

**COLERAIN TOWNSHIP ZONING COMMISSION**

Regular Meeting

4200 Springdale Road - Cincinnati, OH 45251

**Tuesday, September 17, 2013 - 7:00 p.m.**

Meeting called to order: 7:00 p.m.. Pledge of Allegiance.

Roll Call. Present: Mr. Lawson, Mr. Taylor, Mr. Temming, Mr. Trajkovski, Mr. Westfall. Mr. Grote and Mrs. Smith were also in attendance.

Approval of Minutes: Motion by Mr. Taylor to approve minutes of July 16, 2013 meeting, 2<sup>nd</sup> by Mr. Westfall. Motion carried.

Public Address: None. Mr. Lawson motion to close the public address, 2<sup>nd</sup> by Mr. Temming. Motion carried.

Mr. Temming made a motion to move case ZA2011-0004, McDonald's, Minor amendment to Final Development Plan, to the last item on the agenda because one of the individuals is his client and he is unable to participate. The motion was 2<sup>nd</sup> by Mr. Westfall. Motion carried.

Final Development Plan:

- A. Case 8-88 – Walmart, Colerain Towne Center. Minor amendment to FDP – seasonal trailers.

Staff: One of the conditions of Case 8-88 stipulated that no outdoor storage be permitted. In 2012 the Zoning Commission granted approval of temporary trailers for lay-a-way holiday storage for the 2012-2013 holiday season. The proposed storage trailers will be located in the rear and on the northwest side of the building. The site plan was provided. Temporary trailers are a permitted use in business districts and are a typical request of businesses in the Township. Approval was just given to the Walmart store located south on Colerain for 12 temporary lay-a-way storage trailers. Since this store is located in a planned district, the Zoning Commission must approve the trailers. Staff recommended approval with the following conditions:

Conditions:

- 1) No more than 12 storage trailers may be permitted;
- 2) Storage trailers shall only be permitted from October 1 to January 30;
- 3) Storage trailers may not impede vehicular circulation on the site;
- 4) Storage trailers must be inconspicuously located so as to minimize any negative impact on the aesthetics. The Colerain Township Zoning Administrator shall be authorized to make any determination related to compliance with this condition.

Mr. Taylor inquired if the request is for a permanent approval and how many trailers were approved last year. Mr. Milz said his recommendation is that the approval be permanent and last year the approval was for 10 trailers, which is how many they're requesting this year.

Applicant: Josh Wissler, Operations Assistant Manager, Walmart. They are requesting permanent seasonal storage trailers. Asking that the lay-a-way be allowed starting the first of September. They have received approval from the landlord.

Commission:

Mr. Temming asked how large are the units and Mr. Wissler said 40 ft. Mr. Lawson inquired if the Walmart located south on Colerain can have the trailers by right and Mr. Milz said yes, they just have to adhere to outdoor displays and storage. Mr. Lawson asked are the trailers on the site yet and Mr. Wissler said there are 3 because of miscommunications. Mr. Temming asked realistically when do they need to have them in place and is there any space inside the store for lay-a-way storage. Mr. Wissler stated that with the amount of lay- a-way they get, the trailers are required for overflow. He said that in just 6 days they received over \$36,000 for lay-a-way merchandise. Mr. Temming asked will the units only be used for Christmas lay-a-way and Mr. Wissler said yes. Mr. Lawson asked what is the hardship of coming and asking for them every year and what is the strategy of other Walmarts. Mr. Wissler said that Walmart would never allow temporary storage trailers at their stores. He said that Walmart had stopped lay-a-way and since it was brought back 6 or 7 years ago, each year the volume continues to increase as each year they offer more items that can be put in lay-a-way. This year they added large infant car seats, appliances and furniture. Mr. Temming said he believes that October 1 through January 30 will work and he is not opposed to giving approval for 2 years, but would not be inclined to vote for it to be permanent. Mr. Taylor agreed with Mr. Temming's comments. Mr. Westfall said he has no problem with it being a permanent approval as he understands the inconvenience for them to come in every year. Mr. Westfall said he would like that a condition be added that the trailers be approved by the Fire Dept. and agrees with the start date of October 1. Mr. Trajkovski had no questions. Mr. Lawson asked can they give discretion to the zoning administrator for approval of this request and Mr. Westfall said because it is a planned district, it must be approved by the Zoning Commission. Mr. Lawson said he is not inclined to make it a permanent approval and asked the applicant do they have a problem coming in each year and Mr. Wissler said no.

Mr. Temming made a motion that the request be approved subject to the following conditions:

- 1) No more than 12 storage trailers with a maximum length of 40 ft. be permitted;
- 2) Storage trailers shall only be permitted from October 1 to January 30 of the Christmas season;
- 3) Storage trailers shall not impede vehicular circulation on the site and are subject to Fire Dept. approval;
- 4) A temporary permit is granted for Christmas seasons 2013 and 2014, and that every 2 years they shall apply for approval.

