

**ANDERSON TOWNSHIP ZONING COMMISSION**

**September 23, 2019**

The Anderson Township Zoning Commission held a regular meeting, duly called, on September 23, 2019, at 5:30 P.M. at Anderson Center. Present were the following members:

**Jonathan Gothard, Jay Lewis, Catherine DiBiagio, Scott Boone, and Ben Henson, alternate**

Also present when the meeting was called to order were Paul Drury, Director; Gary Powel, Legal Counsel; and Sarah Donovan, Secretary. A list of citizens in attendance is attached.

**Approval of Agenda**

**Mr. Boone moved, Ms. DiBiagio seconded, to approve the Agenda, with one modification to add a discussion for Case 1-1988 Anderson.**

**A unanimous vote was taken:**

**5 Yeas**

**Approval of Minutes**

**Ms. DiBiagio moved, Mr. Lewis seconded, to approve the Minutes of August 26, 2019, as written. 4 yeas, 1 abstain- Mr. Henson**

**Case 7-2019 PUD**

**Mr. Drury** read the staff report for an application filed by Nicholas J. Selhorst, Choice one Engineering, on behalf of Homes By Coach, Robert Gerwin, & Varley LLC, Patricia L Murray TR and Susan R Beckman TR, property owners, located 5531 & 5431 Clough Pike and 2691 Elstun Road, and located in Book 500, Page 440, Parcels 61 & 28 and Page 430, Parcel 32, and zoned "A" Residence, "C" Residence, and "H" Riverfront.

**Mr. Drury** stated that the applicant is requesting approve for a planned unit development application (PUD) to allow 66 single family lots on 32.625 acres (10.849 acres developed, 18.757 acres open space).

**Mr. Drury** stated the surrounding conditions are "A" Residence to the north, "SF-6" City of Cincinnati, Single Family Residences to the south, "A" Residence to the east and "A" Residence to the west.

**Mr. Drury** stated the tract is 32.625 acres, with approximately 720' of frontage on Clough Pike, the topography is a creek, with sloping towards the southeast on the norther portion of the property and sloping northwest on the southern portion of the property, in the floodplain and the existing use is residential vacant land.

**Mr. Drury** stated that the assembled property contains multiple parcels. A pre-submittal meeting was held on January 3, 2019 in which the following comment/concerns were made:

- Traffic- Can Clough Pike handle additional homes?
- Curb placement- Can the entry/exit point be moved?
- Stormwater- Can Clough Creek handle more runoff and erosion?
- Plan Compliance- Does the development match the comprehensive plan and other applicable plans?
- Fire and EMS- Will there be adequate access for Fire and EMS?
- Sidewalk- Will there be a sidewalk connection?

**Mr. Drury** stated that a proposed 63 single-family unit PUD was denied by the Anderson Township Zoning Commission on February 21, 2019 in which the following comments/ concerns were made:

- Emergency Access- Secondary access to the proposed development is necessary for Township Fire and EMS.
- Proximity to Clough Pike- Proposed residences are too close to Clough Pike and do not allow room for additional screening.
- Grading Plan- Inadequate information regarding a grading plan was presented.

**Mr. Drury** stated that the applicant resubmitted, and an application was heard during the June 24, 2019 Zoning Commission meeting and due to a tie vote, the application was denied. He explained that the applicant chose to appeal to the Anderson Township Board of Trustees, who remanded the decision back to the Zoning Commission to hear the case with a board of 5 members.

**Mr. Lewis** asked how many times this had been heard. Mr. Drury replied that this will be the third time.

**Mr. Gothard** asked if he had any concerns? Mr. Lewis stated that his concerns are the same and due to the fact that it seems like that applicant has not addressed the things that the Zoning Commission brought before them.

**Ms. DiBiagio** stated that her concerns are still the same from the last meeting. She stated that this is a hillside and that while the development is built against a hill, the future of the property next to it is still unknown. She stated that she has major concerns over the hillsides and hopes that if this moves forward, then she hopes that the agencies responsible for this project will protect it.

**Mr. Boone** stated that he has the same feelings and knows that Hamilton County will do everything in their power to protect what they can.

