

BOARD OF TRUSTEES

Allen M. Freeman
Nicholas J. Kelly
Peter J. Kambelos, MD

Fiscal Officer

Debbie S. Schwey

Administrator

Loretta E. Rokey



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PIERCE TOWNSHIP ZONING COMMISSION

Regular Meeting (Zoom)

6:30pm

TUESDAY June 1, 2021

AGENDA

Join Zoom Meeting

<https://us02web.zoom.us/j/85419448113?pwd=VTRyQWZ3eUlvdXVsSXVKMmx5RkUzUT09>

Meeting ID: 854 1944 8113

Passcode: 050199

Dial by your location

+1 646 558 8656 US (New York)

I. Call to Order: Stanley Shadwell, Chair of Zoning Commission

1. Roll Call: Mr. Schuler _____ Mr. Stitt _____ Mr. Shadwell _____ Ms. Cann _____ Ms. Frede
_____ Mr. Campbell _____ Ms. Neal _____
2. Pledge of Allegiance
3. Approval of Meeting Minutes:

II. New Business

Staff requests a motion to initiate the application to amend the Pierce Township Zoning Map and Resolution as it pertains to:

1. Text and Map Amendment(s)
 - a. Conditional Use Permits (CUP)
 - b. Cemeteries
 - c. Twp. Business District Zoning:
 - Automotive Body Repair, Automotive Fuel Services, Automotive Sales, Automotive Service and Auto Washing
 - d. Downtown Overlay District (DO) – Map and Text
 - e. Brewpubs
 - f. Map Amendment(s)
 - g. Institutional Housing

III. Additional Business:

IV. Motion to adjourn:

V. Meeting adjourned at:

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Zoning Commission
Regular Meeting Minutes
May 4, 2021
6:30 p.m.

The Zoning Commission of Pierce Township, Clermont County, Ohio met in regular meeting at 6:30 p.m., on Tuesday, May 4, 2021, at the Pierce Township Administration Building, 950 Locust Corner Road.

CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE

Chairman. Shadwell called the meeting to order. Board members answering roll call: Mr. Stan Shadwell, Mr. Dick Schuler, Mr. Jeff Stitt, Ms. Susan Frede, Ms. Donna Cann, Mr. Ryan Campbell and Ms. Catherine Neal; personnel who were also present: Mr. Eddie McCarthy, Planning & Zoning Administrator.

APPROVAL OF MINUTES

Approval of Minutes – April 2, 2021 –Regular Meeting

Mr. Stitt made a motion, seconded by Ms. Frede to approve the minutes of the April 2, 2021, Regular Meeting of the Zoning Commission with the correction that Mr. Campbell was not at the meeting as noted. Roll call on motion: All aye.

NEW BUSINESS

Mr. Shadwell welcomed the newest member to the Zoning Commission, Catherine Neal.

Mr. McCarthy presented his staff report - text and map amendments: Conditional Use Permits (CUP); Cemeteries, Twp. Business District Zoning: Automotive Body Repair, Automotive Fuel Services, Automotive Sales, Automotive Service and Auto Washing; Downtown Overlay District (DO) – Map and Text; Brewpubs; Map Amendment(s); Institutional Housing.

Due to connection issue(s), the meeting was disconnected for a short period, approximately 34 minutes into the discussion. The connection was restored and was live streamed in 3 additional segments with 4 video segments in total. No action was taken by the Zoning Commission during the disconnection period.

The Board talked about cemeteries, conditional use permits, automotive uses, the downtown overlay, comprehensive plan, residential uses, parking, brew pubs, signage, tax map amendment changes, and the Amelia survey.

Mr. McCarthy will research cemeteries to provide property value effects, Institutional Uses will go into to conditional use permits within the Amelia Suburban Business District, rezoning from R-1 and R-2 to Amelia Neighborhood will not occur, however the proposed Amelia Suburban to Amelia Neighborhood rezoning will proceed (shaded in red), and overlay to expand but not to include Premier property nor the R-1 and R-2 parcels.

