepared by: Jenna M. LeCount
Director of Planning and Zoning

Project Summary: A proposal to amend the Zoning Resolution related to the regulation of Alternative Financial Services Providers to revise Article 8: Business Zoning Districts and Article 16: Rules of Construction and Definitions.

Zoning Summary: The Colerain Township Board of Trustees approved a one-year moratorium on Alternative Financial Service Providers (AFSPs) on August 12, 2014, to allow the township to study the impacts of AFSPs and explore ways to mitigate any negative impacts to the community, including adverse impacts to neighboring property owners and adverse impact on the health, safety, morals and welfare of the township as a whole. The Township Board of Trustees acted on Tuesday, August 4, 2015, to extend the moratorium until November 10, 2015, and again on November 10, 2015 to extend the Moratorium until January 31, 2016, to allow additional time to create and adopt regulating language for the zoning resolution.

The draft text amendment as reviewed by the Hamilton County Regional Planning Commission, would allow for AFSPs as a permitted use within the B-1 zoning district where additional use-specific requirements are met (P*). The proposed use-specific requirements for AFSPs include; a restriction on the number of AFSPs permitted to one per 20,000 residents, a restriction on locations within 1,000ft of another AFSP, and a restriction on locations within 200ft of a residential zoning district.

Other Agency Review:

Hamilton County Regional Planning Commission (HCRPC)

Regional planning commission moved to recommend denial of the proposed text amendment at the August 6, 2016, commission meeting. Please see the attached staff report for additional detail on the staff findings. Below is a summary of key points from the HCRCP staff report.

1. The total acreage of all B-1 Zone District areas is approximately 114 acres, only 8% of the land in the township. In addition, none of the B-1 Zone District areas have frontage on Colerain Avenue, which is the major commercial corridor. Currently, AFSPs would fall under the category of "Banks or Financial Institutions: which are permitted in B-1, B-2, B-3, and O-1 Districts. Therefore, restricting this use to the B-1 zoning district is overly restrictive and is not supported by HCRPC staff.
2. Limiting the number of AFSPs to one per 20,000 residents would only allow the township to have two such businesses within the entire township. Therefore, adoption of the text amendment would result in a large number of non-conforming uses and is not supported by HCRPC staff.
3. The proposed language to prohibit AFSP uses within 1,000 feet of another such use is a common zoning regulation found throughout the state and is supported by staff.
4. HCRPC staff conducted an analysis of lots within the B-1 zoning district and found that the addition of a regulation prohibiting AFSPs within 200 feet of any residential use, further limits the available lots to only 25% of those within the B-1 district. HCRPC staff does not support this additional restriction.

5. HCRPC recommends the Township catalogue all existing uses that would be non-conforming upon adoption of any text language restricting such uses as well as any analysis of the limited area for which these uses would be allowed under any adopted restrictive language.

Staff Considerations:

Given the recommendation made by the Hamilton County Regional Planning commission, further research by Staff, and advice of the Township Law Director, Staff has modified the proposed language to reflect the discussion and address the stated concerns.

The proposed modifications include:

- Expanding the allowed zoning districts to include the B-2 General Business District Zone District. This would address the concern of too restrictive zoning district availability as well as the concern that only allowing AFSPs in the B-1 district would create non-conforming uses for existing businesses.
- Modifying the proposed restriction on the number of AFSPs permitted from one per 20,000 residents to one per 10,000 residents. With a current population of 58,499, this modification would allow for more than double the original proposal.

Staff recommends to continue with the restriction on locations within 1,000ft of another AFSP and a restriction on locations within 200ft of a residential zoning district. The concerns associated with the 200ft distancing from residential zoning districts should be alleviated with the allowance of AFSPs within the B-2 zoning district.

The proposed modifications to the language presented to HCRPC are included in Attachment A. The entirety of the proposed Text Amendment for Article 8 and Article 16 of the Zoning Resolution are included as Attachment B of this document.

Recommendation:

Staff recommends **APPROVAL** of the modified text amendment language.