**Mr. Gothard** reiterated that they should just be looking at the zoning and what is within the Township's scope of control.

#### Decision

**Mr. Boone** made a motion to approve Case 7-2019 PUD provided the applicant provide pedestrian access to Elstun Road, and a fee in lieu of sidewalks on Clough, as the submitted plan is applicable to the PUD standards. *The motion was not seconded.*

**Mr. Henson** opened the discussion back up and stated that under his knowledge of the case and as a planner, he does not believe that the developer has met the standard of protecting the natural features of this site.

**Mr. Lewis** asked if the Board would be comfortable seeing modified plans. Mr. Henson replied potentially, but that it would take substantial modifications of the plans by the applicant to warrant a different response.

**Ms. DiBiagio** moved, **Mr. Henson** seconded to continue Case 7-2019 PUD to give the developer another chance to modify the setbacks to the east bound property and to try to address the Zoning Commission's concerns over grading and the natural vegetation.  
4 ye's, 1 no- Mr. Lewis

**Mr. Drury** stated that for the audience, we will continue to send out notices. And with it being continued, there will be opportunity at the next hearing for public comment.

#### **Case 1-2019 LUP**

**Mr. Drury** read the staff report for an application filed by Carl Hartman, PE, PS on behalf of Dr. James Rogers, Eight Mile Properties, and Updated Homes, LLC, property owners, located 1267 and 1279 Eight Mile Road, and located in Book 500, Page 41, Parcels 201, 212 and 213, and zoned "C" Residence.

**Mr. Drury** stated that the applicant is requesting approval of a Comprehensive Plan Future Land Use Map amendment from "Transitional Mixed Use" and "Single-family Residence" to "Transitional Residence" to allow for a future zone change from "C" Residence to "DD" Planned Multi-family for property located on portions of 1267 and 1279, Eight Mile Road (Portions of Book 500, Page 041, Parcels 201, 212, and 213). The overall plan also includes 1291 and 1303 Eight Mile Road (Book 500, Page 041, Parcels 1478 and 210), however they are not part of this request.

**Mr. Drury** stated that the applicant is proposing the construction of 24 condominium units located in one three story building with parking below in a garage in addition to surface parking. An adjacent development will consist of 13 single-family lots consistent with the current "C" Zoning District.

**Mr. Drury** stated the surrounding conditions are "C" Residence to the north, "OO" Planned Office District to the south, "C" Residence to the east and "C" Residence to the west.

**Mr. Drury** stated the tract is 1.94 acres (to be rezoned) and 6.58 acres total, a new street proposed off

Eight Mile with a secondary access point through 8284 Beechmont Avenue, the topography is a steep decrease in grade from southeast to northwest and the site is currently vacant land.

**Mr. Drury** stated that the property in question is vacant land that was purchased by the current owner in 2008. No other zoning history is on file for this property.

**Mr. Drury** stated that since this is a land use plan review, the Zoning Commission should focus on determining whether "Transitional Residence", such as the proposed condominium building, would be a suitable use. If the applicant proceeds with a zone change application, then analysis of more detailed elements, including, but not limited to the following, will occur (but these are part of the land use analysis as well):

- Existing vegetation, impervious surface / storm water detention, density, traffic generation and circulation, internal vehicular traffic circulation, pedestrian circulation, parking areas, buffering, utilities, building and archaeological features.

**Mr. Drury** stated that The Future Land Use Map in the 2016 Anderson Plan Update identifies the 1.94 acres in question as "Transitional Mixed Use" and "Single-family Residence", which does not include attached housing. The applicant is seeking a change to "Transitional Residence" which is defined as Moderate-density, detached or attached housing and related compatible uses, excluding office, commercial and industrial uses, which provide a transition between single-family residential and other types of development, where such uses will effectively terminate the spread of the higher intensity uses and conserve the adjacent residential neighborhoods.

**Mr. Drury** explained the General Land Use guidelines found in the 2016 Anderson Plan that are suggested for amendments, (page 48), as well as guidelines specific to Transitional Land Uses, (page 49).

