



PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY PLANNING COMMISSION ON June 27, 2023

Jackson Township Rezoning Case – 3751 US Route 50

- APPLICANT:** Marathon DG, LLC
361 Summit Blvd. Suite 110
Birmingham AL 35243
- OWNER:** Richard D Carver
3751 SR 50
Williamsburg OH 45176
- REQUEST:** Rezone a proposed parcel that would be split from 142307M059 consisting of 2.770 gross acres from “A-1” Agricultural to “B-1” Retail Business.
- LOCATION:** The subject property is located at 3751 State Route 50, just west of the Clermont / Brown County line.
- ZONING:** Existing Zoning: “A” Agricultural
Surrounding Zoning: “A” Agricultural
- LAND USE:** The current land use is agricultural. Surrounding properties consist of a combination of large tract single-family residential and agricultural uses.
- HISTORY:** There is no known zoning history on this property.

RELATIONSHIP TO TOWNSHIP ZONING & FUTURE LAND USE:

Based on the 2008 Jackson Township Land Use Plan, adopted December 1, 2008, the property in question is located in Policy Area 2. Policy Area 2 indicates that future land use could support neighborhood commercial development and that planning efforts should be undertaken to delineate areas with neo-traditional development and design concepts.

Neo-traditional planning is typically defined as neighborhoods with a small-town atmosphere with walkable services and amenities. The plan does not delineate any parcel for any specific use, and the accompanying text does not provide definitive design concepts beyond the recommendation of neo-traditional design. Screening, density, site design, and proper buffering are key elements when commercial uses are located near rural residential.

SITE ACCESS:

The site will have access from State Route 50.

DEVELOPMENT PROPOSAL:

The applicant is proposing a retail establishment that consists of 35 parking spaces and a single-story 10,640-square-foot building. The current impervious surface ratio of the site is less than 1% hard surface. The proposal is for 43% of the site to be impervious surface consisting of building and pavement.

SITE DEVELOPMENT DATA:

Current Zoning: A-1 Agriculture

Proposed Zoning: B-1 Retail

Total Lot Area: 2.770 gross acres

Impervious Surface: 43% (Proposed) / 1% (Existing)

Other Site / Development Characteristics:

- | | |
|---------------|---|
| Sewer: | On-site mound septic system |
| Lighting: | Proposed along the front parking area. No building lighting is indicated. |
| Propane Tank: | Located next to a dumpster on the west side of the building. |
| Dumpster: | Proposed to be located on the west side of the building. |
| Landscaping: | None provided other than seeding of disturbed areas. |
| Signage: | Proposed at driveway entrance. No details provided. |

STAFF ANALYSIS:

Clermont County Community & Economic Development Comments:

- The proposed site use is inconsistent with the 2008 Wayne Township Land Use Plan.
- The proposed use is a commercial use adjoined to an existing rural residential development without consideration of the (in)compatibility of the land uses.
- The existing natural screening and buffering area will be removed with the construction of a proposed fence.
- A variance by the Board of Zoning Appeals would be required for the number of parking spaces prior to site plan approval should the zoning be changed.
- A general merchandise store is not specifically listed in the table of permitted uses in the B-1 Retail district.

The Clermont County Engineer's Office Comment:

- No comments received / State-controlled right-of-way

Ohio Department of Transportation

- No Comments Received from ODOT
 - Typically, a driveway permit is required for any modified access point.

Western Water Association

- No comments received

STAFF RECOMMENDATION:

Based on a staff analysis of the Jackson Township Zoning Resolution, the 2008 Jackson Township Comprehensive Plan, and the submitted site plan, staff recommends a motion to **RECOMMEND DENIAL** of the Jackson Township US Route 50 Zoning Case requesting a change from “A-1” Agriculture to “B-1” Retail Business for the following reasons:

- Inconsistency with the Goals and Objectives required from the 2008 Land Use Plan. Specifically, Goal 1 which addresses the need for the protection of the rural character of Jackson Township. The development as proposed abuts large tract residential uses without proper buffering and screening. In addition, the location of the proposed development could be considered spot zoning, as previously held by the Courts in 1994, since it does not connect to any commercially planned or developed area.
- Inconsistency with the 2008 Land Use Plan, Policy Area 2. Specifically, the plan recommends a neo-traditional concept that introduces the idea of a small town/village atmosphere. The proposal, as submitted, does not achieve that goal, and it does not seek compatibility with a small-town feel through its design or site layout.
- Encroachment of a business use into an existing rural residential area without adequate screening and buffering as described in the 2008 Land Use Plan.
Comments Related to the Site Plan
- The proposal details a 6’ tall fence in an area that already contains a wooded area. The construction of the fence would remove most of the natural screen and would not be consistent with the Zoning Resolution and 2008 Land Use Plan for evaluation of a Zoning Map Amendment.
- Section 385 of the Zoning Resolution states that “any uses specifically not mentioned in this resolution shall be assumed prohibited.” The use of a general merchandise store is not specifically specified in the “B-1” district and could require a conditional use approval if the property in question was previously zoned business or commercial

- A variance would be required from the Board of Zoning Appeals for the number of parking spaces. Allowing a zoning map amendment based on a specific plan is inconsistent with the 2008 Land Use Plan.

