

The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio, met in regular session at 6:00 p.m., on the 10th day of October, 2017 at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio, 45251, with the following members present:

Michael Inderhees, Greg Insco, Jeffrey F. Ritter

Mr./Ms. Jeffrey F. Ritter introduced the following resolution and moved its adoption:

RESOLUTION NO. 44-17

Case No. ZA2017-03

2499 Banning Road & 2553 Banning Road

Approval of a Zone Map Amendment

Parcels 510-0073-0090, 510-0073-0017, & 510-0073-0244 – B-2 General Business District

WHEREAS, the Applicant, Jeffrey Brockhaus, proposes a Zone Map Amendment; and,

WHEREAS, the Hamilton County Regional Planning Commission heard the case, and on September 7, 2017 voted 4-1 to recommend approval of the requested Zone Map Amendment and,

WHEREAS, the Colerain Township Zoning Commission conducted its public hearing on the case on September 19, 2017, and after consideration of the recommendation of the Regional Planning Commission, and all public comments, exhibits, and other materials submitted, voted unanimously to recommend approval of the application for a Zone Map Amendment; and,

WHEREAS, the Colerain Township Board of Trustees conducted its public hearing on the case on October 10, 2017, and after consideration of the recommendation of the Regional Planning Commission, the recommendation of the Zoning Commission, and all public comments, exhibits, and other materials submitted, voted 3-0 to approve the application for a Zone Map Amendment as set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees accepts the recommendation of the Colerain Township Zoning Commission for a Zone Map Amendment, and that the Board of Trustees does hereby approve the request for parcel 510-0073-0090, 510-0073-0017, & 510-0073-0244 as B-2 General Business District, for the reason that the Zone Map Amendment would be in the best interest of the Township and the health, safety, morals and welfare of the public, is consistent with the Colerain Township Comprehensive Plan previously adopted by the Township, and is in keeping with good land use planning; and,

BE IT FURTHER RESOLVED by the Board of Trustees of Colerain Township, Hamilton County, Ohio, as follows:

1. That a certified copy of this Resolution be directed by the Fiscal Officer of Colerain Township to the Hamilton County Recorder and the Colerain Township Zoning Inspector.
2. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code; and

3. That the Board by a majority vote hereby dispenses with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of the Resolution upon its first reading; and

4. That this Resolution shall be effective at the earliest date allowed by law.

Mr./Ms. Inderhees seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Mr. Inderhees Aye, Mr. Insko Aye, Mr. Ritter Aye

ADOPTED this 10th day of October, 2017.

BOARD OF TRUSTEES:

Michael Inderhees
Michael Inderhees, Trustee

Greg Insko
Greg Insko, Trustee

Jeffrey E. Ritter
Jeffrey E. Ritter, Trustee

ATTEST:

Heather E. Harlow
Heather E. Harlow,
Colerain Township Fiscal Officer

Resolution prepared by and approved as to form:

L.E. Barbieri
Lawrence E. Barbieri (0027106)
5300 Socialville Foster Rd., Suite 200
Mason, OH 45040 (513) 583-4200
Colerain Township Law Director

AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Colerain Township Fiscal Officer

this 10th day of October 10, 2017.

Heather E. Harlow
Heather E. Harlow
Colerain Township Fiscal Officer



4200 Springdale Road
Colerain Township, OH 45251

STAFF REPORT:

Map Amendment & Preliminary
Development Plan
Case #ZA2017-03
Map Amendment
2499 & 2553 Banning Road
October 10, 2017

PREPARED BY:

Jenna M. LeCount, AICP
Director of Planning & Zoning

Request:

FROM: R-6 Urban Residential District
TO: B-2 General Business District

Purpose:

The applicant proposes to rezone the existing funeral home location and the currently vacant adjacent lot from residential classification to general business classification. The vacant lot is proposed to become the new location of a high end upholstery and carpet cleaning company.

Applicant/Owner:

Jeffrey Brockhaus (applicant), Robin & Victoria Moeller (owners – 2499), and Lynn Yockey (owner – 2553).

Location:

2499 & 2553 Banning Road

Site Description:

Tract Size: 4.62 acres total - 2.02 acres (2499) and 2.6 acres (2553)
Frontage: 655 feet on Banning Road
Topography: Relatively flat
Existing Development: Vacant & Existing Funeral Home

Surrounding Conditions:

<u>Zone</u>	<u>Land Use</u>
North: R-6 Urban Residential District & B-3 Commercial Business	Single-Family home & Commercial/Office strip centers (North College Hill)
South: R-6 Urban Residential District	Greenhouse& Garden Center & SF homes
East: R-6 Urban Residential District	Single Family Homes
West: R-6 Urban Residential District	Single Family Homes

Case History:

The 2533 Banning Road property was granted a non-conforming use permit in 1999 and was approved for the expansion of a non-conforming use (to construct an addition to a garage) in 1995. A non-conforming certificate was issued in 1962 for a Texaco gas station on the 2499 property. The gas station was demolished prior to 1996 and the certificate has expired.

ANALYSIS:

Conformance with Comprehensive Plan:

The Comprehensive Plan provides land use recommendations which include the site in question within the White Oak Character Area. This Character Area is described by the White Oak vision

statement as an older viable neighborhood where the mixture of residential housing types and small-scale commercial service should be maintained. The White Oak area is also identified as being a model for reinvestment as new businesses find methods of adaptive reuse for older properties. The upholstery company offices which are proposed for the vacant site would align with the description of small scale commercial service and would be an adaptive reuse for a long-vacant property with environmental challenges which would make residential uses very difficult to finance. The land use guidelines of the White Oak Character Area call for adequate landscaping and buffering between residential and non-residential uses.

