

The February 22, 2023 meeting of the Union Township Zoning Commission was called to order, at 7:00 PM by Chairman Eric Louis, with the invitation to join in the Pledge of Allegiance. Members, Bill Shannon, Daniel Campbell, Bradley Toft and Robert Wing II were in attendance. Mark McCormack, Development Director, represented the Planning & Zoning Department.

Mr. Louis asked members if they had a chance to review and make any changes to the November 30, 2022 minutes. With no changes given, Mr. Louis made a motion to approve the minutes as distributed from the November 30, 2022 meeting. Mr. Robert Wing II second the motion.

Roll Call: Mr. Shannon, aye; Mr. Wing II, aye; Mr. Louis, aye; Mr. Campbell, aye; Mr. Toft, aye. The minutes were approved, as distributed.

Chairman, Mr. Louis announced the 2023 officer election for the Zoning Commission Chair and Vice-Chair. Mr. Louis nominated Mr. Campbell to fill the Chair position, and Mr. Shannon second the motion.

Roll Call: Mr. Shannon, aye; Mr. Wing II, aye; Mr. Louis, aye; Mr. Campbell, aye; Mr. Toft, aye.

Chairman, Mr. Louis called for a motion to nominate a Vice-Chair. Mr. Campbell nominated Mr. Louis for Vice-Chair. Mr. Wing II second the motion.

Roll Call: Mr. Shannon, aye; Mr. Wing II, aye; Mr. Louis, aye; Mr. Campbell, aye; Mr. Toft, aye.

Mr. Louis moved the Chair to Mr. Campbell for the meeting.

Mr. Campbell recognized Mr. McCormack to introduce the application in Case #1-23-Z, filed by Woeste Investments LTD, for property at 529 State Route 125, 4011 Austin Drive, 4004 Hopper Hill Road, 4000 Hopper Hill Road. The applicant applied for a zoning map amendment requesting that six parcels totaling 9.859 acres be rezoned from Business (B-1) and Single-Family Detached Structure Residential (R-2) to PD Planned Development to allow the expansion of an existing automobile sales and service use.

The subject property, owned by Woeste Investments LTD, is located on the south side of State Route 125 between the intersections of Austin Drive (to the east) and Hopper Hill Road (to the west). *PIN #s 413216B007., 413216B005., 414215.001., 414215.002., 413216B064., 413216B132.*

The two (2) properties along State Route 125 with the existing Honda automobile sales and service use are zoned Business (B-1). The four (4) properties that were more recently acquired by the owners of Honda are all zoned Single-Family Detached Structure Residential (R-2). The affected property is bordered to the north, northeast, and northwest with Business (B-1) zoning. To the southeast, south, and southwest the adjoining property is zoned Single-Family Detached Structure Residential (R-2)—primarily consisting of both the Galbraith Subdivision (to the southeast) and the various Maple Leaf Condo phases / sections (to the southwest).

The Horizon 2030: Union Township Comprehensive Land Use Plan indicates that the main portion of the proposal is located within the Ohio Pike (SR 125) Corridor. Currently, the corridor contains a variety of commercial, multi-family, institutional, and public uses and facilities. Since the adoption of the last land use plan, significant changes have occurred in this area of the community, and placement and utilization of the Focus Area Overlay District is evident. *Although the existing Honda site at 529 State Route 125 is located along the southern edge of the Corridor, the four (4) existing residential use properties are located outside of the Corridor (but are contiguous and all affected properties are within 100 feet or so of the Corridor).*

State Route 125, a.k.a. Ohio Pike, is a Principal Arterial 4-lane roadway with a left-turn lane (in the center), and with a right-turn lane (on the north side of the roadway) with a traffic volume of

approximately 27,000 average daily trips (ADT) in the area of the proposed project—and with levels of service approaching “F” at certain times of the day. Hopper Hill Road is a County-maintained local road with a traffic volume of approximately 5,000 average daily trips (ADT) in the area of the proposed project. Austin Drive is a Township-maintained local road with no known traffic counts. Significant residential populations are located in or near this area, and the lack of sidewalks results in a safety issue for those seeking alternative modes of transportation.

Among other things, the Plan calls for sidewalks in this area, shared driveway configurations whenever practical, and for site development to be conducted in a manner that focuses on maximizing land use efficiency with infill development, reinvestment, and / or redevelopment initiatives. For commercial redevelopment, or in the instance of residential to commercial conversions (as in this particular case), the use of traditional building materials, adequate vegetative buffering, landscaping strategies along shared property lines, and landscaping enhancements along the corridor frontage is also required, in accordance with the Plan. The utilization of Planned Development (PD) District zoning is the preferred mechanism to accomplish development goals as stated in the Ohio Pike Corridor / Focus Area.