As a further recommendation to the Jackson Township Board of Trustees, Clermont County staff recommends that the Township review the 2008 Land Use plan specifically targeting this area. As development moves into the under-developed areas of the Township, a conflict naturally arises between residential and commercial development.

The need for commercial development in the Marathon / Monterey area of the Township was anticipated in the 2008 Land Use Plan; however, to be successful, it must be carefully discussed and planned as a community. Commercial developments that complement and enhance the rural and already developed character of the Policy Area are key to maintaining and enhancing the area. Observing this development from a planning perspective would require that any proposed commercial site be adequately screened and located a proper distance away from a rural residential setting and not directly adjacent.

Jackson Township

Clermont County, Ohio

Application for Township Zoning Amendment

Applicant: Marathon DG, LLC (Attn: Mark Bush)

Address: 361 Summit Blvd, Suite 110, Birmingham, AL 35243
City/Village ST Zip

Owner (If Different than Above): _____

Address: _____
City/Village ST Zip

Lessee of Premises Affected (if any): _____

To the Jackson Township Zoning Commission and Board of Township Trustees:

I hereby make application and request the township Zoning Commission to consider and petition the Township Board of Trustees to amend the Zoning Resolution as herein requested, dated May 1st of 2023.

Premises affected are situated on the South side of US Route 50
(Direction) (Roadway or Street)

And Known as Parcel(s) Number(s) Proposed lot split from existing APN: 142307M059

The Parcel or Parcels has (have) a frontage of 585 feet and a depth of 309 feet. The premises is presently in the A - Agricultural District. It is requested to rezone the premises to the B1 - Retail Business District.

The applicant must submit with this request, owners' names and addresses of all properties adjacent to both sides, rear and front of the premises which are the subject of this request. Provide drawings, photographs, specifications or any other pertinent documents supporting to this request.

Return by mail or in person to : Jackson Township Zoning Department, 3263 U S Route 50, Williamsburg, OH 45176

OFFICE USE ONLY: Filed _____ Commission Case No. _____

Procedure to get a Zoning Change

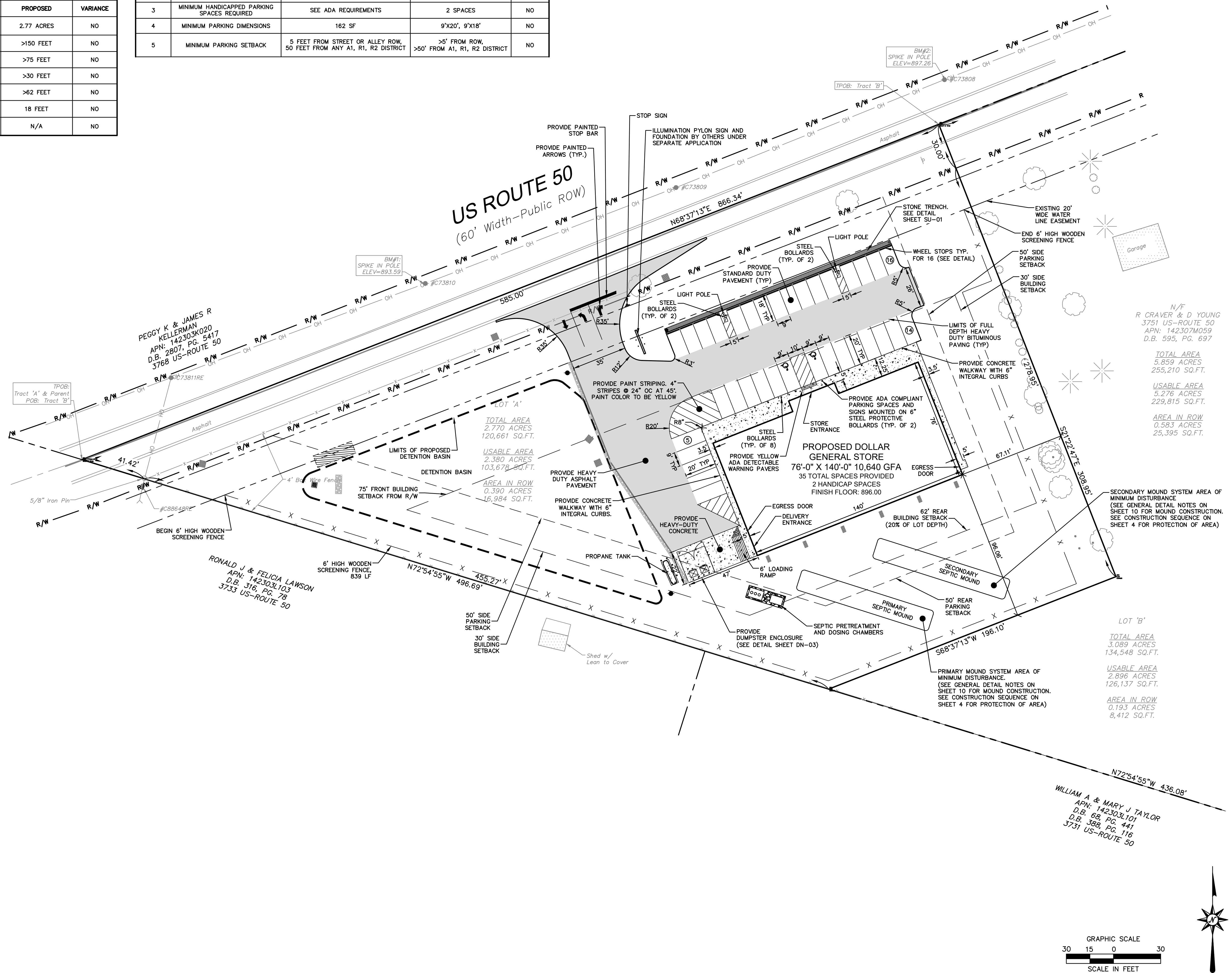
1. Submit application
2. Township Schedules a hearing with the Zoning Commission (within 30 days of application submittal).
3. Commission takes application & testimony from applicant.
4. Within five days after the motion of the Zoning Commission the township is to submit information to the Clermont County Planning Commission for recommendations.
5. After recommendations from the Planning Commission is received, the Zoning Commission will schedule a Public Hearing. Upon conclusion of the Public Hearing, the Commission will make a recommendation to the Township Trustees. Public Hearing info must be published in a newspaper of general circulation for 10 days before the hearing can be held; nearby neighbors will be notified of the Public Hearing, as well).
6. Upon receiving the recommendations of the Commission, the Board of Trustees will schedule a Public Hearing within 30 days (once again info must be published in a newspaper for 10 days).
7. After the Trustees 'Public Hearing, within 20 days, the Trustees shall either deny or adopt the Commission's recommendation.

