

COLERAIN TOWNSHIP ZONING COMMISSION

Minutes

Tuesday, August 21, 2012 - 7:00 PM

1. MEETING CALLED TO ORDER: 7:04 PM . PLEDGE OF ALLEGIANCE. ROLL CALL: Mr. Lawson – absent. Mrs. Smith was seated. Present: Mrs. Smith, Mr. Taylor, Mr. Temming, Mr. Trajkovski, Mr. Westfall and alternate Mike Riesenberg. Mr. Westfall introduced Larry Barbierie, the new law director for the Township.
2. APPROVAL OF MINUTES OF PREVIOUS MEETING: Motion to approve by Mr. Temming, 2nd by Mr. Taylor. July 17, 2012 Meeting. Motion carried

Mr. Westfall thanked Mr. Reuter for his 24 years of service to the Township. Mr. Reuter said that his service as counsel to the Board of Trustees and the departments has been the most rewarding time in his career. He said it was an opportunity to work with fine people, and that if it weren't for the residents who came forward, we would not have zoning in the Township. He said the Commission plays a very important role and he appreciates their service and is very grateful to have worked with everyone.

3. PUBLIC ADDRESS: None.
4. FINAL DEVELOPMENT PLAN:

- A. ZA2010-06 – Liberty Nursing Center – Request for extension of FDP.

Staff: Mr. Birkenhauer said the request is for extension of the Final Development Plan. It is zoned PD-R Planned Residential.

Jonathan Woche, 5725 Dragon Way, Suite 220, Cincinnati, OH 45227. They are requesting a one year extension of the FDP approved in Sept. of 2011, so the expiration is coming up next month. The nursing home is in the process of getting a certificate of need from the State. They cannot initiate the building permit until the State permit is received.

Zoning Commission: Mrs. Smith asked about the certificate of need and Mr. Woche said it is a State process and that the State Health Dept. is reviewing the application and the nursing home expects to receive it in the near time. Mr. Temming and Mr. Trajkovski had no questions. Mr. Taylor asked if any site work has been done and Mr. Woche said some clearing was done which had to do with soil testing. Mr. Westfall said he did not have any problem with the request. Mr. Taylor said he had no objection.

Board Action: Motion to grant the extension for one calendar year by Mr. Temming, 2nd by Mr. Taylor.

Roll call: Mr. Smith – aye, Mr. Taylor – aye, Mr. Temming - aye, Mr. Trajkovski - aye, Mr. Westfall – aye.

- B. ZA8-88 Walmart, Colerain Towne Center – Minor Amendment: Temporary storage trailers for lay-a-way inventory.

Staff: Mr. Birkenhauer said the request is for 10 storage trailers for seasonal lay-a-way inventory to be placed in the rear of the building. Site plan was provided. He said the 2006 conditions still apply. The trailers will be out of view and will not block any traffic. If approved, the following conditions and variance were suggested:

Conditions:

1. The conditions of the 2006 Minor Amendment Approval shall remain in force;
2. Containers shall be placed as shown on the submitted site plan;
3. Containers shall be removed by January 31st, 2013;
4. Approval shall be for the 2012-2013 season. If the Applicant desires to continue this Approval in future years, a report detailing the use of the site for this use, including any concerns or violations and how these were resolved, shall be submitted for the Commission's review no later than April 30th, 2013. Upon review of this report, and if all concerns are resolved, the Commission may then make this Approval permanent;
5. Any future changes shall be brought before the Zoning Commission as a Minor or Major Amendment.

Variance:

1. To Section 12.10.6(D) limiting storage height to 6 ft.

The applicant was not present.

Zoning Commission: Mr. Trajkovski questioned if deliveries would be hampered. Mrs. Smith and Mr. Temming had no questions. Mr. Westfall suggested that the trailers added could be brought in one trailer at a time rather than all at once. Mr. Temming suggested that the effective date be September 1 and they come back annually. Mrs. Smith questioned dates listed in the staff report and Mr. Westfall pointed out that date was when store was built. Mr. Reuter recommended that they verbally amend the conditions.