Conformance with Land Use Plan:

The Land Use Plan designates this site as “Transitional Mixed Use”, which is defined as detached or attached housing, low intensity office (such as conversion of single family residence) and related compatible uses (excluding retail and industrial) that provide a transition between residential uses and other types of development. Developments in these areas typically include one and two story structures with scale, massing, intensity, layout and specifications compatible with site constraints and character of surrounding residential development. The funeral home is proposed to remain, as is, on the property, and the vacant lot is proposed to be used for the offices of an upscale upholstery and carpet cleaning company which would fit well into this transitional land use area.

OTHER AGENCY REPORTS

Hamilton County Regional Planning Commission:

- On September 7, 2017, the Hamilton County Regional Planning Commission voted 4-1 to recommend approval of the map amendment application. As of the writing of this report, the minutes of the RPC were not available. The RPC staff report is attached and were shared with the Colerain Township Zoning Commission at the September 19, 2017 meeting.

Hamilton County Stormwater & Infrastructure

- No response

Colerain Township Fire Department

- No response

Hamilton County GIS

- No response

Hamilton County Soil & Water Conservation District

- See attached email from Chey Alberto

ODOT

- See attached email from Tom Makris – not within ODOT’s jurisdiction.

Hamilton County Engineer

- No response.

Metropolitan Sewer District

- See attached letter from Steve Parker.

DISCUSSION:

Single-letter zone amendments do not include site plan review. Because this is not a planned district, zoning compliance does not specifically apply. However, the applicant has provided to Staff information about their proposed development of the vacant property. This included a site plan,

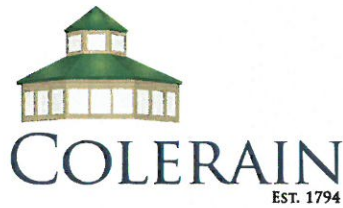
building elevation drawings, and an environmental report. The environmental report describes the challenges that may be faced in bringing the property up to standards for residential development. The proposed office space will provide a quality use for the long-vacant property without the need to completely cut and refill the existing land.

Changing the zoning of the funeral home site will eliminate the non-conformity of that location and provide for the existing use to make modifications within code which will not require additional review by the Board of Zoning Appeals.

Overall, this location is a transitional area where a hodgepodge of uses can be found between North College Hill, the City of Cincinnati, and Colerain Township. Township Staff supports this zone change application as it will provide a hopefully, long-standing use for a property which has been vacant for decades.

RECOMMENDATION:

At the September 19, 2017, regular meeting of the Colerain Township Zoning Commission, the Board voted unanimously to recommend **APPROVAL** of the zone change request to the Colerain Township Board of Trustees.



COLERAIN TOWNSHIP ZONING COMMISSION

Regular Meeting Minutes

Tuesday, September 19, 2017 - 6:00 p.m.

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

Meeting called to order.

The Pledge of Allegiance was led by Mr. Westfall.

Roll Call: Mr. Fehring – Aye, Mr. Grote - Aye, and Mr. Westfall – aye.

Alternate Garret Pace was seated to take the place of Ms. Smith.

Also Present: Staff Jenna LeCount, Geoff Milz and Marty Kohler.

Minutes: A Motion was made by Mr. Grote and seconded by Mr. Fehring to approve the July 18, 2017 meeting as submitted. All were in favor. Motion Carried.

Public Address:

Bernie Fiedeldey said that the Final Development Plan for Kroger was issued two and a half years ago and has expired. The request from Kroger is for a one year extension. He thinks that it is a conflict of interest for Ms. McBride to represent Kroger since she prepared the Zoning Resolution. He thinks that Zoning Commission does not have the authority to grant a time extension.

Stephanie Wright said that she objects to the time extension for Kroger. She obtained a copy of the zoning certificate that expired on 8-1-2017 and she would like to know what is going on. Why is the project delayed?

Greg Insko thanked the Zoning Commission for their service to the community and offered his services to the Commission.

Mr. Westfall commented that Kroger has made a significant investment in the real estate for the new store and is concerned that Kroger could close the current store and not locate a new store in Colerain.

Case ZA2011-04 – Cheddar’s, 3633 Springdale Rd. – Signage

Ms. LeCount said that this is a minor modification to the Final Development Plan and is a part of Northgate Mall. The original plan was approved in 2011 with several out-lots. This is a 1.5 acre site with a previous approval of a sign package for the entire Northgate Mall property and the Cheddar’s site. She showed other out-lot signs with dimensions. There are two freestanding signs on the Cheddar’s site. The monument sign facing Springdale Road was granted a height of nine feet to compensate for grade issues. Ms. LeCount noted that the Colerain Avenue facing sign is not 10 feet from the right-of-way but could be replaced in its current location. The proposal is for the replacement of both freestanding signs with new signs that would be taller and larger than the existing. The wall signs are also proposed to be replaced.

Staff recommendation is as follows:

1. Denial of the Amended Final Development Plan as presented; and
2. Approval of the replacement of the sign cabinets for the monument signs not to exceed the existing sizes and retaining the existing stone structures and landscaping; and
3. Approval of the wall sign package for the replacement of the signs on the east and west sides of the building as submitted.

Mr. Fehring asked if the location of the sign facing Colerain was originally supposed to be 10 feet. Mr. Kohler said that a reduced setback was approved on the Final Development Plan for the current location of the sign and is about 3 feet. Ms. LeCount noted that a 10 foot setback would place the sign in the drive isle.