Attachment A

8.4.14 Alternative Financial Services Providers Alternative Financial Services Providers may be permitted in the B-1: Neighborhood Business District **or in the B-2: General Business District** when the applicant can demonstrate compliance with the following conditions:

- (A) Any applicant for a zoning certificate which would cause any structure, building or land to be used as an Alternative Financial Services Provider use shall demonstrate that the issuance of the zoning certificate would not increase the number of such Alternative Financial Services Provider establishments operating within the township at that time to be more than one per each ~~twenty thousand (20,000)~~ **ten thousand (10,000)** inhabitants residing in the Township according to the most recent decennial census.
- (B) Any lot containing an Alternative Financial Services Provider shall be located at least 1,000 feet from any lot containing another Alternative Financial Services Provider
- (C) Any lot containing an Alternative Financial Services Provider shall be located at least 200 feet from any lot within a residential zoning district.

with a focus on employment and commerce rather than the provision of goods and services in a retail setting.

(D) O-1 Office District

The O-1 Office District is intended to create an employment district for the Township where the focus is on office uses and retail commercial uses are permitted in a very restrictive manner as an accessory to a permitted use. This district is also intended to serve as a transitional district between primarily residential and primarily commercial uses.

(E) I-1 Industrial District

The I-1 Industrial District is intended to provide for areas of land where the principal uses are industrial uses that require special buffering and setback regulations to mitigate adverse impacts including noise, odors, and related impacts.

8.2 Permitted Uses

Table 8-1 below sets forth the uses permitted within the relevant zoning district. The abbreviation used in the table have the same meaning as the abbreviations in Section 7.2 (Permitted Uses) of this Resolution.

Table 8-1: Business Use Table						
Use P=Permitted Use P* = Permitted with Conditions C= Conditional Use	Zoning Districts					Additional Regulations
	B-1	B-2	B-3	O-1	I-1	Refer to Section:
Agricultural Uses						
Agricultural Uses	P*	P*	P*	P*	P*	Section 7.4.2
Residential Uses						
Institutional Housing		P	P	P		Section 7.4.6
Business Uses						
Alternative Financial Services Providers	P*					Section 8.4.14
Automotive Body Repair		P*	P		P	Section 8.4.1
Automotive Fuel Services	P*	P*			P*	Section 8.4.2
Automotive Sales or Rental		P			P	
Automotive Service		P			P	
Automotive Wrecking, Salvage, or Junk Facilities					C	Shall comply with ORC requirements
Banks or Financial Institutions	P	P	P	P		
Banquet Halls		P	P			
Bars and Taverns	P*	P				Section 8.4.3

- (G) All items for sale must be visibly labeled with prices.
- (H) Soft drinks may be sold for consumption on site by shoppers and vendors. No alcoholic beverages shall be offered for consumption on site.
- (I) Temporary sanitary facilities, if used, shall be located at the rear of the property and a minimum of 20 feet off of all property lines.
- (J) The market area shall be kept clean of all litter, debris, and refuse. Receptacles shall be provided for shopper use during market hours and shall be removed from the market area and stored in accordance with Article 12.5. At no time, except for scheduled trash pickup, shall any waste receptacles be placed in the front set-backs.
- (K) One main sign advertising the Market may be placed on each street frontage in accordance with the General Sign Standards in §15.5. The signs shall be limited to 6 feet in height and 50 square feet in sign face area. Such sign may be placed no more than 14 days prior to the Market opening day and shall be removed within 7 days after the Market has closed for the season, if applicable.

(Amended 2/8/11)

8.4.14 Alternative Financial Services Providers Alternative Financial Services Providers may be permitted in the B-1: Neighborhood Business District or in the B-2: General Business District when the applicant can demonstrate compliance with the following conditions:

- (A) Any applicant for a zoning certificate which would cause any structure, building, or land to be used as an Alternative Financial Services Provider use shall demonstrate that the issuance of the zoning certificate would not increase the number of such Alternative Financial Services Provider establishments operating within the township at that time to be more than one per each ten thousand (10,000) inhabitants residing in the Township according to the most recent decennial census.
- (B) Any lot containing an Alternative Financial Services Provider shall be located at least 1,000 feet from any lot containing another Alternative Financial Services Provider.
- (C) Any lot containing an Alternative Financial Services Provider shall be located at least 200 feet from any lot within a residential zoning district.