The motion was 2<sup>nd</sup> by Mr. Taylor

Roll Call: Mr. Westfall – aye, Mr. Trajkovski – aye, Mr. Temming – aye, Mr. Taylor – aye, Mr. Lawson – nay.

Public Hearing:

- A. ZA2013-0003 – Sanctuary Pointe, SW corner of Hamilton & Crest.  
Request – PD-B to PD-R for development of nursing and rehab center.

Staff: Applicant is Sanctuary Pointe Nursing & Rehab Center. The request is for the approval of a zone change and preliminary development plan for a 124 bed skilled nursing facility. FDP approval for this site was given in 1989, however it is now voided because the development was never built. Anything that happens on this site would require a zone change. Provided aerial view of the site. Parcel is currently undeveloped. There are a number of garages east of the site. Provided renderings of proposed development. The request conforms with the Comp and

Land Use Plans. Institutional housing is permitted in PD-R districts. If approved, the following conditions and variances are recommended:

Conditions:

- 1) The applicant shall satisfy the requirements of the Hamilton County Soil and Water Conservation District, Hamilton County Planning & Development's Stormwater Division, Greater Cincinnati Water Works, Ohio Department of Transportation and Metropolitan Sewer District as outlined in the attached correspondence;
- 2) The applicant shall participate in the payment-in-lieu of sidewalks program;
- 3) The applicant shall design and construct a 30 foot landscaped buffer on the southern boundary of the property to be approved with the Final Development Plan;
- 4) The applicant shall submit a landscaping plan that meets the streetscape, boundary and parking lot landscaping standards of the Colerain Township Zoning resolution for review and consideration with the Final Development Plan;
- 5) Future development on the northern portion of the site shall be considered a major modification to the Preliminary Development Plan;
- 6) The applicant shall submit a signage plan for review and consideration with the Final Development Plan;
- 7) The applicant shall irrigate the landscaping.

Variances:

- 1) §7.4.6(A) - the proposed development be permitted a maximum density of 10.9 beds per acre where 7 beds per acre is required;
- 2) §7.4.6(B) - the proposed development be permitted a maximum of 124 beds per site where a maximum of 21 beds per site is permitted;
- 3) §7.4.6 (C) - the proposed development be permitted to have 40 ft setbacks in all yards where 50 ft setback is required;
- 4) §7.4.6(E) - the proposed parking areas shall be permitted to be no closer than 5 feet from the western property line where a minimum setback of 50 ft is required;
- 5) §15.8.1 - signage for the site shall be permitted in accordance with the signage approved as part of the Final Development Plan.

Applicant: Chase Kohn, 11159 Loveland Trace, Loveland Ohio. Thanked the Commission. Their objective is to work with the Township, be good neighbors and create an attractive development. The facility will create about 65 jobs. Mr. Trajkovski inquired about the lighting specs and Mr. Kohn said they will be provided in the FDP. Mr. Westfall said it's a good project and questioned the buffer on DeHavilland. Mr. Taylor said it looks good and will be much nicer than another strip mall. Mr. Temming said there is a natural buffer on the west, but it could be a shock for the residents on DeHavilland, so the distance from the building to the property line on the south side is very important. Mark Browning, architect, said the final setback on the south property line hasn't been established yet. He said the site will have to be graded for that to be determined, but there will be 50 to 60 ft. from the building to the property line. Mr. Temming asked where will there be parking on the south side and Mr. Browning said no. Mr. Kohn said he has met with the Fire Captain Mark Walsh and there will be a sidewalk. Mr. Temming asked are there any concerns that the facility is relatively close to the road with regard to Alzheimer patients. Mr. Kohn said the Alzheimer's unit will be located on the southwest corner. He said their other 4 nursing facilities all have Alzheimer and dementia patients and the exit doors are secured and have alarms, so staff is alerted if a resident exits. Mr. Kohn pointed out the proposed court yards; one of them is for Alzheimer patients. He added that none of the residents should be stuck inside all day.

Motion to open public hearing by Mr. Lawson 2<sup>nd</sup> by Mr. Taylor.

**Public Input:**

Gene Brockert 2382 Crest. Owns 3 properties adjacent to CVS and directly across from the site on Crest Road. Agrees this is the best use for this land. Layout looks good. Expressed concern regarding water control and inquired about the catch basin. Provided pictures and detailed information regarding past water problems in the area. Had to replace a retaining wall and wants assurance that water will be properly managed. Mr. Brown said there will be a dry basin and they will be required to develop a design for storm water management for the site. Mr. Brockert asked will there be an access on Hamilton Avenue and Mr. Kohn said that is unlikely. Mr. Brockert said this development is better than a strip mall. Mr. Brockert asked if they will have lighted signs. Mr. Kohn said there will be an identification sign near the first access only and their intention is that staff will enter and exit at the back entrance.