As indicated in the project narrative submitted by the Applicant, the Woeste Group has been operating an automobile sales and service facility at 529 State Route 125 for approximately 30 years—with several remodels in that time to add service bays, a showroom, sales office space, and to otherwise update the facility, etc. Between 2011-2012, the Woeste Group began purchasing some of the residential property adjacent to the aforementioned main commercial property area. In January of 2023, an additional 3-acre tract was acquired and transferred to the Woeste Group—all with the objective to allow for the expansion of the automobile sales and service facility use. **Please refer to the Applicant’s statements, plans, and other application enclosures for more information regarding this application / request.*

Please refer to Article 6, Sections 680-684 and Section 687 of the Union Township Zoning Resolution with respect to “PD” Planned Development District regulations:

680. “PD” Planned Development District.

The “PD” District’s purpose is to provide sites for business or mixed business/residential developments at appropriate locations in relation to existing and potential land uses; to afford an attractive setting for developments; and to harmonize proposed developments with surrounding land uses. These regulations are established pursuant to authorization under Ohio Revised Code Chapter 519 (2001), as amended, for townships to adopt Planned-unit Development zoning.

681. Regulation Conflict.

If a conflict arises between these “PD” regulations or an approved “PD” plan and other sections of this resolution, the “PD” regulations and approved plan shall prevail for land zoned Planned Development District.

682. Approved Plan Governs Use.

Land use for any property in the “PD” District shall be consistent with the use, design, and details contained in the approved “PD” plan for that property and any conditions of approval. Other applicable regulations from this resolution, such as nuisance regulations, also apply to “PD” property. Pursuant to an approved plan, allowed uses in the “PD” District may include those stated in the “B-1” and “M-1” Districts, or substantially similar uses as determined by the Zoning Commission and Board of Trustees. Integrated residential use with commercial development may be considered for approval in the “PD” District, with residential density not to exceed that of the “R-1” District.

683. Procedure to Rezone Property to “PD.”

1. The property owner may submit an application for a zone change to “PD” Planned Development District to the Union Township Planning & Zoning Department. The application shall contain fifteen (15) copies of the completed form, attachments, a site plan conforming to the “site plan requirements” below, and the required fee.
2. The application shall be processed in accordance with Ohio Revised Code Chapter 519 (2001), as amended.

684. “PD” Plan Requirements.

1. All site plans shall contain the elements stated in [Section 1131](#). In addition, the following shall be included on the plan:
 - a) Building lot area coverage percentage.
 - b) Residential density, if applicable.
 - c) Detailed description of façade materials for all proposed structures.
2. The site plan shall contain on the cover the following signature lines to be signed by the property owner and Planning & Zoning Director before a zoning certificate is issued...
3. A separate landscaping page shall be included in the plan, illustrating the following:
 - a. Landscaping over ten percent of the lot area. Detention/retention areas are not considered part of the ten percent requirement.

- b. Location and description of landscape plantings, groundcover, and specific treatment of any other open spaces
- c. A ten-foot landscaped buffer yard along any public right-of-way or private street easement. A continuous three-foot grass (or other plant covered) berm or continuous row of three-foot-tall (at planting) shrubs, setback at least three feet from the right-of-way or easement line, shall be provided within the buffer yard.
- d. A twenty-foot landscaped buffer yard along any adjoining residential zone. The buffer yard must also contain one of the following screening mechanisms:
 - (1) A continuous wood privacy fence at least six feet high and at least one tree four feet tall (at planting) spaced every ten feet on the neighbor's side of the fence; or
 - (2) A continuous row of evergreens at least six feet tall (at planting), spaced no more than five feet; or
 - (3) A continuous grass (or other plant covered) berm at least five feet tall and at least one tree four feet tall (at planting) spaced every ten feet along the berm crest.
 - (4) If existing natural vegetation is proposed as screening, the landscape plan must provide detail of existing conditions sufficient to show screening equivalent to the above exists, and with sufficient detail for future zoning enforcement purposes.
- e. Buffer yards must be landscaped and may not contain any other uses. Landscaped detention/retention may be placed in the buffer yard provided it does not interfere with the adjoining property.
- f. In addition to the ten percent general landscaping requirement, internal planting islands equal to five percent of the entire parking lot area shall be placed within parking lots. The islands shall be dispersed so to break up the pavement expanse. Internal planting islands shall be curbed, and contain a minimum area of one hundred twenty square feet and eight feet of width. At least one shade-type tree a minimum of eight feet tall at installation shall be included for each two hundred square feet of internal planting area. Developments with twenty or fewer total parking spaces are exempt from this requirement.

