

COLERAIN TOWNSHIP ZONING COMMISSION
Regular Meeting
4200 Springdale Road - Cincinnati, OH 45251
Tuesday, October 21, 2014 - 7:00 p.m.

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

Roll Call. Present: Mrs. Smith, Mr. Trajkovski, Mr. Taylor, Mr. Temming. Mr. Grote was seated.

Approval of Minutes: Motion by Mr. Grote to approve minutes of September 16, 2014 meeting, 2nd by Mrs. Smith. Motion carried.

Public Address: None.

Final Development Plan:

A. ZA2013-05 – BWW – Wall Signage – Minor Modification to FDP.

Staff: The proposal is to amend wall signage approved in the FDP and add an 87.50 sq. ft. channel letter sign to the south elevation facing Stonecreek Blvd. The property is zoned PD-B. A drawing of the sign designated as Sign L was provided. The building was reoriented and currently there is only one wall sign which faces the parking lot. It is fitting to allow the sign on the south elevation and staff recommendation was approval.

Applicant: Mike Cassidy, Atlantic Sign, 2328 Florence Ave., Cincinnati, Ohio. Mr. Cassidy said that staff has covered the request. He said when the orientation of the building changed, there was nothing on the building facing Stonecreek Blvd. and they're just trying to get an equal playing field with the other restaurants.

Zoning Commission: Mr. Temming asked if the total square footage of the sign is appropriate. Mr. Milz said wall signs are permitted at a rate of 1 sq. ft. per linear ft. of building frontage and this elevation is 96 ft., so they could have gone with a sign a little larger.

Commission Action: Mr. Taylor made a motion to approve the minor modification to the Final Development Plan for the wall sign as requested, 2nd by Mr. Grote.

Roll Call: Mr. Trajkovski – aye, Mr. Taylor – aye, Mrs. Smith – aye, Mr. Grote – aye, Mr. Temming – aye.

Public Hearings:

A. ZA2014-04 – Zone Map Amendment - Riverfront District.

Staff: Currently the Riverfront District boundary reflects a historical FEMA flood hazard area. Decades ago our Riverfront District was established to follow the elevation based as depicted by FEMA. Because of elevation changes, those flood hazard areas have moved so it's been decades since where the flood hazard line is located has been revisited and it has changed substantially for multiple properties. The Zoning Commission initiated the text amendment on August 19, 2014 as requested by staff. Hamilton County Regional Planning Commission recommended approval on October 1, 2014. The Riverfront District update maps were

provided. Some properties will be taken out and others will be put into the flood hazard area. Because uses in Riverfront District are very restrictive, this is the right thing to do because it accurately reflects where the flood hazard areas are. This change is in keeping with the Comprehensive Plan. This zone map amendment would correctly identify the current delineation of flood hazard areas and staff recommendation was approval.

Zoning Commission: Mrs. Smith inquired about RPC's staff report and Mr. Milz said that they misunderstood what properties were to be changed, and all of their analysis was discarded at their meeting and ultimately voted to support it. Mr. Trajkovski asked are we putting properties in the flood zone and vice versa and Mr. Milz said yes. Mr. Taylor said if it causes a hardship, would the BZA be able to take that into consideration and Mr. Milz said although they could possibly get a variance from the BZA, they couldn't from FEMA. Mr. Milz said this will actually open properties up for development, especially on Harrison Ave. Mr. Trajkovski asked are these areas currently depicted in CAGIS. Mr. Milz said if the Trustees approve this request, he will send the shape files to CAGIS. Mr. Temming inquired if this amendment will make our map consistent with FEMA and Mr. Milz said yes. Mr. Temming asked if properties are being taken out of and put in the flood plain. Mr. Milz said FEMA does that and added the properties are being taken out of the Riverfront District which has a restrictive use. Mr. Temming asked how often do we receive a flood map. Mr. Milz said that's a good question and said FEMA updates the flood map every time a property owners gets an elevation certificate demonstrating that they're out of the flood zone.

Commission Action: Mr. Grote made a motion to approve ZA2014-04 Zone Map Amendment-Riverfront District as detailed by staff, 2nd by Mr. Taylor.

Roll Call: Mr. Trajkovski – aye, Mr. Taylor – aye, Mrs. Smith – aye, Mr. Grote – aye, Mr. Temming – aye.

B. ZA2014-05 – Text Amendment – Variance Criteria.

Staff: This year the zoning office has received an inordinate amount of variance requests and the stakes of variances can be very high. This month there is an appeal of a decision that he made that will or will not allow another check cashing place to come on Colerain Ave. This request is to amend the Zoning Resolution clarifying the variance review criteria to be applied for area variances. Hamilton County Regional Planning Commission recommended approval on Oct. 1, 2014. The Zoning Resolution provides that the review criteria to be applied is unnecessary hardship and the recommendation is to add practical difficulties to the language in the following Sections as follows:

Section 3.3.2 (D):

“The Board of Zoning Appeals shall have the power to authorize upon appeal in specific cases, filed as herein provided, such variances from the provisions or requirements of this Resolution as will not be contrary to the public interest, but only in such cases where, owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this Resolution would cause *practical difficulties or* unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done. The Board of Zoning Appeals may attach thereto such conditions regarding the location, character and other features of the proposed structure or use, as it may deem necessary in the interest of the furtherance of the purposes of the Resolution and in the public interest.”

