

COLERAIN TOWNSHIP ZONING COMMISSION

Regular Meeting

4200 Springdale Road - Cincinnati, OH 45251

Tuesday, March 19, 2013 - 7:00 p.m.

MEETING CALLED TO ORDER. PLEDGE OF ALLEGIANCE.

ROLL CALL: Present – Mr. Lawson, Mr. Taylor, Mr. Trajkovski, Mr. Westfall, Mrs. Smith, Mr. Lawson. Absent – Mr. Temming.

APPROVAL OF MINUTES: Motion by Mrs. Smith to approve minutes of February 19, 2013 meeting, 2nd by Mr. Taylor. Motion carried.

PUBLIC ADDRESS: None.

FINAL DEVELOPMENT PLAN:

A. ZA2011-04 – Northgate Mall, McDonald’s – Minor Amendment to Final Development Plan.

Staff: The Zoning Commission approved the FDP for McDonald’s, outlot #3, on 1/15/13. Shortly before the meeting, the owner found out that she was able to include a PlayPlace amenity in the restaurant. They thought it would increase the building by only 63 sq. ft., however, subsequent to the 1/15/13 meeting they discovered that approximately 300 additional sq. ft. is required. The building will be bumped out to the east, reducing the drive-thru by 2 feet. The proposal to accommodate the PlayPlace meets the zoning regulations, however, a minor amendment to the FDP is required. Staff recommended approval of the minor amendment without condition.

Applicant: Etta Reed, Bayer Becker. Ray Riska, McDonalds. Provided picture of what the building will look like with the PlayPlace addition. Mr. Trajkovski said that he likes the roof line better with the addition.

Zoning Commission: Mr. Taylor and Mr. Trajkovski had no questions. Mrs. Smith asked how does it affect parking and traffic flow. Ms. Reed said they have lost 2 ft. in the drive-thru, but no parking spaces. Mr. Westfall and Mr. Lawson had no questions.

Board Action: Motion by Mr. Taylor to approve the minor amendment to the Final Development Plan for Case ZA2011-04 – Northgate Mall, McDonald’s as presented and recommended by staff, 2nd by Mr. Westfall.

Roll Call: Mr. Westfall – aye, Mr. Trajkovski – aye, Mrs. Smith – aye, Mr. Taylor – aye, Mr. Lawson – aye.

B. ZA2011-04 – Northgate Mall, hhgregg – Minor Amendment to Preliminary Development Plan.

Staff: In 1992 an addition to the Dillard’s box was approved and in 2011 a revised preliminary development plan was approved for the mall. A drawing of the 2011 approval was provided showing the extra outlot. Also provided was the FDP approved in 1992 showing the Dillard’s box, however, the addition was never built. This request

is for an addition located exactly where the 1992 plan called for an addition. Since the second floor of Dillard's has been decommissioned, the parking result is there are 238 less spaces required. The proposed traffic pattern will tee into where Longhorn's lot is located, which is a safe configuration for the driving circulation. The issue of concern is the pedestrian circulation. The pathway is located on the east side of the building and the question is how to get to the front of the building. Other issues to be addressed are the loading area and waste pick up. If approved, the applicant will request approval of the FDP at the April 16, 2013 Zoning Commission meeting and detailed information will be provided at that time. Staff recommended approval with the following conditions:

- 1) Applicant shall provide a concrete or striped pedestrian walkway to allow for the safe travel of pedestrians.
- 2) Applicant shall provide for the location of facilities for the disposal of waste from the addition in a place other than the parking lot.

Applicant: Emily Crowe, McBride, Dale, Clarion, 5527 Dragon Way, Cincinnati, OH. They have reviewed the staff report and are in agreement with the 2 conditions. They would like to provide waste removal within the footprint of the building, but first need to determine the interior layout. They are investigating options with regard to the exterior pedestrian circulation which will be addressed when the FDP is submitted.

