

RESOLUTION

GRANTING

APPEAL NO. 2018-04

WHEREAS, RVP Engineering, LLC, 6230 Centre Park Drive, Suite C, West Chester, OH 45069, Appellant, on March 5, 2018, filed Appeal No. 2018-04 under Section 383.1 of the Zoning Resolution, requesting that a conditional use be permitted for a parking lot expansion on the property located at 11251 Montgomery Road, Symmes Township, Hamilton County, Ohio; and

WHEREAS, a public hearing was held on said appeal on May 7, 2018, notice of such hearing was given by first class mail to parties of interest and also by publication in a newspaper of general circulation in the Township at least ten (10) days prior to the date of said hearing in accordance with Section 303.15 of the Ohio Revised Code; and

WHEREAS, Section 41 et seq. of the Zoning Resolution and the Symmes Township District Maps designate said premises to be in the "A" Residence District; and

WHEREAS, Article XXXV provides, in part, that a church be permitted as a Conditional Use provided that it is properly integrated in the overall neighborhood and that said use shall be evaluated by the Board of Zoning Appeals on an individual basis; and

WHEREAS, according to testimony offered at the public hearing, the request is for the construction of a one hundred twenty three (123) space parking lot extending west from the existing parking lot with lighting, landscaping, two (2) segmental block retaining walls and a detention basin; and

WHEREAS, according to further testimony offered at the public hearing, the subject property is located on the west side of Montgomery Road, south of East Kemper Road; and

WHEREAS, according to further testimony offered at the public hearing, the expansion will require the elimination of seventy one (71) existing parking spaces, a wetland area and several mature trees. The parking lot will be redesigned to accommodate two (2) new parking rows extending west from the parking lot located behind the existing main church building, and four (4) new parking rows extending southwest from the northernmost parking lot for a total of one hundred ninety four (194) spaces. The existing garage/maintenance building located in the northwestern portion of the site would remain; and

WHEREAS, according to further testimony offered at the public hearing, a new detention basin will be constructed in the western portion of the site to serve as the required storm water management facility. The existing mature vegetation located along the existing creek and west of the creek to the western property line will be preserved and screen the parking area; and

WHEREAS, according to further testimony offered at the public hearing, two (2) new segmental block retaining walls will be constructed in the southern portion of the new parking lot to support the change in elevation. The longest being approximately sixty (60) feet long and nine (9) feet high at its highest point; and

WHEREAS, according to further testimony offered at the public hearing, the parking lot expansion will include the redesign of several parking landscaped islands and include lighting; and

WHEREAS, Section 385 and 386 provides for the General Considerations and Specific Criteria pertaining to Conditional Uses; and

WHEREAS, according to further testimony offered at the public hearing, the proposed improvements would generally comply with the spirit and intent of the Zoning Resolution in that

the church use is permissible in this location and the proposed parking lot expansion and proposed walls would comply with required setbacks and district purposes; and

WHEREAS, according to further testimony offered at the public hearing, the proposed parking lot expansion, detention facility and walls would have no adverse effect on the surrounding properties in that the properties to the south and north are commercial uses and the proposed parking lot expansion would not be encroaching any closer than the existing parking lot. The properties to the east along Montgomery Road are screened from the parking lot expansion area by the existing buildings on the site and by the existing streetscape buffer along Montgomery Road. The property to the west contains a school use that is buffered from the proposed parking lot expansion by dense existing vegetation; and

WHEREAS, according to further testimony offered at the public hearing, there are no known features of significant public interest on the site; and

WHEREAS, according to further testimony offered at the public hearing, the majority of the church property, including all areas included in the proposed expansion, is designated as Public, Semi-public, and Institutional on the adopted Land Use Plan. The proposed parking lot expansion, walls and detention facility would be consistent with this designation; and

WHEREAS, according to further testimony offered at the public hearing, the proposed parking lot expansion, detention facility and walls comply with the specific criteria as follows:

Section 386(e) provides that setbacks from any adjacent residential property line shall be a minimum of fifty (50) feet for all buildings and twenty five (25) for all parking areas. The site does not abut any residential use property lines. However, the applicant has submitted the setbacks from the existing school property located to the west. The proposed parking area would be constructed approximately one hundred fifty six (156) feet from the western property line in the middle portion of the site. The proposed parking area would be located fifty seven (57) feet from this same property line in the northern portion of the site. The nearest proposed new wall would be located approximately one hundred twenty five (125) feet from the western property line; and

Section 386(g) provides that the use shall have direct access to a collector or arterial street. The existing church property has direct access to Montgomery Road which is a major arterial. The church also has cross-access to East Kemper Road to the north and Snider Road to the west which are both minor arterials; and

Section 386(h) provides that the vehicular use area shall be located and designed so as to minimize impact on the neighborhood. The vehicular use area improvements have been designed to minimize the impact on the neighborhood. The new parking area would likely not be visible from the existing streets as they would be screened by the existing buildings on the property and would not be visible from the existing school use to the west as a sufficient amount of mature vegetation would be preserved. All existing parking stalls and drive aisles appear to meet the standards in the Zoning Resolution.