- (4) **Active Park and Recreational Facility** shall mean any park or recreational facility that requires grading of the land, construction of facilities, lighting, or is developed for ball fields, tennis courts, swimming pools, skate parks, disc golf, golf courses and other active sports facilities with the exception of bike and hike trails.
- (5) **Adult Family Home** shall mean a residence or facility, as defined and regulated in Chapter 3722 of the Ohio Revised Code, which provides accommodations for 3 to 5 unrelated adults and provides supervision and personal care services to at least 3 of the unrelated adults.
- (6) **Adult Group Home** shall mean a residence or facility, as defined and regulated in Chapter 3722 of the Ohio Revised Code, which provides accommodations for 6 to 16 unrelated adults and provides supervision and personal care services to at least 3 of the unrelated adults.
- (7) **Agricultural Use** shall mean farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.
- (8) **Alley** shall mean a public or private way which affords only secondary means of access to abutting properties.
- (9) **Alternative Financial Services Providers** shall be defined as check cashing businesses, payday advance or loan businesses, pawn businesses, money transfer businesses or car title loan businesses.
- (10) **Animal Unit** shall mean a unit of measure used to determine the total number of single, non-domestic animal types or combination of animal types, which are fed, confined, maintained, or stabled for agriculture. One animal unit shall equal one beef feeder/slaughter animal. Other animals have different equivalents as they are larger or smaller and produce different amounts of manure. Therefore one animal unit shall equal =
 - a.) 6 chickens
 - b.) 4 turkeys
 - c.) 0.5 horses
 - d.) 0.5 cow
 - e.) 1 hog
 - f.) 2 sheep

- (32) **Building** shall mean a temporary or permanent structure having a roof supported by walls and which can be used for shelter, business, housing, or enclosure of persons, animals, motor vehicles, boats, recreational vehicles, and other goods.
- (33) **Building, Accessory**, see **Accessory Building**
- (34) **Building Height** shall mean the vertical distance of a building as measured pursuant to Section 12.2 (Height Measurement and Requirements).
- (35) **Building, Principal** shall mean the building containing the main or principal uses of the lot.
- (36) **Canopy Tree** shall mean a deciduous tree with an expected height of at least 35 feet at maturity.
- (37) **Carport** shall mean an area attached to the residential structure, under the roof of the residential structure, and open on not more than three sides, intended and used primarily for the storage of motor vehicles and recreational vehicles. Such structures shall not extend beyond the front line of the primary residential structure
- (38) **Car Title Loan Business** shall mean an establishment that makes or facilitates short term consumer loans that leverage the equity value of a car or other vehicle as collateral. This excludes state or federally-chartered banks, savings and loan associations, or credit unions engaged primarily in the business of making longer term loans and which make loans that leverage the total equity value of a car or vehicle as collateral.
- (39) **Cellar** shall mean that portion of the building having more than one-half of the floor-to-ceiling height below the average grade of the adjoining ground.
- (40) **Cemetery** shall mean a place for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.
- (41) **Check Cashing Business** shall mean an establishment that provides or facilitates the provision of an amount of money that is equal to the face of the check or the amount specified in the written authorization for an electric transfer of money, less any fee charged for the transaction, and where there is an agreement not to cash the check or execute an electronic transfer of money for a specified period of time. This definition excludes a state or federally-charted bank, savings and loan association, credit union, pawnshop, grocery store or gas station so long as the gas station does not conduct more than 100 such transactions with in a calendar month.