Tommy Reed with Atlantic Sign Company said that the Colerain frontage sign does not block traffic views. The sign package is being submitted at the request of the Cheddar’s Corporation and he realized that Colerain Township would like to place limits on signs. He cannot give a good reason for the larger and taller signs except that this is what Cheddar’s wants. As a sign contractor he is fine with replacing the cabinets and keeping the stone sign bases.

Mr. Grote noted that a letter has been received from Dick Semple objecting to the replacement of the monument signs. A copy of the letter was given to Mr. Reed.

A motion was made by Mr. Grote and seconded by to approve the sign replacements according to staff recommendations.

Roll Call: Mr. Fehring – Aye, Mr. Grote – Aye, Mr. Pace, Mr. Westfall – Aye. Motion passed.

Case ZA2014-07 – Kroger, 3618 Springdale Road, extension of Final Development Plan

Ms. LeCount said that this is a housekeeping item regarding the Kroger development which was originally approved as a Preliminary Plan in 2014 with a Final Development Plan approved in 2016. The Zoning Certificate and Final Development Plan expired in August of 2017 since the applicant has not obtained a Building Permit. The applicant is very close to receiving the

Building Permit so it is likely that demolition of the remaining buildings and construction of the new building could start yet this fall. Ms. LeCount briefly reviewed the approved Final Development Plan for the Zoning Commission. Staff recommendation is for a one year extension of the approval of the Final Development Plan.

Anne McBride representing Kroger said that there has been a delay in obtaining the Building Permit for the project due to the need of a water line extension which is being coordinated with Cincinnati Water Works. This is expected to be resolved within a week so that the building permit can be issued to allow for the demolition of the remaining buildings this fall.

Mr. Grote asked about the timing on the approvals for the project. Ms. LeCount said that the applicant submitted the request for the extension prior to the expiration of the previous approval.

A motion was made by Mr. Grote and seconded by Mr. Pace to approve a time extension for the Kroger Final Development Plan to expire September 19, 2018 in accordance with staff recommendation.

Roll Call: Mr. Fehring – Aye, Mr. Grote – Aye, Mr. Pace, Mr. Westfall – Aye. Motion passed.

ZA2017-03, 2499 and 2553 Banning Road Zoning Map Amendment

Ms. LeCount said that this amendment originated with the parcel at the corner of Banning Road and Pippin Road and was expanded at the encouragement of staff to include the funeral home in order to eliminate the non-conforming use. The proposal is to re-zone from R-6 to B-2. The property is about 4 ½ acres in size. She showed maps and aerial photos of the property noting surrounding zoning and land uses. The property borders North College Hill. The land use map shows this as mixed use transitional with attached or detached residential and low intensity offices. The applicant has submitted a site plan for a proposed office building for an upholstery business. The work for the business occurs off-site. This is not a Planned Development District so development plans are not a requirement. The proposed development should not require variances. There are some environmental considerations with the property which makes it financially prohibitive for development as single family residential.

Tom Abercrombie representing the property owner and developer of the 2499 Banning property said that the inclusion of the funeral home helps to eliminate the non-conformity and keeps this from being a “spot zone”. The developer purchased the property after it was on the market for a long time. There are possible environmental problems that prevents the property from being developed for residential purposes. The property in North College Hill to the east is zoned commercial and the property to the south is owned by Mercy Health with unknown future use. This proposed use is a good transition from commercial to residential.

Ms. LeCount noted that the Hamilton County Regional Planning Commission voted to recommend approval of this rezoning even though they usually prefer planned development districts.

Jeff Brockhaus said that he has been looking for a location for his business and found this property in a good location at a very good price. The property was listed as commercial but later found out that it was residential and had a former gas station on the property. He noted the plans for the office building and that he does not have customers at the location. The garage doors are to the back of the building with a residential look to the front. The property has been vacant for over forty years.

With no further people to speak in favor or against the re-zoning, a motion was made by Mr. Grote and seconded by Mr. Fehring to close the public hearing.

Roll Call: Mr. Fehring – Aye, Mr. Grote – Aye, Mr. Pace, Mr. Westfall – Aye. Motion passed.

A motion was made by Mr. Fehring and seconded by Mr. Pace to approve the rezoning from R-6 to B-2 as requested.

Roll Call: Mr. Fehring – Aye, Mr. Grote – Aye, Mr. Pace, Mr. Westfall – Aye. Motion passed.

There were no representatives present to speak to the two informal concept reviews listed on the agenda.

Ms. LeCount announced that there are no applications for review at the October meeting so it will be cancelled.

Mr. Grote said that Mr. Smith will be undergoing surgery tomorrow and that the family be kept in our thoughts and prayers.

The next meeting will be November 21, 2017.

A motion was made by Mr. Pace and seconded by Mr. Fehring to adjourn the meeting at 6:51. The motion passed unanimously.

Respectfully submitted:
Marty Kohler, Senior Planner

Accepted:
J. Thomas Westfall, Chairman



STAFF REPORT

FOR CONSIDERATION BY HAMILTON COUNTY REGIONAL PLANNING COMM. ON SEPT. 7, 2017
FOR CONSIDERATION BY THE COLERAIN TOWNSHIP ZONING COMMISSION ON SEPT. 19, 2017

**ZONE
AMENDMENT
CASE:**

COLERAIN ZA2017-03

2499 BANNING ROAD

REQUEST: FROM: "R-6" Urban Residential
TO: "B-2" General Business District

PURPOSE: To rezone and develop the property for commercial use

APPLICANT: Jeffrey D. Brockhaus (applicant), Robin R & Victoria Moeller (owners)

