



STAFF REPORT

FOR CONSIDERATION BY THE REGIONAL PLANNING COMMISSION ON MAR. 3, 2016
FOR CONSIDERATION BY THE COLERAIN TOWNSHIP ZONING COMM. ON MAR. 17, 2016

**ZONE
AMENDMENT
CASE:**

COLERAIN ZA1998-01

DISCOUNT TIRE

REQUEST: Major Modification to an approved Final Development plan in an existing “PD-B” Planned Development Business District

PURPOSE: To demolish an existing restaurant building and to construct a 7,373 sq. ft. Discount Tires automotive service store

APPLICANT: Todd Mosher, RA Smith National (applicant); JH Southport Properties, LLC (owner)

LOCATION: Colerain Township: 9343 Colerain Avenue; on the west side of Colerain Avenue, 400 feet north of Round Top Road (Book 510, Page 101, Parcel 511)

SITE DESCRIPTION: Tract Size: 1.0 acre
Frontage: 113 feet on Colerain Avenue
Topography: Flat
Existing Dvlpmt: Vacant “Show-Me’s” restaurant building

SURROUNDING CONDITIONS:		<u>ZONE</u>	<u>LAND USE</u>
	North:	“PD-B” Suburban Business	Armed Forces Career Center
	South:	“B-1”, “B-2” Suburban Business “PD-R” Multi-Family Residential	Bank & Elderly Living Facility
	East:	“B-2” Suburban Business	Commercial
	West:	“PD-B” Suburban Business	Vacant Big-box Store

ZONING JURISDICTION: Colerain Township Board of Trustees

SUMMARY OF RECOMMENDATIONS: **APPROVAL with Conditions**

PROPOSED USE:

The applicant is proposing to demolish an existing 6,000 sq. ft. former Show Me's restaurant in order to construct a new 7,373 sq. ft. Discount Tires retail store. The plan also proposes parking lot repavement totaling 35 spaces, a trash enclosure on the southwestern portion of the lot constructed out of CMU (Concrete Masonry Unit) block, and a freestanding sign in the northeast corner of the lot along Colerain Avenue of an unspecified design. The existing impervious surface ratio (ISR) of 0.79 for the site would decrease to 0.77. The building is proposed to be 26 ft. tall with a full first floor and a second floor mezzanine. On the first floor, the front would be for retail and the back would be for automotive servicing and storage while the second floor mezzanine would be for storage. It is proposed to be constructed out of CMU block with customer entrances on the north and the south sides and three automotive entrances on the south side with six service bays. On the outside, two wall signs are proposed; one on the east side and another on the north side.

ZONING PETITION HISTORY:

In October 1971, the Board of County Commissioners approved case Colerain 4-71, a Zone Amendment from "B-2" Residence to "EE" Planned Retail District in order to construct a 36,889 sq. ft. big-box retail store on the 5 acre site. This amendment contained eight conditions, all of which were brought forward in the following 1998 case. In 1998, the Colerain Township Trustees approved a Major Modification to the 1971 case that included ten conditions as part of case ZA1998-01; Tumbleweed. This revision proposed the construction of two restaurant buildings in front of an existing big box store – one to be 5,483 sq. ft. in size and the other to be 4,000 sq. ft. in size. The former was to be a Tumbleweed on the 1 acre lot currently in question. Lastly, another Major Modification was approved by the Township Trustees in 2011, which allowed the then-vacant Tumbleweed restaurant to become a Show-Me's restaurant. This request also proposed the addition of a 240 sq. ft. cooler, a 1,388 sq. ft. covered patio, and landscape area.

The Colerain Township Zoning Resolution requires that Major Modifications to approved Final Development Plans follow the same review procedure established for Planned Developments. This procedure requires a zone amendment process including Regional Planning Commission, Township Zoning Commission, and Township Trustee review. Because this request involves a major change to the existing site, Colerain Township officials have determined that the proposed change is a Major Modification that must go through the Zone Amendment process according to Section 4.5.7 - Modifications to Approved Preliminary or Final Development Plans – of the Colerain Township Zoning Resolution.

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 by RPC: December 2001

Findings:

- *The Land Use Plan is not considered current as defined in the HCRPC Bylaws because it has not been reviewed and updated by the Regional Planning Commission within the last 5 years.*
- *However, the Colerain Township Trustees have adopted a Land Use Map for the entire Township dated September 2011.*
- *The Colerain Township Land Use Map designates the site as “Retail General”, which is defined as community and regional oriented business uses that tend to locate along highways with relatively high traffic volumes. Typically 1 story structures with a scale, massing, intensity, layout and specifications compatible with site constraints and character of surrounding residential developments.*
- *The proposed automotive service use would be consistent with the designation as it would be a community oriented business use for Colerain Avenue.*
- *The Colerain Township Comprehensive Plan adopted by the Township Trustees in April 2005 designates the site within Character Area 5: Colerain Avenue.*
- *The vision for this character area is that “Colerain Avenue will continue to see signs of reinvestment and redevelopment and will be a quality commercial corridor for the region. Investments from the Township, such as tax-increment financing, and property owners along this corridor will, in the long-term, help stabilize and improve this important commercial center. The Township will take steps to work with property owners to help improve the curb appeal that will benefit both the value of property and the Township overall. Colerain Avenue will encompass a mixture of large scale and small-scale retail and office space with the creation of a town center that will create a positive identity for the Colerain Township.”*
- *Development policy 5 for this area strongly encourages the use of access roads and driveways between adjacent uses to improve traffic flow along Colerain Avenue. Based on these findings, staff feels that while the proposed development is a reinvestment for the corridor as a small-scale retail space, it is not consistent with the development policies that encourage the use of access roads and driveways between adjacent uses because of the lack of proposed connection to the abutting bank.*
- *Therefore, staff finds that a future vehicular access easement should be provided to the southern property line to allow future connection to the property to the south.*
- *Because the Land Use Plan is not considered current, consistency with the adopted Land Use Map and Comprehensive Plan is not required, in accordance with RPC Consistency Bylaws.*

**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 has frontage on Colerain Avenue. The Hamilton County Thoroughfare Plan designates Colerain Avenue as a Major Arterial with a required right-of-way of 120 feet (60 feet from centerline).

Findings: The site currently only has approximately 48 feet of right-of-way from the centerline of Colerain Avenue. Colerain Avenue is under the jurisdiction of ODOT and as part of case 1998-01, ODOT recommended that the developer/property owner dedicate enough right-of-way along Colerain Avenue to Hamilton County so as to conform to the Hamilton County Thoroughfare Plan. The site already has a proposed 30 ft. deep open area along Colerain Avenue so staff recommends that right-of-way be dedicated in compliance to the Thoroughfare Plan, if required by ODOT.

Colerain Township Zoning Resolution Compliance

The site plan meets the minimum standards of the Colerain Township Zoning resolution and the “PD-B” Planned Development Business District, with the following exceptions:

Article 12.9.4 & Table 12-11 – Lighting Standards & Illumination Levels

The article states that cutoff lights may not be more than 24 feet. The table, then, states that the maximum average illumination over parking lots is 2.0 footcandles and a maximum illumination of 0.5 footcandles at property lines except for portions adjacent to “R-7” or “B-1” zoning districts, where 0.1 footcandles is the maximum illumination permitted.

Findings: Staff finds several compliance issues with the lighting standards. The submitted site photometric plan does not show proposed pole fixture heights; therefore, conformance with this portion of the article cannot be determined. The calculated average for the lot is 2.70 footcandles, 0.70 above the maximum 2.0 footcandles. The submitted site photometric plan does not show illumination levels at the property lines, but it appears that the development would be above maximum illumination levels at some points along all property lines, as shown on the attached lighting plan. Staff recommends a variance on the north and west property lines because they are internal to the overall Planned Business Development. For all other areas, however, staff recommends that the development should meet the standards of the zoning resolution.

Article 12.11.1 – Architectural Standards for Customer Entrances

This article establishes that there must be at least one customer entrance for each side of a building facing a public street and that all customer entrances must comply with certain design standards.

Findings: The submitted conceptual floor plans contain two customer entrances on the north and south sides of the building close to the east end of the building. However, no customer entrances are directly located on the east side, which faces Colerain Avenue. Staff recommends that the building be designed to comply with the architectural standards of the zoning resolution unless waived or modified by the

Colerain Township Zoning Commission.

Article 13.4.2 – Access

This article establishes that there must be a walkway connection to the building from existing public sidewalks.

***Findings:** The submitted site plan does not show any walkway connection to the public sidewalk along Colerain Avenue from the building. Staff recommends that a walkway be installed from the building entrance to the existing public sidewalks along Colerain Avenue.*

Article 14.5.2 – Buffer Yard

This article establishes that “PD-B” zoned districts require a buffer of 40 feet between “R-7”, 30 feet between “B-1”, and 10 feet between “B-2.” These buffers require fencing or mounding and specific landscaping.

***Findings:** The southern property line borders all three of these zone types from west to east, and the proposed site plan does not include the required buffer yard widths. Staff recommends a variance to the 40-foot buffer requirement on the western portion of the southern property line where the lot abuts the nursing home, a “PD-R” district, being viewed as “R-7” – Multifamily Residential. The nursing home building is setback far enough away to not necessitate a 40-foot buffer yard. The other abutting use is a bank that is zoned both “B-1” and “B-2” but, as per the opinion of the staff, should be viewed entirely as “B-2”. The existing development on the lot in question has a 20-foot buffer adjacent to the nursing home and a 10-foot buffer adjacent to the bank. As such, staff recommends that these buffers remain in place at their current widths. Staff also recommends the required landscaping be planted per code; the lot has 325 lineal feet of lot line requiring a buffer, which comes to a total of 16 evergreen trees and 33 shrubs as well as a 6-foot high fence, wall, or earth mound/berm.*

Articles 14.6.1 & 14.6.2 – Minimum Landscaping Requirement for Parking Areas and Landscape Island Locations

The first article establishes that a minimum of 15% of the parking area shall be landscaped while the second article requires that landscape islands shall be located at the end of each parking row with a minimum size of 135 square feet for single loaded rows and 270 square feet for double loaded rows.