Board Action: Motion to approve request by Mr. Temming subject to following conditions:

1. The conditions of the 2006 Minor Amendment approval shall remain in force;
2. The containers shall be placed on the northeast corner of the exterior of the building as directed by the Colerain Township Fire Dept. and the decision of the Colerain Township Fire Dept. shall control;
3. The containers shall be placed no sooner than 9/1/2012 and shall be removed no later than 1/31/2013;
4. The approval for the temporary containers shall be for the 9/1/2012 – 1/31/2013 season. If the applicant seeks approval any time thereafter they must return to the Zoning Commission with another application;.
5. Any future changes shall be brought before the Zoning Commission as a Minor or Major Amendment;
6. The containers shall have a maximum height of 8 ft.

The motion was 2nd by Mrs. Smith.

Roll call: Mr. Smith – aye, Mr. Taylor – aye, Mr. Temming - aye, Mr. Trajkovski - aye, Mr. Westfall – aye.

C. ZA2012-01 – Joseph Toyota Inventory Lot.

Staff: Mr. Birkenhauer stated that the FDP is consistent with what was previously approved by the Zoning Commission and the Trustees. The site and landscape plans were provided. The conditions from the zone amendment were provided. The FDP is in accordance with the Colerain Township Zoning Resolution and the revised Preliminary Plan approved as ZA2012-01 by Resolution 29-12. If approved, the following conditions were suggested:

1. The site shall remain in compliance with the stipulations of approval in Resolution #29-12;
2. The Final Development Plan shall comply in all other respects with the regulations of the Zoning Resolution; and
3. Any future modifications to the Final Development Plan shall be submitted as a Major or Minor Amendment to the Zoning Commission.

Applicant: Scott Huber, Abercrombie & Associates, was available for questions. Mr. Trajkovski, Mr. Taylor and Mrs. Smith had no questions. Mr. Temming inquired about the cut off of the lighting to the south and west. Mr. Huber said they do intend to comply with the zoning conditions. Mr. Temming said the landscaping is very ambitious and questioned the reference to a tree identified as POB on the landscape plan and didn't see this on the plant legend or key. Mr. Huber said they're going to put a tree in that area. POB means point of beginning said a surveyor in the audience. With regard to cut off of lighting, Mr. Huber said that the lens has an internal shield.

Board Action: Motion to approve the FDP by Mr. Temming subject to the conditions of Resolution 29-11, conditions suggested by Staff for the FDP approval plus an added condition that the lot shall be for automobile storage only.

The motion was 2nd by Mr. Taylor.

Roll call: Mrs. Smith – aye, Mr. Taylor – aye, Mr. Temming - aye, Mr. Trajkovski - aye, Mr. Westfall – aye.

D. ZA2011-04 – Northgate Mall – former Dillard's location.

Staff: Mr. Birkenhauer said the location is the former Dillard's store and the request is for approval of the FDP for redevelopment and streetscape of the site. Conditions of Resolution 55-11 were provided. The preliminary plan was shown and the new façade which will have 4 junior box tenants. They have announced Marshalls and DSW Shoes as 2 of the tenants. One of the conditions of the preliminary approval was the build out of the streetscape, pedestrian access and green space along the top of the retaining where the guard rail is located as well as planters and mature trees. In 2010, the Trustees adopted the Colerain Avenue Streetscape Plan, which includes: removal of

sidewalk from street level and relocating sidewalk to Mall parking lot, creating a vegetated buffer between the roadway and wall, application of stone façade to match stone on the Township Administration Building, and the installation of ornamental light posts and banners on the top of the wall. The proposed streetscape amenities are: 1. Relocation of the Colerain Ave sidewalk to parking lot level. 9 ft. section of asphalt will be removed and replaced by a 5 ft. sidewalk and 4. ft. planting buffer. 2. 42 inch ornamental fence. 3. Series of street planters near façade. 4. Existing mature trees in front of former Dillards remain. The FDP did not depict any treatment of the retaining wall or utility burial. The FDP is in accordance with the Colerain Township Zoning Resolution, Land Use Plan and with the revised Preliminary Plan approved as ZA2011-04 by Resolution 55-11, however, the recommended streetscape amenities not full addressed. If approved, the following conditions and variances were suggested:

Conditions:

1. Planters shall be placed and maintained as shown;
2. Wall signage shall be reviewed by the Planning & Zoning office for individual permits in accord with the limits defined by code;
3. Landscaping shall be installed and approved within 9 months of approval of this FDP;
4. The landscaping shall be irrigated;
5. The Final Development Plan shall comply in all other respects with the Colerain Township Zoning Resolution;
6. Any changes shall be brought before the Zoning Commission as a Major or Minor Amendment.

Variances:

1. Section 13.3.4. Parking Spaces. Allow for excess parking spaces;
2. Section 14.6. Parking Area Landscaping. Allow variance from landscape island requirements in conjunction with Condition 1 regarding planters at building front;
3. Section 15.8.3. Wall Signage. Wall signage permitted on three sides of building.

Applicant: Anne McBride, McBride Dale Clarion, representing the Tabani Group. Requesting approval of the FDP for the next phase of Northgate Mall. The site has been vacant for some time. It is a 2 story building with 189,000 sq. ft. The elevation of the building was great looking when it was built, but now it's pretty much a blank with no change to the roof line or extension of building facade. Tabani was successful in obtaining 4 new tenants. DSW Shoes will have 19,000 sq. ft., Marshalls 27,500 sq. and 1 tenant will have 12,000 sq. ft. and the other 22, 000 sq. ft. In looking at the 4 new retailers coming to the mall, architects were charged with developing new elevations that would reinvigorate the mall. On the east elevation fronting Colerain Ave. they have created 4 separate entrances which pop out from the building façade. There will be some graphic relief and will not a flat front. The cornices have been extended to try to break up the roof line. Also, planters will be added to the front of the building. On the south elevation they've provided a cornice change which is the lowest elevation and have added another customer entry way which adds accent. The north elevation, which is visible from Springdale Rd.,

gets cornice treatment to break up the roof line. They're adding a series of panels going west and they will pop out to add depth to the building and a new customer service entrance. Building materials and colors were provided. As part of the redevelopment, they're also proposing signage for the tenants, which is a key part of obtaining leases. Each tenant is requesting 150 sq. ft. per sign on the east, south and north elevations. The signage will be channel cut letters and internally illuminated, which is an added feature. The Code allows 1 sq. ft. per lineal ft. of building and they're asking for a variance. They would only be permitted signage ranging from 78 to 128 sq. ft., depending on the tenant. Mr. Temming asked do they have samples of the signs. Ms. McBride said they would look like what is currently shown on the plans and added she's unable to provide names of the other tenants. They're dealing with unique circumstances. The first is that the front elevation sits over 281 ft. off Colerain Ave. and the tenants need identification. More importantly is the 16 ft. grade change from the north corner of the building to Colerain Ave. In addition to that, there are features in between the building and Colerain Ave. – pedestrian crossing, bridge, existing TGI Fridays – that will block the view. On the east elevation all of the proposed signage is less than 4 percent of the building façade, so when you break it down it is proportional to the size and function of the building. They're also proposing improvements along Colerain Ave. Their proposal is to raise the pedestrian sidewalk as it's not a very welcoming pedestrian environment. They're proposing to bring the sidewalk up to grade so it will run through the parking lot. It will be 5 ft. wide on the west side of the guard rail. They will install a 42" metal fence which will be complimentary to the bridge. Adjacent to the sidewalk, moving toward the mall, will be a curved landscaped area with a mixture of plant material – trees, evergreens, grasses and other plants. The bed will be mulched. They're not proposing to irrigate it. They are using native drought plants. It begins at the entrance south of TGI Fridays and extends in front of Dillard's. In response to the staff report, they're proposing not to irrigate it because there is no water there. With regards to parking, she had discussed the issue with the former staff and the conclusion was that the parking requirements need not apply since they are not modifying the footprint of the building or changing the use. Mr. Tabani, the leasing agent and landscape architect were available for questioning.