ADDITIONAL BUSINESS

Mr. Shadwell thanked Mr. McCarthy about the code cases he reported at the last meeting. Mr. McCarthy spoke about the progress of the code cases. Ms. Cann asked if the township received an application for the code enforcement position. Mr. McCarthy stated they are working on the job description.

ADJOURNMENT

At 8:13 p.m., Mr. Stitt made a motion, seconded by Ms. Frede that the Regular meeting be adjourned. Roll call on motion: All aye.

ATTESTED;

The foregoing minutes were approved by the Pierce Township Zoning Commission on June 1, 2021:

Stanley Shadwell, Chair
Pierce Township Zoning Commission

Date

DRAFT

Downtown Overlay and General Text and Map Amendment(s)

Summary: An application for Text and Map Amendment(s) to expand the Downtown Overlay (DO), Rezone select parcels and modify the Resolution as it pertains to the following:

1) **Text Amendments:**

a. **Conditional Use Permits:**

- i. 3.09 A): Include Pierce Zoning Districts
- ii. 3.09 D) 1): Include reference to the Use Tables in (Article 4 and Article 5)

b. **Institutional Uses (Amelia Suburban Business District)**

- i. Move to Conditional Use Permit (CUP) in AS

c. **Cemeteries:**

- i. Move to Conditional Use Permit (CUP) in AS, API, R-1 and R-2
- ii. Move to Conditional Use Permit (CUP) in SFR, TFR, MFR, P, MH, GB and I

d. **Automotive Uses in the General Business (GB): 5.04-1:** Automotive Body Repair to (CUP), Automotive Fuel Services to (CUP), Automotive Sales and Repair to (CUP), Automotive Service and Repair to (CUP), Automotive Washing Facility to (CUP).

e. **Automotive Uses in the Amelia Suburban (AS): 19.02-01:** Automotive Body Repair to (CUP), Automotive Fuel Services to (CUP), Automotive Sales and Repair to (CUP), Automotive Service and Repair to (CUP), Automotive Washing Facility to (CUP).

f. **Automotive Fuel Services in the Amelia Neighborhood (AN): 19.02-01:** Remove

g. **Condition(s):**

1. **Automotive Fuel Sales 5.04 B) 1) 2)** *Businesses employed in the sale of gasoline fuel(s) shall maintain a minimum setback of 550' i from all residentially zoned property and/or residential uses, schools and daycares.*

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- h. **Downtown Overlay District**
 - i. *18.10 H. Review waiver(s)*
- i. **17.16 Development Review Procedures**
- j. **Downtown Overlay 18.10 B. (Creation and Boundaries):** Strike Text and replace with Map Reference
- k. **Downtown Overlay 18.10 A. 2)** To create a vibrant community focal point through innovative and creative site design and architecture consistent with the previously adopted ~~Village Comprehensive Plan~~ **Township Plan(s)**.
- l. **Residential Uses:**
 - i. Downtown Overlay (18.10 D. Permitted Uses): (text modification and addition) *and with the following additional provision(s)*
 - 1. *Residential uses are permitted on the 2nd floor (and above) in all underlying district(s) in compliance with 20.25 and 20.34.*
 - ii. 20.34: Requirements for Multi-Family Dwellings A. A Conditional Use Permit is required for Multi-Family Dwellings in the AN District, *unless located within the Downtown Overlay (DO).*
 - iii. 18.10 E. and D. Institutional Housing (Remove from Prohibited in the (DO) – Place under D. *(Institutional Housing units may permitted on the first floor if the Zoning Commission determines that the context is appropriate. Buffers, setbacks and similar treatments may be necessary to achieve this goal.)*
- m. **Signage in the Downtown Overlay:** Pole signs nor billboards shall be permitted within the Overlay. *(18.10 6) a).*
- n. **Brewpubs:** Define, establish and cross reference
 - i. **5.04 (F)**

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- o. **Brewery/Distillery:** Define, establish and cross reference