***Findings:** The submitted landscape plan does not propose any landscaping within the parking lot where 900 square feet of interior parking lot landscaping is required. The proposed development requires 34 parking spaces and is proposing 35, so the parking lot can have one less parking space dedicated to landscaping. Also, other areas exist off the eastern end of the rear two parking rows where landscape islands could be added. A shared parking agreement between the site in question and the adjacent commercial uses to the west and north was cited in the 2011 case and shared parking could be used in this instance to allow for further reduction of parking spaces in favor of the required interior parking lot landscaping. The applicant could also reconfigure the internal building uses in order to necessitate less parking in order to create additional space for landscaping. Staff recommends that conformance to this article remain a requirement.*

Article 15.8.3 – Signs Permitted

This article establishes that freestanding signs must not exceed 15 feet tall and have a maximum area of 0.5 square feet for each lineal foot of lot frontage. This article also establishes that there is one wall sign permitted per each building frontage at a ratio of 1.0 square feet per lineal foot of frontage.

Findings: The lot is allowed one freestanding sign and a freestanding sign is proposed just south of the entrance. However, the applicant did not indicate size. The maximum area for the sign is 56 ½ square feet. The front wall sign, located on the east side, is permitted 60 square feet, but the proposed wall sign is 75 square feet. The applicant is also asking for a variance on wall sign compliance, asking for an additional 75 square-foot wall sign. However, only one wall sign is permitted since the lot is not a corner lot. Staff does not support the granting of a variance in this instance and recommends that the freestanding and building signage be required to be in compliance with the Zoning Resolution.

Other Issues

Compliance with Conditions

After review of the ten conditions as per the original 1998 case, the proposal only has issue with the first condition regarding right-of-way dedication. This was discussed above and staff recommends that the required right-of-way should be dedicated if required by ODOT. The remainder of the conditions remain valid for the overall “PD-B” district and should be referenced in this case.

CONCLUSION: Based on the above findings, there is sufficient reason for staff to recommend approval of the requested Major Modification to the approved Final Development Plan. The issues listed under the staff analysis are minor and can be addressed with further site details. With the conditions outlined below, staff finds that the development would be appropriate in this location.

RECOMMENDED MOTION: To recommend approval of case Colerain ZA1998-01 Discount Tires, a request for a Major Modification to the Final Development plan in an existing “PD-B” Planned Development Business District subject to the standard covenants for planned districts and the following conditions:

Conditions:

1. That all conditions approved as part of case Colerain ZA1998-01 shall remain in effect for the Zone Amendment area.
2. That the Final Development Plan shall comply with all requirements of the Ohio Department of Transportation.
3. That a landscape plan in compliance with Article 14 of the Zoning Resolution and with Variance #2 below shall be submitted as part of the Final Development Plan.
4. That freestanding and building signage shall comply with the requirements of

Article 15 of the Zoning Resolution.

5. That a lighting plan in compliance with the Zoning Resolution and with Variance #1 below shall be submitted as part of the Final Development Plan.
6. That the building shall meet the design standards of Article 12.11 of the Zoning Resolution
7. That a pedestrian walkway shall be installed from the front of the building to the existing public sidewalk along Colerain Avenue.
8. That a 30-foot access easement for future vehicular use shall be identified to the southern property line to permit the adjacent property to connect through the subject site to be effective if/when this adjacent property is redeveloped.

Variances:

1. Table 12-11 – That illumination levels be permitted to exceed 0.5 footcandles along the northern and western property lines internal to the commercial development.
2. Table 14-1 – That a minimum 20-foot wide buffer yard shall be permitted adjacent to the PD-R multifamily site to the south where a 40-foot buffer yard is required and that a 10-foot wide buffer shall be permitted adjacent to the B-1 portion of the site to the south where a 30-foot buffer is required, provided that all buffer areas include landscape materials consistent with the Zoning Resolution.

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: _____ Development Services Intern
Nathan Baker

Reviewed By: _____ Development Services Administrator
Bryan D. Snyder, AICP

Approved By: _____ Planning & Development Director
Todd M. Kinskey, AICP

SITE PHOTOS



View of site from Colerain Avenue looking north



View of site looking south



View from site looking east across Colerain Avenue



View from site looking northwest at vacant big-box store and Armed Forces Career Center



View of southern property line between bank and lot



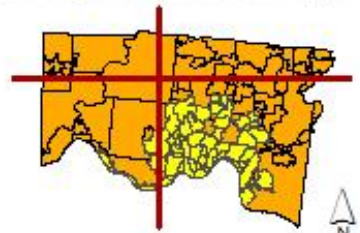
VICINITY MAP

Case: Colerain ZA1998-01 (2016)