Zoning Commission: Mr. Taylor had no questions, but said he agrees with the concerns expressed by staff and is glad the applicant is willing to address them. Mr. Trajkovski asked if the building is attached or is there a breezeway. Ms. Crowe said she's unsure, but will confirm with the architect. Mr. Trajkovski asked if there will be a trash compactor and Ms. Crowe said they will address the trash issue when the FDP is submitted. Mr. Trajkovski expressed concern over the loading dock being so close to the pedestrian walkway and traffic circulation. He said he'd like the trucks to be kept back into the alcove as opposed to them being up front. Mr. Trajkovski asked will trash be kept within the building and Ms. Crowe said the ideal situation would be within the footprint of the building. Mr. Trajkovski inquired about the location of the dock and if it is possible to move the building over to accommodate the loading dock and install overhead doors, which would also increase the footprint of the building. Mr. Taylor said the docks are not only for this building, but he likes the idea of pushing the docks in. Mrs. Smith expressed concern over the pedestrian traffic flow and asked is it close to the handicap parking. Ms. Crowe said at this point they haven't identified where the accessible parking spaces will be in association with the store front. Mr. Westfall said if there is going to be space between the two buildings, it needs to be gated to prevent access. Mr. Westfall said that the original FDP approval was for an addition to the existing building and the site plan reads this is a separate building. Ms. Crowe said she cannot confirm or deny if it's an addition. Mr. Westfall said the only way to get from the Dillard's box to the front of hhgregg would be to walk down the side of the building so there needs to be a raised, safe sidewalk. He said he's glad hhgregg is moving to the mall. Mr. Taylor reiterated what Mr. Westfall said in that the pedestrian walkway needs to be a raised curb, not striped. Ms. Crowe said she will take that recommendation back to the designers. Mr. Lawson said for symmetry in design, he'd like the addition to follow the wall pattern of Dillard's whether it's detached or attached. He said on the Springdale side, he'd rather that it be bumped out a few feet to maintain a linear appearance on the front end facing Colerain and possibly push it back where the storage docks are located. For the section facing Colerain, he'd like for it to be lined

up. Mr. Lawson said he prefers it to be attached and flow off of the building as if it had already been there. If it's not attached, he asked that it be built as close as possible to Dillard's to maintain conformity. Mr. Westfall asked is there a covered walkway where the bump out is and Mr. Milz said yes. Mr. Lawson said for safety circulation and basic aesthetics, the Commission's comments will go a long way in addressing the issues of concern. Mr. Lawson said it's a great location for hhgregg.

Mr. Grote inquired about sanitary and storm sewers. Mr. Milz said this is not addressed in the preliminary development phase. Mr. Grote inquired about moving the front entrance. Mr. Westfall said that would present a greater problem and Mr. Taylor said it would be a higher traffic flow.

Mr. Lawson said since this is a preliminary review, there is no vote.

PUBLIC HEARING:

A. ZA2013-01 – Text Amendments – Signage.

Staff: The proposed sign text amendments respect and encourage businesses in the Township to grow and succeed. Signs in the business districts are very important and play a role in community perception. Many of the changes are based on providing an optimal balance of coherency called for in the Comp Plan. Mr. Milz presented the proposed text amendments and provided the justification for each change, which are attached for the record. Hamilton County RPC voted unanimously to recommend approval. Mr. Taylor said that election signs should not fall within the government sponsored signs.

Mr. Milz said the Township law director has recommended that there be a text amendment to prohibit substance rehab clinics in B1, B2 and B2 Districts, which is included.

Mr. Milz said after the signage text amendment is effective, the next step will be to educate businesses of the new regulations and afterwards there will be an enforcement effort. Mr. Taylor inquired about the business owner who has had a sign for 20 years. Mr. Milz said through the new program, the owner will have to demonstrate that their existing sign was there before 1995 and they will receive a non-conforming use certificate. Mr. Taylor asked will there be a fee and Mr. Milz said he's going to talk to the Trustees about waiving it. Mr. Milz said that temporary signs in the Township are an eyesore and the amendment will help clean them up. He said as we move forward, if a sign isn't non-conforming with a certificate, the Township will have the ability to bring that sign down and replaced with a new sign that meets the Code. Mr. Taylor inquired about enforcement and Mr. Milz said a citation will be issued and the owner will have 21 days to comply, which can escalate to referral to our law director for court action if there is no compliance. Mrs. Smith asked do temporary signs include yard sales and Mr. Milz said the maximum height of temporary signs in residential districts is 4 ft. Mr. Milz added that the Fire Dept. will get a list of things to look for in the Township that are in violation.

