

The March 22, 2023 meeting of the Union Township Zoning Commission was called to order, at 7:00 PM by Chairman Daniel Campbell, with the invitation to join in the Pledge of Allegiance. Chairman Daniel Campbell asked Mr. McCormack to roll call, as the first order of business.

Roll Call; Bill Shannon, yes; Michael Outrich, yes; Eric Louis, yes; Robert Wing II, yes; Daniel Campbell, yes. Mark McCormack, Development Director, represented the Planning & Zoning Department.

Mr. Campbell asked members if they had a chance to review and make any changes to the February 22, 2022 minutes. With no changes given, Mr. Wing made a motion to approve the updated minutes as distributed from the February 22, 2023 meeting. Mr. Shannon seconded the motion. Call for discussion, none given.

Roll Call: Mr. Shannon, yes; Mr. Outrich, yes; Mr. Louis, yes; Mr. Wing, yes; Mr. Campbell, yes. The minutes were approved, as distributed.

Mr. Campbell called for any old business, and none was noted. He then briefed the audience on the Zoning Commission's job to make a recommendation on pending zoning cases to the Trustees. The Trustees will then hear the case at their next meeting, making the final decision.

Mr. Campbell recognized Mr. McCormack to introduce the application in Case #3-23-Z, filed by Holman Brothers Real Estate LLC & Cowboy Properties LLC, for property located at 1037 Old State Route 74, 1055 Old State Route 74, 1065 Old State Route 74. The Applicants have applied for a Zoning Map Amendment, requesting that three (3) parcels (*PIN #s referenced below*) totaling 12.374 acres be rezoned from Single-Family Detached Structure Residential (R-2) to Planned Development (PD) to allow the expansion of an existing parking area.

The subject property, owned by Holman Brothers Real Estate LLC and Cowboy Properties LLC, is located on the south side of Old State Route 74 between the intersections of Tealtown Rd. (to the west) and Schoolhouse Rd. (to the east). *PIN #s #413104B053., #413104B022., #413104B018.*

All three (3) properties, each with frontage along Old State Route 74, are zoned Single-Family Detached Structure Residential (R-2). The affected property is bordered to the north, northwest and northeast by Single-Family Detached Structure Residential (R-2) zoning. To the north, south, southeast, and west the adjoining property is zoned Planned Development (PD)—with property to the south, east, and west owned by Holman Brothers Real Estate LLC. *The adjoining Holman Brothers Real Estate LLC property was rezoned to PD in early 2017 for the growth and expansion of the Holman Motors Automotive and RV Sales & Service Facilities, specifically to allow a gravel storage lot with security fencing and lighting.*

The Horizon 2030: Union Township Comprehensive Land Use Plan indicates that the proposal is located within the Old SR 74 (Summerside/Willowville) Corridor. The Plan acknowledges that this area of the Township is suitable for limited commercial expansion / redevelopment, provided that smaller, fragmented parcels are consolidated under a cohesive development plan with limited / coordinated access, land use controls, etc. The Plan also specifies that the Planned Development (PD) District is the precise mechanism to achieve planning goals—and to convert residential properties to commercial—in this area of the Township. Additionally, the Plan indicates that the southern portion of the corridor remains desirable for higher intensity commercial development, similar to the adjoining Holman Motors PD areas already established to the south, east, and west of the subject parcels.