Request: Discount Tire

Printed: 03/03/2016

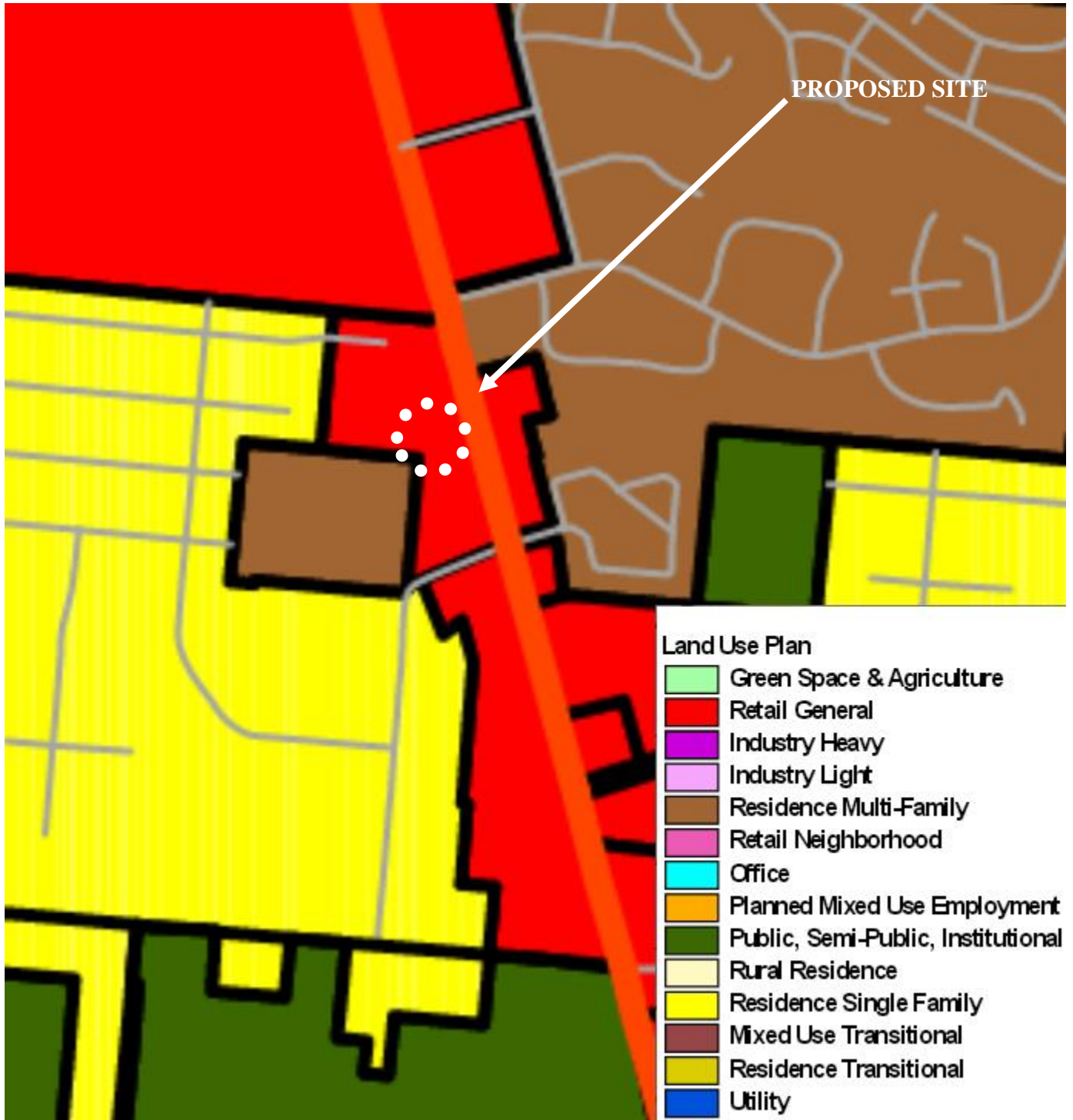
Printed By: Nathan Baker