LOCATION: Colerain Township: 2499 Banning Road; on the southwest corner of the Banning Road and Pippen Road intersection (Book 510, Page 73, Parcel 90)

SITE DESCRIPTION: Tract Size: Approximately 2.02 acres (gross)
Frontage: Approximately 430 feet on Banning Road
Topography: Flat
Existing Dvlpmnt: Vacant

**SURROUNDING
CONDITIONS:**

	<u>ZONE</u>	<u>LAND USE</u>
North:	"R-6" Urban Residential & "B-3" Commercial Business (North College Hill)	Single-family home & Commercial/Office strip centers (North College Hill)
South:	"R-6" Urban Residential	Greenhouse & garden center and single-family home
East:	"R-6" Urban Residential	Single-family homes
West:	"R-6" Urban Residential	Funeral Home

ZONING

JURISDICTION: Colerain Township Board of Trustees

**SUMMARY OF
RECOMMENDATION: DENIAL**

PROPOSED USE: The applicant is proposing to construct a building for an upholstery and carpet cleaning company including truck storage and potential office spaces for rent. No site plan or further description of the proposed use has been submitted. No site plan is required as this is a zone change request to a standard retail district and not part of a Planned Unit Development.

ZONING PETITION HISTORY: There is no known zoning history on the site.

ANALYSIS: **Land Use Plan Consistency**

Applicable Policies and Recommendations: The Regional Planning Commission has an adopted Land Use Plan for this site. The adoption and review history of the Colerain Township Southeast Sector Land Use Plan is as follows:

- Adopted by RPC March 1989
- Last 5 Year Update adopted by RPC December 2001

Findings:

- *The Land Use Plan is not considered current as defined in the RPC Bylaws as it has not been reviewed and updated by the RPC within the last 5 years.*
- *However, the Colerain Township Trustees have adopted a Land Use Map for the entire Township dated September 2011.*
- *Both the RPC and Township Land Use Map designate the site as “Mixed Use Transitional” which is defined as detached or attached housing, low intensity office (such as conversion of single family residence) and related compatible uses (excluding retail and industrial) that provide a transition between residential uses and other types of development.*
- *A commercial use would not be consistent with the ‘Mixed Use Transitional’ designation.*
- *Staff has also reviewed the site for consistency with the Colerain Township Comprehensive Plan and finds that the site is located in the White Oak Character area.*
- *According to the plan, this area will be a model for reinvestment as new businesses will find methods of adaptive reuse of older properties no longer viable for their original intended use.*
- *Land use guideline #5 of the character area encourages development and redevelopment in this area to include adequate landscaping and buffering between residential and nonresidential uses. Since this is an unplanned district request, compliance with this guideline cannot be evaluated or assured beyond the minimum requirements of the Colerain Zoning Resolution.*
- *Therefore, staff finds that the proposal would not be consistent with the Colerain Township Land Use Plan Map and Comprehensive Plan.*
- *However, consistency with the adopted Land Use Plan and Comprehensive Plan is not required in accordance with RPC Consistency By-laws because*

the Land Use Plan is not current.

**RECOMMENDED
MOTION:**

To accept staff findings that consistency with the adopted land use plan is not required.

ANALYSIS:

Thoroughfare Plan Consistency

Applicable Policies and Recommendations: The proposed development site has frontage on Banning Road to the north and east. On the eastern frontage, Banning Road is designated as a Minor Arterial on the Hamilton County Thoroughfare Plan with a recommended right-of-way of 100 feet (50 feet from centerline). On the northern frontage Banning Road is designated as a Collector with a recommended right-of-way of 80 feet (40 feet from centerline).

Findings:

- *A zone plat was submitted and it does not contain the additional right-of-way for Banning Road.*
- *Dedication of right-of-way is not required as part of a single-letter zone change and therefore dedication of right-of-way cannot be required as part of this zone amendment.*

Zoning Compliance

Single-letter zone amendments do not include site plan review. Because this is not a planned district, zoning compliance does not apply.

Other Issues

Single-Letter Zoning

The single-letter zone district request does not include site plan review. A development plan has not been submitted. Any issues, as stated above, cannot be addressed, as zoning compliance does not apply. The use of the site could be any use permitted in the B-2" General Business District and any future development would simply be required to meet the minimum standards of the Zoning Resolution. Given that this is a transitional area from commercial and institutional uses to the south to residential uses to the north and west along both Banning and Pippin Roads, a residential character and additional buffering would be appropriate for the site. As this can only be assured as part of a Planned Unit Development, staff cannot support the current unplanned district request.

CONCLUSION:

Based on the above findings, staff cannot support the zone change request. The proposed general business district would not comply with the Colerain Township Land Use Plan Map and compliance with the Colerain Township Comprehensive Plan cannot be assured. In addition, compliance with the Thoroughfare Plan cannot

be required, and single-letter zone amendments do not include site plan review to ensure compatibility with surrounding single-family uses. In this case, the proposed business would undoubtedly have an impact on the homes to the east and north and the funeral home to the west. Special care to address buffering, landscaping, building heights, dumpster location, etc., is necessary to not further negatively impact these surrounding less intense uses. The absence of a development plan does not afford such assurances and therefore, staff finds that the zone amendment would not be appropriate for this site and recommends denial of the request.

**RECOMMENDED
MOTION:**

To recommend approval of case Colerain ZA2017-03, 2499 Banning Road; a request for Zone Amendment from "R-6" Urban Residential to "B-2" General Business District.

