

COLERAIN TOWNSHIP ZONING COMMISSION

Regular Meeting

Tuesday, December 15, 2015 - 7:00 p.m.

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

Meeting called to order. 7:02 p.m.

Pledge of Allegiance.

Roll Call. Present: Mr. Lauf, Mrs. Smith, Mr. Westfall. Mr. Taylor was absent and Mr. Grote and Mr. Fehring were seated.

Approval of Minutes: Motion by Mr. Lauf to approve minutes of November 17, 2015 meeting, 2nd by Mrs. Smith. Motion carried. Mr. Grote abstained.

Public Address: None.

Final Development Plan:

A. ZA2014-01 – Country Woods Village - Minor Amendment to FDP for a maintenance building.

Staff: Minor Modification to a Final Development Plan that was adopted in 1997. The Final Development Plan consists of 164 units of multi-family housing which contain both townhomes and apartment structures. This minor modification is a proposal to move the dumpster location and add a 70'x40' accessory structure to be used as a maintenance building. This is currently zoned PD-R and is surrounded by R-3 residential. The area of focus is the dumpster location that will be behind an existing 13 car detached garage. There is an existing dumpster location located in between the detached garage consisting of two dumpsters and what is being proposed is to move the dumpster location behind the detached garage and add two dumpsters making it a total of four dumpsters rather than two and adding the 70'x40' accessory structure across from the new dumpster location. Also submitted with this minor modification is an updated landscape plan. Shrubs would be moved around the dumpsters and the trees would surround the new proposed accessory structure.

Staff recommends approval of the minor modification to the final development plan with the following conditions:

1. Applicant must meet the criteria of Section 14.4 specifically that trees and shrubs should be sized appropriately at the time of planting.
2. Applicant must provide elevation drawings of the accessory structure to staff prior to issuance of a zoning certificate. These drawings must represent that the accessory structure will be consistent with the character and scale of the existing structures on the property.

Applicant: Scott Huber with Abercrombie & Associates is the site civil engineer and with him is Christian James of Hillsinger building group. The purpose of the application was to move the dumpster location behind the existing detached garage which will provide some screening for the dumpsters and add an accessory structure to provide equipment storage for landscaping and

snow removal. The intent is take all the dumpster areas and consolidate them into this new proposed location. Applicant is in agreement with the two conditions set forth by staff.

Zoning Commission: The Board asked about adequate space for trash removal trucks. Christian James with Hillsinger Management Company confirmed that there would be adequate spacing without disrupting the normal traffic pattern. Mr. James also explained that the distance was designed for Rumpke's big front loader vehicle.

Zoning Commission Action: Motion to approve subject to conditions by Mr. Lauf, 2nd by Mr. Fehring.

Roll Call: Mr. Lauf - aye, Mrs. Smith - aye, Mr. Grote - aye, Mr. Fehring - aye, Mr. Westfall - aye. Motion Carried.

Public Hearings:

A. ZA2015-05 – 7600 Colerain Ave. – request zone change from R-7/B-2 to B-3

Staff: This is a map amendment request to change zoning from R-7/B-2 to a B-3 Commerce District. This case is being presented before the Zoning Commission for the first time and was heard by the Hamilton County Regional Planning Commission on December 3rd and voted 3-2 for disapproval of this application. 7600 Colerain Avenue consists of five parcels having frontage on both Jonrose Ave and Colerain Ave. The entire site is 12.7 acres and the area that they are looking to be rezoned is three parcels which measure about 9.5 acres. This is the former Builders' First Source location which currently sits vacant.

To the north it is zoned B-2 and R-7 and used as a retail strip center and apartments. To the south it is zoned B-3 Commerce and used for commercial and industrial mix of uses. The eastern side is bordered by R-6 Urban Residential and is primarily single family homes, however, Struble Elementary is not far to the east down Banning Road. To the west along Colerain Avenue is zoned B-2 General Business and used for a variety of commercial activities.

Staff provided photos of the current location.

This zone change would eliminate the non-conforming use of R-7. This request is considered to be within the White Oak character area which is designated by the comprehensive plan for mixed use employment center. The comprehensive plan recommends that Colerain Avenue in this area is transitioning to office and light industrial uses. The land use guidelines for White Oak look to encourage the continued development of light industrial and offices along this particular portion of Colerain Avenue. This proposal would be in conformance with the comprehensive plan and also in conformance with the land use plan which recommends this entire site as light industrial. Light industrial is intended to be used for smaller scale industrial uses.

Staff would like the board to consider that this site is within the Groesbeck community re-investment area better known as a CRA which is an area that is designated by the township. This site is identified as a distress from a development standpoint and does provide tax incentives for the revitalization of residential, commercial or industrial projects. This particular area in the Groesbeck community provides consistent zoning and would make it more shovel ready for redevelopment in an area that is distressed.