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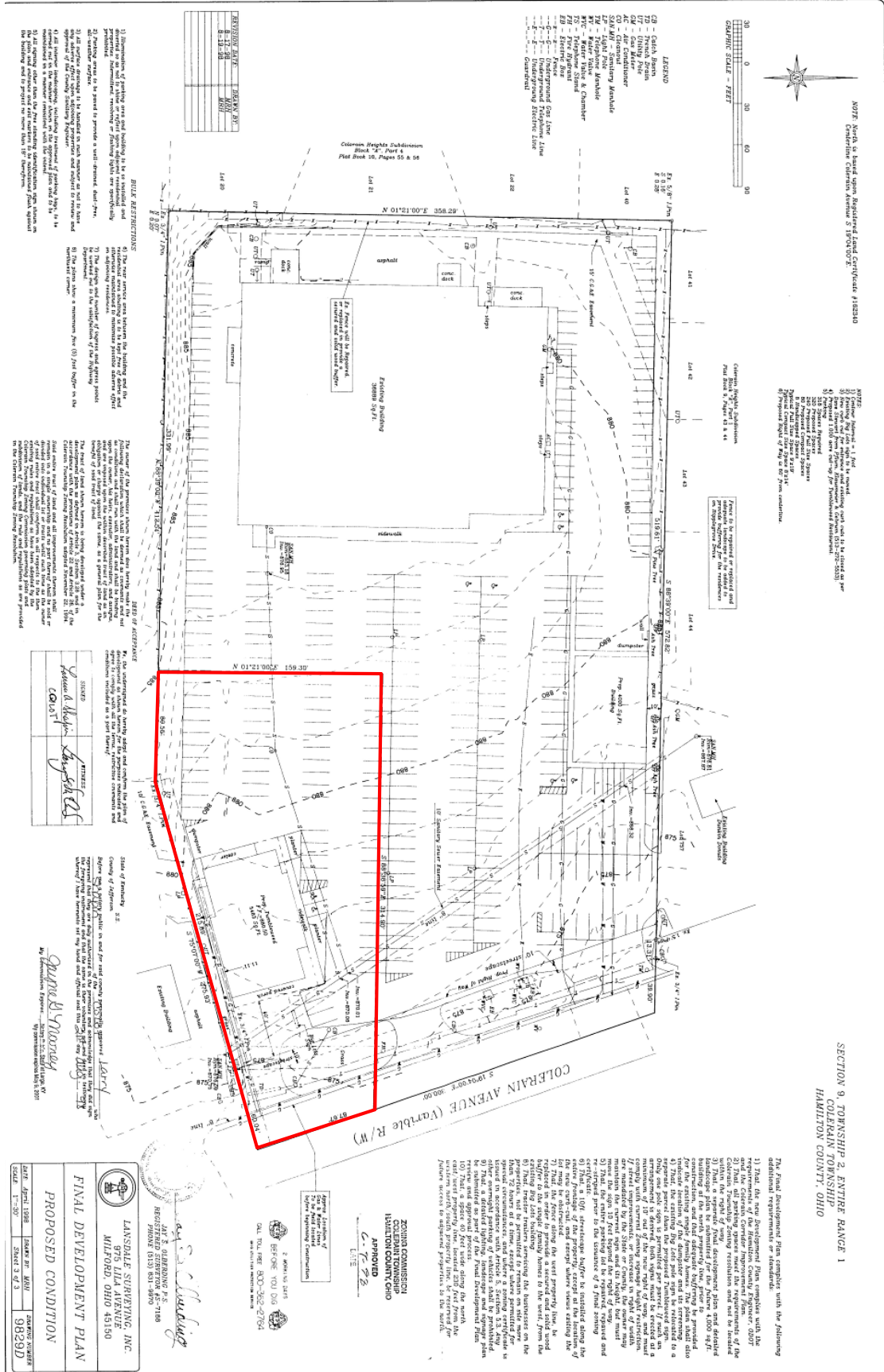
LAND USE PLAN MAP