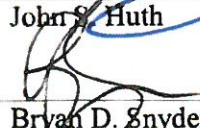
NOTE: Recommendations and findings in this staff report reflect the opinions of the staff of the Hamilton County Planning and Zoning Department, but may not necessarily reflect the recommendation of any Commission. This staff report is primarily a technical report on the level of compliance with adopted land use regulations and plans. The report is prepared in advance of public hearings and often in advance of other agency reviews. Additional information from other agency reviews and public review is considered by appointed commissions and elected boards. Therefore, the advisory and final decisions of such commissions and boards may result in findings and conclusions that differ from the staff report.

Prepared by:


John S. Huth

Senior Planner

Reviewed By:


Bryan D. Snyder, AICP

Development Services Administrator

Approved By:


Todd M. Kinskey, AICP

Planning & Development Director

SITE PHOTOS



View of site looking southwest from the Banning Road and Pippen Road intersection

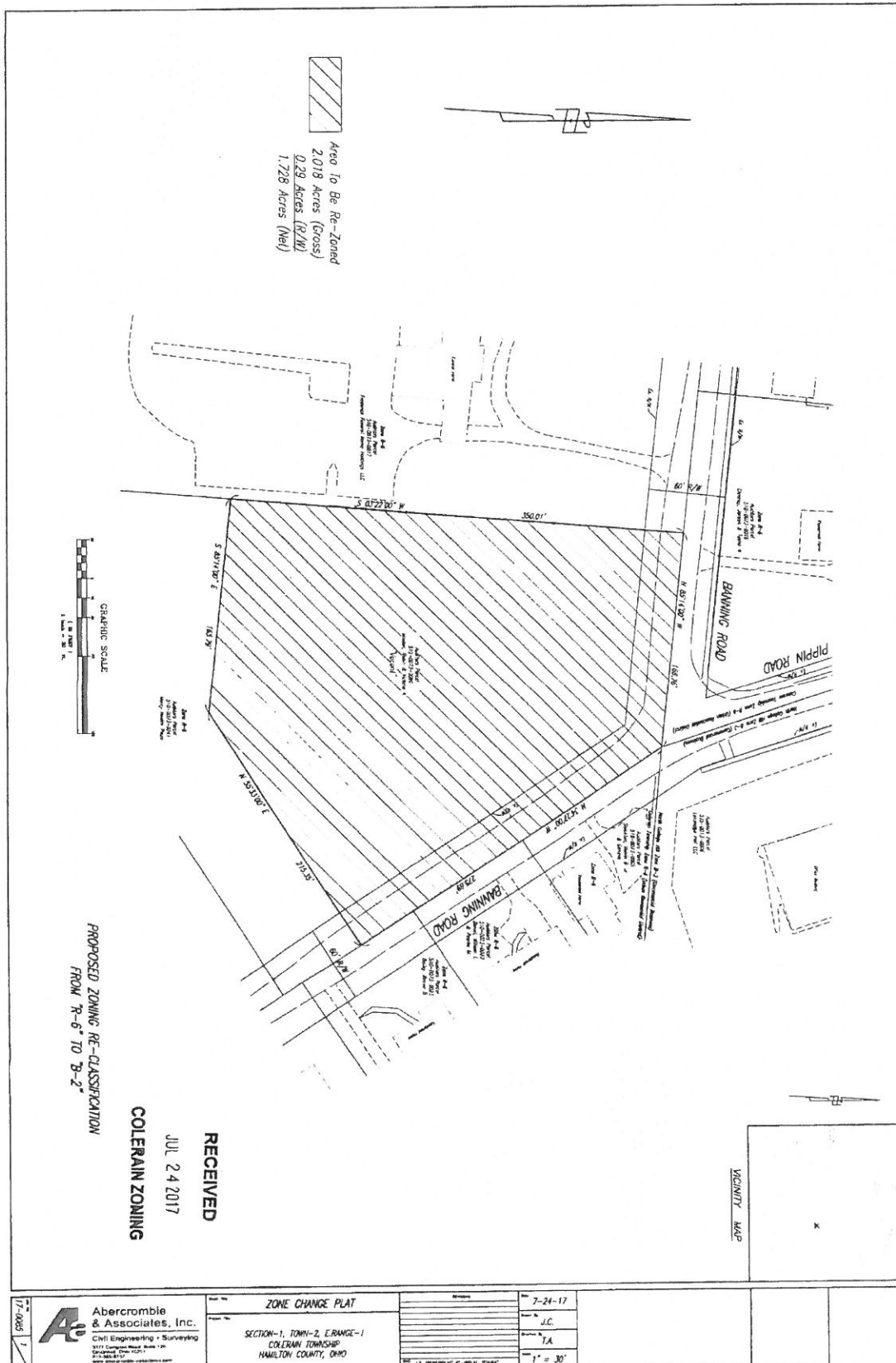


View of site looking northwest from Banning Road

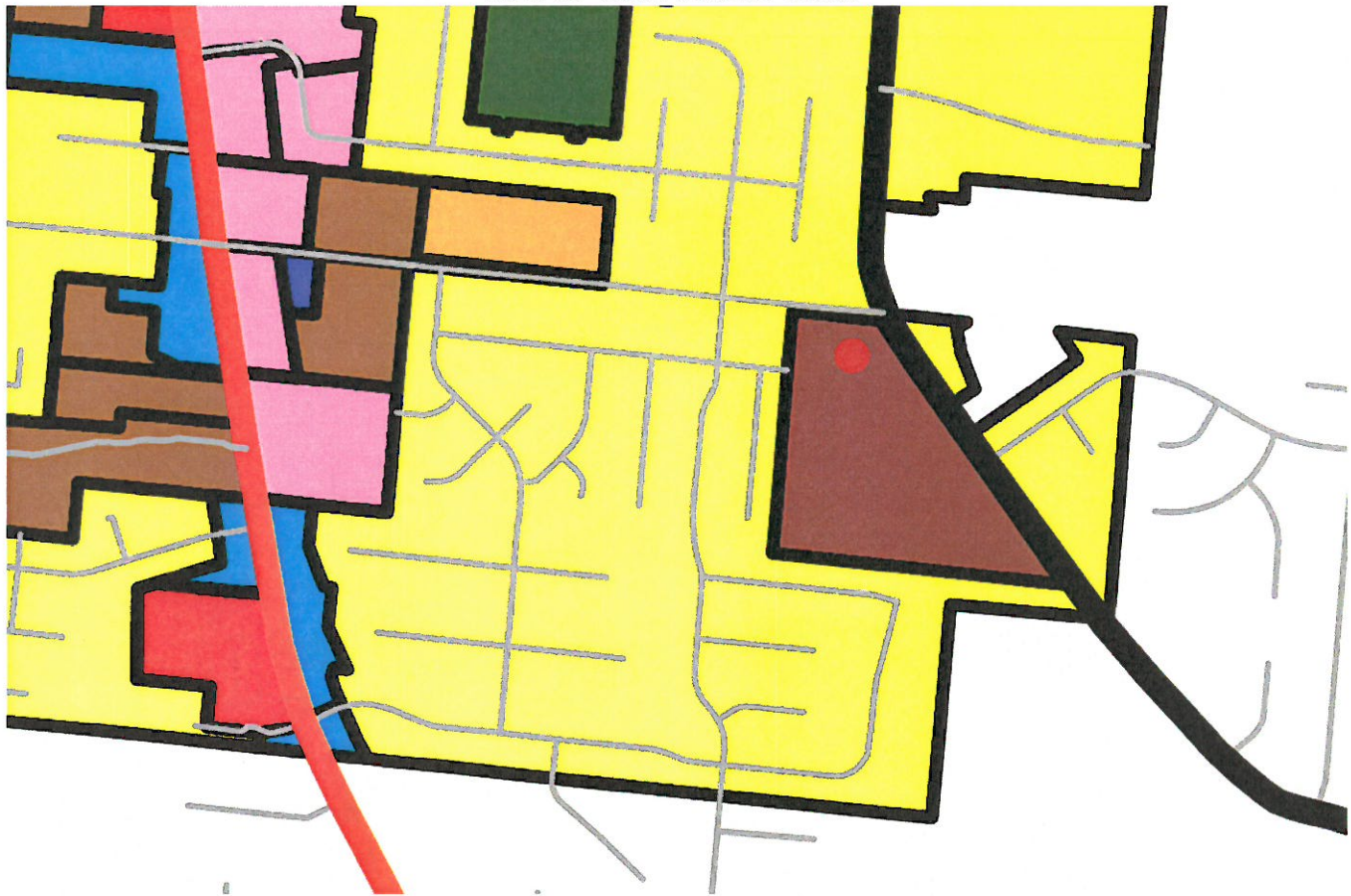


View of site looking south from Banning Road

ZONE PLAT



LAND USE PLAN MAP



- Land Use Plan
- Green Space & Agriculture
 - Retail General
 - Industry Heavy
 - Industry Light
 - Residence Multi-Family
 - Retail Neighborhood
 - Office
 - Planned Mixed Use Employment
 - Public, Semi-Public, Institutional
 - Rural Residence
 - Residence Single Family
 - Mixed Use Transitional
 - Residence Transitional
 - Utility

Note: Land Use Map taken from Colerain Township website, not adopted by RPC

APPLICANT LETTER



Abercrombie
& Associates, Inc.
Civil Engineering + Surveying

July 25, 2017

RECEIVED

JUL 24 2017

COLERAIN ZONING

Colerain Township
Planning & Zoning Department
4200 Springdale Road
Cincinnati, Ohio 45251

Attn: Jenna LeCount
Director of Building, Planning & Zoning

Ref: 2499 Banning Road, Colerain Township, Hamilton County, Ohio

Dear Jenna:

Please find attached the required information to apply for a Zoning Re-Classification with the Colerain Township Zoning Department for the referenced property.

The property is located at the southwest corner of Banning Road & Pippin Road and contains 2.018 Acres of land (2499 Banning Road). The site is presently vacant.

The applicant Mr. Jeffrey Brockhaus wishes to rezone the site from "R-6" Urban Residential to "B-2" General Business. The latest version of the Colerain Township Land Use map shows this site as Mixed Use Transitional.

The surrounding land uses are as follows and for your convenience attached is an aerial map of this area:

North: Single Family residences. To the Northeast there are office buildings which are part of the Lakeridge Banquet Hall and Lake Nina Tavern complex (this development is located in the North College Hill Zoning District).

East: Single Family residences.

South: Property owned by Mercy Health Plaza and being occupied by Moeller Greenhouses & Nursery and a Thrift Shop. These Businesses have been in operation for many years under a non-conforming use.

West: Frederick Funeral Home, also has been in operation under a non-conforming use for many years.

The previous use for the site submitted was by Moeller Greenhouses for a display area and prior to that was a Texaco Gas Station. The grey area on the aerial is some of the pavement that remains from the gas station.

Colerain Professional Center • Suite 120 • 3377 Compton Road • Cincinnati, Ohio 45251
Phone: (513) 385-5757 • Fax: (513) 245-5161
www.abercrombie-associates.com

Mr. Brockhaus owns and operates a high end upholstery & carpet cleaning company (for example AFG & Great American Insurance Company have been clients for over 30 years), and wishes to build a building for his use and possibly a few small offices for rent. The building will contain garage doors in the rear of the building with high ceilings for storage of his service trucks. The building will be a single story or two story depending on his final design. Please find attached a rendering of the building proposed.