ZONING INFORMATION

LOCATION: US-50, JACKSON TOWNSHIP, CLERMONT COUNTY				
ZONE: B1-BUSINESS - REZONE REQUIRED PER JACKSON TOWNSHIP ZONING RESOLUTION				
USE: RETAIL				
ITEM #	ITEM	REQUIREMENTS	PROPOSED	VARIANCE
1	MINIMUM LOT AREA	1 ACRE	2.77 ACRES	NO
2	MINIMUM LOT WIDTH	150 FEET	>150 FEET	NO
4	MINIMUM FRONT SETBACK	75 FEET FROM R/W	>75 FEET	NO
5	MINIMUM SIDE SETBACK	30 FEET	>30 FEET	NO
6	MINIMUM REAR SETBACK	62 FEET (20% LOT DEPTH)	>62 FEET	NO
7	MAXIMUM BUILDING HEIGHT	45 FEET	18 FEET	NO
8	MAXIMUM BUILDING COVERAGE	NONE	N/A	NO

PARKING INFORMATION

ITEM #	ITEM	REQUIREMENTS	PROPOSED	VARIANCE
1	BUILDING SIZE	NONE	N/A	NO
2	PARKING REQUIRED	1 SPACE FOR EVERY 200 S.F. OF FLOOR AREA (54 SPACES)	35 SPACES	YES
3	MINIMUM HANDICAPPED PARKING SPACES REQUIRED	SEE ADA REQUIREMENTS	2 SPACES	NO
4	MINIMUM PARKING DIMENSIONS	162 SF	9'X20', 9'X18'	NO
5	MINIMUM PARKING SETBACK	5 FEET FROM STREET OR ALLEY ROW, 50 FEET FROM ANY A1, R1, R2 DISTRICT	>5' FROM ROW, >50' FROM A1, R1, R2 DISTRICT	NO



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DOLLAR GENERAL
STORE NUMBER #25496
US ROUTE 50
JACKSON TOWNSHIP, CLERMONT COUNTY, OHIO

DESIGN: JRR
DRAWN: JRR
REVIEWED: JCJ
SCALE: AS SHOWN
PROJECT NO: 22004330
DATE: 03/27/23
CAD FILE: SP220043301

DESIGNED: JRR
DRAWN: JRR
REVIEWED: JCJ
SCALE: AS SHOWN
PROJECT NO: 22004330
DATE: 03/27/23
CAD FILE: SP220043301

TITLE: SITE PLAN
SHEET NO: SP-01
NO. 7 OF 15

4/24/2023, JRG/DEFS, G:\08522\04\22004330\DWG\SP220043301.DWG, SP-01

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