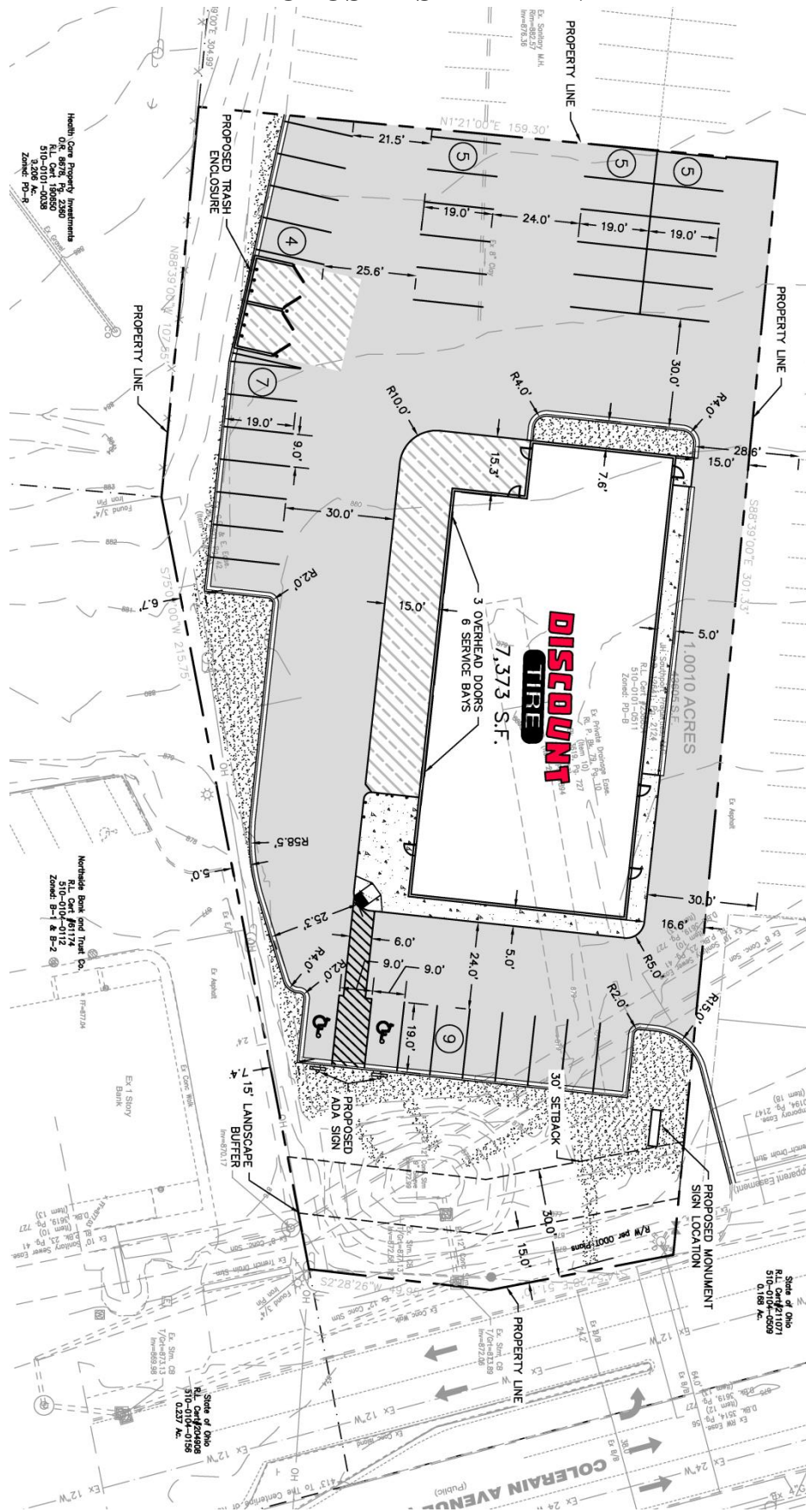
BIRD'S EYE AERIAL



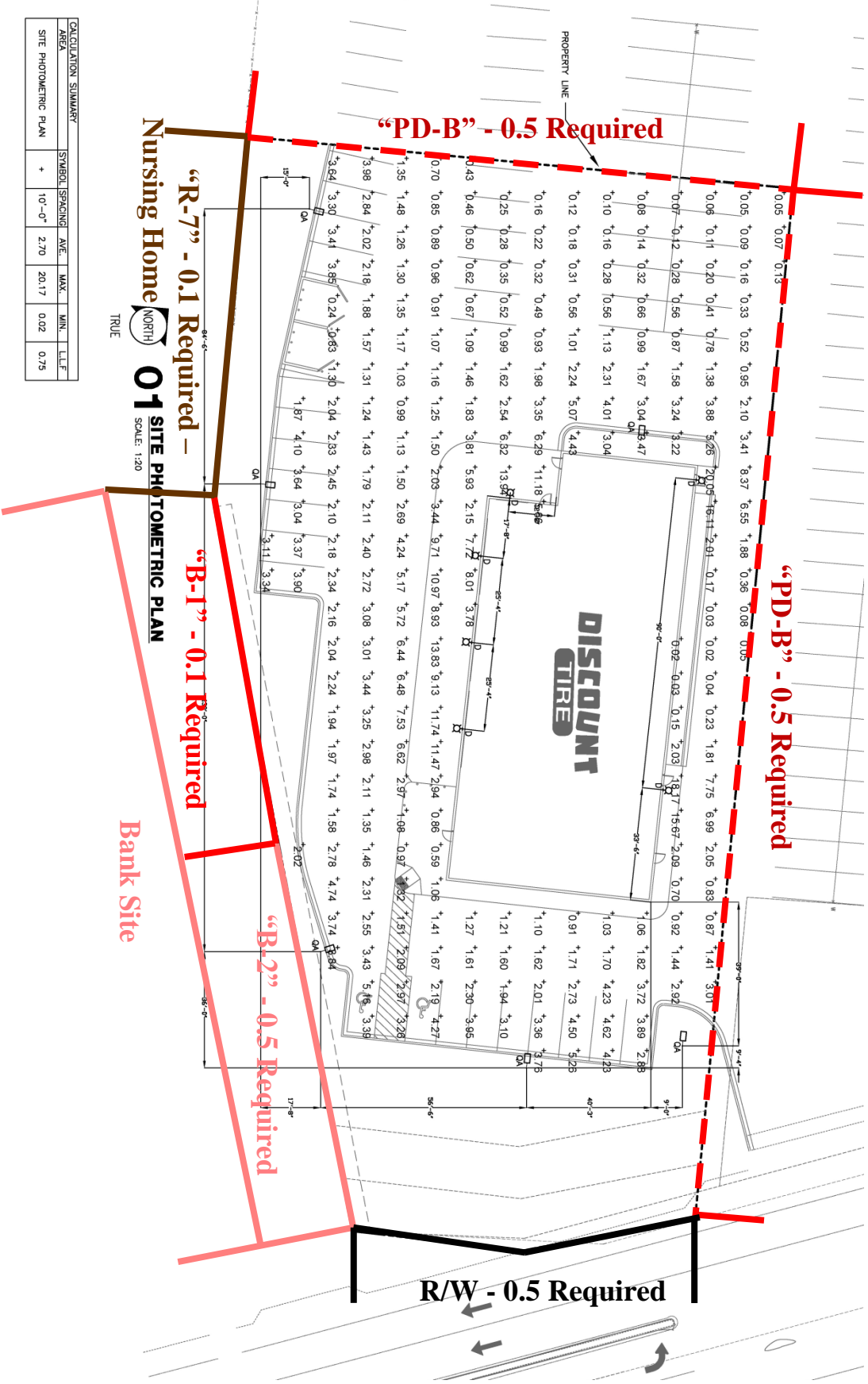
FINAL DEVELOPMENT PLAN APPROVED BY RPC



PROPOSED SITE PLAN



SITE LIGHTING PLAN



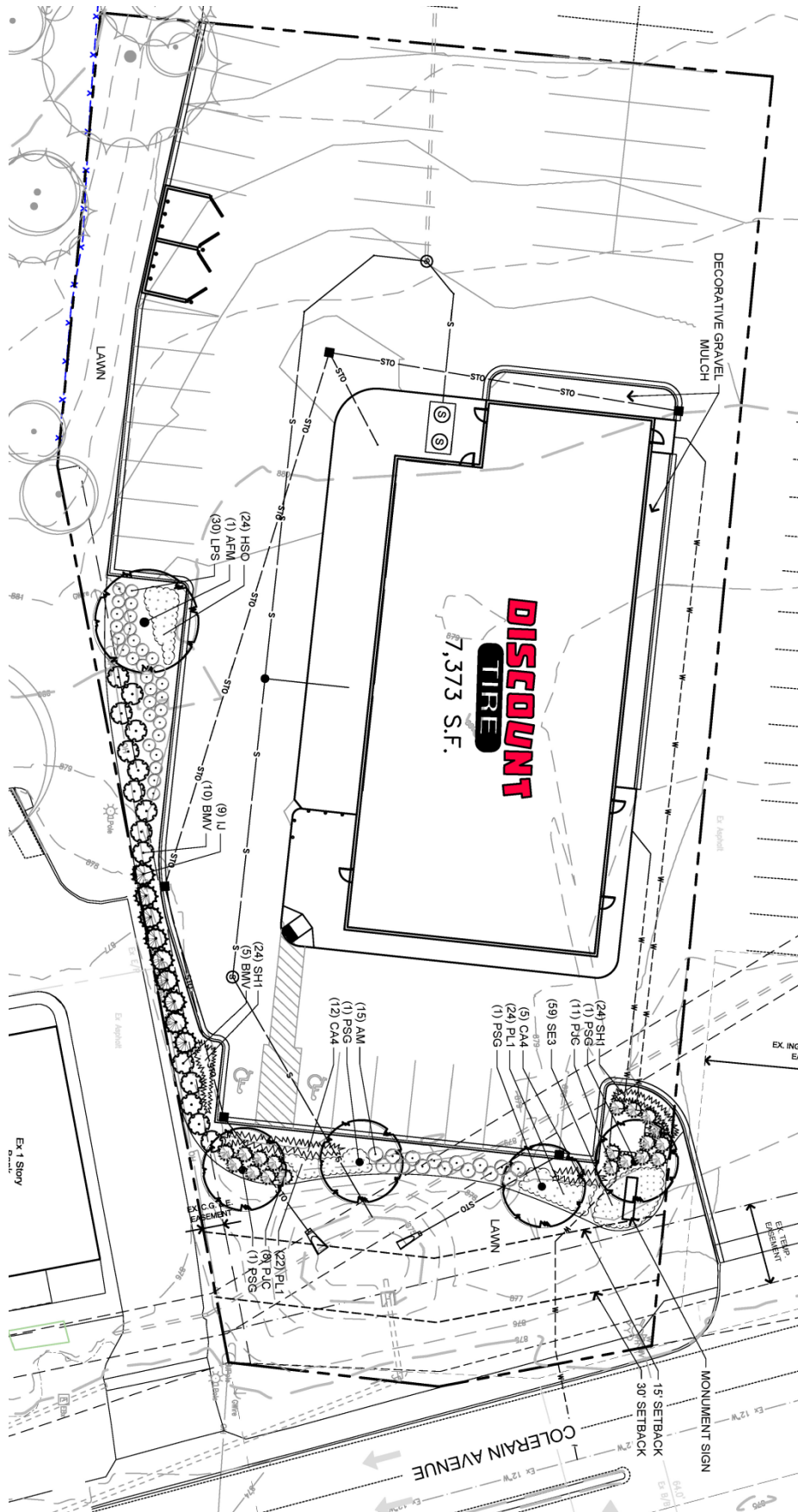
CALCULATION SUMMARY						
AREA	SYMBOL	SPACING	Avg.	MAX.	MIN.	LL.F.
SITE PHOTOMETRIC PLAN	+	10'-0"	2.70	20.17	0.02	0.75

"R-7" - 0.1 Required
Nursing Home North
0.1 SITE PHOTOMETRIC PLAN
 TRUE SCALE: 1:20