687. Supplemental Provisions.

1. Signage shall be consistent with the nature and scope of the development exclusive of Article 9.
2. Buffer yards, screening, landscaping, vegetation, and all other plan elements shall be in place by the time the Union Township Planning & Zoning Department issues a certificate of occupancy, or at such time as construction substantially ceases, whichever occurs first.
3. The failure to maintain open spaces, hard surfaces, and landscaping in good condition is a violation of the "PD" plan.
4. Forty feet of right-of-way shall be dedicated for all properties fronting on public streets. The forty feet of right-of-way is "half" right-of-way, i.e., measured from the center of the road. By specific motion, the Zoning Commission or Board of Trustees may exempt a development from this requirement if appropriate. If total right-of-way equals eighty feet or more, no additional right-of-way shall be required unless necessary for special circumstances or improvements.
5. Prior to issuance of a zoning certificate, the property owner shall provide to the Planning & Zoning Department copies of executed and recorded cross easements to all adjoining property owners that share a common street frontage (public or private) with the "PD" property. The cross easements shall allow, at a minimum, use by automobile and delivery vehicle traffic. The general location of the cross connections shall be shown on the "PD" plan. By specific motion, the Zoning Commission or Board of Trustees may waive this requirement if appropriate. The requirement is waived automatically if a publicly dedicated frontage road serves both the development and adjoining properties.
6. Prior to issuance of a zoning certificate, the Applicant shall record all necessary plats consolidating, dividing, and dedicating right-of-way consistent with the boundaries represented on the "PD" plan and/or conditions or approval.
7. Any exterior pole lighting, canopy lighting, or similar lighting shall be flat lens design and shielded so that all light is down directed. Sag lens lighting is prohibited. Where the "PD" property adjoins or is within one hundred fifty feet of a residential zone, lighting shall be directed away from the residential property. Any building mounted lighting shall contain shields directing lighting downward preventing spillover onto adjoining property. If within fifty feet of a residential zone, building mounted lighting facing the residential property (other than recessed soffit mounted lights) shall be installed no higher than four feet from grade.
8. Parking requirements shall comply with Article 8, Off-Street Parking and Loading Regulations, unless otherwise modified in the plan. A justification note shall accompany any modification on the plan.
9. Building lot area coverage may not exceed thirty-five percent and building height may not exceed seventy-five feet.
10. Minimum building separation shall be maintained in accordance with fire and building codes. The number of buildings per lot, minimum setbacks (except for residential and right-of-way buffer yards), and minimum lot size are otherwise variable for the "PD" District.
11. The Applicant shall make available in advance of any hearing by the Zoning Commission the results of any site distance or traffic study requested by the Clermont County Engineer. The Applicant shall also provide confirmation from the appropriate governmental agency showing resolution of any issues raised pertaining to the development. Failure to provide this information in adequate time or advance review by Zoning Commission members may be grounds for denial of the application.
12. The standards and conditions stated in these regulations are minimums. The Planning & Zoning Director, Zoning Commission, and Board of Trustees may impose higher standards if warranted based upon the unique circumstances of a given development.

13. No construction shall proceed prior to the issuance of a zoning certificate. No property shall be used or occupied prior to issuance of a certificate of occupancy endorsement from the Union Township Planning & Zoning Department.
14. The Board of Zoning Appeals is without authority to alter or amend "PD" plans.

The most recent land acquisition made the current expansion request possible and affords the Woeste Group an opportunity to modernize the entire Honda dealership while also allowing for the site to be better equipped to address: stormwater issues (notable improvements); traffic and access management (with one less access to the site from SR 125); multi-modal access to the site (with the installation of a sidewalk); visual enhancements to the building (by replacing exterior materials with higher-quality materials and thru better design and color schematics); increased landscaping and buffers (and setbacks in some cases) to increase the overall compatibility with surrounding residential uses, etc.

The Applicant's proposal is considered consistent with the Horizon 2030: Union Township Comprehensive Land Use Plan's Future Land Use Policies and Recommendations for the Ohio Pike (SR 125) Corridor; however, the proposal also encroaches into 2 residential areas. With the proposed redevelopment, an approval of the proposed expansion would essentially increase the limits of the Ohio Pike Corridor in this particular area (based on this specific proposal). As mentioned earlier in this report, the utilization of Planned Development (PD) District zoning is the preferred mechanism to accomplish development goals as stated in the Ohio Pike Corridor / Focus Area.