Bernie Fiedeldey, resident of Colerain Township. Said regarding storm water management, the Commission can require the applicant to retain the water. He's not against this development, but doesn't understand why applicant is asking to change it to PD-R instead of PD-B. Said the proposed use is a business. Mr. Trajkovski asked if Mr. Fiedeldey would rather see businesses on this property that would disturb neighbors. Mr. Fiedeldey said it doesn't agree with the Land Use Plan and doesn't comply with zoning laws. Staff stated that after discussions with the applicant, it was decided that a PD-R would best fit their use and would preclude any businesses that may want to come in there in the future.

Public portion was closed by motion and motion carried.

**Zoning Commission:**

Mr. Temming questioned parking, driveway and landscaping. Mr. Trajkovski said the property has been a vacant eyesore for a long time. Mr. Taylor asked Mr. Milz to verify that the zoning had to be changed regardless of the use. Mr. Milz said that the property has a voided preliminary plan, so any development that would want to come in there would be required to go through this process. Mr. Lawson said although the development may not need variances if it was zoned PD-B, any future development to the site would be less intense if it is zoned PD-R. Mr. Temming asked the applicant why they wanted it to be PD-R. Mr. Kohn said in discussing their plans for the site, assisted living, congregate housing and possibly medical office for residents, it was settled that the best zone classification would be PD-R and they even considered R-7. Discussion followed on what the zoning should be and it was noted that variances would also be needed if it were zoned PD-B. By motion, a recess was called. The meeting reconvened. Discussion followed regarding the process if the classification were changed to a PD-B and whether or not it would have to go back before the Regional Planning Commission. It was reiterated that storm water control will be addressed by the County and is based on a 100 year storm scenario. Mr. Temming asked if they can vote to approve the preliminary plan, but delay approving variances until they come back with the FDP. Staff advised the Commission that the variances will have to be part of the Trustees approval.

**Board Action:** Mr. Temming made a motion to approve the zone change to PD-R and preliminary development subject to conditions and variances proposed by staff, 2<sup>nd</sup> by Mr. Taylor.

**Roll Call:** Mr. Trajkovski – aye, Mr. Temming – aye, Mr. Taylor - aye, Mr. Lawson – aye, Mr. Westfall – aye.

Informal Concept Review:

A. ZA2005-0003 – Buffalo Wild Wings/Shoppes of Colerain, Stone Creek.

In May, 2013 the Zoning Commission approved the FDP and the applicant is proposing changes to that plan. The changes include enlarging the size of the restaurant, changing the location and subdividing the property. Previously approved site was provided. A different change was going to be on the agenda tonight for a building expansion and was going to be a minor amendment, however, the plan that is proposed this evening will require a major amendment to the FDP.

Scott Huber, site civil engineer, Abercrombie & Associates. They tried to do a minor amendment to the FDP, but there are so many changes that a major amendment is required. The proposal is to move the building to the east, increase the size of the building and to cut the parcel for the BWW building out of the site. They're requesting comments from the Commission prior to the submittal of the application.

Chris Canerie, Brandicorp. The reason behind this new proposal is because after designing the site, BWW decided that they want to make the restaurant larger and the geo-technical investigation revealed that there is bad soil on the northwest corner of the site. Years ago the site was filled, but never compacted properly, so in terms of stability to the building, relocating it is required. They will do the same scope of landscaping as previously approved, making it a great representation for the development and the Township.

Mr. Trajkovski and Mr. Temming inquired about water detention. Mr. Huber stated that they will utilize the 2 existing detention basins. Mr. Temming asked why can't the storm water berm off in the creek and Mr. Huber cited County regulations. Mr. Westfall had no questions. Mr. Taylor asked why do they want to split off from the parcel. Mr. Huber said that Bradicorp will retain ownership of the entire property except for the parcel around BWW. Mr. Lawson noted the importance of maintaining the aesthetic appearance of Stone Creek. Mr. Trajkovski inquired about the lot split and Mr. Huber said they will be tied together with an operating agreement. Overall, the Commission was generally positive about the development, but there was some concern over splitting the parcel.

Final Development Plan:

B. ZA2011-0004 – McDonald's, Northgate. Minor amendment to FDP – electronic sign.

Mr. Temming recused himself and Colleen Smith was seated.