Staff recommends approval of zone change request.

Applicant: Steve Cahill of Abercrombie and Associates is representing FKS realty and Mr. Robert stinger who is the principal of Cincinnati Mine Machine and is the adjacent property owner. They believe this zoning conformity would more logically address existing improvements and development of the site and make the property more desirable for future occupancy and possible development. They feel the vision of Colerain Township matches their vision and also feel this zone change will benefit the township by creating a more desirable mixed use parcel in an area that is in dire need of development.

Zoning Commission: Board asked staff if there are any nuisances that the Regional Zoning Commission referenced in their material. Staff stated that there are no open nuisances on this property. Board asked if it was Cincinnati Mine Machine's intent to use this for their own business. Applicant answered that there have been some proposals on the table for them to use one of the adjacent buildings to expand their business to the west to create some additional manufacturing in that area. Board commented that if development was to happen to this site in the future that there should be discussions about buffers because the site doesn't currently have them. Applicant stated there is some natural buffering with the creek and vegetation that is currently on the site and that development standards would be put in place if there was any new development. Board asked staff if there were any conditions at this time and staff stated since there was currently no development plan in place they didn't feel it was necessary to add any additional conditions and any future development would have to meet the standards of the B-3 zoning district.

Zoning Commission Action: Motion to approve by Mr. Fehring, 2nd by Mr. Grote.

Roll Call: Mr. Lauf - aye, Mrs. Smith - aye, Mr. Grote - aye, Mr. Fehring - aye, Mr. Westfall - aye. Motion Carried.

ZA2015-04 – Text Amendment to add language for Alternative Financial Services Providers. (Continued from August 18, 2014 Zoning Commission Meeting)

Staff: Text amendment was initiated by this Board in July 2015. There was a moratorium put in place on Alternative Financial Service Providers on August 14, 2015 and was extended twice and will expire on January 31, 2016. The Hamilton County Regional Planning reviewed this text amendment in August and recommended some changes to the language. After doing more research and reaching out to the law director staff provided more appropriate changes to the text amendment. This text amendment consists of revising Article 8 Business Zoning Districts and Article 16 Rules and Definitions for the Alternative Financial Service Providers.

Staff recommends modifying the language that was submitted in July 2015 which was added in the meeting packets as Attachment A specific to the Article 8 language on Alternative Financial Service Providers adding that these uses also be allowed in the B-2 General Business Zoning District and modifying the proposed restriction on the number permitted from one per 20,000 residents to one per 10,000 residents but maintaining the 1000 foot buffer from each other as well as the 200 foot buffer from any residential districts.

Staff does recommend approval of the text amendment with the proposed modifications.

Zoning Commission: Board asked staff to research the original purpose and negative impacts of these types of business proposed within this text amendment and bring it back to them at the next regular meeting. Staff stated that they have done research through the American Planning Association with respect to these types of businesses and whether or not decline follows these

type of businesses or whether these businesses follow decline and there really wasn't a definitive answer. The board asked how many of these types of businesses are currently located in Colerain Township. Staff answered that the police department provided numbers in late summer that we have three traditional Alternative Financial Service Providers, which would be check cashing types of businesses. Staff was also provided with a list of other types of business that were a buy, sell and trade type of business that deals with diamonds and video games but wouldn't consider them to be pawn shops and Board responded that they wouldn't consider those types of businesses as Alternative Financial Service Providers. Board identified several businesses not yet included on staff's list. Board is concerned with the definition of Alternative Financial Service Providers. Board also asked staff about enforcement. Board feels the definition of Alternative Financial Service Providers is too vague and needs to be defined more clearly. The Board also feels "money transfer business" needs to be more defined.

The Hamilton County Regional Planning Commission recommended against the text amendment based on the perimeters and not the definitions themselves. They were more concerned with the restriction of the location. Board suspects there are more than six Alternative Financial Service Providers in the township and those would become non-conforming uses. Board agrees with all comments that were made and had asked staff to table this amendment and give them an opportunity to do more research.

Staff noted that the Moratorium would expire on January 31, 2016. Board asked if they were to grant this amendment this evening then would that mean the existing businesses would be grandfathered and be identified as non-conforming uses and other board members answered, yes.

Zoning Commission Action: Motion to table the text amendment until January 19, 2016 by Mr. Grote, 2nd by Mr. Lauf.

Roll Call: Mr. Lauf - aye, Mrs. Smith - aye, Mr. Grote - aye, Mr. Fehring - aye, Mr. Westfall - aye. Motion Carried.

Informal Concept Review:
Proposed Discount Tire - 9343 Colerain Ave.
Staff: None.