- d.) The structure was manufactured after January 1, 1995; and
- e.) The structure is not located in a manufactured home park as defined in Section 3733.01 of the Ohio Revised Code.
- (135) **Maximum Extent Feasible** shall mean that no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize the potential harm or adverse impacts have been undertaken. Economic considerations may be taken into consideration.
- (136) **Meteorological Tower** shall mean a facility consisting of a tower and related wind-measuring devices, which is used solely to measure winds preliminary to construction of a small wind energy conversion system. Meteorological Towers shall not be allowed for time periods in excess of six months, and shall be removed prior to the installation of the wind energy conversion system for which they are measuring. A request to install a meteorological tower shall be included in the application to install a small wind energy conversion system.
- (137) **Micro Antenna.** Micro antennas are defined as antennas and transmission facilities only, with no supporting structures other than brackets. Micro antennas shall be equal to or less than 5 feet in height and with an area of not more than 580 square inches.
- (138) **Mineral Extraction** shall mean any artificial or mechanical act by which earth, sand, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or moved and shall include the conditions resulting therefrom, including but not limited to gravel pits and not including the impacts of such operation.
- (139) **Mixed-Use Development** shall mean the development of a lot or structure with 2 or more different uses such as, but not limited to, residential, office, retail, public, or institutional.
- (140) **Mobile Home** shall mean a non self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable chassis which is 8 feet or more in width and 35 feet in length which, when erected on site, has a gross floor area of 320 square feet or more, that is transportable in one or more sections and which does not qualify as a manufactured home or industrialized unit.
- (141) **Money Transfer Business** shall mean an establishment, other than a bank or financial institution, that engages in or facilitates the transmission of funds to or from a location outside the United States and its territories for a fee.
- (142) **Open Space Residential Development** shall mean a development where the lot sizes and other site development standards are reduced to allow for the preservation of open space.

- (153) **Passive Park, Recreational Facility, and Conservation Area** shall mean any park or recreational facility where there is no grading of the land, construction of facilities, lighting, or development of ball fields with the exception that passive parks, recreational facilities, and conservation areas may include the development of trails and sidewalks.
- (154) **Payday Advance or Loan Business** shall mean an establishment that makes or facilitates consumer loans, usually backed by postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term or until an applicant's next payday, and then cashed unless the customer repays the loan to reclaim such person's check.
- (155) **Pawn business** shall mean an establishment that makes or facilitates short-term loans collateralized by tangible personal property, such as jewelry, consumer electronics, tools, musical instruments or firearms.
- (156) **Personal Services** shall mean establishments that are primarily engaged in providing services generally involving the care of the person or person's possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.
- (157) **Private Drive** shall mean a shared means of vehicular ingress and egress located within an easement of access serving rear or panhandle lots, not dedicated to the County by recorded instrument that is maintained by the party or parties using such private drive for private access.
- (158) **Professional or Business Office** shall mean establishments providing executive, management, administrative, or professional services including, but not limited to, real estate, architecture, legal, travel, medical, dental, employment, advertising, design, engineering, accounting, and similar uses.
- (159) **Principal Building** see **Building, Principal**.
- (160) **Rated Nameplate Capacity** shall mean the maximum rated output of electric power production equipment for a small wind energy conversion system. This output is typically specified by the manufacturer with a "nameplate" on the equipment.
- (161) **Religious Places of Worship** shall mean an institution that congregations of people regularly attend to participate in or hold religious services, meetings, and other activities, including buildings in which the religious services of any denomination are held.

**APPLICATION FOR INFORMAL CONCEPT PLAN REVIEW
OF A PROPOSED ZONE AMENDMENT**

COLERAIN TOWNSHIP ZONING COMMISSION
4200 SPRINGDALE ROAD, CINCINNATI OH 45251
(513) 385-7505

Date of Application: 11/16/2015

Request Change From PD-B To PD-B (Amendment)

Land Use Map Designation: COMMERCIAL Area: 1.0010 acres

Applicant: Todd Mosher - R.A. Smith National, Inc. **Telephone No.:** 630-405-5570

Address: 1245 E. Diehl Road, Suite 101 City, State, Zip: Naperville, IL 60563

Name, address and parcel number of each property owner of record within the area of proposed to be reclassified (use separate sheet if necessary):

1. <u>JH Southport Properties LLC</u>	300 Kings Valley Rd Evansville, IL 47711	510-0101-0511-00
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2. _____

3. _____

Location of property in accordance with County Auditor's Records:

Township: Colerain Book: 510 Page: 0101 Parcel No.(s): 0511

Physical location of property:

9343 Colerain Avenue

Cincinnati, OH 45251

My (our) interest in the property included in the request is:

Owner _____ Agent ✓ Lessee _____ Optionee _____

Applicant Signature: [Signature]

Address: 1245 E. Diehl Road, Suite 101
Naperville, IL 60563 **Telephone No.** 630-405-5570

No filing fee is required for this informal concept plan review application.