Old State Route 74 is a Minor Arterial 2-lane roadway with a left-turn lane (in the center), and with a traffic volume of approximately 10,836 average daily trips (ADT) in the area of the proposed project. New commercial developments, along with increased (adjacent) residential growth and proposed network enhancements, have positively impacted the character of the Corridor Focus Area since the formulation of the last plan. However, limited pedestrian

connectivity has been established. Therefore, for new development and / or redeveloping properties that are located within 200’ of an existing sidewalk, (new) sidewalks are required to be installed along a project’s roadway frontage. *In this instance, the proposed development is more than 200 feet from an existing sidewalk on the south side of the road. There are, however, sidewalks on the north side of Old State Route 74 in the area of this project.*

Among other things, the Horizon 2030: Union Township Comprehensive Land Use Plan calls for 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 strategies for underutilized properties. For commercial development and redevelopment, the use of traditional building materials, and the deployment of adequate vegetative buffering and landscaping strategies along shared property lines, and the addition of landscaping enhancements along the corridor frontage is required. Additionally, the Plan indicates that new developments and expansion efforts along the corridor must implement noise and / or light pollution reduction strategies wherever practicable.

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 Applicants acquired the three (3) subject parcels from February of 2017 to October of 2021. As noted earlier, in February of 2017, Union Township rezoned the (adjoining) parcel to Planned Development (PD)—in accordance with the plan submitted by the Applicants for a gravel storage lot, with security fencing and lighting installed on the property. The current, proposed plan is for similar use(s). **Please refer to the Applicants' statements, plans, and other application enclosures for more information regarding this application / request.*

The Applicants' proposal appears to meet the objectives of the Horizon 2030: Union Township Comprehensive Land Use Plan's Future Land Use Policies and Recommendations for the Old SR 74 (Summerside/Willowville) Corridor. The proposal would result in the consolidation of fragmented and underutilized parcels, while establishing a high-intensity commercial use along SR 32. Vegetative buffering provided on the plan would result in the enhancement of the overall

condition of the site. Recent stormwater improvements have been made and compliance is being / would be addressed through the County's review process. Additionally, the Applicants would meet or exceed all of the minimum setbacks for the proposed use(s), and the uses are consistent with the existing Holman Motors PDs located to the east and west of the subject properties. As mentioned earlier in this report, the utilization of Planned Development (PD) District is the precise mechanism to achieve planning goals—and to convert residential properties to commercial—in this area of the Township.

At present, the current remaining technical questions and issues are set forth in the "Recommended Modifications" section of this report.

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 Applicants' 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 provide additional details for the proposed landscaping plan—and acknowledge and perhaps enhance and / replace plantings (particularly along the western property line of the previously approved PD and between the proposed / new parking areas and the adjacent residential areas and the road). *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, if applicable. All free-standing signage should be limited to monument signage, capped at a height of not more than 10' from finished grade, subject to administrative review and approval.
- 4) There is no lighting proposed at this time; however, all lighting (if needed in the future) would need to be downward directed, and of sufficient intensity to 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 new survey and 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. Thom Mooney, project manager for Holman Brothers and Mark Holman were present for questions. They both came before the commission and stated they are willing to work with Union Township staff regarding any recommendations necessary. Mr. Louis noticed from the landscaping plan that two of the parcels to be rezoned were being left alone, and questioned the future plans for development of those areas. Mr. Mooney answered that there were no plans at this time, and they are leaving a landscape buffer around the boundary, with taller trees in this area to be left intact. Mr. Louis also asked if there was a 5' mounded area around the marked area on the site plan. Mr. Mooney stated only partially, with additional mounding with plantings to come.

With no others speaking on behalf of applicant, Mr. Campbell asked for anyone speaking against the proposal. Resident, Jonna Chadwell, 4463 Bridlewood Lane came forward to ask questions. She asked who owns the white fence around the perimeter? Mr. Mooney answered Holman Brothers. She asked how many acres Holman Brothers currently own. Mr. Mooney answered approximately 60 acres. She asked if there were any plans for a main entrance change on Old State Route 74. Thom answered there was already access from Old State Route 74, and Mark Holman answered that the current road work completion may affect decisions regarding future access. Ms. Chadwell commented that one of her main concerns was property values would come down, as the residential area is surrounded by more commercial properties. She had questions about vegetation / buffering and what could be seen from Old State Route 74. She closed by making the statement that Holman Brothers business makes the Township money, but there are homes that will be affected by the new plan.