2) Downtown Overlay (DO) Boundary Expansion (Exhibit 1):

- a. **Downtown Overlay Expansion to include PID(s):**290108.012. (AN area only), 290108.013., 290108.011., 290108.010., 290108.009., 290108.007., 290108.001.(Excluding R-1 area), 290108.015., 290107.068., 290109.124., 290109.129., 290109.029., 290109.021., 290109.039., 290109B007., 290109B008., 290109B009., 290109B010., 290109B063., 290109B062., 290109B052., 290109B051., 290109B050., 290109B049., 290109B048., 290109B047., 290109B021., 290109B022., 290109B023., 290109B024., Road Record, 290109.043., 290109.042.

3) Map Amendments (Exhibit 2):

- a. 94 Main St (290108.001.) Amelia Suburban Business (AS) (Portion Only) to Amelia Neighborhood Business (AN)
- b. 98 Main St (290108.015.) Amelia Suburban Business (AS) to Amelia Neighborhood Business (AN)

Owner: Various

Applicant: Pierce Township Zoning Commission

Property Location: See attached map

Prepared By: Eddie F. McCarthy, Planning and Zoning Administrator

Action Required: Zoning Commission shall review and initiate the Text and/or Map Amendment application in accordance with 3.06 of the Pierce Township Zoning Resolution.

Staff Analysis and Recommendation:

1) Text Amendments:

a. Conditional Use Permits:

- i. 3.09 A): Include Pierce Zoning Districts
- ii. 3.09 D) 1): Include reference to the Use Tables in (Article 4 and Article 5)

b. Cemeteries:

- i. Move to Conditional Use Permit (CUP) in AS, API, R-1 and R-2
- ii. Move to Conditional Use Permit (CUP) in SFR, TFR, MFR, P, MH, GB and I

Commentary: According to realtor.com, houses in neighborhoods located adjacent to cemeteries have approx. 12% lower value(s) than comparable houses elsewhere. Further, staff discussion with the Clermont County Auditor's Office has indicated that sales are the primary driver of valuation/revaluations.

- c. **Automotive Uses in the General Business (GB): 5.04-1:** Automotive Body Repair to (CUP), Automotive Fuel Services to (CUP), Automotive Sales and Repair to (CUP), Automotive Service and Repair to (CUP), Automotive Washing Facility to (CUP).

- d. **Automotive Uses in the Amelia Suburban (AS): 19.02-01:** Automotive Body Repair to (CUP), Automotive Fuel Services to (CUP), Automotive Sales and Repair to (CUP), Automotive Service and Repair to (CUP), Automotive Washing Facility to (CUP).

- e. **Automotive Fuel Services in the Amelia Neighborhood (AN): 19.02-01:**
Remove

f. Condition(s):

- i. **Automotive Fuel Sales 5.04 B) 1) 2)** *Businesses employed in the sale of gasoline fuel(s) shall be maintain a minimum setback of 550'ⁱⁱⁱ from*

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all residentially zoned property and/or residential uses, schools and daycares.

Commentary: Studies have shown that proximity (within 524') to gasoline dispensing and/or storage facilities may expose humans to potentially toxic levels of chemicals and fumes including benzene. An improved setback distance from residential uses, schools and daycares is advisable to protect public health, safety and wellness.

g. Downtown Overlay:

- i. 18.10 H. **Review waiver(s):** The Zoning Commission may waive or vary regulations, excluding expressly prohibited use(s), when the following are found:
 - 1. The waiver enables a proposal to better comply with adopted Township Planning Documents.*
 - 2. The health, safety and welfare of the community are protected and/or enhanced.**

h. 17.16 Development Review Procedures:

- i. Development reviews shall be in accordance with Article 3, except site plan reviews within the Downtown Overlay which shall also be reviewed and approved by the Zoning Commission. “The Zoning Commission may waive the Site Plan Zoning Commission meeting review during the Re-Zoning process. Projects receiving the waiver shall be reviewed administratively.”*
- ii. Minor addition(s) **and accessory structures** resulting in the more stringent of 10% expansion or 1,000 sq. ft may be reviewed administratively.*
- iii. Parking modification(s) may be reviewed administratively unless the proposal results in an increase in parking that exceeds the minimum required.*

i. Downtown Overlay 18.10 B.: Strike Text and replace with Map Reference

j. Downtown Overlay 18.10 A. 2) To create a vibrant community focal point through innovative and creative site design and architecture consistent with the previously adopted ~~Village Comprehensive Plan~~ **Township Plan(s).**

k. **Residential Uses:**

- i. **Downtown Overlay (18.10 D. Permitted Uses):** (text modification and addition) *and with the following additional provision(s)*
 - 1. *Residential uses are permitted on the 2nd floor (and above) in all underlying district(s) in compliance with 20.25 and 20.34.*
- ii. **20.34: Requirements for Multi-Family Dwellings A.** A Conditional Use Permit is required for Multi-Family Dwellings in the AN District, *unless located within the Downtown Overlay (DO).*

l. **Signage in the Downtown Overlay:** Pole signs nor billboard shall be permitted within the Overlay. *(18.10 G. 6) a).* Text to be added: with the following provision(s):

- i. *Pole Sign(s) shall not be permitted*
- ii. *Billboards shall not be permitted*

Commentary: The purpose of the Downtown Overlay District is to promote developments that serve pedestrians and employ good design. This proposal prioritizes pedestrians over vehicles and enables the Zoning Commission flexibility and discretion to consider projects on a case by case basis. 18.10 A.

m. **Brewpubs:**

- i. **Permissibility: Amelia Neighborhood Business (AN) Conditional Use Permit (CUP), General Business (GB) permitted with conditions (PC), Amelia Suburban Business (AS) permitted with conditions (PC).**

ii. **Condition(s):**

- 1. Establishments producing greater than 5,000 barrels (up to 10,000) annually shall obtain a Conditional Use Permit. Uses exceeding 10,000 barrels are not permitted.
- 2. Cross reference to 5.04 (F) and (EDIT) - Bars and taverns shall be set back a minimum of 300 feet from educational facilities, public parks, religious places of worship, and residential

~~zoning districts~~ properties. (Unless waiver letters are obtained by the applicant from all affected property owners.)

- iii. **Definition:** Brewpub shall mean an eating and drinking establishment (restaurant) with a small brewery on the premises which produces beer, ale, or other malt beverage (not including distilleries), and where the majority of the beer produced is consumed on the premises. This classification allows a brewpub to sell beer at retail and/or act as wholesaler for beer of its own production for off-site consumption, with appropriate State licenses. Annual beer production shall not exceed 5,000 barrels of beverage per year.
- iv. **Definition:** Bar shall mean an establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where food may be available for consumption on the premises.

n. **Brewery/Distillery:**

1. **Permitted as a Conditional Use Permit:** All Industrial Zones.

- ii. **Definition:** Brewery/Distillery shall mean a facility for distilling and/or brewing (in the event of brewing, shall mean a facility that produces more than 10,000 barrels of beverage) in which beverages may be for sale on the premises, as well as for off-site sales and distribution, annually and may include restaurant/bar space, tasting or retail space.

Commentary: Staff reviewed various jurisdictions including Milford, Ohio (Little Miami Brewing), Anderson Township, Delhi Township and Columbia Township. Further, there are numerous examples of microbreweries also converting to distilleries which can have greater concerns regarding discharges and similar; as such, staff deems it appropriate to place larger brewing operations and distilleries in general within the CUP category in industrial Districts.ⁱⁱⁱ

2) Downtown Overlay (DO) Boundary Expansion (Exhibit 2):

- c. **Downtown Overlay Expansion to include PID(s):** 290108.012. (AN area only), 290108.013., 290108.011., 290108.010., 290108.009., 290108.007., 290108.001.(Excluding R-1 area), 290108.015., 290107.068., 290109.124., 290109.129., 290109.029., 290109.021., 290109.039., 290109B007., 290109B008., 290109B009., 290109B010., 290109B063.,

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290109B062., 290109B052., 290109B051., 290109B050., 290109B049.,
290109B048., 290109B047., 290109B021., 290109B022., 290109B023.,
290109B024., Road Record, 290109.043., 290109.042.