Zoning Commission: Mrs. Smith had no questions. Mr. Trajkovski questioned the marquee sign and asked if it would be increased. Ms. McBride said about 8 months ago this Commission approved an overall signage plan for the mall and part of that was to update and re-case the pylon sign. She said the request is for a variance for the wall signage and reiterated the need for the tenants to have signage on the building. Mr. Trajkovski asked how far will the new façade encroach in the sidewalk and Ms. McBride there will be approximately a 3 ft. projection. Most everything is currently under an overhang and close to the curb. Mr. Trajkovski asked about access to the stores and Ms. McBride said that entrances will be on the outside and through the mall. Mr. Trajkovski asked the reason for the proposed landscaping and Ms. McBride said to soften the look on Colerain Ave. and create a nice pedestrian walkway. Mr. Trajkovski said he'd prefer to see the stores instead of the landscaping and would rather see something done with the concrete wall. He asked who is going to use the sidewalk and could the landscaping be re-located to soften the middle of the parking lot. Ms. McBride explained that the existing stores have

leases that include parking spaces so they're not able to lose many parking spaces. Ms. McBride said if they don't do the landscaping they could consider doing something to the wall. Mr. Taylor asked Mr. Birkenhauer is the lower sidewalk going to remain. Mr. Birkenhauer said that according to ODOT plans, it will be removed, so in discussion with the Landscape Advisory Board, with traffic moving closer, they recommended that there be a vegetated buffer to soften the look as well as traffic noise to the restaurants that will be built on the site. The time frame is when ODOT has funding. Mr. Trajkovski said he'd like for the façade to be showcased. Mr. Taylor said he likes the façade and is okay with the 150 sq. ft. sign variance for each tenant. Mr. Taylor he also likes the proposed landscaping and said it will tie in with the memorial at the corner. He inquired about the site further south where the landscape stops. Mr. Birkenhauer said this FDP is for the Dillard's parcel and they'll ask that the streetscapes for the other FDPs be consistent, but they will be submitted as separate plans. Mrs. Smith asked since there will not be irrigation how will this affect the landscaping. Ms. McBride said that's why they have selected native plantings that do not need irrigation. Mr. Temming said he has no problem with the façade and it will be a great addition to the mall. He said he's been a Township resident for 10 years and ever since he's been hearing about the streetscape, so it's been a long time coming. Mr. Temming asked is there any wisdom in retaining the guard rail if you're going to put up a 42 ft. fence and said for the developer it's nothing more than maintenance. He questioned the likelihood of a vehicle driving over the wall. The landscape architect said the reason to retain it is to help accommodate the grade changes and recommends that the guard rail stay to eliminate any possible hazards. Mr. Temming asked how will a person exit the sidewalk to get to the stores and Ms. McBride said they can look at installing pedestrian access. Mr. Temming said he thinks the landscaping should be irrigated and rather than the planter boxes at the buildings he'd prefer to see landscaping. He said people will put garbage and cigarette butts in and graffiti on the planters. He'd like to see the sidewalk widened to 6 ft. and landscaping to 5 ft. widened. Mr. Temming asked is the wall on the applicant's property and Mr. Birkenhauer said part of it is, but it is mostly on ODOT's property. Mr. Birkenhauer said when the streetscape plan was developed, there were real concerns about taking out the guard rail in that it would compromise the retaining wall and the cost. Mr. Temming said the footers would not have to be removed and Mr. Birkenhauer said this decision would be up to a structural engineer. Mr. Temming asked what is the goal for the streetscape regarding the wall. Mr. Birkenhauer said from an aesthetic standpoint, there are a couple of options. The wall was built in the 70s and has rust on it. Painting it is an option as well as installing a stone façade. Mr. Temming asked the applicant have they considered doing something to the wall to enhance the aesthetic nature and Ms. McBride said they felt that what they're proposing at the parking lot grade was their part of those improvements. Mr. Tabani said they could look at painting a section of the wall that they own, but they do not control the majority of the wall. The majority is controlled by ODOT. Mr. Birkenhauer said ODOT would allow painting it and added it would be up to ODOT as to what would be permitted. Mr. Temming asked, assuming ODOT will give the okay, are they willing to do the stone façade and Mr. Tabani said they'd have to look at the cost. Mr. Temming asked is there an occupancy date and Mr. Tabani said they're looking at the first quarter of 2013. Mr. Temming asked is that true of all 4 tenants and Mr. Tabani said that is what