Section 4.4.2 (B):

“The Board may authorize a variance when such variance will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the resolution will result in *practical difficulties or unnecessary hardship*, and so that the spirit of the resolution shall be observed and substantial justice done;”

Section 4.4.2 (D):

“No grant of a variance shall be authorized unless the Board of Zoning Appeals finds that such variance from the provisions or requirements of this Resolution will not be contrary to the public interest, and owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this Resolution would cause *practical difficulties or unnecessary hardship*. The Board of Zoning Appeals may attach thereto such conditions regarding the location, character and other features of the proposed structure or use, as it may deem necessary in the interest of the furtherance of the purposes of the Resolution and in the public interest.”

Staff recommendation was approval.

Zoning Commission: Mr. Trajkovski asked if there is a proximity for the location of cash checking places. Mr. Milz said that the Trustees have implemented a moratorium for a year in order for him to study these uses. He said he'll be looking at the impact of that use on communities and how other municipalities are handling the use. He said that some communities are establishing distances. Mr. Temming asked was it initiated by the Zoning Commission and Mr. Milz said yes, at his recommendation. Mr. Temming said it sounds like it will give the BZA more discretion and Mr. Milz said it will allow them to apply the standard of practical difficulty which is in line with State law.

Commission Action: Motion by Mrs. Smith to approve ZA2014-05 Zoning Resolution Amendment - Variance Criteria as presented by staff, 2nd by Mr. Trajkovski.

Roll Call: Mr. Trajkovski – aye, Mr. Taylor – aye, Mrs. Smith – aye, Mr. Grote – aye, Mr. Temming – aye.

Informal Concept Review:

A. 9430 Colerain – Development of New Restaurant.

Staff: Provided aerial view of proposed site which is located at the corner of Mall Drive and Colerain Ave for the proposed use of a Chick-fil-A restaurant.

Applicant: Doug Liening, Woolpert, representing Chick-fil-A. Their hours of operation are 6:30 a.m. - 10 p.m. Monday-Saturday and they are closed on Sunday. One of features of the building is there will be brick arches on all 4 sides. It was designed as a function of the site, so they tried to match what is in the vicinity. All access points will be what is currently there. The restaurant will have a drive thru and signage will be located on the existing pylon sign.

Zoning Commission: Mrs. Smith had no questions. Mr. Grote asked Mr. Milz if the building is appropriate in this area. Mr. Milz explained that the property is zoned PD-B and they're not changing the zone, but modifying the FDP by adding a building and it will be a major modification to a FDP. Mr. Milz said the last major change to the site was Chipotle. Mr. Grote said there are several light poles on the site and asked will they be maintained and Mr. Liening said any utility in conflict with the site will be adjusted accordingly and that appropriate light

levels will be met. He said the storm sewer will have to be relocated. Mr. Grote expressed concern about the dumpster location and the flow of traffic with the drive thru. Mr. Liening said that will be reviewed and the dumpster will be appropriately screened. Mr. Trajkovski also expressed concern with the location of the dumpster location and said he would not want to see it located directly in front of the building on Colerain Ave. Mr. Trajkovski inquired about the parking stalls and the minimum acreage for a business. Mr. Milz said the Township has had that discussion with Hauck Holdings and added that the impervious surface will have to be met. Mr. Taylor concurred with the other comments regarding the location of the dumpster. Mr. Temming asked if Chick-fil-A is purchasing the property and Mr. Liening said he believes they are leasing it. Mr. Temming expressed concern over the size of the site and also expressed concern over the drive thru and dumpster location. Mr. Temming said he'd like to see a landscape buffer on Colerain and likes to see landscaping irrigated. Mr. Liening said it sounds like the major issue is the dumpster location. Mr. Milz cited the location of the dumpster on the south side of the site where Chipotle is located and said they could do something similar. Mr. Grote said there is a pulverizing type of a system located within buildings.

B. NW Quadrant, Intersection of Colerain & Springdale – Development of New Marketplace Store & Fuel Center.

Staff: A 135,000 sq. ft. Kroger Marketplace with a fuel center is proposed.

Applicant: Steve Dragon, Vandercar, commercial developer. Also present were representatives from Kroger Co. and Bob Trenkamp, civil engineer. The proposed site has 14.50 acres. The property assemblage is approximately 7.50 acres of existing commercial, 6 acres of 12 residential properties and another acre is right of way. The site has 480 ft. of linear frontage on Springdale Rd. and backs up against Stonecreek. To the east is JD Byrider and Walgreens fronting on Colerain Ave. The primary access would be aligned with the existing light signal into Northgate Mall with a second from Yellowstone. The new Kroger Marketplace store will be located on the northern portion of the property. The existing Kroger store is undersized to properly serve the community and the new store will be double in size. Kroger has heard the residents' concerns and the new store will include an expanded bakery, deli, meat and seafood departments. The new store will have a drive thru for the full service pharmacy and banking facilities. A fuel center is planned adjacent to the main entrance on Springdale Rd. For this concept plan, there's been a significant amount of work and they've dealt with safety issues and have been seeking input from the Township. They actually had to put in a smaller building in order to address concerns. The original prototype was going to be over 140,000 sq. ft. The store will be a tremendous asset to the Township.