Also attached find the summary page from a Phase I Environmental Site Assessment performed by Ecostratum for the site in May of 2017. The purpose of this study was to review two previous assessments and conduct a new site visit to determine the development constraints for the property. One full copy of the report is also submitted and contains 177 pages. The report indicates that redevelopment of the site is limited and more restrictive for residential than either Commercial or Industrial uses. The report also indicates that because of this uncertainty the selling price was reduced to \$45,000 from the \$125,000 paid in 2001. The subject property has been For Sale for many years.

In summary we feel this site is appropriate for the proposed Office/Garage use due to the following conditions: The general location, with businesses close by does not lend this area for Single Family. The Environmental Impact of the land is of great importance. The study indicates a more stringent requirement for Single Family than it does Commercial. The uncertainty of the property to the South including the re-development of the Old Providence Hospital just South of the Greenhouses and Nursery.

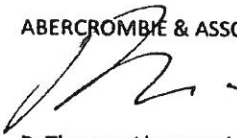
The rendering for the Brockhaus Upholstery & Carpet cleaning show an office building that is residential in character with garages that are not noticeable to the Street. His business will not generate a traffic concern as the only cars are his employee's, which is between 7 - 12. His trucks leave on a daily basis and return to a garage area. There will be no outside truck parking and no retail traffic.

We have discussed this project in length with your staff and have chosen the "B-2" zoning designation to be the most appropriate as that would conform with the use of the abutting Funeral Home. Would you please review this submittal so we could be on the Colerain Township Zoning Commission docket for September 19, 2017.

If you have any questions or if I can be of further assistance please call me at your earliest convenience.

Sincerely,

ABERCROMBIE & ASSOCIATES, INC.



R. Thomas Abercrombie, P.E.
Chairman of the Board

Attachment

July 31, 2017

Ms. Glenna Carter
Colerain Township
4200 Springdale Road
Cincinnati, Ohio 45251

**Subject: ZA2017-03 – 2499 Banning Road
HMD1700200**

Dear Ms. Carter:

This is to acknowledge receipt of the Zoning Map Amendment for the above mentioned site.

Sanitary sewer service is available for the proposed development, subject to the following:

1. All plans and construction shall comply with the latest edition of the "Rules and Regulations" manual governing the design, construction, operation, and use of sanitary and combined sewers... available from the Division of Wastewater Engineering – MSD, 1600 Gest Street, Cincinnati, Ohio 45204, or from <http://www.msdbg.org/downloads/>.
2. A tap permit must be obtained in accordance with Section 1201 of the MSD Rules and Regulations. The sewer contractor must contact the MSD Field Office at 244-1366 for sewer inspection after tap permit is issued. The sewer contractor must be licensed and bonded with MSD.
3. Roof drains, foundation drains, cooling water, swimming pool water or other clean water connections to the sanitary sewer system are prohibited in accordance with Section 401 of the MSD Rules and Regulations. A notarized affidavit stating that the sanitary wastewaters are free of such clear waters must be submitted to MSD before a tap permit will be issued.

Plans will receive final review and approval through the Hamilton County Building permit process.

This conditional availability of sewer service shall be effective for one year and is based upon the best information available at this time to the Metropolitan Sewer District of Greater Cincinnati, and is subject to modification or revocation resulting from regulatory action taken by the United States Environmental Protection Agency or the State of Ohio Environmental Protection Agency, or from consent decrees or other judicial action ordered by federal courts of the United States Government or the courts of the State of Ohio.

Should you have any questions, please do not hesitate to contact Penny Schmidt at 557-7112.

Sincerely,



Steven Parker, P.E.
MSDGC Development Services

SP:ps

Cc: Project File
Engineer – Mr. Craig Abercrombie
Abercrombie & Associates, Inc.
3377 Compton Road, Suite 120
Cincinnati, OH 45251

Glenna R. Carter

From: Tom.Makris@dot.ohio.gov
Sent: Monday, August 7, 2017 7:57 AM
To: Glenna R. Carter
Subject: RE: Request for Review - Zoning Map Amendment - 2499 Banning Road

Good Morning Glenna,

I do not have any review comments to this project since it is not directly adjacent to an ODOT route.

Thank you,

Thomas G. Makris, PE, MBA

Permit Engineer

District 8 Office of Permits

505 South State Route 741, Lebanon, Ohio 45036

(513) 933.6575

transportation.ohio.gov



From: Glenna R. Carter [mailto:gcarter@colerain.org]

Sent: Friday, July 28, 2017 10:44 AM

To: Eric Beck <eric.beck@hamilton-co.org>; Greg Cassiere <greg.cassiere@hamilton-co.org>; Marcelo Alberto <marcelo.alberto@hamilton-co.org>; Mark Walsh <mwalsh@colerain.org>; Mohammad Islam <mohammad.islam@hamilton-co.org>; Penny Schmidt <Penny.Schmidt@cincinnati-oh.gov>; Steven Parker <steven.parker@cincinnati-oh.gov>; Makris, Thomas <Tom.Makris@dot.ohio.gov>

Cc: Jenna LeCount <jlecount@colerain.org>; Martin Kohler <mkohler@colerain.org>

Subject: Request for Review - Zoning Map Amendment - 2499 Banning Road

Good morning,

Colerain Township Planning & Zoning has received the attached Zoning Map Amendment for 2499 Banning Road, requesting the change from R-6, Urban Residential to B-2, General Business. The application is attached; please contact us with any questions.