**Mr. Drury** stated that the following goals of the Anderson Plan are applicable goals to consider for the proposed land use amendment and zone change request:

People and Housing

- *The Township will be comprised of high-quality neighborhoods with diverse, well maintained housing*
- *The Township should provide a variety of businesses and housing options to meet changing demographics and market demands.*

Land Use and Development

- *Anderson Township will be a well-planned community with a mixture of agricultural uses, residential neighborhoods, commercial centers, and an industrial base balanced with public uses, parks, and recreational uses.*
- *Anderson Township will be a community that strives to be sustainable and resilient in its practices by balancing the demand for development and activities with the needs of our environment, recognizing that what we as a community do now will affect future generations of Township residents and businesses.*

**Mr. Drury** stated that the overall development site consists of 6.58 acres with 1.94 acres being considered for a Future Land Use Map change and potential zone change. The 1.94 acres is proposed to be used for a 3-story condominium building with garage parking and surface parking, accessed by a new public street, with an emergency access to Beechmont Avenue through 8284 Beechmont Avenue. The development is proposed on the south side of a creek, with approximately 50% of the site to be undeveloped.

**Mr. Drury** stated that the property in question is a transition area from the office and retail on Beechmont Avenue to the south, to single-family uses to the north. The site in question is bordered to the north by a steep ravine that creates a natural buffer to the north which is proposed to remain undeveloped and encumbered by a conservation easement. Scale of the building will be an important consideration if a zone change application is submitted. To be a true transition use, the building will need to be a "step down" from the uses on Beechmont to the south. Building placement along with extensive buffering will be necessary to minimize impacts to the homes at the terminus of Cherry Lane and Woodglen Drive.

**Mr. Drury** stated that the current Future Land Use designation permits moderate-density detached housing and low intensity office uses but does not permit attached housing. The requested land use designation is very similar, however permits attached housing. The Anderson Plan Housing Chapter encourages the development of a variety of housing options, as well as a variety of housing styles and densities in appropriate areas. The proposed .9-acre parcel to the north of the creek will also provide a permanent buffer to the north. With this .9 acres preserved as open space, 24 units are proposed where 20 units would be permitted with the current "C" Residence zoning district which permits a minimum of one unit per 6,000 SF of land area.

**Mr. Drury** stated that the Zoning Commission's decision is a recommendation to the Board of Trustees, who will hold a public hearing at their October 17, 2019 meeting. The Trustees will forward their recommendation to Hamilton County Regional Planning Commission, who could then consider such a modification at their November 7, 2019 meeting. If the modification to the Land Use Plan is approved, the applicant could then choose to submit a zone change application at a future meeting.

**Mr. Drury** stated that Staff recommends approval of the request for a future land use map amendment from "Transitional Mixed Use" and "Single-family Residence" to "Transitional Residence," as:

1. The development of this site for "Transitional Residence" reflects the goals and objectives as stated previously in the staff report – "The Township will be comprised of high-quality neighborhoods with diverse, well-maintained housing;" "The Township should provide a variety of businesses and housing options to meet changing demographics and market demands;" "Anderson Township will be a well-planned community with a mixture of agricultural uses, residential neighborhoods, commercial centers, and an industrial base balanced with public uses, parks, and recreational uses;" and "Anderson Township will be a community that strives to be sustainable and resilient in its practices by balancing the demand for development and activities with the needs of our environment, recognizing that what we as a community do now

- will affect future generations of Township residents and businesses.”
- 2. The overall density and impervious surface will be concentrated on the southern portion of the property, adjacent to an office use and “OO” Planned Office District zoning.
- 3. The density of the site, when combined with a dedicated open space area, will be compatible with the adjacent “C” Residence zoning.
- 4. Scale of the building and buffering to adjacent single-family residences will be critical to ensure a transition from Beechmont Avenue.

**Mr. Boone** asked about the emergency access through Beechmont. Mr. Drury replied that it is through the parking lot, however, it would be a question for the applicant.

**Ms. DiBiagio** asked about the conservation easement and if it can be terminated at any time. Mr. Drury replied that if it with a zone change, for example if it goes through as a DD, planned multi family, it would have to go through the zone change process to be terminated. Mr. Drury added that there are multiple tools that can be placed on the property so that is not developed.