Zoning Commission: Mrs. Smith thinks it's a great idea and asked if all of the properties are under contract, are there any residents left on Yellowstone, and outside of the project, how close will residents be to the site. Mr. Dragon said there will be residential homes that will remain and there are about 8 properties that will be adjacent to the project. Mr. Grote asked if they have made contact with them and he said yes. Mr. Grote asked if Walgreens and Pearle Vision will remain and Mr. Dragon said yes as well as JD Byrider. Mr. Grote inquired about the businesses in the current strip center and Mr. Dragon said they're working closely with them to find other accommodations, which is an important part of the project. Mr. Grote inquired about the storm water detention area along Springdale Rd. Mr. Trenkamp said the site is flat, but drains in 3 different directions. He said there will be dry basins which will improve the drainage as the existing commercial area was developed prior to the current regulations. He said it will meet all EPA requirements. Mr. Trenkamp explained how the drainage will work. Mr. Temming inquired about the septic systems at the houses and he said they will switch over.

Mr. Temming asked what is the anticipated impact on jobs and Mr. Dragon said there will be approximately 150 jobs. Mr. Trajkovski said his concern is the location of the fuel center. Discussion followed on the possibility of moving the fuel center back from Springdale Rd. and buffering it heavily with landscaping. Mr. Trenkamp said that along Springdale Rd. there will be additional right-of-way dedicated and that there will be a good green area and heavy streetscape buffer. Mr. Trajkovski asked about the height of the canopy over the fuel center and cited the Township Memorial at the corner. Mr. Taylor asked does Kroger have a standard streetscape package and asked that they try to give it the same look and feel as what Northgate Mall has and also cited the Township's streetscape plan. Mr. Milz said he will share those plans with them. Mr. Taylor said he understands why the fuel center is located there and asked that they dress it up. Mr. Taylor said he welcomes the development and residents will appreciate it. Mr. Temming inquired about the excess of parking spaces and said 543 is a lot of spaces. Mr. Milz explained how, per the Zoning Resolution, parking can exceed. Mr. Temming said he'd like to see the fuel center set farther back from the street and a 30 ft. streetscape buffer. Mr. Temming said that adjacent property owners will be notified and he doesn't think the 6 ft. privacy fence around the perimeter will be enough. Mr. Temming cited the wall and landscaping that Krogers installed at their Harrison store next to the residences and said he'd like to see something like that. Mr. Temming cited landscape islands that will be required in the parking lot. Mr. Taylor asked is there any way to put the fuel center behind JD Byrider and Mr. Dragon said no. Mr. Grote asked what is the timeline and Mr. Dragon explained that the project will be done in phases and probably not completed until 2016. Mr. Taylor asked what is the typical construction time and Mr. Dragon said about 10 months. Mr. Trajkovski asked if they could put the fuel center behind the detention area and Mr. Trenkamp said another consideration for them is the fuel truck access. Mr. Grote cited the Kroger store in Fairfield and said it fits in nicely with the area.

Old Business: None.

New Business:

A. Similar-Use Determination – Helipad.

Mr. Milz said that a business owner proposes to construct a helipad in a B-3 Commerce District on the north side of Civic Center Dr. The applicant wants to transition his business where customers order helicopter kits and then be able to fly the helicopter away. This use is not listed in the Zoning Resolution. Mr. Milz said that the Hamilton County Sheriff's office on Hamilton Ave. is permitted to have a helipad because essential government services are exempted. Mr. Milz said he's not familiar with the FAA safety standards, but the location concerns him. He said in the B-3 District, there is no side yard setback which could create a problem. Discussion followed on the use. Mr. Milz suggested that the use not be permitted in the B-3 District at this time and that he be given time to research the use.

Commission Action: Mr. Grote made a motion that a helipad is not an appropriate use in the B-3 District, 2nd by Mr. Trajkovski.

Roll Call: Mr. Trajkovski – aye, Mr. Taylor – aye, Mrs. Smith – aye, Mr. Grote – aye, Mr. Temming – aye.

Administration: Mr. Milz said he sent out training opportunities and to let him know if anyone is interested in attending.

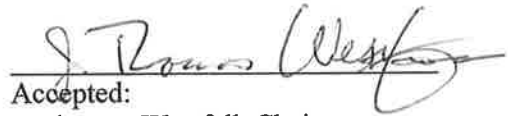
Announcements: Mr. Taylor said on the Township website under the Zoning Dept., the Commission members listed are incorrect. Mr. Milz said it will be corrected.

Next Meeting: Thursday, November 20, 2014.

Adjournment. Motion to adjourn by Mr. Taylor, 2nd by Mrs. Smith at 8:45 p.m.



Respectfully submitted:
Rebecca J. Reno, Staff Secretary



Accepted:
J. Thomas Westfall, Chairman