Applicant: Todd Mosher with RA Smith National representing Discount Tire. The property that they are looking at is 9343 Colerain Avenue, which is currently the restaurant, Show-Me's. Their intention is to purchase the property and redevelop it with a Discount Tire store. The current use is a permitted use in the general zoning district, which is a PD-B Planned District Business Development. Staff advised applicant to speak with the Zoning Commission and get their thoughts first before submitting any development changes to the Planned Development. The proposal is to replace the existing building with a new 7300 sq. foot one-story building that would be a masonry constructed building with a brick veneer and would be earth tone colors and be in conformance with the architectural guidelines and standards that are currently set in place. The applicant noted that adding additional green space and having 800 square feet less of impervious area than what is currently existing. This business would generate less traffic than a restaurant.

Zoning Commission: Board asked the applicant to explain how this tire store is different from the other tire stores that are located in Colerain Township. Mr. Moser asked Rich Summer, Vice President of Discount Tire to answer the question. Mr. Summer responded that they are the number one tire distributor in the United States. Discount tire prides themselves in customer

service and they offer the lowest price guaranteed. Discount Tire is owned by one man and has been in business for over 55 years and when they choose a location they stay at those locations. Mr. Summer has been employed with Discount Tire for over 30 years and stated that they are a family owned business that treat their employees well. Board asked Mr. Summer if this is the first store in this region and Mr. Summer answered that this is the first store in this region and they plan to open a total of three stores in the Cincinnati region in 2016. Board asked where the closest Discount Tire currently is to this area and Mr. Summer responded Dayton, Ohio. Board asked staff if the zoning is appropriate for their intention and staff replied that it is a Planned District-Business and is consistent with the Land Use Plan, which is general retail along that portion of Colerain Avenue.

Old Business: None.

New Business:

A. Initiation of Text Amendments – Waste Receptacles

Staff: This memorandum with proposed addition to paragraph 12.5.2 of the zoning resolution to allow for trash receptacles to be stored in the front driveway as long as they are up against the house. Enforcement is a challenge for staff. The code defines 32 gallons larger or smaller and didn't think it was appropriate to re-write the entire paragraph but add in a sentence allowing waste receptacle to be stored against the house. Board asked how this would be enforced if the trash cans are larger than 32 gallons or if there are multiple bags of trash or boxes being stored around the area. Staff answered the same way we would enforce our property maintenance code and nuisance ordinance. Staff also reiterated that the current code that is written it states residents cannot store their cans in front of their house and have to be stored on the side or rear yard and that it's not realistic in some of our neighborhoods to drag them around the side and it's not realistic for a code enforcement officer to enforce this code when cans are being moved at different times during the week. Board asked about dumpsters when rehabbing houses and staff answered that would be a special case and that this is not what this paragraph is referring to. Board questioned the 2.3 cubic yards with respect to the solid waste program. Staff answered that the new Rumpke trash receptacles will be smaller than 2 cubic yards. Board asked about the recycling bin and how they will affect the sizing regulations. Staff answered that the new containers provided by Rumpke will be consistent with sizing. Everyone will have one trash can and one recycling bin. Board's concern is to where they are going to put those two large cans and staff answered that is the reason for this change to the amendment, so that residents can store them in the front of their house rather than the side or rear yard.

Zoning Commission Action: Motion to initiate by Mr. Fehring, 2nd by, Mrs. Smith.

Roll Call: Mr. Lauf - aye, Mrs. Smith - aye, Mr. Grote - aye, Mr. Fehring - aye, Mr. Westfall - aye. Motion Carried.

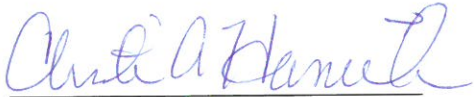
Administration: Staff stated that all interested members are registered to attend the David J. Allor Planning & Zoning Workshop.

Announcements: Staff stated that a Senior Planner has been hired and will start on January 4, 2016. Marty Kohler, which is coming from the City of Middletown will be able to provide assistance with respect to current planning and long-range planning.

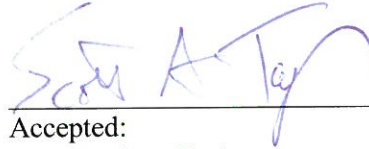
Board wanted to wish everyone in the township Happy Holidays. Board agreed to change the meeting time to 6:00 p.m. Staff mentioned that if we need to change the time to a later time in the future then we can do so as long as we give the public sufficient notice.

Next Meeting: January 19, 2016.

Adjournment: Motion by Mrs. Smith to adjourn at 8:43 p.m., 2nd by Mr. Grote. Motion Carried.



Respectfully submitted:
Christina Hamilton
Planning Administrative Specialist



Accepted:
Scott Taylor, Chairman