At present, the current remaining technical questions and issues are set forth in the "Recommended Modifications" section of this report. While there are some other items that staff has questions about (such as traffic impact and the stormwater design), these items would ultimately be addressed administratively by the County. In accordance with Sections 680-687 of the Zoning Resolution, the Zoning Commission's role in this process is to either enter a motion to recommend approval, approval with some modification(s), or denial of the Applicant's request to rezone the subject property, as submitted.

If the Board should choose to forward a favorable recommendation to this PD Zone Map Amendment request, staff recommends that these additional items be modified and / or otherwise be adequately addressed prior to final Township action:

- 1) The Applicant would need to address any concerns of the County Engineer, Clermont County Water & Sewer District, Clermont County Building Department, the Union Township Fire Department, and / or other regulatory agencies having jurisdiction over the proposed development prior to any final Township action.
- 2) The Applicant would need to enhance the proposed landscaping and bufferyard areas along the western property line (between the future, new parking areas and the road) and also around the perimeter of the dumpster enclosure area. *All landscaping buffers should be marked as preservation areas, and any vegetation disturbed should be repaired, supplemented, or replaced.* This is an item that can be addressed administratively by staff.
- 3) A signage plan would ultimately need to be submitted. All free-standing signage should be limited to monument signage, capped at a height of not more than 12' from finished grade, subject to administrative review and approval.
- 4) All lighting would need to be downward directed, and of sufficient intensity to (only) illuminate without projecting onto the adjoining residential property. *Details / specs of proposed lighting would ultimately be necessary; however, this is an item that can be addressed administratively by staff.

- 5) Ultimately, a legal description of the consolidated acreage would need to be provided, prior to any final action. This is an item that can be addressed administratively by staff.

Chairman, Mr. Campbell called for the applicant/and or representative to speak on behalf of the case. Chris Wunnenberg, Director of Development for Schumacher Dugan Construction Inc. applicant and representative for Woeste Investments, LTD, for properties 529 State Route 125, 4011 Austin Drive, 4004 Hopper Hill Road, and 4000 Hopper Hill Road came forward. He stated that Schumacher Dugan Construction Inc. was the construction contractor for Woeste Investments and have been for 20 years. He asked to address a couple of issues before taking any questions the board might have. He began by recognizing that the storm water issues for the properties were important to discuss. He stated the stormwater drainage design was in accordance with the Clermont County and Union Township stormwater regulations and requirements, giving a brief explanation of water retain and release mechanics. He then addressed the new design of the property, describing the new access into and out of the business by service vehicles and the public, with 70% to 80% of the traffic expected to be accessed from a single access point from State Route 125. He stated the property will be maintained and surrounded with walls and landscaping for better aesthetical appearance.

Mr. Louis complimented Mr. Wunnenberg on the technical quality of the proposal and its comprehensive completeness. However, he was concerned with the significant incursion into residential property and the impact into the surrounding residents. Mr. Louis posed the question to address this matter and Mr. Wunnenberg stated that the southernmost residential properties would be used for water retention and greenspace only. He then added that the Woeste expansion is necessary to continue and to be viable in today's business environment. Mr. Louis acknowledged seven residential properties affected by the expansion, with the potential for further business incursion into residential properties in the future.

Mr. O'Sam Mardin, with Mardin Architecture, spoke on behalf of the proposal and wanted to reinforce the positive impacts of the project to the surrounding area, and what was previously said by Mr. Wunnenberg. He stressed the expansion brings increased buffering and landscaping—and noted the reduction of traffic currently coming into Austin Drive, which will be diverted to improved access from Hopper Hill Rd. and State Route 125.

With no others speaking on behalf of applicant, Mr. Campbell asked for anyone speaking against the proposal. Resident, Pat Wiggins at 3982 Hopper Hill Road voiced her concerns about the expansion into the residential properties on Hopper Hill Road. She asked the board if they thought it was fair to decide on a plan that only showed a partial barricade and a water retention pond adjacent to her property. She asked who will maintain the wooden fence? Who will take care of the grass and vegetation around the Honda property? She is afraid that there will be more water runoff into her yard and the creek area.

Speaking after his wife, Mr. Ralph Wiggins stated that they live on the south side of the Woeste property and when it rains, the water drainage comes like a river from State Route 125. He addressed the small waterway that runs in front of his property and stated that he understood that with the proposed expansion, this waterway would be linked into from the proposed water retention area (on the expanded Woeste property). He was concerned that this would create further water runoff issues that could prevent access in and out of his property.