Submit 12 copies of the following: Application, Letter of Intent (see information on the reverse of this page), and Concept Plan with elevations.

(over)



20225 No. Scottsdale Rd., Scottsdale, AZ 85255

November 16, 2015

Colerain Township
4200 Springdale Rd.
Cincinnati, OH 45251

To whom it may concern:

Discount Tire is working to establish a new location in your community at 9343 Colerain Avenue. This location is within a retail center, which is in an area of various other retail businesses and centers. Therefore, our services would be compatible and complement the commerce in the area.

Discount Tire provides our customer experience in facilities that are clean, modern and efficient. We pride ourselves in being very customer oriented and providing fast service in a pleasant retail environment. We do not store tires outside, and no vehicles are allowed to be parked on site overnight. We have a regional department that diligently maintains our buildings, interior and exterior.

Retail sale and installation of passenger car and light truck tires and wheels is our only business. We do not perform any mechanical repairs or handle any hazardous wastes such as antifreeze and oil. All our work is performed within the building in a safe, clean environment. We are not in the automobile repair business.

We believe that our business will be a valuable asset to the community. Hours of operation are Monday through Friday, 8:00am to 6:00pm, and Saturday, 8:00am through 5:00pm, closed on Sunday. Our employees typically live in the community and contribute a positive and professional vision. They work hard and learn the business from the inside and as their skills grow, so do their careers. All our promotions are from within the organization.

We have a passion to serve our customers, provide valuable services to the community and create employment opportunities. Discount Tire is the most successful, largest and fastest growing independent retail tire dealer in the United States. We currently have over 900 locations throughout the country and adding approximately 40 locations each year. We would like the opportunity to continue this tradition as part of Colerain Township.

Please contact me at (480) 606-5931 if you have any questions regarding this proposed site.

Respectfully,

A handwritten signature in black ink, appearing to read "Richard Sommer".

Richard Sommer
Assistant Vice President

MEMORANDUM

DATE: DECEMBER 15, 2015
TO: COLERAIN TOWNSHIP ZONING COMMISSIONERS
FROM: JENNA M. LECOUNT, AICP, DIRECTOR OF BUILDING, PLANNING & ZONING
SUBJECT: INITIATION OF TEXT AMENDMENT ADDING LANGUAGE TO ADDRESS WASTE RECEPTACLES

SUMMARY

Staff has drafted a text amendment to the zoning code to specifically address the location of waste receptacles on residential properties. The draft text amendment would amend Article 12 Section 5 of the zoning resolution to allow for waste receptacles to be stored in the front, driveway portion of a residential yard so long as they are neatly stored against the house or garage. Staff is requesting that the Zoning Commission consider this text amendment to alleviate enforcement issues associated with the routine storage of waste receptacles within the Township.

SUGGESTED CHANGES

12.5 Waste Receptacles

Trash receptacles, dumpster, or other containers intended for the temporary holding of trash, refuse, garbage or other discarded materials until it is hauled away, shall be set back from agricultural or residential properties as follows:

- 12.5.1 Waste receptacles smaller than 32 gallons in size shall not have to meet any setback requirements in any zoning district.
- 12.5.2 Waste receptacles that are 32 gallons or larger in size shall only be permitted in the side or rear yard **or in the front driveway if stored against the house.**
- 12.5.3 Waste receptacles or dumpsters in excess of 2 yards in volume capacity (including a combination of individual receptacles with a total of more than 2 yards of capacity) shall be screened from view. *(Amended 8/12/08)*

PROCESS

Once the Zoning Commission initiates the text amendment, specific changes to zoning code text are sent to Hamilton County Regional Planning Commission for review and comment. With the County Regional Planning Commission’s comments and recommendations, the text amendment will then come back to the Zoning Commission for review and recommendation to the Trustees. The Trustees will then vote on the proposed amendment.

REQUESTED MOTION

Move to initiate a text amendment for additional language regarding Alternative Financial Service Providers.