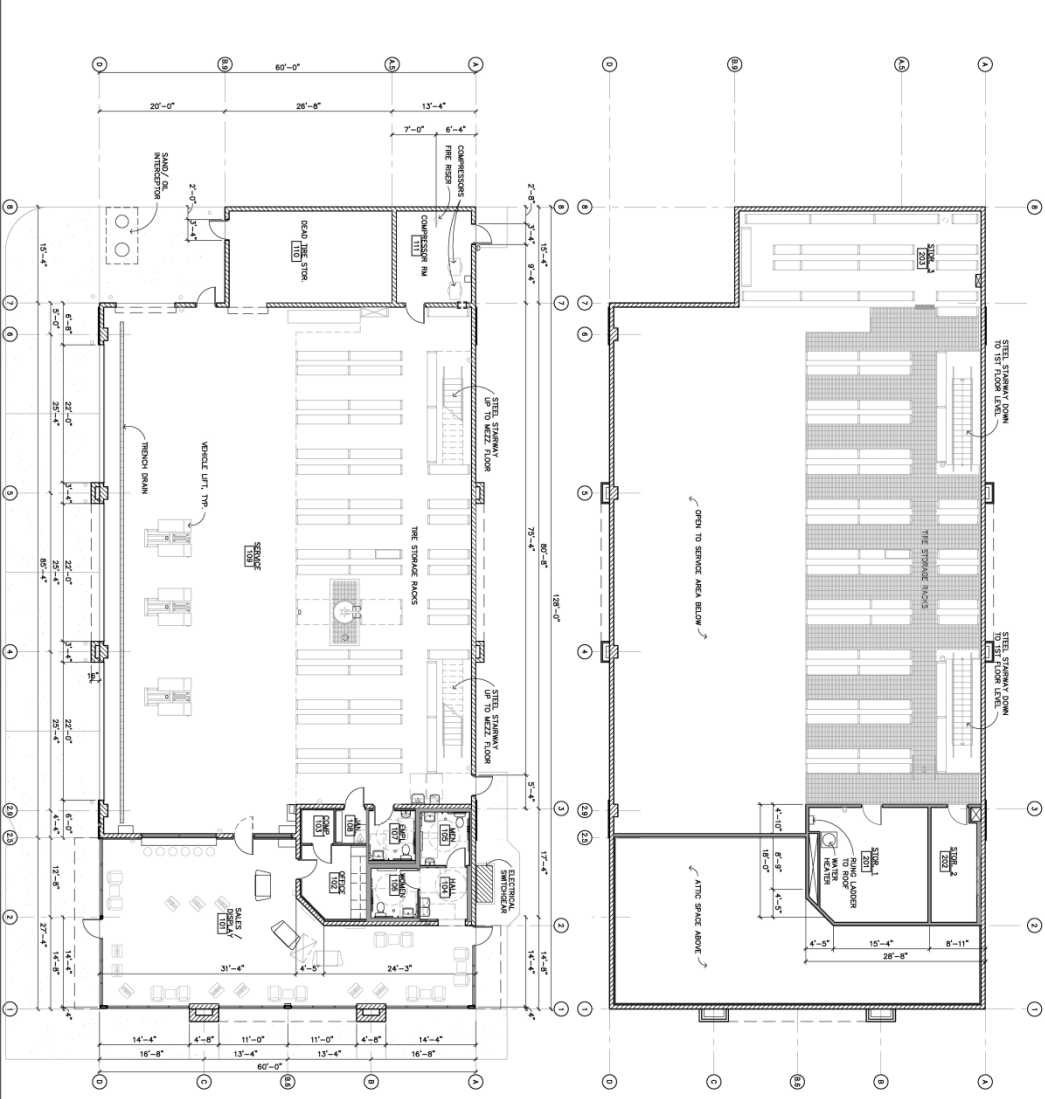
Bank Site

R/W - 0.5 Required

SITE LANDSCAPE PLAN



FLOOR PLANS



CONCEPTUAL 1ST FLOOR PLAN

ALT - 2R
 REV:
 DATE: 11.16.15
 JOB # A.1511XX



CONCEPTUAL MEZZ. FLOOR PLAN

SCALE: 1/8" = 1'-0"

OWNER LETTER OF ACKNOWLEDGEMENT

RECEIVED

JAN 19 2016

COLERAIN ZONING

JH Southport Properties, LLC
13191 North Marsh Drive
Port Charlotte, FL 33953

January 14, 2016

Colerain Township
4200 Springdale Rd.
Cincinnati, OH 45251

RE: 9343 Colerain Ave., Cincinnati, Ohio

To Whom It May Concern:

This is to inform you that I am the current Owner of the property at 9343 Colerain Avenue. This one acre property is currently developed as an approximately 6000 sf Show-Me's restaurant with associated landscaping and parking.

The property is currently under Contract for Sale with Halle Properties, L.L.C. for the redevelopment as a Discount Tire. I am aware that Discount Tire is submitting, which I have also signed, an application for a Major Amendment to a Final Development Plan.

Your assistance with the review and approval of the application and associated documents is greatly appreciated.

Respectfully,



Curt John
Manager/Member

FILE COPY