Staff: The Final Development Plan for the outlot was approved on January 15, 2013. At that time the signage package for the site was approved including the freestanding sign that was to be used for all outlots on the mall site. The Zoning Commission granted a minor modification to the FDP on March 17, 2013 for enlarging the building to accommodate a McDonald's Play Place. This application is for a minor modification to the FDP to allow for an electronic sign. Article/Section 15.8.3 (H) (8) provides that electronically activated signs on the same side of the road shall be 1,000 ft. apart, which is the requirement set forth in the Ohio Administrative Code. There currently is an electronic sign at the entrance to the mall. The applicant may have an alternative sign to submit to the Commission this evening.

Applicant: Paul Booth, VP, Cobco Enterprises, 10250 Reliance Rd., Cincinnati, OH 45242. McDonald's has been in the community for 42 years and they've been the owners and operators for last 13 years. Cynthia Booth is out of town. There are several reasons they are requesting a

digital sign. They are the wave of the future for McDonald's restaurants; older signs where you have to manually change data are relics. On an electronic sign they can control the message and frequency and this type of sign will also allow them to post community messages. It is part of their re-imaging and most McDonald restaurants have digital reader board signs. Mr. Trajkovski asked if the original sign was electronic and Mr. Booth said no. Mr. Westfall asked staff to confirm that ODOT requires these types of signs to be 1,000 ft. apart and Mr. Milz said yes. Mr. Taylor asked what is the other reason. Mr. Booth said the other issue relates to McDonald's arches, which is how the restaurants are recognized. He said the arches are to McDonald's what flags are to governmental jurisdictions. Mr. Booth said they also want to enlarge the sign by installing arches on the top. They would have loved to stay in their current location, but because of how McDonald's is now building restaurants with double drive-thrus, this was not possible at that location. If they had stayed there, they could have kept their sign with the arches. Another sign was provided to the Commission with arches on the top. Because of the setback, the sign is placed between 2 parking spaces which will prevent the sign from being seen. Mr. Taylor said he appreciates their presentation, but they were approved for a 6 ft. sign and they're now requesting 15 ft. Mr. Booth said the Code does allow 15 ft. signs. Mr. Taylor said after being open one week everyone will know where they are located. Mr. Trajkovski cited the height of building which will allow people to see them. Mrs. Smith asked how many signs are they requesting and Mr. Booth said just one electronic sign with arches on top and added that it's not a flashing sign. Mark Minder, Bayer Becker. The reasoning is because the pre-approved sign was before McDonald's had the site and approval was given for 5 monument sign for the out lots. They've noticed that on the other out lots, Cheddars and Long Horn, did not comply with the pre-approved signs. Mr. Lawson said when the variations were given for those signs, it was for very specific reasons related to the road and added that they weren't requesting two and a half times the size that was approved. Mr. Minder cited the height of the Cheddars sign on Springdale and Mr. Westfall said that was because the sign is located below the road on Springdale. Mr. Lawson advised the applicant that the requested sign is most likely not going to pass. Discussion followed on the future technology of signage. Mr. Westfall asked how many signs were issued for the building and Mr. Milz said quite a bit, but it is very tasteful and added that the building is an asset to the site. Mr. Milz advised the Commission of the difficulty to enforce signs that have variances, adding that the reason for the regulations are for safety. Mr. Westfall said the signage on the building will make the restaurant visible. Mr. Milz suggested that a good compromise would be a 6 ft. monument sign on a stone base with some sort of branding design on the top. Mr. Minder asked the Commission to give consideration for elevating the sign because it is located between parking stalls. Mr. Lawson asked the applicant if they would like to resubmit another sign plan and Mr. Booth said the opening date of the restaurant is too soon for another submittal.

Board Action: Motion by Mr. Westfall to approve minor amendment to FDP for ZA2011-0004, McDonald's, Northgate to erect a non-electronic monument sign on a stone base with a maximum size of 30 sq. ft. and a maximum height of 6 ft., 2<sup>nd</sup> by Mr. Taylor.

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

Old Business: None.

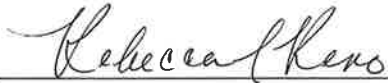
New Business: Mr. Taylor asked how does someone get a new sign in their neighborhood and Mr. Milz advised him this would be handled by the Township Public Services Dept.

Administration: Mr. Milz stated that the training session is being scheduled and Greg Dale will be the presenter. The Commission agreed on the date of November 6, 2013 at 6 p.m.

Announcements: Mr. Milz stated that two people have joined the Department - Officer Kyle Frandoni is the new Code Enforcement Officer and Sam Leeman is a planning co-op from U.C.

Next Meeting: October 15, 2013.

Adjournment: Motion to adjourn at 9:58 p.m. by Mr. Westfall, 2<sup>nd</sup> by Mr. Taylor. Motion carried.



Respectfully submitted:  
Rebecca J. Reno, Staff Secretary



Accepted:  
Christopher R. Lawson, Chairman