Section 386 (o) provides landscaping shall be installed with a buffer in accordance with the Zoning Resolution. Landscaping has been approved and installed for this site as part of previous BZA cases. The applicant has approval from 2008 for the existing streetscape buffer along Montgomery Road adjacent to the student union building. The majority of the area along the western property line is heavily vegetated and serves as a buffer to surrounding properties. The proposed parking lot expansion would include the removal of and redesign of several parking landscaped islands. The proposed parking lot expansion would require additional parking lot landscaping as required in the Zoning Resolution and the submitted landscape plan meets the requirements of this section; and

Section 386 (p) (2) provides that one (1) sign is permitted at a maximum of twelve (12) square feet non-internally illuminated. No new freestanding or building signage is proposed on the site; and

Section 386(s) provides that all exterior lighting shall be directed away from adjacent residential properties. A lighting plan has been submitted that meets the requirements of the zoning resolution for illumination levels at the property line; and

Section 386(y) provides that the intensity of the particular use shall be evaluated with regard to the location, size and configuration of the tract. The church property contains fifteen (15) acres with a large amount of frontage on Montgomery Road. While the intensity of the development would increase with the proposed parking lot expansion, the proposed intensity would be consistent with the location of the tract along a major thoroughfare. And though the proposed parking lot expansion would increase the total impervious surface area of the site, the parking expansion is proposed within an existing vegetative area on the site, with a large portion of the vegetated open space along the western property line to remain;

WHEREAS, Section 381, empowers this Board to approve by resolution those uses listed as conditional uses; and

WHEREAS, Section 383.6 provides that the Board shall approve the conditional use, approve the conditional use subject to further specified approvals or modifications necessary to achieve full compliance with all standards, or disapprove the conditional use; and

WHEREAS, it is the consensus of this Board, after careful consideration of all the facts, testimony, and evidence submitted, the approval of a modification of the requested Conditional Use is appropriate at this particular location and in the particular matter proposed in that the proposed plan as modified by this Board complies with the standards and conditions set forth in Article XXXV of the Zoning Resolution; and

NOW, THEREFORE BE IT RESOLVED that upon consideration of the foregoing, the Symmes Township Board of Zoning Appeals does hereby grant a Conditional Use for Montgomery Community Church as per the plans submitted in accordance with the authority granted in Section 381 and does hereby determine that a conditional use and zoning certificate may be issued to the applicant consistent with the terms set forth in this Resolution; and

SUBJECT TO THE FOLLOWING CONDITIONS:

1. That, the lighting plan shall be revised to delineate the maximum height of the lights fixtures at fifteen (15) feet in compliance with the Zoning Resolution and all lights shall include down lit fixtures; and
2. That, the proposed parking lot expansion, walls and detention facility be constructed and located exactly as shown on the plats and plans submitted to this Board; and
3. That, the proposed parking lot expansion, walls and detention facility be installed and located exactly as shown on the plats and plans submitted to this Board; and
4. That, the proposed parking lot expansion, walls and detention facility comply in all other respects with the Zoning Resolution and the lawful requirements of the Hamilton County Building Commissioner;
5. That, the proposed parking lot expansion, walls and detention facility not be relocated or enlarged without the approval of this Board;

6. That, the proposed parking lot expansion, walls and detention facility be maintained in a satisfactory condition at all times;
7. That, the Zoning Certificate and Building permit for the proposed parking lot expansion, walls and detention facility be obtained within ninety (90) days and all work be completed within one year (1) from the date of adoption of this Resolution;

BE IT FURTHER RESOLVED, that all plats, plans, applications and other data submitted be and are hereby made a part of this Resolution.

ADOPTED at a regularly scheduled meeting of the Symmes Township Board of Zoning Appeals in session this 7th day of May 2018.

Mr. Fowler – ‘aye’, Ms. Harlow – ‘aye’, Mr. Havill – ‘aye’, Mr. Ruehlmann – ‘aye’ and Mr. Wolfe – ‘aye’.

APPROVED: MAY 7, 2018

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Luanne Felter, Zoning Secretary

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Ronald Ruehlmann, Board Chairperson