After inquiring as to Ms. Chadwell's residential location, Mr. Louis reviewed that the applicants request for development was within the Old SR 74 (Summerside/Willowville) Corridor focus area, of the Horizon 2030 Comprehensive Plan, which is designated for combined harmonious growth of business and residential, and is designed to include proposed buffering between areas.

Mr. Outrich questioned the applicant, as to why a zoning request for business use was not submitted for a residential parcel purchased in 2020, before having RV's parked on the parcel? Mark Holman explained that there was gravel on the either side of the property and noted that they had gotten ahead of themselves in filling in this area.

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 commented that the proposal was well within the guidelines of both the 2030 Horizon Plan, as well as the zoning resolution. He added the need to focus on the landscaping plan, and mentioned the strong recommendation in the staff report for buffering and landscaping. He also acknowledged the need to get the entire planned development area(s) into compliance with the current zoning resolution.

Mr. Outrich commented on the need for thoughtful application of entering traffic onto the Holman property, once the current road work of the SR 32 overpass, and future Elick Lane cul-de-sac is complete, which will impact several parcels in that area. He indicated that he wished the property had been rezoned sooner based on tax benefits.

Mr. Campbell made the motion in the case of 3-23-Z, for Holman Brothers Real Estate LLC and Cowboy Properties LLC, the Zoning Commission finds that the submitted PD application zone request is consistent with the Horizon 2030 land use plan, but does not meet all the planned development application requirements of a PD district plan. Therefore, this Commission recommends the submitted plan be approved contingent upon the adherence to the noted modifications as specified in this motion. All required supplemental information and plan modifications must be completed and submitted to the Planning Director no later than one week prior to the Trustees hearing of this case.

Findings of facts: The subject parcels are located in the Summerside/Willowville mixed use Corridor, which is a very diverse area that includes high intensity commercial operations, general commercial trade services, professional offices and residential neighborhoods.

Special care must be exercised when considering residential to commercial conversions, when adjacent to existing residential areas. Furthermore, there must be compliance with the Union Township Zoning Department's recommended modifications.

- 1) The Applicants 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 Applicants would need to provide additional details for the proposed landscaping plan—and acknowledge and perhaps enhance and / or replace plantings (particularly along the western property line of the previously approved PD and between the proposed / new parking areas and the adjacent residential areas and the road). *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, if applicable. All free-standing signage should be limited to monument signage, capped at a height of not more than 10' from finished grade, subject to administrative review and approval.
- 4) There is no lighting proposed at this time; however, all lighting (if needed in the future) would need to be downward directed, and of sufficient intensity to illuminate without projecting onto the adjoining residential property. *Details / specs of proposed lighting would be necessary; however, this is an item that could / would be addressed administratively by staff.
- 5) Ultimately, a new survey and legal description of all consolidated acreage would need to be provided, prior to any final action. This is an item that can be addressed administratively by staff.

This concludes my motion. Do I have a second? Mr. Louis seconded the motion. Mr. Campbell called for discussion on the motion, none given.

Roll Call: Mr. Shannon, yes; Mr. Outrich, yes; Mr. Louis, yes; Mr. Wing II, yes; Mr. Campbell, yes. The motioned carried.

The Zoning Commissions recommendation will be forwarded to the Board of Trustees at their next meeting, scheduled to be heard on April 11, 2023 at 6:00 p.m.

Mr. Campbell called for any new business. As there was no further business to discuss, Mr. Campbell called for a motion to adjourn. Mr. Wing II made motion to adjourn the meeting. Mr. Louis seconded.

Roll Call: Mr. Shannon, yes; Mr. Outrich, yes; Mr. Louis, yes; Mr. Wing II, yes; Mr. Campbell, yes. Motion carried. Meeting adjourned at 7:44 p.m.

APPROVED BY:

Mr. Campbell, Chairman