

COLERAIN TOWNSHIP ZONING COMMISSION

Regular Meeting

Tuesday, January 19, 2016 - 6:00 p.m.

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

1. Meeting called to order.
Pledge of Allegiance.
Roll Call.
Oath of Office.
Election of Officers.
2. Approval of Minutes: December 15, 2015 meeting.
3. Public Address: None.
4. Final Development Plan: None.
5. Public Hearings:
A. 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 map amendment to change R-3 Suburban Low Residential District to B-3 Commerce District - 7967 Wesselman Rd.
7. Old Business: None.
8. New Business: None.
9. Administration: None.
10. Announcements: None.
11. Next Meeting: February 16, 2016.
12. Adjournment.

JANUARY 19, 2016

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						
<u>Agricultural Uses</u>	P*	P*	P*	P*	P*	Section 7.4.2
Residential Uses						
Institutional Housing		P	P	P		Section 7.4.6
Business Uses						
<u>Alternative Financial Service Providers</u>	P*	P*				Section 8.4.14
<u>Automotive Body Repair</u>		P*	P		P	Section 8.4.1
<u>Automotive Fuel Services</u>	P*	P*			P*	Section 8.4.2
<u>Automotive Sales or Rental</u>		P			P	
<u>Automotive Service</u>		P			P	
<u>Automotive Wrecking, Salvage, or Junk Facilities</u>					C	Shall comply with ORC requirements
Banks or Financial Institutions	P	P	P	P		
<u>Banquet Halls</u>		P	P			
<u>Bars and Taverns</u>	P*	P				Section 8.4.3
<u>Bed and Breakfast Establishments</u>	P	P				Section 7.4.3

- (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.

- 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, or grocery store; 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.

RECEIVED

APPLICATION FOR INFORMAL CONCEPT PLAN REVIEW
OF A PROPOSED ZONE AMENDMENT

DEC 22 2015

COLERAIN ZONING

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

Date of Application: December 22, 2015

Request Change From "R-3" Suburban Low Residential District To "B-3" Commerce District

Land Use Map Designation: Industry-Light Area: 15.0 acres

Applicant: Randy Wayne Telephone No.: 513-353-3500

Address: 7959 Harrison Avenue City, State, Zip: Cleves, Ohio 45002

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. Randy Wayne, 7015 Hearne Road, Cincinnati, Ohio 45248
2. Auditors 510-0440-0021, 0140, 0141, 0321
3. _____

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

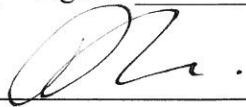
Township: Colerain Book: 510 Page: 0440 Parcel No.(s): 0021, 0140, 0141 & 0321

Physical location of property:

Northwest corner of Wesselman Road & Interstate -74 (7967 Wesselman Road)

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

Owner _____ Agent ☒ Lessee _____ Optionee _____

Applicant Signature: 

Abercrombie & Associates, Inc, R. Thomas Abercrombie

Address: 3377 Compton Road, Suite 120, Cincinnati, OH 45251 Telephone No. 513-385-5757

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)

PURPOSE OF THE INFORMAL CONCEPT PLAN REVIEW

The informal concept plan review is a no-cost, optional process to allow a developer to present to the Zoning Commission a development proposal that involves a potential amendment of a District Zoning Classification of a parcel(s) of property in Colerain Township. The process is not a public hearing, but occurs at a regular open meeting of the Commission and presents the opportunity for a developer to discuss a proposal in general terms that addresses the following issues:

1. Compatibility. Assurance that the proposed use is within the spirit and intent of the Colerain Township Zoning Resolution, Land Use Maps, and in keeping with the scale, magnitude and character of the surrounding neighborhood.

Please note that the Land Use and Zoning maps have been developed with significant public input, and changes to these maps are not made lightly. You should be prepared to present considerable evidence of the necessity of a zone amendment for your project, including why available land zoned appropriately for your project is not suitable.

2. Density. The specific intensity of the development as it might adversely impact surrounding and adjacent properties. Any specific reference in the Zoning Resolution identifying or describing "density" is only one factor to be considered.
3. Buffering & Landscaping. Buffering refers to the protection of adjacent properties by distance separation, whether the properties are the same as the proposed district classification or not, and specifically when adjacent properties are of a more restrictive classification. Landscaping included in buffering provides protection of adjacent properties by sight screening of the proposed development.

Discussion of the proposal will include other issues as the Commission may deem appropriate to the type of development.

This process is to provide a developer with a general consensus of the Commission's reaction to the proposal as favorable or unfavorable and to suggest techniques or modifications that will enhance the proposal. The Commission has no desire to design the project for a developer, but the developer should be attentive to their comments and ask questions if there is any doubt as to the meaning or intent of the comments or suggestions offered.

The Commission will take into consideration the issues of concern, comments and suggestions made at the informal concept plan review, and the developer's response in addressing those issues of concern when considering the official application for a zone change.

The substance of the discussion during the informal concept plan review process shall not be construed as an approval or disapproval of the proposal.



Abercrombie
& Associates, Inc.
Civil Engineering + Surveying

RECEIVED

DEC 22 2015

COLERAIN ZONING

December 22, 2015

Colerain Township
Planning & Zoning Department
4200 Springdale Road
Cincinnati, Ohio 45251-1419

Attn: Jenna LeCount
Director of Building, Planning & Zoning

Ref: 7967 Wesselman Road, Colerain Township, Hamilton County, Ohio
Our Job No.: 09-0001

Dear Jenna,

Please find attached the required copies to apply for a Informal Concept Review with the Colerain Township Zoning Department for the referenced property.

The property is located at the northwest corner of Wesselman Road and Interstate 74 and contains approximately 15 acres of land. The site is presently vacant.

The property owner Mr. Randy Wayne wishes to rezone the site from "R-3" Suburban Residential to "B-3" Commerce District. The location of this property is more suitable for the commerce zone due to the construction of Interstate 74 which left this parcel surrounded by "B-3", Flood Plain and Expressway. The latest version of the Colerain Township Land Use Map shows this site as Industry-Light.

Mr. Wayne does not have any immediate plans for the property and has been trying to market the property but it is not saleable under the current zoning and access being in the "B-3" District on Wesselman Road.

Would you please review the attached submittal and place this request on the January 19, 2016 Zoning Commission meeting for discussion.

Sincerely,

ABERCROMBIE & ASSOCIATES, INC.

R. Thomas Abercrombie, P.E.
Chairman of the Board

Attachment