they're plugging for. Mr. Taylor asked if the guard rail is kept can it be painted to match the fence and Mr. Tabani said they could paint it. Mr. Tabani said if the guard rail were removed there would be a life safety issue and anything to do with it would have to go to ODOT. Mr. Tabani said they want the whole property to look nice. Mr. Trajkovski asked has anyone ventured putting vegetation between the wall and guard rail. Ms. McBride said painting it to match the fence is probably the best idea. Mr. Trajkovski said anything put on the wall, such as baskets, would be vandalized. Mr. Trajkovski inquired if reducing the aisles would even be allowed and Ms. McBride said 24 ft. is standard. Mr. Birkenhauer said that the Commission will have another opportunity to address aesthetics when the FDPs for the out lots are submitted. Mr. Temming said an attractive streetscape would appeal to the out lots, especially if it is a restaurant with outdoor seating. He said lights posts were not included in the plan and now is the time to address all issues. Mr. Taylor asked are they planning on paving and restriping parking lot and Ms. McBride said re-stripping part of it. Mr. Westfall said he's been listening to the discussion and how the Commission is trying to tell the applicant how to spend their money. He said he wants to see the mall survive and the developer has a budget. He said moving the guard rail is not a good idea as it would be a safety issue as well as compromise the wall. He said irrigating costs money and there's no water there. He said the buildings on the out lots will need parking and the trees are 50 ft. on center and you'll be able to see through them. Mr. Westfall said the Township has a streetscape plan for Colerain Avenue and this proposal fits into the plan. He said he'd like to see the sidewalk raised because it's not safe. Mr. Westfall commended the Tabanis for what they're trying to do and said he's extremely happy with the FDP as presented. He said it's a good plan and urged the Zoning Commission to consider and vote for it the way it's presented and not spend their money. Mr. Westfall said the Township is glad they're here. He said the Tabanis know how to develop, this is what they do and they've hired the best with McBride Dale & Clarion. Discussion on the wall continued. Mr. Birkenhauer said the challenge is that part of it is private and part belongs to ODOT. He said that Administration is meeting with ODOT for discussion. He said that Phase 2 would involve burying utility poles. Mr. Trajkovski said he wants people to come back to Northgate Mall. Mr. Taylor said he'd like to see adding pedestrian access from the sidewalk into the parking lot. He doesn't think irrigation is needed and would recommend striking condition 4. Mr. Taylor said the variance for signage should be provided. Other than that, he recommends going with the conditions as written. Mr. Temming said he wants Northgate to survive and he likes portions of the proposal. He said most of his suggestions are those that they've required of other developers and because this site is of high visibility, he wants to see a quality development.

Board Action: Motion by Mr. Temming to approve the application subject to the following conditions: Planter boxes and landscape plan located at building front be replaced with grade landscaping; Wall signage on east and north and south comply with Code; The sidewalk and landscape area on the east side of the lot each be expanded by 1 ft.; No requirement to remove guard rail; Landscaping to be irrigated; There be 3 curb cuts in sidewalk to allow for pedestrian access to the parking lot and that the sidewalk be ADA compliance;

No utility poles on the property; Applicant appropriately scrape, prime and paint west side of guard rail; Parking spaces on east be as required by the Code.

The motion was 2nd by Mrs. Smith.

Mr. Westfall attempted to amend the motion and Mr. Reuter said the motion as made is entitled to a vote.