We look forward to receiving any comments you may provide.

Thank you,

Glenna Carter

Colerain Township
Planning Specialist

Martin Kohler

From: Glenna R. Carter
Sent: Monday, July 31, 2017 2:28 PM
To: Alberto, Marcelo
Cc: James Gleason; Aaron Habig; Sarah Kitsinis; Jenna LeCount; Martin Kohler
Subject: RE: Request for Review - Zoning Map Amendment - 2499 Banning Road

Chey,

Thank you very much for your input. We appreciate your quick response and will contact you with any questions.

Enjoy your day!

Glenna Carter

Colerain Township
Planning Specialist
Planning and Zoning Department
4200 Springdale Road | Colerain Township, OH 45251
W: 513.385-7505 F: 513.245.6503

****Get in the Cerk to stay up-to-date with the latest in Colerain Township****

From: Alberto, Marcelo [mailto:Marcelo.Alberto@hamilton-co.org]
Sent: Monday, July 31, 2017 1:42 PM
To: Glenna R. Carter <gcarter@colerain.org>
Cc: James Gleason <james.gleason@hamilton-co.org>; Aaron Habig <aaron.habig@hamilton-co.org>; Sarah Kitsinis <sarah.kitsinis@hamilton-co.org>
Subject: Request for Review - Zoning Map Amendment - 2499 Banning Road

Ms. Carter,

Thanks for forwarding these documents and the request for the Soil & Water Conservation District's comments regarding the Zoning Map Amendment Request for Review for 2499 Banning Road. The District does not endorse or oppose the Zoning Map Amendment request. However, The proposed Brockhaus building and office spaces will require a submittal for Earthwork Permit to the Hamilton County Soil & Water Conservation District. The following issues must be addressed prior to the approval and issuance of the earthwork permit.

- 1) Sites disturbing more than 1 acre of ground for construction activities must file a notice of intent (NOI) to the Ohio EPA for Stormwater discharge associated with construction. A copy of the approved NPDES Construction NOI must be provided to the District. Instructions to file this notice can be viewed at:
http://www.epa.state.oh.us/dsw/permits/GP_ConstructionSiteStormWater.aspx
- 2) The final development plans must include the Erosion Prevention and Sediment Control Plan (EP&SC Plan) compliant with the requirements under the Revised Rules and Regulations of the Hamilton County Soil & Water Conservation District and the Hamilton County Stormwater District Governing Earthwork. The regulations can be downloaded from http://www.hamilton-co.org/stormwater/HCSWD_Rules_And_Regulations.htm.

2a) The EP&SC must address the "Earthwork Requirements for Improvement Plans" under Section 309 of the Earthwork Regulations.

2b) The EP&SC must comply with the requirements of Section 310 "Erosion Prevention and Sediment Control Performance Standards" and Section 312 "Non-Sediment Pollution BMP Performance Standards"

3) The Erosion Prevention and Sediment Control Plan or the Stormwater Pollution Prevention Plan must use best management practices (BMPs) approved under the 2006 State of Ohio Rainwater and Land Development Manual. The manual can be downloaded from: http://epa.ohio.gov/Portals/35/storm/technical_assistance/RLD_11-6-14All.pdf

4) The Erosion Prevention and Sediment Control Plan must also include Non-sediment Pollutant Controls. Non-sediment pollutant sources, which may be present on a construction site, include paving operations, concrete washout, structure painting, structure cleaning, demolition debris disposal, drilling and blasting operations, material storage, slag, solid waste, hazardous waste, contaminated soils, sanitary and septic wastes, vehicle fueling and maintenance activities, and landscaping operations.

5) The grading plan will also be reviewed for compliance with Section 311 "Geotechnical Performance Standards". Depending on the review, the earthwork might have to be monitored by a geotechnical engineer during construction and certified upon completion. The geotechnical report must be forwarded to the District.

Please contact the District if you have questions or comments.

Sincerely,

Chey Alberto
HCSWCD
(513) 772-7645

From: Glenna R. Carter [<mailto:gcarter@colerain.org>]

Sent: Friday, July 28, 2017 11:17 AM

To: Beck, Eric; Cassiere, Greg; Alberto, Marcelo; Mark Walsh; Islam, Mohammad; Schmidt, Penny; Parker, Steven; Tom Makris

Subject: FW: Request for Review - Zoning Map Amendment - 2499 Banning Road

Everyone – I forgot to include that it would be great if you could send your comments to me by August 30, 2017.

Thank you!

Glenna Carter

Colerain Township

Planning Specialist

Planning and Zoning Department

4200 Springdale Road | Colerain Township, OH 45251

W: 513.385-7505 F: 513.245.6503

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From: Glenna R. Carter

Sent: Friday, July 28, 2017 10:44 AM

To: 'Eric Beck' <eric.beck@hamilton-co.org>; 'Greg Cassiere' <greg.cassiere@hamilton-co.org>; 'Marcelo Alberto' <marcelo.alberto@hamilton-co.org>; 'Mark Walsh' <mwalsh@colerain.org>; 'Mohammad Islam'

<mohammad.islam@hamilton-co.org>; 'Penny Schmidt' <Penny.Schmidt@cincinnati-oh.gov>; 'Steven Parker' <steven.parker@cincinnati-oh.gov>; 'Tom Makris' <tom.makris@dot.state.oh.us>

Cc: Jenna LeCount <jlecount@colerain.org>; Martin Kohler <mkohler@colerain.org>

Subject: Request for Review - Zoning Map Amendment - 2499 Banning Road

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We look forward to receiving any comments you may provide.

Thank you,

Glenna Carter

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