3) Map Amendments (Exhibit 2):

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- b. 98 Main St (290108.015.) Amelia Suburban Business (AS) to Amelia Neighborhood Business (AN)

Staff Recommendation:

Land Use Plan Review: The Pierce Township Land Use Documents generally support the aforementioned proposals.

Pierce Township Land Use Plan

a. Objective

Encourage the redevelopment of underutilized properties through proper and flexible zoning.

b. Objective

Diversify the commercial base while balancing the needs of nearby residential neighborhoods in maintaining the quality of life.

Amelia Comprehensive Plan

General Plan Purpose:

- *Develop a Village center to serve as the community focus (I-7)*
- *Protect the Village scale and character and improve its image (I-7)*

Village Center

Goal:

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Establish a Village center, where civic, commercial, office, and residential uses are integrated with public spaces and amenities to create a focus for the community. (V-6)

***Amelia Village Planning Element:
Village Character***

Community Character Physical Attributes, Diversified Housing, Growth and Pattern, Mixed-Use

- Attractive signs.*
- Human scale and proportions.*
- Effective site planning.*
- Neighborhood size in proportion with walking distances.*
- Specific and predictable growth and growth pattern.*
- Horizontal and vertical mix of uses.*
- Residential uses integrated with non-residential uses.*

(Figure 7) Land Use Plan

- *Underlying subject areas include Village Center designation as well as General Commercial and greenway buffering. A small amount of residential is shown but the area has developed in a pattern making residential along SR 125 inappropriate in many cases.*

Staff Recommendation:

Based upon the Township Land Use Documents, and recent growth in the community broadly and in the subject vicinity particularly (Including Kline Station and Glen Mary Subdivision), it is important to implement the recommended regulatory framework to properly facilitate and regulate increased commercial and residential demands.

Furthermore, with outward expansion into less intensely developed areas as a result of the pandemic and trends generally (increased demands in homeownership as well as demand for automobiles), the impacts of automotive uses need to be reviewed more closely for potential impacts.

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The demand for a village center (destination location) and focal point in the area has been demonstrated via the Amelia Land Use Plan and reiterated in the recent survey (conducted August 2020).

Staff recommends the Zoning Commission consider approving the foregoing materials and make a motion to initiate the application to facilitate the Text and Map Amendments, therein.