Roll call: Mrs. Smith – aye, Mr. Taylor – nay, Mr. Temming – aye, Mr. Trajkovski – nay, Mr. Westfall – nay.

Mr. Westfall made a motion to approve the Final Development Plan subject to following conditions:

1. Planters shall be placed and maintained as shown on the Final Development Plan;
2. Wall signage shall be permitted up to 150 sq. ft. for each tenant and shall be allowed on all 3 sides of the building.
3. Landscaping shall be installed and approved within 9 months of approval of the Final Development Plan;
4. There shall be 3 access points from the sidewalk to the parking lot;
5. There shall be no utility poles added to the Final Development Plan;
6. The guard rail shall be painted one time;
7. The Final Development Plan shall comply in all other respects with the Colerain Township Zoning Resolution;
8. Any changes shall be brought before the Zoning Commission as a Major or Minor Amendment.

Variances:

1. Section 13.3.4. Parking Spaces. Allow for excess parking spaces;
2. Section 14.6. Parking Area Landscaping. Allow variance from landscape island requirements in conjunction with Condition 1 regarding planters at building front;
3. Section 15.8.3. Wall Signage. Wall signage permitted on three sides of building up to 150 sq. ft. per tenant.

The motion was 2nd by Mr. Taylor.

Roll call: Mrs. Smith – aye, Mr. Taylor – aye, Mr. Temming – nay, Mr. Trajkovski – aye, Mr. Westfall – aye.

A recess was called. The meeting resumed at 9:10 PM.

5. PUBLIC HEARING:

- A. ZA2012-05 -- Tire Discounters, 10174 Colerain Ave. -- Major Amendment to FDP for site redevelopment.
Staff: Mr. Birkenhauer said the request is approval of a major amendment to a FDP from case 8-88 for redevelopment of the site. The zoning is PD-B Planned District Business for the existing bank building. The proposal is in compliance with the Land Use and Comp Plans. Site, building elevations and

landscape plans were provided. The landscape plan was revised after review by the Landscape Advisory Board. The site development standards were provided. Tire Discounters is proposing wall signage on all 4 elevations. Proposed signage on west elevation complies with code. A variance would be needed for the signs on the other elevations. Ground sign meets size requirements, however, does not meet 10 ft. setback. RPC expressed concern over location of curb cut next to existing Burger King. He spoke with owner of Colerain Towne Center and they said there are restrictive easement agreements that will not allow shared access. Concern was also expressed with. He spoke to the applicant about sidewalks and it's unlikely that they would be used and discussion was had regarding the possibility of contributing to the sidewalk fund in lieu of the sidewalks. The proposal is in accordance with the Zoning Resolution, Land Use and Comp Plans. If approved, the following conditions and variances were suggested:

Conditions:

1. Signage shall be approved as submitted with no additional signage to be permitted;
2. Landscaping shall be installed and approved prior to occupancy of the site;
3. The landscaping shall be irrigated;
4. That all site lighting shall meet the requirements of the Colerain Township Zoning Resolution;
5. Southeastern access drive shall be combined with lot to the south if possible;
6. Sidewalk shall be added connecting to the existing sidewalk on Colerain Avenue;
7. The Final Development Plan shall comply in all other respects with the Colerain Township Zoning Resolution;
8. Any changes shall be brought before the Zoning Commission as a Major or Minor Amendment.

Variances:

1. Section 15.8.3. Wall Signage. Allow oversize wall signage on 3 sides and signage on all four sides for uniform appearance.
2. Section 13.3.4. Parking Spaces. Allow for 3 fewer parking spaces.
- Section 12.9.4. Lighting Standards. Allow to exceed maximum at property lines within shopping center.