Motion to Close

Public Input: Motion by Mr. Westfall, 2nd by Mr. Taylor. Motion carried.

Zoning Commission: Mr. Taylor commended Mr. Milz for the work he put into the text amendment. Agrees there needs to be some sign clean up, but it's a fine line. Inquired about the education of businesses. Mr. Milz said he wants to put the energy into pre-empting problems and the intent is to increase cohesion on Colerain Ave. which will be a win for businesses. Mr. Taylor cited the traffic islands which didn't make it any easier for businesses. Mr. Westfall commended Mr. Milz on his effort. Mr. Westfall said he was on the committees when the Comp Plan and text were done and the first thing considered was first amendment rights. A time limit was not placed on political signs. He'd like to see enforcement of the new regulations, but it will be a difficult task. The Zoning Commission has talked for years about the signage and utilities on Colerain Ave. and as long as we grandfather the existing signs, he supports the changes. Mr. Milz cited the regulation in the Code which states that a sign has to be out of commission for 2 years before it is no longer non-conforming. Mr. Milz said one of the changes provides that after 180 consecutive days of abandonment, a sign can be deemed to be a public nuisance by reason that continued lack of use results in a lack of maintenance, causing deterioration and a blighting influence on nearby properties. He said if a sign doesn't have a blighting influence, it will have to remain for 2 years. Mr. Taylor asked why would the owner leave an abandoned a sign and Mr. Milz said that a non-conforming sign is of value for a new tenant. Mr. Trajkovski asked if the signs are grandfathered in, what happens with an act of God. Mr. Milz said we aren't changing the threshold and for destruction by an act of God, the Code allows non-conforming structures to be replaced if the extent of destruction or damage is less than 60 percent of reproduction value. Mr. Trajkovski said he supports the amendments. Mr. Lawson said he supports the amendments. He said it's about creating a quality environment and people like to shop in highly designed developments. It's going to be a challenge and will take years of enforcement, but the long term economic vibrancy of the Township depends on it. The amendments are not proposing to make everyone take down their signs; it's an effort to make sure new signs are to a different standard and as our community evolves, it takes a different projector. Mr. Milz said the enforcement will be of temporary signs and as businesses turn over, these issues can be addressed before they occur. Mr. Westfall cited the quality of the signs at Stone Creek and the new signs at Northgate Mall. Mr. Milz said pole signs will continue to be allowed at the same height. Mr. Lawson inquired about human signs on the weekends when the schools have events.

Mr. Taylor recommended that the issue with rehab clinics be removed from the text amendments to allow for further review.

Board Action: Motion by Mr. Westfall to recommend approval of case ZA2013-01 with the amendment for rehab clinics in businesses removed and to change the definition of government signs to not include election signs, 2nd by Mrs. Smith.

Roll Call: Mr. Westfall – aye, Mr. Trajkovski – aye, Mrs. Smith – aye, Mr. Taylor – aye, Mr. Lawson – aye.

INFORMAL CONCEPT REVIEW: None.

OLD BUSINESS: None.

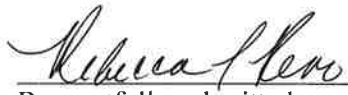
NEW BUSINESS: Mr. Westfall expressed concern over the ingress/egress on Springdale entering Krogers between White Castle and Arby's.


ADMINISTRATION: Mr. Lawson asked since there is no longer a Landscape Advisory Board, is the Zoning Commission absorbing those responsibilities. He said the Commission relied on that Board. Mr. Taylor asked why was the committee eliminated and Mr. Milz said that decision was made before he started. He said there used to be a planner that staffed that Board and the Department is now running with a skeleton crew. He said he has reached out to that committee and has informally sent them plans to review.

ANNOUNCEMENTS: None.

NEXT MEETING: April 16, 2013.

ADJOURNMENT: Motion to adjourn by Mr. Westfall at 8:35 PM, 2nd by Mr. Taylor. Motion carried.


Respectfully submitted:
Rebecca J. Reno, Staff Secretary


Accepted:
Christopher R. Lawson, Chairman