**Article 3: Development Review Procedures
3.06: Zoning Text and Map Amendments**

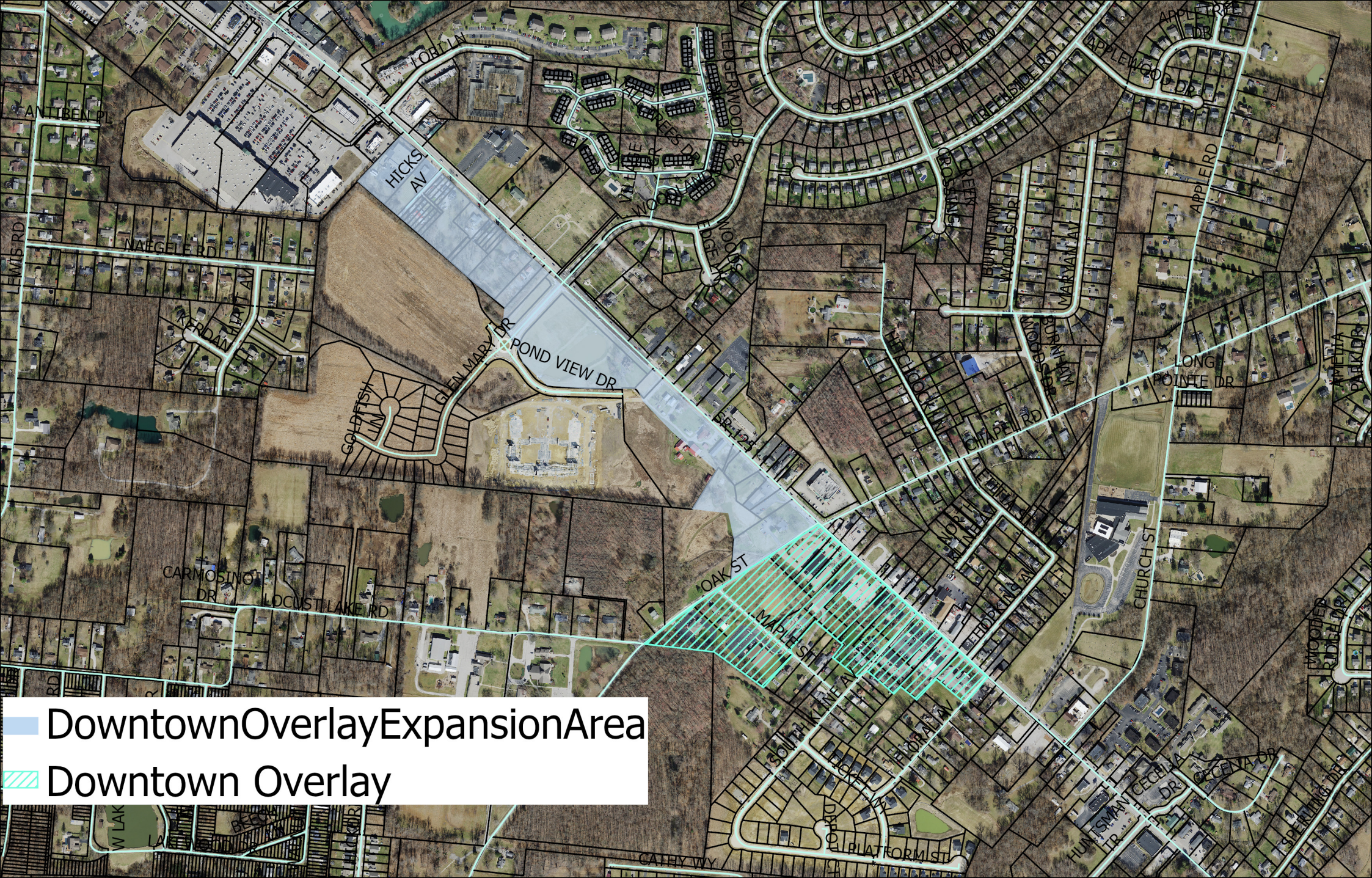
A) Amendment Initiation

- 1) Amendments or supplements to the zoning resolution may be initiated by:
 - (a) Motion of the Zoning Commission;
 - (b) Passage of a resolution by the Board of Trustees; or
 - (c) By the filing of an application by the property owners or authorized agent of each property within the area proposed to be changed or affected by the proposed amendment.
- 2) If the Board of Trustees initiates the amendment, the board shall, upon the passage of such resolution, certify it to the Zoning Commission.

ⁱ <https://www.sciencedirect.com/science/article/abs/pii/S0048969718337549>

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ⁱⁱⁱ <https://www.sciencedirect.com/science/article/abs/pii/S0045653517319409>



■ Downtown Overlay Expansion Area
▨ Downtown Overlay

Downtown Overlay Expansion



NOSTRA, Esri, HERE, Garmin, FAO, NOAA, USGS, Esri, USGS
0 360 720 1,440 Feet
May 2021

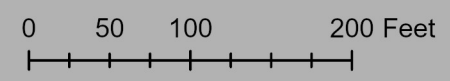


POND VIEW DR

SR 125



NOSTRA, Esri, HERE, Garmin, FAO, NOAA, USGS, Esri, USGS



May 2021

Rezoning: Amelia Suburban to Amelia Neighborhood