**Mr. Henson** made a correction to the staff report in terms of clarification of transitional residence.

**Mr. Lewis** asked if it will be a public or private street. Mr. Drury replied that they will need to dedicate 50’ of right of way for it to be a public street, but that is the intention.

**Mr. Lewis** asked if there is anywhere else that we could look at this historically in the Township for this example of a request in the land use change. Mr. Drury replied that there isn’t anywhere that is a good example of this. However, “transitional” was put in place to not be as intense of a difference between the two uses.

**Carl Hartman**, Engineer on behalf of the applicant, Dr. Rogers, stated that they looked at the Comprehensive Plan and gave credit to the Township on the work that they did to make it as complete and easy to understand as possible. He quoted a number of things from the Comprehensive Plan and stated that the plan that they are proposing will be in line with the goals and values in the Comprehensive Plan. He added that people that have lived here for decades want to stay in the same community and they currently don’t have the available space. He stated that the proximity to Beechmont Avenue is great. He spoke to the conservation easement and how it will become a fact of life during the zone change and are working on getting that together with a lawyer. He stated that the second access is planned to only be emergency access, with pedestrian access to Beechmont Avenue.

**Mr. Hartman** stated that when they come back for the zone change, they will have the correct elevations, site plans and meet the requirements of the Zoning Resolution. He stated that they have been studying this site for other seven months and they feel that they can create a new and good addition to the Township.

**Dr. James Rogers, 2905 Little Dry Run**, applicant, stated that he is at no means a developer. He is a

dentist. He stated that he has been looking at this for years and has slowly accumulated properties even though he had no ultimate plans of doing this. He stated that his patients have given him this idea of a new form of housing and that they refer to it as step down housing. He added that he has seen a lot of them moving to Clermont County.

**Mr. Henson** asked about the additional area to the north of the conservation easement. Mr. Hartman stated that it will not be part of the zone change and currently that it will not be part of the easement.

**Mr. Lewis** asked if there are existing homes on the properties to the east. Dr. Rogers replied yes, there are three, however, only one is capable of being lived in at the moment and he rents it out to an employee. He added that the other two are in terrible condition and would not feel comfortable allowing anyone to live in them.

**Mr. Gothard** asked if they will be condominiums for sale or apartments. Mr. Hartman replied yes, they will be for sale and they will only be one story each.

**Mr. Gothard** asked if they would confirm to the height requirements of the zoning resolution. Mr. Hartman replied yes, they know that they need to meet the height requirements as well as landscaping, lighting, etc.

**Mr. Lewis** asked about the property to the north that is not part of the conservation easement with the trampoline. Mr. Hartman replied that there are current encroachments by the neighbors next to that property and that Dr. Rogers is working on it.

**Mr. Lewis** asked how they are working on it. Mr. Hartman replied that they are in discussion with the neighbor to either buy the land or to remove the accessory structures.

**Mr. Lewis** asked if they would be willing to extend the easement for the whole property. Mr. Hartman replied that they would need to consider it.

**George Sullivan, 1294 Eight Mile**, stated that the applicant should consider changing the piece closer to Eight Mile into the green space. He stated that it will be so much more traffic at this point. He stated that the condos should be behind Dr. Roger's building and go through his lot and onto Beechmont rather than sending more traffic onto Eight Mile. He stated that he struggles getting out of his driveway. He stated that no one came to talk to him and that they do not care about the community. He stated that it is all about money. He asked why no one came to him in the last four years, and there's nothing there to help the original neighbors and it's all about dollars and cents.

**Albert Ackel, 8235 Woodglen Drive**, stated that he has questions of definitions that he does not understand. He asked about the transitional residence definition. Mr. Drury replied that transitional residence is looking to preserve the characteristic of that neighborhood, as well as property values. He asked what a conservation easement is. Mr. Drury replied that the applicant can reply to that because it

will be their terms. He asked if there are going to be additional hearings about the construction of this site. Mr. Gothard replied yes, at a minimum, there will be about five more hearings if it is approved. Mr. Ackel asked if the Woodglen would be extended. Mr. Drury replied that the applicant can reply to this question as well.