Next, resident Virginia Rottinghaus at 4008 Austin Drive, described numerous floods that have occurred that have affected her yard, her home, and her cars. She is also concerned about the lighting from the business. Her husband, Charles Rottinghaus described the water runoff and the lengths that he has gone to prevent the water from coming into his home.

Next, Paul Hoemmelmeyer, a resident at 3973 Hopper Hill Road, voiced concerns regarding traffic, water runoff, and maintenance of water ways and vegetation around the property. He questioned the public and service traffic accessing the ingress and egress from State Route 125 and Hopper Hill Road. He also discussed the negative affects the project would have on property values in the area.

Resident Rob Pierce, of 3991 Austin Drive, voiced concerns regarding the proposed expansion that would adjoin his property. He questioned how far the new fence would go on the property, which would interfere with his fence. He asked if Honda could stop the fence at the corner of his property.

With no others to speak about the case, Mr. Campbell closed the public comment and opened the board's discussion, asking for comments. Mr. Louis stated he was concerned about the expansion into residential property. He stated that this proposal goes beyond the current boundaries of the Ohio Pike Corridor focus area and invades a long-term residential neighborhood. He stated that he had difficulty expanding the business district into a residential area.

Mr. Toft agreed with Mr. Louis, including the statements that he had referenced from the *Horizon 2030 Comprehensive Land Use Plan*. Mr. Wing II also agreed and added that he became a member of the board because he saw too much residential property changed to PD. He stated that zoning is the covenant. Mr. Shannon then commented that all of the stormwater issues are County problems that need resolved—which Mr. Wing II agreed that it was under the County's jurisdiction to review.

Mr. Louis commented that he was a proponent of planned development, however, not for this proposed expansion. Mr. Campbell reiterated the contradiction between the proposal and the focus of the Comprehensive 2030 Plan. Mr. Louis asked if everyone was in agreement. If so, he would formulate a motion to recommend denial of this request. The members agreed.

With no further discussion, Mr. Louis made a motion regarding Case #1-23-Z, filed by applicant Woeste Investments LTD. The Zoning Commission finds that the submitted PD application and zoning change request is partially consistent with the *Horizon 2030: Union Township Comprehensive Land Use Plan*, and meets most of the planned development application requirements of the PD district plan from a technical perspective. However, this Commission recommends that the submitted plan be denied based on the following findings of fact:

Some of the subject parcels are located in the Ohio Pike Corridor, however four of the parcels are outside of the corridor and located in R-1, Single-Family Detached Structure Residential zoning. These four parcels are also adjacent to other R-1 zoned parcels. The proposed planned development is only consistent with the Ohio Pike Corridor development guidelines as it applies to the parcels located within the corridor boundaries. The Union Township 2030 plan and the Ohio Pike Corridor development guidelines do not recommend conversion of residential parcels to business application not located in the defined limits of the focus area. The following is a quote from the 2030 plan/Ohio Pike Corridor future land use policies and recommendations: "*Residential and Commercial development has been aimed at increased intensity of use on the corridor as opposed to expansion further to the north or south of the defined limits...*". It is this Commission's opinion that based on the surrounding residential environment of the subject parcels, development south of the defined limits of the Ohio Pike Corridor focus area should remain residential in nature. Mr. Wing II seconded.

Roll Call: Mr. Shannon, aye; Mr. Wing II, aye; Mr. Campbell, aye; Mr. Louis, aye; Mr. Toft, aye. The motioned carried. The denial recommendation will be forwarded to the Board of Trustees at their next meeting, scheduled to be heard on March 14, 2022 at 6:00 p.m.

Mr. Campbell called for any additional business. Mr. McCormack stated there were a couple of administrative items, and noted that the two new zoning commission alternates were in attendance for the meeting. He briefly added that he had spoken to the Trustees about the zoning commission attending a business or working meeting in the future. All members agreed. Mr. Campbell announced that the audience may stay or leave during the administrative discussion.

Mr. Campbell called for any new business, and wanted to take a moment to memorialize Carol Pelfrey and her passing. As a Zoning Commission member, Carol gave a number of years of good service to the Commission and to Union Township. The board will remember her warmly, especially for her grammatical corrections. She did the Commission and Township a great service. All members agreed that she will be missed.

As there was no further business to discuss, Mr. Campbell called for a motion to adjourn. Mr. Louis moved to adjourn the meeting. Mr. Wing II seconded to conclude the meeting at 8:23 p.m.

Roll Call: Mr. Shannon, aye; Mr. Wing II, aye; Mr. Campbell, aye; Mr. Louis, aye; Mr. Toft, aye. Motion carried. Meeting adjourned.

APPROVED BY:

Mr. Campbell, Chairman