Applicant: Mr. Tim Dwyer, Leesman Engineering. The Landscape Board asked him to hire a landscape architect. They hired Gail Frasier and the plan was revised. Concern about lighting was expressed by the development's leasing agent and the applicant said they can revise the lighting on the east side to meet the requirement. They're going to be casting light only on access driveway. William Downey, Triumph Signs, Milford Pkwy. There are utilities in the area where the existing monument sign is located. They will pull the sign and put a new sign in the same location. Mr. Taylor asked are they using the existing footprint and no larger and Mr. Downey said yes. Mr. Westfall asked Mr. Reuter if they take the sign down, does that take the non-conforming status away and Mr. Downey said the sign is not in right of way, it's just not set back 10 ft. from the right of way. Mr. Reuter said it is a non-conforming sign, but since this is a planned district, they can evaluate the sign as part of this plan. Mr. Dwyer said the drive is mostly for the dumpster and for delivery of tires and supplies. He said traffic flow is minimal, 30 card per day maximum.

Regarding to parking, they added 3 more spaces in front of the dumpster. The dumpster will have night pick up.

Motion to close public input by Mr. Taylor, 2nd by Mr. Trajkovski. Motion carried.

Zoning Commission: Mr. Trajkovski had no questions, but stated that signs on all 4 sides is excessive. Mr. Taylor said the sign on the west side is fine, but he's not okay with larger signs on other 3 sides; only what the Code allows. Otherwise, Mr. Taylor said it looks like a good plan. Mrs. Smith had no questions. Mr. Temming had no questions. Mr. Trajkovski asked what is the verdict on the second access and Mr. Birkenhauer said the owners of the shopping center who own the private access, expressed concern about shared access. Mr. Westfall said he has a problem with signs on all 4 signs and thinks they only need them on 2 sides. He said it's a nice looking building. Mr. Temming said coming southbound on Colerain if they put sign on the west elevation, they'd get plenty of visibility as it will be lit and visible, and agrees with colleagues. Mr. Trajkovski inquired about the footcandles on the east side and Mr. Dwyer said they can revise the lighting plan to meet the requirements and that they'll only be casting light on lit driveway. Mr. Dwyer said with regard to signage, this store will be visible from the highway, so signage on the east elevation would be nice. He said that Tire Discounters would be willing to eliminate the south sign, but would like to have signs on the north, east and west elevations. Mr. Birkenhauer said if the owner of the shopping center is recommending against the access, he'd be willing to eliminate that condition.

Board Action: Motion by Mr. Taylor to approve subject to following conditions:

1. Wall signage size shall be per the Code and limited to north, west and east elevations plus monument sign;
2. The landscaping shall be installed prior to occupancy of the site;
3. The landscaping shall be irrigated;
4. Site lighting shall meet the requirements of the Colerain Township Zoning Resolution;
5. No sidewalk shall be required, but applicant shall pay into the sidewalk fund in lieu of construction of sidewalk;
6. The Final Development Plan shall comply in all other respects with Resolution 55-11 and the Colerain Township Zoning Resolution;
8. Any changes shall be brought before the Zoning Commission as a Major or Minor Amendment.

The variances shall be eliminated. The motion was 2nd by Mr. Trajkovski.

Roll call: Mrs. Smith – aye, Mr. Taylor – aye, Mr. Temming – aye, Mr. Trajkovski – aye, Mr. Westfall – aye.

- B. ZA2012-04 - 2997 W. Galbraith Rd. – R-7 Multi-Family Residential to PD-B Business Planned Development.

Mr. Reuter disclosed that he and his wife are of members Van Zandt Freehold Co., so essentially they are the owners of the property.

Staff: Mr. Birkenhauer provided pictures of existing building, sign, vegetation to south property line and landscape plan. Site development standards were provided. The request is in accordance with the Zoning Resolution, Comp and Land Use Plans. If approved, the following conditions and variances were suggested:

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:

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 13 feet, side yard 15 feet, and rear yard 30 feet where a 30 foot front yard, 25 foot side yard, and 35 foot 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 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. Section 14.5.2(C)(4) Buffer Design Standards and Section 8.3.5 Site Development Standards. To allow accessory building 17' from the east property line parking within 9' of the south property line.