**Mr. Hartman** replied that there is no plan to extend Woodglen Drive. He added that the conservation easement will prevent any construction and what you see now is what will remain. He stated that they see no need to cross that stream and do not plan on it.

**Mr. Lewis** asked what it is zoned. Mr. Drury replied "C" Residence, but there is a divide. Mr. Hartman added that the conservation easement will be part of the zone change and solidified at that part.

**Dr. Rogers** stated that this stream is the stream that goes under Beechmont Ave and the key problem of the sink holes. He stated that through owning the property at that time, it became incredibly clear how important the stream is to the Township and that is why he is pushing the condos as uphill as possible. He does not want to touch the stream and plans to leave it as natural as possible.

**Nancy Gebhart, 8240 Woodglen Drive**, asked for clarification on the conservation easement, and asked about the section of the property not included. Mr. Lewis replied that at this time it is not proposed to be part of the conservation easement

**Katherine Riley, 1251 Eight Mile**, stated that this would destroy the whole wooded area and completely ruin the character of the neighborhood and opposes the development.

**Charles Gable, 1365 Eight Mile**, stated that he has concerns with the change in the character of the neighborhood, as well as the traffic on Eight Mile.

**Elijah Aubihl, 8333 Cherry Lane**, stated that people on Woodglen would have a tree line and not see anything, however, the people on Cherry Lane will now have to look at condos, as well as ten new single family homes.

#### **Deliberation**

The board discussed the request for a modification to the Future Land Use Map.

#### **Decision**

Mr. Henson moved, Ms. DiBiagio seconded to approve Case 1-2019 LUP for a future land use map change from "Transitional Mixed Use" to "Transitional Residence".

Vote: 5 yeas.

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Discussion Item

**Mr. Drury** stated that in front of the Board is a memo from staff, along with a draft resolution for modifications to an already approved resolution for Case 1-1988 Anderson Major Modification.

**Mr. Drury** stated that there was an error both in the staff report and resolution that the side yard setback should have been noted at 5', not 6'.

**The meeting was adjourned at 6:37 P.M.**

The next regular meeting would be held on Monday, October 28, 2019, at 5:30 p.m. at the Anderson Center, 7850 Five Mile Road, Anderson Township, Ohio.

Respectfully submitted,



Jonathan Gothard, Chair

**ANDERSON TOWNSHIP ZONING COMMISSION**

**SIGN-IN SHEET**

**MONDAY, SEPTEMBER 23, 2019 AT 5:30 P.M.**

**ANDERSON CENTER, 7850 FIVE MILE ROAD**

**PLEASE PRINT - THANK YOU**

NAME:	ADDRESS:
GARY H. HARTMAN	3978 Holly Ridge 45205
Jim Rogers	2905 Little Dry Run 45244
TIM CARRY	6954 Madison 95250
Al Acal	8235 Woodglen Dr
Rick HAST	8241 Woodglen Dr
Ellen Sullivan	466 Strafer St. 45226
Robert S Gross + wife	8955 CHERRY LN
MIKE STOCK	5994 TURPIN HILLS DR
Guy Wolf + Jane Misiewicz	6001 Stirrup Rd 45244
Gene Young	7906 Causeway Ln. 45255
Nancy Borah	1177 Joetta Drive 45230
NANCY GEBHART	8340 WOODGLEN DR. 45255
GEORGE SULLIVAN	1294 EIGHT MILE RD
Xiaomih Shen	1263 WINGSTONE CT
Lyny Becka + Susan Wheatly	6104 Clough
Tracy Barrett	5767 Levendolyn 45235
Jay + Susan Moore	1311 Eight Mile Rd 45255
Elijah Aubihl	8333 Cherry Ln
CHARLES + KATHERINE GABLE	1365 EIGHT MILE RD
MARCO KILBY	2862 PATTERSON FARM LN
Shane Bordwine	8248 Woodglen Dr
Tiffany Bordwine	8248 Woodglen Dr
FRED PARKER	85 2783 Keyport