Scott Huber, Abercrombie & Associates. 3377 Compton Rd. site civil engineer representing Jim Reuter. They are in agreement with the staff report. Mr. Reuter currently rents the building next door to Martin's Barber Shop. He has purchased this property with the intent to move his office into the house and believes that the proposed project is in compliance with Township plans. There are some issues with the lot size because it is an existing house being converted into a business. They are not proposing any changes other than adding an accessory building. Under parking, staff made a recommendation to drop one space, however, they feel they need to have it there for his business. At times he has closings and there needs to be client as well as employee parking. The reason the parking is to the far south if they're trying to save an existing tree. There is no buffer to the west because it is business. Plantings on east and south sides will provide buffering. Mr. Reuter would like to move his existing sign from the building he currently occupies to this site. He will repair, repaint and change the address on the sign. They are requesting modifications to the

conditions and variances as follows: Strike the reduction of the parking space on the south, switch out white pines in landscaping, the variance is that the front setback shall be 12 ft. (not 13 ft.), side yard variance is 14.77 ft. (not 15 ft.), and rear yard buffer reduced to 9 ft.

Public Input: George Clark, 3011 W. Galbraith. Owns property next door to the west, George Clark Insurance. Asked what is the elevation in conjunction with his parking lot. Expressed concern about shared driveway. Happy that Mr. Reuter is buying the property. Asked about drainage issues. Said they were required to put in a drainage basin 20 years ago. Mr. Huber responded that as far as the width of the driveway, it appears to be 16 ft. wide and currently it is on the property line and is shared by the home that is there now. They do not have any intent to modify or widen the driveway. Mr. Huber said the elevation of Mr. Reuter's site is similar to Mr. Clark's. Mr. Reuter's intent is not to have any grading on Mr. Clark's property; they will hold the existing grade on the property line and noted that Mr. Reuter's is somewhat lower. As far as drainage, a catch basin is proposed and will tie into the existing storm sewer. He said everything will fall to the south. Since Mr. Reuter's property is lower, there will be run off on Mr. Clark's property. It was noted that plans were available to review.

Motion to close public input by Mr. Taylor, 2nd by Mr. Temming. Motion carried.

Zoning Commission: Mrs. Smith said Sheldon Avenue is in the back of the building and it floods and she asked will the proposal impact these residents. Mr. Huber said the storm sewer picks up storm water on the east on to Sheldon and although they will be putting down pavement, this property is only .31 acres and Hamilton County has regulations that mandate storm water detention and they will follow those regulations. He said that Mr. Reuter's lot is not going to put them under water. Mrs. Smith asked will it affect Mr. Clark and Mr. Huber said no. Mr. Temming asked what is the accessory structure going to be used for. Mr. Huber said the garage is intended for file storage as Mr. Reuter has 25 years of files. It will also be used for storage of a snow blower and lawn care equipment. Mr. Temming asked are you intending on using the garage for parking and Mr. Reuter said no. Mr. Trajkovski, Mr. Taylor and Mr. Westfall had no questions.

Board Action: Motion to approve by Mr. Taylor subject to following conditions and variances:

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 feet 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.

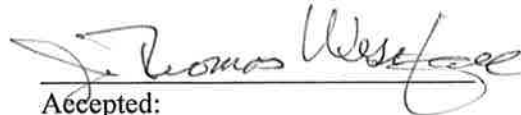
The motion was 2nd by Mr. Westfall.

Roll call: Mrs. Smith – aye, Mr. Taylor – aye, Mr. Temming – abstained, Mr. Trajkovski – aye, Mr. Westfall – aye.

6. INFORMAL CONCEPT REVIEW: None.
7. OLD BUSINESS: None.
8. NEW BUSINESS: None.
9. ADMINISTRATION: None.
10. ANNOUNCEMENTS: None.
11. NEXT MEETING: September 18, 2012.
12. ADJOURNMENT: Motion by Mr. Temming, 2nd by Mrs. Smith 10: 15 PM.



Respectfully submitted:
Rebecca J. Reno, Staff Secretary



Accepted:
J. Thomas Westfall, Chairman

